

L.N. 85 of 2017

**Merchant Shipping (Safety) (Life-Saving Appliances)
(Amendment) Regulation 2017**

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Merchant Shipping (Safety) (Life-Saving Appliances) (Amendment) Regulation 2017

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

1. Commencement

This Regulation comes into operation on 1 September 2017.

2. Merchant Shipping (Safety) (Life-Saving Appliances) Regulation amended

The Merchant Shipping (Safety) (Life-Saving Appliances) Regulation (Cap. 369 sub. leg. AY) is amended as set out in sections 3 to 12.

3. Title amended

The title, after “**APPLIANCES**”—

Add

“AND ARRANGEMENTS, MUSTERS AND TRAINING”.

4. Section 2 amended (interpretation)

(1) Section 2(1), definition of *1996 Chapter III*—

Repeal

“existing”.

(2) Section 2(1), definition of *1996 Chapter III*, after “June 1996”—

Add

“, as from time to time revised or amended by any revision or amendment that applies to Hong Kong”.

- (3) Section 2(1)—

Repeal the definition of *Hong Kong ship*

Substitute

“*Hong Kong ship* (香港船舶) means a ship registered in Hong Kong;”.

- (4) Section 2(1), definition of *LSA Code*, after “MSC. 48(66)”—

Add

“, as from time to time revised or amended by any revision or amendment that applies to Hong Kong”.

- (5) Section 2(1), English text, definition of *voyage*—

Repeal the semicolon

Substitute a full stop.

- (6) Section 2(1)—

- (a) definition of *lifeboat*;
- (b) definition of *liferaft*;
- (c) definition of *radar transponder*;
- (d) definition of *rocket parachute flare*;
- (e) definition of *satellite EPIRB*;
- (f) definition of *tanker*;
- (g) definition of *tons*;
- (h) definition of *toxic vapours or gases*;
- (i) definition of *training manual*;
- (j) definition of *two-way VHF radiotelephone apparatus*;
- (k) definition of *water proofed*—

Repeal the definitions.

(7) Section 2(1)—

Add in alphabetical order

“*constructed* (建造), in relation to a ship, means the stage at which—

- (a) the keel of the ship is laid;
- (b) construction identifiable with the ship begins; or
- (c) assembly of the ship has commenced comprising at least 50 tonnes or 1% of the estimated mass of all structural material, whichever is less;

gross tonnage (總噸), in relation to a ship, means the gross tonnage of the ship determined in accordance with the Merchant Shipping (Registration) (Tonnage) Regulations (Cap. 415 sub. leg. C);

Type A ship (甲類船舶) means a ship constructed before 1 July 1998;

Type B ship (乙類船舶) means a ship constructed on or after 1 July 1998;”.

(8) Section 2—

Repeal subsections (2) and (3).

5. Section 3 amended (application)

(1) Section 3(1)—

Repeal

“Save as otherwise provided in this section,”

Substitute

“Subject to subsections (2) and (3) and sections 4 and 4B,”.

(2) Section 3(2)—

Repeal paragraph (e)

Substitute

“(e) cargo ships of less than 500 gross tonnage, except to the extent specified in section 4(6).”.

6. Section 4 substituted

Section 4—

Repeal the section

Substitute

“4. Application of Chapter III of Convention: life-saving appliances and arrangements

- (1) This section does not apply to a ship that has no mechanical propulsion system.
- (2) The owner and the master of a Type B ship must ensure that—
 - (a) the life-saving appliances and arrangements required by 1996 Chapter III are provided on the ship in compliance with that Chapter;
 - (b) the requirements relating to life-saving appliances and arrangements specified in 1996 Chapter III are complied with in respect of the ship; and
 - (c) the requirements relating to the following matters specified in 1996 Chapter III are complied with in respect of the ship—
 - (i) the provision of plans and procedures for recovery of persons from the water under Regulation 17-1 of that Chapter; and

