PLVAC Paper No. 9/2006

Code of Practice – Class I, II & III Vessel Safety Standard

Amendments update as at 20 November 2006

ITEM	CHAPTER	DESCRIPTION	REMARKS
1	Content	Re-arrange the sequence of chapters and annexes of the Code	The re-arrangement is for better presentation.
2	Chapter I - Section 1.6 to 1.13, Section 3	(a) Rearrange Section 1.6 to 1.13 and update relevant chapters and indexes number. (b) Add additional definition, namely, "final inspection", "initial survey" & "periodical survey".	(a) Re-group the technical requirements and operational requirements (b) Additional definition to distinguish different types of survey/inspection
3	Chapter IIIA – Section 12.3.1, Section19 & Section 20	(a) Insert '(e) the tank coating/paint used shall not cause any health and hygiene risks'. (b) Installation for prevention of oil pollution. (c) Requirements for Hong Kong Pollution Prevention Certificate for the carriage of Noxious Liquid Substances in Bulk.	(a) Add additional condition on water tank of water boat due to comments raised in PLVAC42nd meeting (3 Aug 06). (b) Reproduce Sch7 of Survey Reg regarding the application in prevention of oil pollution (c) Highlight the technical requirements to which an NLS vessel applies
4	Chapter IIIB–Section 9.4.1	Insert '(e) the tank coating/paint used shall not cause any health and hygiene risks'.	Add additional condition on water tank of water boat due to comments raised in PLVAC42nd meeting (3 Aug 06).
5	Chapter X~~II~~	Re-arrange Chapter XII to X.	Re-group the technical requirements in earlier chapter and operational requirements to last chapter
6	Chapter XII	Re-arrange Chapter X to XII.	--ditto--
7	Annex I-10	Implementation of the Requirements of Annex VI of MARPOL 73/78 to Locally Licensed Vessels.	In response to recent comments received from PLVAC on the revised of this Annex (i.e. Annex VI of MARPOL 73/78 on (prevention of air pollution), further minor revision in detailed technical arrangements, in particular for NOx and oil sample matters are made.

Item 1

CODE OF PRACTICE -

SAFETY STANDARDS FOR CLASS I, II AND III VESSELS

CHAPTER I

GENERAL

CHAPTER II

SURVEY/INSPECTION, ISSUANCE OF CERTIFICATE AND PLAN APPROVAL

CHAPTER III A

HULL CONSTRUCTION, MACHINERY, ELECTRICAL INSTALLATIONS AND FITTINGS - CATEGORY A VESSELS

CHAPTER III B

HULL CONSTRUCTION, MACHINERY, ELECTRICAL INSTALLATIONS AND FITTINGS - CATEGORY B VESSELS

CHAPTER IV

FREEBOARD AND STABILITY

CHAPTER V

PASSENGER AND CREW ACCOMMODATION

CHAPTER VI

FIRE PROTECTION

CHAPTER VII

LIFE SAVING APPLIANCES AND ARRANGEMENTS

CHAPTER XI

VESSELS BUILT TO CLASSIFICATION SOCIETY'S RULES AND REGULATIONS FOR HIGH SPEED CRAFT

CHAPTER XII

VESSEL SAFE OPERATION AND OPERATOR REQUIREMENTS

ANNEXES

PERIODIC SURVEY PROCEDURE AND CYCLES, ETC. OF CLASS III HONG KONG LICENSED FISHING VESSELS

CHAPTER I
GENERAL

Item 2

1 Introduction

1.1 The legislation relating to the control, licensing and regulation of local vessels in Hong Kong is contained in the Merchant Shipping (Local Vessels) Ordinance, Cap. 548 (the Ordinance) and its subsidiary legislation. This Code of Practice is issued under section 8 of the Ordinance.

1.2 This "Code of Practice – Safety Standard for Class I, II and III Vessels" has been developed by the Hong Kong Marine Department in consultation with the local maritime industry through representation in relevant working groups and committees.

1.3 The primary aim in developing the Code has been to set standards of safety and protection for all passengers and crew on board. The Code relates especially to the construction of a vessel, its machinery, equipment and stability and to the ~~correct~~ proper operation of the vessel so that safety standards are maintained.

