

L.N. 86 of 2017

Merchant Shipping (Safety) (Radiocommunications) Regulation

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Merchant Shipping (Safety) (Radiocommunications) Regulation

(Made by the Secretary for Transport and Housing under sections 97 and 112B of the Merchant Shipping (Safety) Ordinance (Cap. 369))

Part 1

Preliminary

1. Commencement

This Regulation comes into operation on 1 September 2017.

2. Interpretation

In this Regulation—

Administration (主管機關) means—

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

cargo ship (貨船) means any ship that is not a passenger ship;

Chapter IV (《第IV章》) means Chapter IV of the Annex to the SOLAS Convention, as from time to time revised or amended by any revision or amendment that applies to Hong Kong;

Convention country (公約國) means a country which is a party to the SOLAS Convention;

digital selective calling (數字選擇呼叫) means a technique—

- (a) using digital codes that enables a radio station to establish contact with, and transfer information to, another radio station; and

- (b) that complies with the relevant recommendations of the International Radio Consultative Committee and the ITU Radiocommunication Sector;

fishing vessel (漁船) means a vessel used for catching fish, whales, seals, walrus or other living resources of the sea;

Hong Kong ship (香港船舶) means a ship registered in Hong Kong;

IMO means the International Maritime Organization;

international voyage (國際航程) means a voyage between—

- (a) Hong Kong and a port outside the People's Republic of China; or
- (b) a port in a Convention country and a port outside that Convention country (whether in a Convention country or not);

Medium Frequency (中頻) means the frequency spectrum exceeding 300 kHz and not exceeding 3 000 kHz;

non-Hong Kong ship (非香港船舶) means a ship other than a Hong Kong ship;

pleasure vessel (遊樂船隻) means a vessel (other than a passenger ship) primarily used for sport or recreation;

Radio Regulations (《無線電規則》) means the Radio Regulations annexed to, or regarded as being annexed to, the Constitution and Convention of the International Telecommunication Union as in force from time to time;

sea area A1 (A1海區) means a sea area within the radiotelephone coverage of at least one Very High Frequency coast station in which continuous digital selective calling alerting is available;

sea area A2 (A2海區) means a sea area within the radiotelephone coverage of at least one Medium Frequency coast station in which continuous digital selective calling alerting is available, other than any sea area A1;

sea area A3 (A3海區) means a sea area within the coverage of an Inmarsat geostationary satellite in which continuous alerting is available, other than any sea area A1 or sea area A2;

sea area A4 (A4海區) means a sea area other than any sea area A1, sea area A2 or sea area A3;

SOLAS Convention (《安全公約》) means the International Convention for the Safety of Life at Sea signed in London on 1 November 1974, or any convention that replaces that Convention or any successor convention, as amended from time to time and as applicable to Hong Kong;

STCW Convention (《培訓公約》) means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended from time to time and as applicable to Hong Kong;

Very High Frequency (甚高頻) means the frequency spectrum exceeding 30 MHz and not exceeding 300 MHz.

3. Application

- (1) Subject to subsection (2), this Regulation applies to—
 - (a) a Hong Kong ship engaged in an international voyage, wherever it may be; and
 - (b) a non-Hong Kong ship engaged in an international voyage within the waters of Hong Kong.
- (2) This Regulation does not apply to—
 - (a) a ship of war or troopship;

- (b) a ship not propelled by mechanical means;
 - (c) a wooden ship of primitive build;
 - (d) a cargo ship of less than 300 gross tonnage;
 - (e) a fishing vessel;
 - (f) a pleasure vessel not engaged in trade;
 - (g) a high speed craft to which the Merchant Shipping (Safety) (High Speed Craft) Regulation (Cap. 369 sub. leg. AW) applies; or
 - (h) a non-Hong Kong ship flying the flag of a State that is not a Convention country, if the ship is within the waters of Hong Kong due to—
 - (i) stress of weather; or
 - (ii) any other circumstances that could not have been prevented or forestalled by the owner or the master of the ship.
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Part 2

Radio Installations and Equipment Requirements

4. Radio installations

Radio installations referred to in regulation 6 of Chapter IV must be provided on a ship in accordance with the regulation.

