

Hong Kong Fleet Operation Advisory Committee

**Proposal to amend Subsidiary Legislation made under
the Merchant Shipping (Safety) Ordinance**

Purpose

The purpose of this paper is to seek members' views on the proposal to amend the subsidiary legislation made under the Merchant Shipping (Safety) Ordinance (Cap. 369) for the implementation of the latest amendments to the International Maritime Dangerous Goods Code ("IMDG Code") of the International Maritime Organization (IMO) –

- (a) Merchant Shipping (Safety) (Fire Protection) (Ships Built Before 25 May 1980) Regulations (Cap. 369W);
- (b) Merchant Shipping (Safety) (Fire Appliances) (Ships Built On Or After 25 May 1980 But Before 1 September 1984) Regulations (Cap. 369X); and
- (c) Merchant Shipping (Safety) (Fire Protection) (Ships Built On or After 1 September 1984) Regulations (Cap. 369Y)

Background

2. The 102nd session of the Maritime Safety Committee of the IMO adopted the resolution MSC.477(102) ("the Resolution") (as **enclosed**) on 11 November

2020 to amend the requirements in the IMDG Code. The IMDG Code was scheduled to amend every two years to update the technical and transportation requirements of existing substances or introduction of new substances. The Resolution will enter into operation internationally on 1 June 2022.

Summary of Amendments

3. The key amendments to the IMDG Code are summarized as follows: –
 - (a) several changes to definitions such as replacing the term “dose rate” by “radiation level” and revising some existing terms;
 - (b) various amendments to classification chapters such as introducing criteria and undergoing editorial updates;
 - (c) several changes to segregation groups, instructions and provisions; and
 - (d) updates to the classification, segregation, packing and markings of dangerous goods.

The Legislative Proposal

4. Most of the requirements as amended by the Resolution to the IMDG Code can be implemented by the direct reference approach (DRA) for timely implementation of the latest requirements to the subsidiary legislation made under Cap. 369.

5. However, the sections specifying the requirements related to the stowage

of dangerous goods of class 1.4, (i.e. explosive on passenger ships in Chapter 7.1) and the carriage of dangerous goods in limited quantities have been renumbered in the latest amendments in the Resolution. Such renumbered sections can only be effected through legislative amendment exercise to existing local legislation to revise the reference to the IMDG Code. Subject to legal advice, we propose to amend Cap. 369W, Cap. 369X and Cap. 369Y in order to comply with the amendments adopted by the Resolution which will enter into force on 1 June 2022.

Consultation

6. Members' comments, if any, are sought on the proposed legislative amendments as stated in paragraphs 4 and 5 above.

March 2022

Marine Department

Multi-lateral Policy Division

Enclosure IMO Resolution MSC.477(102) -- Amendments to the International Maritime Dangerous Goods (IMDG) Code