1.4 The builder, repairer or owner/managing agent of a vessel, as appropriate should take all reasonable measures to ensure that a material or appliance fitted in accordance with the requirements of the Code is suitable for the purpose intended having regard to its location in the vessel, the area of operation and the weather conditions which may be encountered.

1.5 The requirements in some of the paragraphs of this Code are provisions of the indicated relevant regulations, which are mandatory.

1.6 The owner, ~~or~~ agent or the coxswain of a Class I, II or III vessel is required to observe and comply with relevant requirements relating to vessel's ~~safe~~ operation safety, ~~and~~ operators requirements and their certification specified in the Merchant Shipping (Local Vessels)(Safety and Survey) Regulation (~~the~~ "Survey Regulation"), Merchant Shipping (Local Vessels) (General) Regulation("General Regulation") and Merchant Shipping (Local Vessels)(Certification and Licensing) Regulation ("Certification & Licensing Regulation") relevant to the class, type or category of the vessel, in addition to the practical guidance requirements given in the following chapters and annexes of this Code where relevant and appropriate:-

Item No.	Chapter / Annex	Section of ~~Survey~~ relevant Regulation

(a)	Para. 7.6, 7.7 of Chapter IIIA, Para. 8, 9 of Chapter XII and para. 5, 6 of Annex ~~H~~U-1	Section 30 - Display of ~~certificate of inspection or~~ certificate of survey~~ kept~~display~~ed~~ on board under ~~(Safety and~~ Survey~~)~~ Regulation Section 31 - Construction and maintenance of local vessels ~~under (Safety and~~ - Survey~~)~~ Regulation
(b)	Para. 4 of Chapter XII, Annex I-4	Section 80 - Radar under~~ (Safety and~~ Survey~~)~~ Regulation
(c)	Annex ~~T~~V-2	Section 5 - Restriction on vessels of Class II and Class III ~~under~~ - ~~(~~Certification & Licensing~~)~~ Regulation
(d)	Para. 2 to 4, 6 and 9 of Chapter XII, Annexes ~~I-1,~~ I-6, ~~I-8, R, P, Q and T-2~~ P, U-1, U-3, U-4, U-5 and V-3	Section 11 - Manning and equipment under ~~(~~General~~)~~ Regulation Section 31 - Local Passenger vessel cleanliness under ~~(~~General~~)~~ Regulation
(e)	Para. 9 of Chapter V	Section 33 - Notice stating maximum number of passenger to be posted under ~~(~~General~~)~~ Regulation
(f)	Chapter VIII	Section 18 (2) (a) (viii) and (ix)– as regards ~~Collision~~ Merchant Shipping (Safety) (Signals of Distress and Prevention of Collisions) Regulations and Merchant Shipping (Safety) (Use of Signal of Distress)Regulation requirements (i.e. the regulation as referred in para 2.1(h) & (i) of Chapter I of this Code) under Survey Regulation

1.7 In order to satisfy the requirements specified in the ~~Merchant Shipping (Local Vessels) (Safety~~ Survey~~)~~ Regulation for the issuance of Certificate of Survey ~~or Certificate of Inspection~~ relevant to the class, type or category of the vessel, the safety standards given in the following chapters and annexes of this Code are to be complied with additionally where relevant and appropriate:-

Item No.	Chapter / Annex (Notes 1 ,2 & 3)	Section of Survey Regulation
(a)	Chapter I and II	Section 7 to 30 - "~~Certificate of inspection or~~Certificate of survey" - Ensuring the compliance ~~on~~ with plan approval, survey and ~~certification~~ testing for the issuance of ~~certificate of inspection or~~ certificate of survey
(b)	Chapter IIIA, IIIB, IV, V, X~~H~~ & ~~para. 3 of~~ XII	Section 31 - Construction and maintenance of local vessels
(c)	Chapter V	Section 68 to 74 - Carriage of Passengers and space not measured as passenger space
(d)	Chapter VII	Section 32 - Provision of life-saving appliances on board ~~of~~ the local vessels Schedule 3– Provision of life-saving appliances

