

Hong Kong Fleet Operation Advisory Committee

**Proposed legislative amendments to regulations under
the Merchant Shipping (Safety) Ordinance (Cap. 369) and
the Merchant Shipping (Prevention and Control of Pollution) Ordinance
(Cap.413)**

Purpose

For the implementation of the latest amendments to the International Convention for the Safety of Life at Sea, 1974, as amended (“SOLAS”)¹, the Protocol of 1988 relating to the International Convention on Load Lines, 1966 (“1988 Load Lines Protocol”)², the International Maritime Ship Bulk Cargoes Code (“IMSBC Code”)³, and the International Convention for the Prevention

¹ The Annex to SOLAS contains the following chapters and appendix:

Chapter I:	General Provisions.
Chapter II-1:	Construction – structure, subdivision and stability, machinery and electrical installations.
Chapter II-2:	Construction – fire protection, fire detection and fire extinction.
Chapter III:	Life-saving appliances and arrangements.
Chapter IV:	Radiocommunications.
Chapter V:	Safety of navigation.
Chapter VI:	Carriage of cargoes and oil fuels.
Chapter VII:	Carriage of dangerous goods.
Chapter VIII:	Nuclear ships.
Chapter IX:	Management for the safe operation of ships.
Chapter X:	Safety measures for high-speed craft.
Chapter XI-1:	Special measures to enhance maritime safety.
Chapter XI-2:	Special measures to enhance maritime security.
Chapter XII:	Additional safety measures for bulk carriers.
Chapter XIII:	Verification of compliance.
Chapter XIV:	Safety measures for ships operating in polar waters.
Appendix:	1974 SOLAS Certificates

² Annex B to 1988 Load Lines Protocol contains the following annexes:

Annex I:	Regulations for determining Load Lines.
Annex II:	Zones, areas and seasonal periods.
Annex III:	Certificates.
Annex IV:	Verification of compliance.

³ IMSBC Code contains the following sections and appendices:

of Pollution from Ships, 1973 (“MARPOL”)⁴, this paper seeks members’ views on the proposed legislative amendments to the following local regulations:

- (a) Merchant Shipping (Safety) (Construction and Survey) Regulation (Cap. 369BD);
- (b) Merchant Shipping (Safety) (Load Line) Regulations (Cap.369AD);
- (c) Merchant Shipping (Safety) (Radiocommunications) Regulation (Cap.369BB);
- (d) Merchant Shipping (Safety) (Life-saving Appliances and Arrangements, Musters and Training) Regulation (Cap.369AY);
- (e) Merchant Shipping (Safety) (IMSBC Code) Regulation (Cap.369AZ); and
- (f) Merchant Shipping (Prevention of Oil Pollution) Regulations (Cap.413A).

Section 1:	General provisions.
Section 2:	General loading, carriage and unloading precautions.
Section 3:	Safety of personnel and ship.
Section 4:	Assessment of acceptability of consignments for safe shipment.
Section 5:	Trimming procedures.
Section 6:	Methods of determining the angle of repose.
Section 7:	Cargoes which may liquefy.
Section 8:	Test procedures for cargoes which may liquefy.
Section 9:	Materials possessing chemical hazards.
Section 10:	Carriage of solid wastes in bulk.
Section 11:	Security provisions.
Section 12:	Stowage factor conversion tables.
Section 13:	References to related information and recommendations.
Appendix 1:	Individual schedules of solid bulk cargoes.
Appendix 2:	Laboratory test procedures, associated apparatus and standards.
Appendix 3:	Properties of solid bulk cargoes.
Appendix 4:	Index.
Appendix 5:	Bulk Cargo Shipping Names in three languages (English, Spanish and French).

⁴ MARPOL contains the following annexes:

Annex I:	Regulations for the prevention of pollution by oil.
Annex II:	Regulations for the control of pollution by noxious liquid substances in bulk.
Annex III:	Regulations for the prevention of pollution by harmful substances carried by sea in packaged form.
Annex IV:	Regulations for the prevention of pollution by sewage from ships.
Annex V:	Regulations for the prevention of pollution by garbage from ships.
Annex VI:	Regulations for the prevention of air pollution from ships.

Background

2. The International Maritime Organization (IMO) adopted Resolutions MSC.482(103) on 13 May 2021, MSC.491(104) on 8 October 2021, MSC.496(105), MSC.497(105) and MSC.500(105) on 28 April 2022 to amend the requirements in SOLAS Chapters II-1, III, IV, V and Appendix, the Appendix to the Protocol of 1988 relating to SOLAS (1988 SOLAS Protocol), Annex I under Annex B to 1988 Load Lines Protocol and IMSBC Code. The IMO also adopted MEPC.343(78) on 10 June 2022 to amend Chapter 4 of Annex I to MARPOL. The amendments to SOLAS Chapters II-1, III, IV, V and Appendix, Appendix to 1988 SOLAS Protocol, Annex I under Annex B to 1988 Load Lines Protocol, and Chapter 4 of Annex I to MARPOL will enter into force on 1 January 2024. The amendments to IMSBC Code will enter into force on 31 December 2023.