5. Radio equipment—general

Radio equipment referred to in regulation 7 of Chapter IV must be provided on a ship in accordance with the regulation.

6. Radio equipment—sea area A1

- (1) This section applies to a ship engaged in a voyage that is exclusively in one or more sea area A1.
- (2) Without affecting section 5, any radio equipment referred to in regulation 8 of Chapter IV must be provided on a ship in accordance with the regulation.

7. Radio equipment—sea area A2

- (1) This section applies to a ship engaged in a voyage that is wholly or partly in one or more sea area A2 but not in any sea area A3 or sea area A4.
- (2) Without affecting section 5, any radio equipment referred to in regulation 9 of Chapter IV must be provided on a ship in accordance with the regulation.

8. Radio equipment—sea area A3

- (1) This section applies to a ship engaged in a voyage that is wholly or partly in one or more sea area A3 but not in any sea area A4.

- (2) Without affecting section 5, any radio equipment referred to in regulation 10 of Chapter IV must be provided on a ship in accordance with the regulation.

9. Radio equipment—sea area A4

- (1) This section applies to a ship engaged in a voyage that is wholly or partly in one or more sea area A4.
- (2) Without affecting section 5, any radio equipment referred to in regulation 11 of Chapter IV must be provided on a ship in accordance with the regulation.

10. Two-way communication equipment

- (1) This section applies to a ship on which a piece of two-way communication equipment which is capable of including the ship's position in a distress alert is provided.
- (2) If a navigation receiver is installed on a ship, the receiver must automatically provide the ship's position to the two-way communication equipment on the ship, so that the ship's position can be included in a distress alert.
- (3) If no navigation receiver is installed on a ship, the ship's position and the time at which the ship is at that position must be manually updated at intervals not exceeding 4 hours while the ship is engaged in a voyage, so that the ship's position and the time can be transmitted by the two-way communication equipment at any time.

11. Approval for and performance standards of radio equipment

- (1) This section applies to the radio equipment referred to in sections 5, 6, 7, 8 and 9.
- (2) Any radio equipment must be of a type approved by the Administration after taking into account the applicable standards.

(3) In this section—

applicable standards (適用標準), in relation to any radio equipment, means the performance standards applicable to the equipment referred to in regulation 14 of Chapter IV as adopted and amended from time to time by IMO.

12. Maintenance requirements

- (1) This section applies to the radio equipment referred to in sections 5, 6, 7, 8 and 9.
 - (2) Any radio equipment must be maintained in accordance with regulation 15 of Chapter IV.
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Part 3

Other Requirements

13. Source of energy

Electrical energy and a reserve source of energy referred to in regulation 13 of Chapter IV must be made available on a ship in accordance with the regulation.

14. Radio watch

A ship must maintain a radio watch in accordance with regulation 12 of Chapter IV.

15. Radio personnel

- (1) A ship must carry sufficient qualified crew members for the purposes of distress and safety radiocommunications during a voyage.
- (2) On a cargo ship, at least one qualified crew member must be designated to be responsible primarily for radiocommunications duties during any distress incident.
- (3) On a passenger ship, at least one qualified crew member must be designated to be responsible solely for radiocommunications duties during any distress incident.
- (4) On a Hong Kong ship, a crew member is a qualified crew member for the purposes of subsections (1), (2) and (3) if he or she holds one of the following—
 - (a) a general certificate (local);
 - (b) a general certificate (non-local) and a specified document;
 - (c) a second-class certificate (local);

- (d) a second-class certificate (non-local) and a specified document;
 - (e) a first-class certificate (local);
 - (f) a first-class certificate (non-local) and a specified document.
- (5) On a non-Hong Kong ship, a crew member is a qualified crew member for the purposes of subsections (1), (2) and (3) if he or she holds one of the following—
- (a) a general certificate (non-local);
 - (b) a second-class certificate (non-local);
 - (c) a first-class certificate (non-local).
- (6) If the radio equipment provided on a ship requires maintenance while the ship is engaged in a voyage so as to comply with section 12, the ship must carry at least one crew member who holds one of the following—
- (a) in relation to a Hong Kong ship—
 - (i) a second-class certificate (local);
 - (ii) a second-class certificate (non-local) and a specified document;
 - (iii) a first-class certificate (local);
 - (iv) a first-class certificate (non-local) and a specified document;
 - (b) in relation to a non-Hong Kong ship—
 - (i) a second-class certificate (non-local);
 - (ii) a first-class certificate (non-local).
- (7) In this section—
- first-class certificate (local)*** (一級證明書(本地)) means a First-class radio electronic certificate that is—