- (ii) for a passenger ship—the provision of a passenger muster station of a size specified in Regulation 25 of that Chapter.
- (3) The master of a Type B ship that is a passenger ship must ensure that the following actions specified in 1996 Chapter III are taken in respect of the ship—
 - (a) the collection of passenger information for search and rescue purpose under Regulation 27 of that Chapter; and
 - (b) the provision of decision support systems for emergency management under Regulation 29 of that Chapter.
- (4) The owner and the master of a Type A ship must ensure that—
 - (a) the life-saving appliances and arrangements required by the applicable Chapter III are provided on the ship in compliance with that Chapter;
 - (b) the requirements relating to life-saving appliances and arrangements specified in the applicable Chapter III are complied with in respect of the ship; and
 - (c) the additional requirements specified in section 4A are complied with in respect of the ship.
- (5) If a ship is equipped with on-load release mechanisms for launching lifeboats, the owner and the master of the ship must ensure that the mechanisms or, if the mechanisms are replaced, the replacement mechanisms comply with Regulation 1.5 of 1996 Chapter III on or before 1 July 2019.
- (6) The owner and the master of—

- (a) a passenger ship; or
 - (b) a cargo ship of 300 gross tonnage or above,
must ensure that the radio life-saving appliances that comply with Regulation 6.2 of 1996 Chapter III are provided on the ship.
- (7) The life-saving appliances and arrangements provided in compliance with 1996 Chapter III must be of a type approved by the Administration in accordance with Regulation 4 of that Chapter after taking into account the relevant performance standard, recommendations and code of practice adopted by the Organization.
- (8) The life-saving appliances and arrangements mentioned in this section are life-saving appliances referred to in section 44 of the Ordinance.
- (9) A master who contravenes subsection (3)(a) or (b) commits an offence and is liable to a fine at level 3 and to imprisonment for 6 months.
- (10) In this section—
- (a) a reference to life-saving appliances and arrangements includes a reference to boats, lifeboats, rescue boats, liferafts, line-throwing appliances, lifejackets, lifebuoys, immersion suits, thermal protection aids, buoyant apparatus, communications equipment, davit and launching arrangements, and similar equipment and arrangements;
 - (b) a reference to the requirements relating to life-saving appliances and arrangements includes a reference to the availability, marking, inspection, testing, examination, stowage, arrangement, recovery, launching, maintenance and operation

of, and lighting for, the appliances and arrangements; and

- (c) a reference to the requirements of 1996 Chapter III includes a reference to the applicable requirements of the LSA Code as specified in the Chapter.

(11) In this section—

Administration (主管機關) means—

- (a) the Director; or
- (b) the government of a place outside Hong Kong that is a party to the Convention;

applicable Chapter III (《適用版第III章》), in relation to a Type A ship, means Chapter III of the Convention that is in force on the date on which the ship is constructed.”.

7. Sections 4A and 4B added

After section 4—

Add

“4A. Additional requirements for Type A ships

- (1) Without limiting section 4(4), the owner and the master of a Type A ship must also ensure that the following requirements relating to life-saving appliances and arrangements are complied with in respect of the ship—
 - (a) the requirements of sections I and V of 1996 Chapter III that apply to all ships;
 - (b) for a passenger ship—the additional requirements of section II of 1996 Chapter III that apply to all passenger ships; and

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- (c) for a cargo ship—the additional requirements of section III of 1996 Chapter III that apply to all cargo ships.
- (2) If—
- (a) an item of life-saving appliances or a type of life-saving arrangements on a Type A ship is replaced; or
 - (b) a Type A ship undergoes repairs, alterations or modifications of a major character that involve addition to the existing items of life-saving appliances or existing types of life-saving arrangements on the ship,
- the owner and the master of the ship must ensure that the replacement or additional appliances or arrangements (as the case may be) comply with the applicable requirements of 1996 Chapter III.
- (3) Subsection (2) does not apply to a Type A ship if, on the information provided by the owner of the ship, the Director is satisfied and decides in writing that compliance with that subsection in respect of the ship would—
- (a) require modification of the ship's construction or layout; or
 - (b) cause incompatibility with the ship's existing appliances or arrangements.
- (4) If, by the operation of subsection (3), subsection (2) does not apply to a Type A ship in relation to an item of life-saving appliances or a type of life-saving arrangements being replaced or added, the owner and the master of the ship must ensure that the replacement or additional appliances or arrangements comply with the requirements set out in section 4(4)(b).