3. Resolution MSC.482(103) addresses the requirement of water level detector for multiple hold cargo ships other than bulk carriers and tankers, for which constructed on or after 1 January 2024. The Resolution will require such vessels to be fitted with water level detectors in each cargo hold intended for dry cargoes and located below the freeboard deck, regardless of length.

4. Resolutions MSC.491(104) and MEPC.343(78) align the requirements of watertight doors including quick-acting, single-action or hinged type⁵ under 1988 Load Lines Protocol and MARPOL with the requirements of SOLAS for the consideration in damage stability calculation. After adopting the amendment, any openings fitted with the above mentioned

⁵ Such doors shall comply with operating conditions as specified in the amended Regulation 27(13)(a) in 1988 Load Lines Protocol in Resolution MSC.491(104) and the amended Regulation 28 under Chapter 4 of Annex I to MARPOL in Resolution MEPC.343(78).

watertight doors could be excluded from the requirement of being located above the final damage waterline in equilibrium after flooding.

5. Resolution MSC.496(105) amends SOLAS Chapters II-1, III, IV, V and Appendix (1974 SOLAS Certificates) to modernize the requirements of the Global Maritime Distress and Safety System (“GMDSS”). This resolution contains a complete replacement text of Chapter IV of SOLAS, as well as a relocation of provisions for life-saving appliance communication equipment from Chapter III to Chapter IV. The equipment requirements for sea areas A1 to A4 have also been amended.

6. Resolution MSC.497(105) amends the Appendix to 1988 SOLAS Protocol for updating the existing forms of the Passenger Ship Safety Certificate, the Cargo Ship Safety Equipment Certificate, the Cargo Ship Safety Radio Certificate and the Cargo Ship Safety Certificate issued under 1988 SOLAS Protocol⁶. Obsolete requirements are removed as a consequence of those amendments related to the modernization of GMDSS as mentioned in paragraph 5.

7. Resolution MSC.500(105) amends the requirements in IMSBC Code through the amendments (06-21) which will enter into force on 1 December 2023. The amendments (06-21) have included a change of the definition of group A cargoes, reclassification of ammonium nitrate-based fertilizer (now non-hazardous), and the addition of new cargo schedules for clam shell and leach residue containing lead and granular triple superphosphate.

Proposal Legislative Amendments

⁶ Legislative amendments are not required because the existing forms of the relevant Certificates are not set out in local regulations.

8. Certain amendments to the above-mentioned resolutions, such as the amendments to (i) SOLAS Chapter III/33.2 for excluding free-fall lifeboats from the regulation of being capable of launching and towing when a cargo ship of 20,000GT and above is making headway at a speed up to 5 knots in calm water; (ii) Regulation 22(1)(g) of SOLAS Chapter II on the provision of acceptable arrangements of scuppers and discharges; (iii) SOLAS Chapter II-1, III, IV, V and Appendix (1974 SOLAS Certificates)⁷, and 1988 SOLAS Protocol Appendix (1988 SOLAS Protocol Certificates)⁸; and (iv) IMSBC Code Section 1 (existing definitions), Section 4, Section 8 (heading only), Section 9 and Appendixes⁹, can be effected by direct reference approach (“DRA”) and do not require amendments to local regulations.

9. Subject to legal advice, we propose to amend the following local

⁷ By virtue of the DRA, the following latest amendments to SOLAS as set out in the Resolution MSC.496(105) can be implemented without amending local regulations: -

- (i) paragraph 2.2.2.3 of regulation 42 and paragraph 2.3.2.3 of regulation 43 in Chapter II-1 are amended by updating the references to MF/HF radio installation as a consequence of complete replacement text of chapter IV;
- (ii) most of the regulations under complete replacement text of Chapter IV to finalize the work on modernization of the GMDSS;
- (iii) the existing footnote in sub-paragraph 5.2 is amended by updating the reference based on the amendments to Chapter IV. The references of paragraphs 4.1 & 4.2 of Reg. V/19-1 are also updated to amend regulation IV/2 with respect to definitions for sea areas A1, A2, A3 and A4; and
- (iv) the existing forms of the Passenger Ship Safety Certificate, the Cargo Ship Safety Equipment Certificate, and the Cargo Ship Safety Radio Certificate are updated as a consequence of the amendments to Chapter IV.

