

Hong Kong Fleet Operation Advisory Committee

**Proposed legislative amendments to regulations under
the Merchant Shipping (Safety) Ordinance**

Purpose

This paper seeks members' views on the proposed legislative amendments to the following regulations for the full implementation of the latest amendments to Chapters II-1, II-2, III, IV and XI-1 of the International Convention for the Safety of Life at Sea, 1974, as amended ("SOLAS") –

- (a) Merchant Shipping (Safety) (Construction and Survey) Regulation (Cap. 369BD);
- (b) Merchant Shipping (Safety) (Fire-fighting Appliances and Fire Protection) Regulation (Cap. 369BE); and
- (c) Merchant Shipping (Safety) (Life-saving Appliances and Arrangements, Musters and Training) Regulation (Cap. 369AY).

Background

2. The International Maritime Organization (IMO) adopted resolutions MSC.409(97), MSC.421(98) and MSC.436(99) on 25 November 2016, 15 June 2017 and 24 May 2018 respectively to amend the requirements in SOLAS Chapters II-1, II-2, III, IV and XI-1. All the amendments have entered into force globally since 1 January 2020.

3. Resolution MSC.409(97) amended SOLAS Chapters II-1, II-2 and XI-1 on protection against noise, suppression of fire in boiler rooms and harmonization of survey periods of cargo ships not subject to the International Code on Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011 (“ESP Code”).

4. Resolution MSC.421(98) amended SOLAS Chapters II-1, II-2, III and Appendix relating to subdivision, damage stability and watertight integrity, fire safety of cargo spaces carry vehicles with fuel in their tanks for their own propulsion, fire integrity of windows on passenger ships and introduced damage control drills for passenger ships.

5. Resolution MSC.436(99) amended SOLAS Chapters II-1, IV and Appendix to enhance onboard stability computer or shore-based support for the master of existing passenger ships for safe return to port after a flooding casualty, and amended the terminology in radio-communication requirements to allow the use of other service providers for satellite communication.

Proposed Legislative Amendments

6. Certain amendments to the above-mentioned resolutions, such as the amendments made to SOLAS Chapter IV, can be implemented by virtue of the direct reference approach (“DRA”)¹ and do not require amendments to

¹ By virtue of the DRA, the following latest amendments to the SOLAS can be implemented without amending the local legislation -

- (i) Chapter II-1 of SOLAS as set out in the Resolution MSC.409(97) for the requirements on protection against noise to ships constructed on or after 1 January 2009 and contracted for construction before 1 July 2014;
- (ii) Chapter II-2 of SOLAS as set out in the Resolution MSC.409(97) for the requirements to waive

local legislation. However, we will need to amend local legislation to give effect to the following -

- (a) Resolution MSC.409(97) — a new Regulation 2-1 is added to SOLAS Chapter XI-1 allowing the survey periods of cargo ships not subject to the ESP Code (under Regulation 2 of Chapter XI-1 of SOLAS) to follow the survey periods for intermediate and renewal surveys under the provisions of the ESP Code.

- (b) Resolution MSC.421(98) — amendments to SOLAS Chapter II-2 and III: -
 - (i) Regulation 20 of Chapter II-2 is amended to specify ships carrying vehicles with fuel in their tanks, which do not use their own propulsions within the cargo space other than vehicle, special category or ro-ro spaces, are not required to comply with the fire safety requirements specified in the Regulation.

-
- (iii) an approved foam type extinguisher of at least 135 litre capacity with certain types of boilers or boilers protected by fixed water-based local fire-extinguishing system and applies to ships constructed before 1 January 2020 (including those constructed before 1 July 2012);
 - (iii) Chapter II-1 of SOLAS as set out in the Resolution MSC.421(98) for the updated definitions, amendments of damage stability calculation, requirements for subdivision and watertight integrity and stability management such as loading of ships, operation and inspection of watertight doors, control of water ingress, flooding detection system and special requirements for ro-ro passenger ships;
 - (iv) Chapter II-2 of SOLAS as set out in the Resolution MSC.421(98) for the fire integrity requirements for windows facing survival facilities on ships carrying passengers constructed on or after 1 January 2020;
 - (v) Chapter III of SOLAS as set out in the Resolution MSC.421(98) requiring that the muster list shall include the damage control for flooding emergencies;
 - (vi) Chapter IV of SOLAS as set out in the Resolution MSC.436(99) for the definition and the replacement of the equipment term “inmarsat” with the term “recognized mobile satellite service”; and
 - (vii) Appendix of SOLAS as set out in the Resolution MSC.436(99) for the replacement of the descriptions of “INMARSAT ship earth station” with “Recognized mobile satellite service ship earth station” in Form P, Form R and Form C.

- (ii) A new Regulation 19-1 is added to Chapter II-1 and Regulation 30 of Chapter III is amended requiring damage control drill shall be conducted on passenger ships every three months. The damage control drill shall simulate different damage conditions and be conducted as if there were an actual emergency. The new requirement applies to all passenger ships irrespective of date of construction.

- (c) Resolution MSC. 436(99) — Regulation 8-1 of Chapter II-1 of SOLAS is amended to enhancing the safety of passenger ships by extending the requirements with respect to providing operational information by means of onboard stability computer or shore-based support to master for safe return to port after a flooding casualty to existing passenger ships constructed before 1 January 2014 not later than the first renewal survey after 1 January 2025.

7. Subject to legal advice, we propose to amend the relevant provisions of Cap. 369BD to comply fully with the amendments adopted under MSC.409(97); to amend the relevant provisions of Cap. 369BE and Cap. 369AY to comply fully with the amendments adopted under MSC.421(98); and to amend the relevant provisions of Cap. 369BD to comply fully with the amendments adopted under MSC.436(99).

Views Sought

8. Members' comments, if any, are sought on the proposed legislative amendments as stated in paragraphs 6 and 7 above.

18 September 2020

Multi-lateral Policy Division

Marine Department

Enclosures:

Appendix 1: IMO Resolution MSC.409(97)

Appendix 2: IMO Resolution MSC.421(98)

Appendix 3: IMO Resolution MSC.436(99)