4B. Application of 1996 Chapter III: muster list, emergency instructions, emergency training and drills

- (1) This section does not apply to a ship that has no mechanical propulsion system.
- (2) The owner and the master of a ship must ensure that the following items are provided on the ship—
 - (a) an on-board communications system, emergency alarm system and public address system that comply with Regulations 6.4 and 6.5 of 1996 Chapter III; and
 - (b) operating instructions that comply with Regulation 9 of 1996 Chapter III.
- (3) The owner and the master of a ship must ensure that the ship carries sufficient trained persons for manning survival crafts and supervising their use in compliance with Regulation 10 of 1996 Chapter III.
- (4) The master of a ship must ensure that—
 - (a) before the ship proceeds to sea, a muster list and emergency instructions containing the details specified in Regulation 37 of 1996 Chapter III are exhibited on the ship in compliance with Regulation 8 of that Chapter;
 - (b) the muster list specifies the duties assigned to the different members and officers of the crew of the ship in compliance with Regulations 37.3, 37.4, 37.5 and 37.6 of 1996 Chapter III; and
 - (c) before or immediately after the departure of the ship, musters and briefing of passengers on safety installations and practice mentioned in Regulation 19 of 1996 Chapter III are conducted in compliance with that Regulation.

- (5) The master of a ship must also ensure that—
 - (a) the drills (other than enclosed space entry and rescue drills) and on-board training on the use of life-saving appliances mentioned in Regulations 19 and 30 of 1996 Chapter III are conducted on the ship in the manner and at the frequency set out in those Regulations;
 - (b) the enclosed space entry and rescue drills mentioned in Regulation 19.3.6 of 1996 Chapter III are conducted on the ship in the manner and at the frequency set out in that Regulation;
 - (c) a record of—
 - (i) the drills and training conducted under paragraph (a) is made in compliance with section 45 of the Ordinance; and
 - (ii) the enclosed space entry and rescue drills conducted under paragraph (b) is made in an official log-book in compliance with Regulation 19.5 of 1996 Chapter III; and
 - (d) a training manual in the form and containing the information, and (if the ship is fitted with a marine evacuation system) on-board training aids for the use of the system, specified in Regulation 35 of 1996 Chapter III, are provided on the ship.
- (6) A person must carry out the duties assigned to that person in the muster list referred to in subsection (4)(b).
- (7) A master who contravenes subsection (5)(b) or (c)(ii) commits an offence and is liable to a fine at level 3 and to imprisonment for 6 months.

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- (8) A person who contravenes subsection (6) commits an offence and is liable to a fine at level 2.”.

8. Section 5 repealed (compliance of LSA Code)

Section 5—

Repeal the section.

9. Section 6 amended (requirements of life-saving appliances and arrangements applicable to ships not propelled by mechanical means)

- (1) Section 6, heading—

Repeal

“not propelled by mechanical means”

Substitute

“without mechanical propulsion system”.

- (2) Before section 6(1)—

Add

“(1A) This section applies to a ship that has no mechanical propulsion system.”.

- (3) Section 6(1)—

Repeal

“Ships not propelled by mechanical means which proceed to sea shall”

Substitute

“A ship that proceeds to sea must”.

- (4) Section 6(1)(b)—

Repeal

“tons”

Substitute

“gross tonnage”.

- (5) Section 6(4)—

Repeal paragraphs (a) and (b)

Substitute

- “(a) for each adult on board, a lifejacket in adult size that complies with section 2.2 of the LSA Code;
(b) for each child on board, a lifejacket in child size that complies with section 2.2 of the LSA Code; and”.

- (6) Section 6(9)—

Repeal

“Every such ship”

Substitute

“A ship”.

- (7) Section 6(10)(b)—

Repeal

everything after “in Regulations”

Substitute

“11 and 16 of 1996 Chapter III.”.

- (8) After section 6(11)—

Add

- “(12) The owner and the master of a ship must ensure that the life-saving appliances and arrangements provided on the ship under this section comply with the applicable standard specified in the LSA Code.

(13) The life-saving appliances and arrangements mentioned in this section are life-saving appliances referred to in section 44 of the Ordinance.

