

## High Speed Craft Consultative Committee

### **Proposed new/amendments/repeal to the Merchant Shipping Safety Regulations, Cap.369**

#### **Purpose**

1. The purpose of this paper is to seek members' views on the proposal to make new and amendments as well as to repeal the relevant local legislations for implementation of the updated convention requirements adopted by the International Maritime Organization (IMO).

#### **Background**

2. As the IMO convention requirements are amended from time to time, there is a need to update local legislations to give effect to the latest IMO requirements while the existing Hong Kong legislations were enacted before 2000.

3. The proposal of amending the existing local subsidiary legislation (Cap.369AW) is to enact the latest requirements under Chapter X (High Speed Craft) relating to HSC Code 1994 and HSC Code 2000 of the International Convention for the Safety of Life at Sea, 1974 (SOLAS) adopted by the IMO. The objectives of amending Cap.369AW is to implement SOLAS Chapter X as well as the HSC Code 1994 and HSC Code 2000 in order to set out latest requirements for high speed craft which fall within the category of these codes with respect to structure, equipment, fittings, systems, arrangements and materials of the ship, and to regulate the company and/or the master on operation.

4. Besides Chapter X of the SOLAS and HSC Codes, as well as the relevant requirements of Chapter V of the SOLAS and COLREG are also applied to high speed craft. The Hong Kong local legislation for implementing these international regulations includes Cap.369L, Cap.369N, Cap.369AJ, Cap.369AK, Cap.369AS.

#### **Existing legislation and Proposed Legislative Amendments**

5. In Hong Kong, the safety requirements stipulated under the SOLAS and its amendments are implemented by the Merchant Shipping (Safety) Ordinance (Cap. 369) "the Ordinance" and its subsidiary legislation. Chapter X of the SOLAS and the HSC Code 1994 adopted in 1994 by MSC Resolution 36(63) which deals with the safety requirements for high speed craft are implemented by the Merchant Shipping (Safety) (High Speed Craft) Regulations (Cap. 369AW) which were enacted in 1999.

6. Subsequent to the enactment of the Cap.369AW in 1999, IMO has adopted a new MSC Resolution 99(73) to amend Chapter X of the SOLAS in 2000 making the HSC Code 2000 adopted by MSC Resolution 97(73) mandatory for high speed craft constructed on or after 1 July 2002. There were 6 MSC resolutions (i.e. with relevant dates of entered into force up to 1 January 2015) for amending the HSC Code 2000 after 2000.

7. There were 5 MSC resolutions (i.e. with relevant dates of entered into force up to 1 January 2015) for amending the HSC Code 1994 after 2001. Existing Hong Kong registered high speed craft should comply with the 1994 HSC Code and its amendments.

8. It is proposed to amend the existing sub-legislation Cap.369AW to reflect the aforementioned amendments in order to bring the relevant Hong Kong legislations in line with the latest amendments to Chapter X of the SOLAS and HSC Code.

9. To bring the relevant Hong Kong legislations in line with the latest amendments to Chapter V of the SOLAS, a new sub-legislation is proposed, i.e. Merchant Shipping (Safety) (Navigational Equipment and Safety of Navigation) Regulations (Cap.369[.]). This new regulation will rewrite the existing Merchant Shipping (Safety) (Safety of Navigation) Regulations (Cap.369AJ), and repeal the following existing regulations:

- (1) Merchant Shipping (Safety) (Automatic Pilot and Testing of Steering Gear) Regulations (Cap. 369 L);
- (2) Merchant Shipping (Safety) (Carriage of Nautical Publications) Regulations (Cap. 369 M);
- (3) Merchant Shipping (Safety) (Navigational Equipment) Regulations (Cap. 369 AJ);
- (4) Merchant Shipping (Safety) (Navigational Warnings) Regulations (Cap. 369 AK);
- (5) Merchant Shipping (Safety) (Arrangements for Embarkation and Disembarkation of Pilots) Regulation (Cap. 369 AU)

10. It is proposed to amend the existing sub-legislation Cap.369N to reflect the 2001 and 2007 Amendments to COLREGs 1972 in order to bring the relevant Hong Kong legislations in line with the latest amendments to COLREGs 1972.