- (a) issued by the Communications Authority in exercise of its power under section 32K(2) of the Telecommunications Ordinance (Cap. 106); and
- (b) equivalent to a first-class certificate (non-local);

first-class certificate (non-local) (一級證明書(非本地)) means a First-class radio electronic certificate that is—

- (a) issued by, or under the authority of, the government of a state party to the STCW Convention; and
- (b) specified in No. 47.20 of Article 47 of the Radio Regulations;

general certificate (local) (通用證明書(本地)) means a General operator's certificate that is—

- (a) issued by the Communications Authority in exercise of its power under section 32K(2) of the Telecommunications Ordinance (Cap. 106); and
- (b) equivalent to a general certificate (non-local);

general certificate (non-local) (通用證明書(非本地)) means a General operator's certificate that is—

- (a) issued by, or under the authority of, the government of a state party to the STCW Convention; and
- (b) specified in No. 47.22 of Article 47 of the Radio Regulations;

second-class certificate (local) (二級證明書(本地)) means a Second-class radio electronic certificate that is—

- (a) issued by the Communications Authority in exercise of its power section 32K(2) of the Telecommunications Ordinance (Cap. 106); and
- (b) equivalent to a second-class certificate (non-local);

second-class certificate (non-local) (二級證明書(非本地)) means a Second-class radio electronic certificate that is—

- (a) issued by, or under the authority of, the government of a state party to the STCW Convention; and
- (b) specified in No. 47.21 of Article 47 of the Radio Regulations;

specified document (指明文件) means—

- (a) a Licence (Deck Officer) Class 1, Licence (Deck Officer) Class 2 or Licence (Deck Officer) Class 3 issued under Part V of the Merchant Shipping (Seafarers) (Certification of Officers) Regulation (Cap. 478 sub. leg. J); or
- (b) a Certificate of Equivalent Competency issued, by the Communications Authority in exercise of its power under section 32K(2) of the Telecommunications Ordinance (Cap. 106), to a person who holds a general certificate (non-local), second-class certificate (non-local) or first-class certificate (non-local).

16. Radio records

- (1) All of the following information must be recorded in the radio log-book of a ship—
 - (a) a summary of all the radiocommunications relating to any distress, urgency and safety traffic of the ship together with the time of the communications;
 - (b) the names of all the persons handling the communications;
 - (c) all the important service incidents relating to the ship and the time of their occurrences;
 - (d) the daily position of the ship.
- (2) In this section—

radio log-book (無線電日誌) means—

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- (a) in relation to a Hong Kong ship, the radio log-book referred to in section 97(3)(a) of the Ordinance;
- (b) in relation to a non-Hong Kong ship, the log referred to in item 3 of section I of Appendix 16 to the Radio Regulations.

Anthony B. L. CHEUNG
Secretary for Transport and
Housing

16 May 2017

Explanatory Note

The object of this Regulation is to implement the updated technical requirements in relation to radiocommunications provided in Chapter IV of the Annex to the International Convention for the Safety of Life at Sea signed in London on 1 November 1974, as amended from time to time and as applicable to Hong Kong.

2. The Regulation also consolidates the relevant provisions in the Merchant Shipping (Safety) (Radio Installations) Regulations (Cap. 369 sub. leg. AP) and the Merchant Shipping (Safety) (GMDSS Radio Installations) Regulation (Cap. 369 sub. leg. AR) on their repeal.
3. Part 1 contains preliminary provisions that provide for the commencement and application of the Regulation and define various terms used in the Regulation.
4. Part 2 provides for the requirements for the radio installations and radio equipment provided on a ship.
5. Part 3 provides for the other requirements relating to radiocommunications, including the source of energy, radio watch, radio records and qualification that a person must obtain before the person is qualified to carry out distress and safety radiocommunications duties.