(14) In this section—

lifeboat (救生艇) means a boat that complies with the applicable requirements in—

- (a) for a ship built on or after 1 July 1986—sections 4.4 to 4.9 of the LSA Code; or
- (b) for a ship built before 1 July 1986—Regulations 5, 6 and 7 of 1974 Chapter III;

liferaft (救生筏) means a survival craft that complies with the applicable requirements in—

- (a) for a ship built on or after 1 July 1986—sections 4.1, 4.2 and 4.3 of the LSA Code; or
- (b) for a ship built before 1 July 1986—Regulations 15 and 16 of 1974 Chapter III;

rocket parachute flare (火箭降落傘火焰信號) means a pyrotechnic signal that complies with section 3.1 of the LSA Code;

satellite EPIRB (衛星應急無線電示位標) means a satellite emergency position-indicating radio beacon that complies with the performance standards adopted by the Organization;

training manual (訓練手冊) means a manual that complies with Regulation 35 of 1996 Chapter III.”.

(9) Section 6(2), (3)(a), (4), (6), (7)(a), (8), (10) and (11)—

Repeal

“Every such ship shall”

Substitute

“A ship must”.

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10. Section 8 repealed (stowage and packing of pyrotechnic distress signals)

Section 8—

Repeal the section.

11. Section 9 substituted

Section 9—

Repeal the section

Substitute

“9. Reference to life-saving appliances regulation

This Regulation (except section 4(3)(a) and (b) and (9) and section 4B(5)(b) and (c)(i) and (ii), (6), (7) and (8)) is a life-saving appliances regulation referred to in section 44 of the Ordinance.”.

12. Schedule repealed (requirements for rocket parachute flare)

The Schedule—

Repeal the Schedule.

Anthony B. L. CHEUNG
Secretary for Transport and
Housing

16 May 2017

Explanatory Note

The main object of this Regulation is to implement the updated technical requirements for life-saving appliances and arrangements, musters and training provided in Chapter III of the International Convention for the Safety of Life at Sea, signed in London on 1 November 1974 (*Convention*) (and the International Life-Saving Appliance Code (*LSA Code*) to which that Chapter refers), as amended from time to time and applicable to Hong Kong.

2. Chapter III of the Convention is currently implemented in Hong Kong by 2 Regulations, namely—
 - (a) the Merchant Shipping (Safety) (Life-Saving Appliances) Regulation (Cap. 369 sub. leg. AY) (*Life-saving Regulation*); and
 - (b) the Merchant Shipping (Safety) (Musters and Training) Regulations (Cap. 369 sub. leg. AI) (*Musters Regulations*).
3. The Life-saving Regulation contains requirements on the provision of life-saving appliances and arrangements on board a ship. The Musters Regulations contain requirements on musters, emergency instructions and training, and drills to be carried out on a ship.
4. This Regulation amends the Life-saving Regulation by incorporating into it the contents of the Musters Regulations, and by updating the latest requirements of Chapter III of the Convention.
5. Section 4 of the Life-saving Regulation is amended to clarify that—

-
- (a) the life-saving appliances and arrangements on ships constructed on or after 1 July 1998 are to comply with the latest requirements of Chapter III of the Convention adopted by the International Maritime Organization in 1996 (*1996 Chapter III*); and
- (b) the life-saving appliances and arrangements on ships constructed before 1 July 1998 are to comply with the requirements of applicable Chapter III of the Convention which is in force on the date on which the ship is constructed. In addition, these ships have to comply with the 1996 Chapter III requirements that are applicable to all ships (see new section 4A).
6. A new section 4B is added to the Life-saving Regulation to incorporate the relevant requirements of the Musters Regulations relating to the provision of muster lists, emergency instructions and training, and drills.
7. Section 5 of the Life-saving Regulation is repealed. Regulation 34 of Chapter III of the Convention requires all life-saving appliances and arrangements to comply with the applicable requirements of the LSA Code. Sections 4, 4A and 4B of the Life-saving Regulation implement that Chapter, including that Regulation 34.
8. The Life-saving Regulation (save for some provisions) is a life-saving appliances regulation referred to in section 44 of the Merchant Shipping (Safety) Ordinance (Cap. 369) (*Ordinance*). Under section 44(e) of the Ordinance, if, in the case of a ship, any provision of the life-saving appliances regulation is contravened or not complied with, then the owner of the ship (if at fault) commits an offence and is liable to a fine of \$50,000 and to imprisonment for 2 years, and the master of the ship (if at fault) commits an offence and is liable to a fine of \$10,000 and to imprisonment for 6 months.