

# **Hong Kong Fleet Operation Advisory Committee**

## **Adaptation of Laws – Technical Standards**

### **Purpose**

The purpose of this paper is to seek members' views on the proposed amendments to the subsidiary legislation of the Merchant Shipping (Safety) Ordinance (Cap. 369) and the Merchant Shipping (Seafarers) Ordinance (Cap.478), regarding the proposed adaptations of the obsolete technical standards in those legislation.

### **Background**

2. MD is now reviewing the maritime legislation which are being regulated by MD in the adaptation of laws exercise led by the Department of Justice. Apart from those proposed repeals or replacements by more appropriate wordings that would not affect the normal operation of the Hong Kong registered ships and seafarer matters, the exercise also involves the review of the relevant code of practices and other obsolete technical standards as appeared in the maritime legislation. Those technical standards are mainly in the areas of fire-fighting equipment, product fire test, side scuttle glass, metallic materials test, safety signs, personal protective equipment, sound level meters, etc.

3. According to the expression in the relevant maritime legislation when assigning a particular standard for compliance, it usually provides wordings, such as “or other equivalent standard acceptable to the Director” so as to provide flexibility as far as practicable in coping with standards other than the assigned one due to technical development of the industry or the evolvement of standards.

4. Our policy intent is to keep the intact of our existing regime in relation to technical standards. Subject to the legal advice in this amendment exercise, MD will continue to provide similar provision to allow the Director of Marine to accept other equivalent standards which serve the same purpose of the assigned standards in the legislation.

### **The Proposal**

5. The following legislation will be amended to replace the existing technical standards therein by the relevant international standards:

- (a) Merchant Shipping (Safety) (Anchors and Chain Cables) Regulations (Cap. 369Q);
- (b) Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built Before 1 September 1984) Regulations (Cap. 369R);
- (c) Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations (Cap. 369S);
- (d) Merchant Shipping (Safety) (Fire Protection) (Ships Built Before 25 May 1980) Regulations (Cap. 369W);
- (e) Merchant Shipping (Safety) (Fire Appliances) (Ships Built On or After 25 May 1980 but Before 1 September 1984) Regulations (Cap. 369X);
- (f) Merchant Shipping (Safety) (Fire Protection) (Ships Built On or After 1 September 1984) Regulations (Cap. 369Y);
- (g) Merchant Shipping (Safety) (Passenger Ship Construction) (Ships Built Before 1 September 1984) Regulations (Cap. 369AL);
- (h) Merchant Shipping (Safety) (Passenger Ship Construction and Survey) (Ships Built On Or After 1 September 1984) Regulations (Cap. 369AM);
- (i) Merchant Shipping (Safety) (Protective Clothing and Equipment) Regulations (Cap. 369AO);
- (j) Merchant Shipping (Seafarers) (Safe Movement on Board Ship) Regulation (Cap. 478G); and
- (k) Merchant Shipping (Seafarers) (Code of Safe Working Practices) Regulation (Cap.478M).

6. The list of the existing standards along with their relevant legislation and the corresponding equivalent standards or replacements proposed to be adapted in this exercise are tabulated in the Annex to this paper.

### **Consultation**

7. Members' comments on, if any, and endorsement of the proposal including the proposed replacement standards in the Annex are hereby sought.

Marine Department  
Multi-lateral Policy Division  
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