(e)	Chapter VI and XII	Section 33 - Fire prevention ~~measures~~ and provision of fire-fighting apparatus on board the local vessels Schedule 4– Fire protection and provision of fire-fighting apparatus
(f)	Chapter VIII	Section 18 (2) (a) (viii) and (ix)– as regards Merchant Shipping (Safety) (Signals of Distress and Prevention of Collisions) Regulations and Merchant Shipping (Safety) (Use of Signal of Distress)Regulation requirements (i.e. the regulation as referred in para 2.1(h) & (i) of Chapter I of this Code) under Survey Regulation
(g)	Para. 4 of Chapter XII, Annex I-4	Section 80 - Radar
Note: (1) Relevant safety standards given in the Annexes of this Code are to be complied with additionally where relevant and appropriate in conjunction with the above . (2) For high speed craft, relevant safety standards given in Chapter XI of this Code are to be complied with where relevant and appropriate. (3) For vessel carrying dangerous goods, relevant safety standards given in Chapter X of this Code are to be complied with additionally where relevant and appropriate (refers to para. 1.13 of this Chapter) .		

1.8 In order to satisfy the requirements specified in the ~~Merchant Shipping (Local Vessels) (Safety and~~ Survey~~)~~ Regulation for the issuance of Survey Record of Safety Equipment (SRSE) relevant to the class, type, category or description of the vessel, the safety standards given in the following chapters and annexes of this Code are to be complied with additionally where relevant and appropriate:-

Item No.	Chapter/Annex (Note 1 & 2)	Section of Survey Regulation
(a)	Chapter I and II	Section 34 – application Section 36 – Survey leading to issue of survey record of safety equipment Section 37, 38 – Matters to be surveyed and declaration of survey Section 39, 40 – Issuance of ~~certificate~~ SRSE and validity
(b)	Chapter VII and XII	Schedule 3 – Provision of life-saving appliances
(c)	Chapter VI and XII	Schedule 4 – Fire protection and provision of fire-fighting apparatus
(d)	Chapter VIII	Section 18 (2) (a) (viii) and (ix)– as regards Merchant Shipping (Safety) (Signals of Distress and Prevention of Collisions) Regulations and Merchant Shipping (Safety) (Use of Signal of Distress)Regulation requirements (i.e. the regulation as referred in para 2.1(h) & (i) of Chapter I of this Code) under Survey Regulation
(e)	Para. 4 of Chapter XII, Annex I-4	Section – 80 Radar

Note : (1) For high speed craft, relevant safety standards given in Chapter XI of this Code are to be complied with where relevant and appropriate.
(2) For vessel carrying dangerous goods, relevant safety standards given in Chapter X of this Code are to be complied with additionally where relevant and appropriate (refers to para. 1.10 of this Chapter).

1.9 In order to satisfy the requirements specified in the ~~Merchant Shipping (Local Vessels) (Safety and~~ Survey~~)~~ Regulation for the issuance of Hong Kong Load Line Certificate (HKLL certificate) or Freeboard Assignment Certificate (FA certificate) relevant to the class, type, category or description of the vessel, the safety standards given in the following chapters of this Code are to be complied with additionally where relevant and appropriate:-

Item No.	Chapter/Annex	Section of Survey Regulation
(a)	Chapter I and II	Section 41 – application Section 43 – Survey leading to issue of ~~Hong Kong Load Line Certificate (~~HKLL certificate~~)~~ or ~~Freeboard Assignment Certificate (~~FA certificate~~)~~ Section 46 and 47 – Issue of HKLL certificate or FA certificate and validity
(b)	Chapter IIIA, IIIB, IV, V, Annex C, D and E	Section 44 and 45 – Matters to be surveyed and declaration of survey Schedule 5 – ~~Minimum~~ Freeboard assignment ~~for certain Class II vessels~~

1.10 In order to satisfy the requirements specified in the ~~Merchant Shipping (Local Vessels) (Safety and~~ Survey~~)~~ Regulation in conjunction with requirements in relevant provisions of the Dangerous Goods(Shipping) Regulations (Cap 295 sub. Leg.) for the issuance of Declaration of Fitness for carriage of Dangerous Goods (DoF) relevant to the class, type, category or description of the vessel, the safety standards given in the following chapters and annexes of this Code are to be complied with additionally where relevant and appropriate:-

