

L.N. 101 of 2025

Merchant Shipping (Safety) (Fire-fighting Appliances and Fire Protection) (Amendment) Regulation 2025

(Made by the Secretary for Transport and Logistics under sections 99, 107 and 112B of the Merchant Shipping (Safety) Ordinance (Cap. 369))

1. Commencement

This Regulation comes into operation on 1 January 2026.

2. Merchant Shipping (Safety) (Fire-fighting Appliances and Fire Protection) Regulation amended

The Merchant Shipping (Safety) (Fire-fighting Appliances and Fire Protection) Regulation (Cap. 369 sub. leg. BE) is amended as set out in sections 3 to 7.

3. Section 4 amended (prevention of fire and explosion)

Section 4(1), after “regulations”—

Add

“4.2.1.6,”.

4. Section 6 amended (fire-fighting appliances and arrangements)

(1) Section 6(1)—

Repeal

“A ship”

Substitute

“Subject to subsection (2A), a ship”.

(2) Section 6(1)—

Section 5

Repeal

“and 10.6.4”

Substitute

“, 10.6.4 and 10.11.2”.

- (3) Section 6(2)—

Repeal

“A ship”

Substitute

“Subject to subsection (2A), a ship”.

- (4) After section 6(2)—

Add

“(2A) A ship referred to in subsection (2) that is constructed before 1 January 2026 or a ship referred to in subsection (1) is not required to comply with the applicable requirements on fire-fighting appliances and arrangements specified in regulation 10.11.2 of Chapter II-2 until the last day of the period within which the next survey of the ship must be completed under section 9 or 11 (whichever is applicable) of the Ordinance, which must be after 31 December 2025.”.

5. Section 10 amended (personal protective equipment)

- (1) After section 10(1)—

Add

“(1A) A ship constructed before 1 July 2002 must comply with the applicable requirements on self-contained compressed air breathing apparatus of fire-fighter’s outfits specified in paragraph 2.1.2.2 of Chapter 3 of the Fire Safety Systems Code.”.

Section 6

- (2) Section 10(3)—

Repeal

“subsection (1)”

Substitute

“subsection (1), (1A)”.

- (3) After section 10(3)—

Add

“(4) In this section—

Fire Safety Systems Code (《消防安全系統規則》) means the International Code for Fire Safety Systems adopted by the International Maritime Organization by Resolution MSC.98(73), as from time to time revised or amended by any revision or amendment to any provision of such Code that applies to Hong Kong.”.

6. Section 15 amended (ships having vehicle spaces etc.)

- (1) Section 15(1)(b)—

Repeal

“or ro-ro spaces”

Substitute

“, open and closed ro-ro spaces or weather decks intended for the carriage of vehicles”.

- (2) Section 15(1)—

Repeal

“such spaces”

Substitute

“such spaces and weather decks”.

Section 6

- (3) After section 15(1)—

Add

- “(1A) A passenger ship—

- (a) that is constructed before 1 July 2002; and
- (b) that has vehicle spaces, special category spaces, open and closed ro-ro spaces or weather decks intended for the carriage of vehicles,

must comply with the applicable requirements on fire safety in relation to such spaces and weather decks specified in the specified regulation.

- (1B) Subject to subsection (1C), a passenger ship—

- (a) that is constructed before 1 July 2002; and
- (b) that has vehicle spaces, special category spaces, open and closed ro-ro spaces or weather decks intended for the carriage of vehicles,

must comply with the applicable requirements on fire safety in relation to such spaces and weather decks specified in regulations 20.4.1.6, 20.4.4 and 20.6.2.3 of Chapter II-2.

- (1C) A passenger ship referred to in subsection (1B) is not required to comply with that subsection until the last day of the period within which the next survey of the ship must be completed under section 9 of the Ordinance, which must be after 31 December 2027.”.

- (4) Section 15(3)—

Repeal

“subsection (1)”

Substitute

“subsection (1), (1A), (1B)”.

Section 7

- (5) Section 15(4), English text, definition of *compressed gas fuelled vehicle spaces*—

Repeal

“propulsion.”

Substitute

“propulsion;”.

- (6) Section 15(4)—

Add in alphabetical order

“*specified regulation* (指明條文) means regulation 20.4.1 of Chapter II-2 that is adopted by the International Maritime Organization by Resolution MSC.99(73).”.

7. Section 16A added

After section 16—

Add

“16A. Duties of oil fuel suppliers

- (1) An oil fuel supplier must, in respect of any oil fuel delivered by the supplier to a ship—
- (a) prepare a bunker delivery note that contains the information specified in regulation 4.2.1.6 of Chapter II-2;
 - (b) sign and certify a declaration to confirm that the oil fuel delivered complies with the applicable requirements relating to the flashpoint of oil fuel specified in regulation 4.2.1 of Chapter II-2;
 - (c) deliver to the master of the ship the declaration prior to the bunkering operation on the ship; and

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- (d) deliver to the officer in charge of the bunkering operation or the master of the ship the bunker delivery note.
- (2) If subsection (1) is contravened, the oil fuel supplier concerned commits an offence and is liable to a fine at level 4.
- (3) It is a defence for a person charged with an offence under subsection (2) to show that the person had taken all reasonable steps to prevent the commission of the offence.
- (4) A person charged with an offence under subsection (2) is taken to have established a fact that needs to be established for a defence under subsection (3) if—
 - (a) there is sufficient evidence to raise an issue with respect to the fact; and
 - (b) the contrary is not proved by the prosecution beyond reasonable doubt.
- (5) In this section—
 - oil fuel** (燃油) has the meaning given by regulation 3.61 of Chapter II-2;
 - oil fuel supplier** (燃油供應商) means a person who delivers oil fuel to a ship in Hong Kong.”.

Mable CHAN
Secretary for Transport and
Logistics

21 May 2025

Explanatory Note

The International Maritime Organization (**IMO**) adopted revisions to Chapter II-2 of the Annex to the International Convention for the Safety of Life at Sea, 1974 by Resolution MSC.520(106), Resolution MSC.532(107), Corrigendum of Resolution MSC.532(107) and Resolution MSC.550(108) on 10 November 2022, 8 June 2023, 12 October 2023 and 23 May 2024 respectively. The IMO also adopted revisions to the International Code for Fire Safety Systems (adopted by IMO by Resolution MSC.98(73)) by Resolution MSC.555(108) on 23 May 2024.

2. This Regulation amends the Merchant Shipping (Safety) (Fire-fighting Appliances and Fire Protection) Regulation (Cap. 369 sub. leg. BE) (***principal Regulation***) to give effect to the revisions that relate to the requirements on the following matters—
 - (a) prevention of fire and explosion;
 - (b) fire-fighting appliances and arrangements;
 - (c) personal protective equipment;
 - (d) fire safety in relation to vehicle spaces, special category spaces, open and closed ro-ro spaces and weather decks intended for the carriage of vehicles.
3. Besides, this Regulation adds a new section 16A to the principal Regulation to impose certain duties on a person who delivers oil fuel to a ship in Hong Kong and provides for the related offence.