11. The following subsidiary legislations under the Merchant Shipping (Safety) Ordinance, Cap.369 will be affected and their changes are listed in Annex with respect to SOLAS Convention:

<b>Convention/Code</b>	<b>Subsidiary legislations of Cap.369</b>	<b>Remarks</b>	<b>Annex</b>
COLREG 1972	Merchant Shipping (Safety) (Signals of Distress and Prevention of Collisions) Regulations (Cap.369N)	to <u>amend</u> the existing regulation	Annex 1
SOLAS Chapter V	Merchant Shipping (Safety) (Navigational Equipment and Safety of Navigation) Regulation (Cap. 369[.])	to make a <u>new</u> subsidiary legislation	Annex 2
	Merchant Shipping (Safety) (Automatic Pilot and Testing of Steering Gear) Regulations (Cap. 369 L)	to <u>repeal</u>	
	Merchant Shipping (Safety) (Carriage of Nautical Publications) Regulations (Cap. 369 M)	to <u>repeal</u>	
	Merchant Shipping (Safety) (Navigational Equipment) Regulations (Cap. 369 AJ)	to <u>repeal</u>	
	Merchant Shipping (Safety) (Navigational Warnings) Regulations (Cap. 369 AK)	to <u>repeal</u>	
	Merchant Shipping (Safety) (Arrangements for Embarkation and Disembarkation of Pilots) Regulation (Cap. 369 AU)	to <u>repeal</u>	

<b>Convention/Code</b>	<b>Subsidiary legislations of Cap.369</b>	<b>Remarks</b>	<b>Annex</b>
SOLAS Chapter X - International Code of Safety for High-Speed Craft, 2000 and	Merchant Shipping (Safety) (High Speed Craft) Regulations, Cap.369AW	to <u>amend</u> the existing regulation	Annex 3
International Code of Safety for High-Speed Craft, 1994	Merchant Shipping (Safety) (High Speed Craft) Regulations, Cap.369AW	to <u>amend</u> the existing regulation	Annex 4

12. The above relevant IMO resolutions for COLREG 1972, SOLAS Chapter V, SOLAS Chapter X - International Code of Safety for High-Speed Craft, 2000 and International Code of Safety for High-Speed Craft, 1994 are enclosed in the Annex 5, 6, 7, and 8 respectively to this paper for members' reference.

13. It is anticipated that the proposed new and amendments will have little impact on the operation of existing High Speed Craft (HSC) in voyages from Hong Kong to ports outside Hong Kong because they are subject to the same safety requirements in these ports in accordance with the applicable convention requirements. Any requirements of the HSC Code which are in the opinion of inappropriate or impracticable will be considered by the Director on case-by-case basis without prejudice to the safety of the craft.

### **Consultation**

14. Members' comments, if any, are sought on our proposal to implement the updated international conventions in Hong Kong by amending on the Merchant Shipping (Safety) (High Speed Craft) Regulations, Cap.369AW so as to give effect to relevant and latest IMO requirements.

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Multi-lateral Policy Division

Enclosure:

Annex 1: Summary of Amendments to the Merchant Shipping (Safety) (Signals of Distress and Prevention of Collisions) Regulations (Cap. 369N);

Annex 2: Summary of Amendments to the Merchant Shipping (Safety) (Navigational Equipment and Safety of Navigation) Regulation (Cap. 369[.]);

Annex 3: Summary of Amendments Status to HSC Code, 2000 to the Merchant Shipping (Safety) (High Speed Craft) Regulations (Cap.369AW);

Annex 4: Summary of Amendments Status to HSC Code, 1994 to the Merchant Shipping (Safety) (High Speed Craft) Regulations (Cap.369AW);

Annex 5: IMO Resolutions A.910(22), A.1004(25), and A.1085(28);

Annex 6: IMO Resolutions MSC.99(73), MSC.123(75), SOLAS/CONF.5/32, MSC.142(77), MSC.153(78), MSC.170(79), MSC.201(81), MSC.202(81), MSC.282(86), MSC.308(88), MSC.325(90), and MSC.350(92);

Annex 7: IMO Resolutions MSC.97(73), MSC.175(79), MSC.222(82), MSC.260(84), MSC.271(85), MSC.326(90), and MSC.352(92);

Annex 8: IMO Resolutions MSC.119(74), MSC.174(79), MSC.221(82), MSC.259(84), and MSC.351(92);