⁸ By virtue of the DRA, the following latest amendments to 1988 SOLAS Protocol as set out in the Resolution MSC.497(105) can be implemented without amending local regulations: -

the existing forms of the Passenger Ship Safety Certificate, the Cargo Ship Safety Equipment Certificate, the Cargo Ship Safety Radio Certificate, and the Cargo Ship Safety Certificate are updated as a consequence of the amendments to Chapter IV.

⁹ By virtue of the DRA, the following latest amendments to the IMSBC Code as set out in the Resolution MSC.500(105) can be implemented without the need to amend local regulations –

- (a) Section 1.7 - the amendments to the existing definitions of the Code;
- (b) Section 4 and Section 8 - addition of new definitions relating to the phenomenon of "dynamic separation," including deliberations regarding the definition of "group A" cargoes; and
- (c) Section 9 and Appendixes - reclassification of ammonium nitrate based fertilizer (non-hazardous); addition of new schedules for lead concentrate and leach residue containing lead; and substance identification number for bulk cargoes.

regulations to fully comply with the relevant requirements adopted by Resolutions MSC.482(103), MSC.491(104), MSC.496(105), MSC.500(105), and MEPC.343(78):

- (a) Cap.369BD — to effect the amendments to SOLAS Chapter II-1: -

to amend Section 8(1) of Cap.369BD for the compliance with the applicable requirements of Resolution MSC.482(103) on the installation of water level detectors on multiple hold cargo ships other than bulk carriers and tankers as specified in the new Regulation 25-1 of SOLAS Chapter II-1.

- (b) Cap.369AD — to effect the amendments to 1988 Load Lines Protocol: -

to amend Regulation 27 of Cap.369AD for the compliance with the applicable requirements of Resolution MSC.491(104) which align the requirements of 1988 Load Lines Protocol with those of SOLAS with respect to watertight doors for compliance with damage stability criteria in the final equilibrium stage after flooding of the ship.

- (c) Cap.369AY — to effect the amendments to SOLAS Chapter III: -

The provisions related to two-way VHF radiotelephone apparatus and search and rescue locating devices have been relocated from Chapter III to Chapter IV (refer to Regulations 7.2 to 7.5 of the revised SOLAS Chapter IV) and the corresponding paragraphs 1 and 2 of SOLAS Chapter III/6 are

intentionally left blank to avoid renumbering of existing regulations. Since the existing content of Section 4(6) of Cap.369AY will no longer be valid once the Resolution MSC.496(105) comes into force, it is therefore recommended to repeal such section.

(d) Cap.369BB — to effect the amendments to SOLAS Chapter IV:

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- (i) the existing definitions of “digital selective calling”, “Radio Regulations” and “sea area A3” in Section 2 of Cap.369BB are amended to comply with the applicable requirements on the “Terms and definitions” as specified in Regulation 2 of the revised Chapter IV of SOLAS;
- (ii) Section 6(1) of Cap.369BB is amended to incorporate the requirements of Regulation 8 of the revised Chapter IV of SOLAS in relation to sea area A1; and
- (iii) Sections 10(2) and 10(3) of Cap.369BB are amended to incorporate the requirements of Regulation 18 of the revised Chapter IV of SOLAS in relation to the ship position-updating in the distress alert.

(e) Cap.369AZ — to effect the amendments to IMSBC Code:-

to amend Section 2 and Section 9 of Cap.369AZ for the compliance of the applicable requirements of Resolution MSC.500(105). In Section 2, the existing definition of “Transportable moisture limit (TML)” has to be amended and two new definitions “Cargoes which may undergo dynamic separation” and “Dynamic separation” in Section 1.7 of IMSBC Code will be added. The heading of Section 9 of Cap.369AZ

will be amended to "cargoes which may liquefy or undergo dynamic separation" from "cargoes which may liquefy" and the wordings within paragraph (1)(a) will also be amended in order to reflect the amendment made in Section 7.3 of the IMSBC Code.

- (f) Cap.413A — to effect the amendments to MARPOL Annex I:-
to amend Regulation 29(3)(a) of Cap.413A for the compliance of the applicable requirements of Resolution MEPC.343(78) which align the requirements of MARPOL Annex I with those of SOLAS with respect to watertight doors on oil tankers for compliance with damage stability criteria in the final equilibrium stage after flooding.

Views Sought

10. Members' comments, if any, are sought on the proposed legislative amendments as stated in paragraphs 8 to 9 above.

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Multi-lateral Policy Division
Marine Department

Enclosure:
Appendix 1: IMO Resolution MSC.482(103)
Appendix 2: IMO Resolution MSC.491(104)

Appendix 3: IMO Resolution MSC.496(105)

Appendix 4: IMO Resolution MSC.497(105)

Appendix 5: IMO Resolution MSC.500(105)

Appendix 6: IMO Resolution MEPC.343(78)