Item No.	Chapter/Annex	Section of Survey Regulation
(a)	Chapter I and II	Section 7(b)(vi) – a declaration of fitness (approval of plans) Section 9 (c), (e), (i), (j), (k), (l) and (o) (approval of plans relevant to the structure, equipment, signal, flags and arrangement) Section 49 – application Section 51, 54 and 55 – Survey leading to issue of ~~declaration of fitness~~ DoF and validity
(b)	Chapter VI, X~~II~~	Section 52 and 53 – Matters to be surveyed and declaration of survey (relevant to the structure, equipment, signal, flags and arrangement)

1.11 In order to satisfy the requirements specified in Survey Regulation on tonnage measurement and calculation for the issuance of Survey Record of Tonnage Measurement relevant to the class, type, category or description of the vessel, the ~~safety~~ standards given in the following chapter ~~IX~~ of this Code ~~is~~ are to be complied with where relevant and appropriate:-

Item No.	Chapter/Annex	Section of Survey Regulation
(a)	Chapter IX	Section 9(1)(b) – tonnage measurements and calculations

1.12 In order to satisfy the requirements and conditions specified in the ~~Merchant Shipping (Local Vessels) (Safety and~~ Survey~~)~~ Regulation for the issuance of Certificate of Survey ~~or Certificate of Inspection Hong Kong Oil Pollution Prevention Certificate under~~ for the vessel in respect to the prevention of oil pollution ~~Merchant Shipping (Prevention of Oil Pollution) Regulations, Cap. 413 sub. leg., or Pollution Prevention Certificate for the carriage of Noxious Liquid Substances in Bulk under Merchant Shipping (Control of Pollution by Noxious Liquid Substance in Bulk) under Merchant Shipping, Cap. 413 Sub. leg.~~, the technical ~~safety~~ standards given in the following chapters and annexes of this Code are to be complied with additionally where relevant and appropriate:-

Item No.	Chapter (Note)	Section of Survey Regulation
(a)	Chapter I and II	Section ~~37~~ to 11 - ~~Certificate of inspection or~~ Certificate of survey
(b)	Para. 19 ~~and 20~~ of Chapter IIIA; or para. 14 of Chapter IIIB – relevant to the class, type, category or description of the vessel	Section 9(1)(n) – prevention and control of pollution Section 82 & Schedule 7 – local vessels required to comply with requirements of Merchant Shipping (Prevention of Oil Pollution) Regulations (Cap. 413 sub. leg. A)
Note: The Hong Kong Oil Pollution Prevention Certificate is required to be issued to vessels of gross tonnage as specified in Schedule 7 of Survey Regulation after confirming the compliance with Merchant Shipping (Prevention of Oil Pollution) Regulations, Cap. 413 sub. leg.		

1.13 In order to satisfy the requirements and conditions specified in the Survey Regulation for the issuance of Certificate of Survey ~~or Certificate of Inspection~~ for the vessel in respect to the control of pollution by noxious substances in bulk, the technical standards given in the following chapters and annexes of this Code are to be complied with additionally where relevant and appropriate:-

Item No.	Chapter (Note)	Section of Survey Regulation
(a)	Chapter I and II	Section 7 to 11 - ~~Certificate of inspection or~~ Certificate of survey

(b)	Para. 20 of Chapter IIIA – for the compliance of the requirements of the Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) Regulations Cap. 413 Sub. leg. relevant to the class, type, category or description of the vessel.	Section 9(1)(n) – prevention and control of pollution
Note: The Hong Kong Pollution Prevention Certificate for the carriage of Noxious Liquid Substances in Bulk is required to be issued to vessels over 400 gross tonnage after confirming the compliance with the Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) Cap 413 sub. leg.		

1.1~~3~~4 In order to satisfy the requirements and conditions specified in the ~~Merchant Shipping (Local Vessels) (Safety and~~ Survey~~)~~ Regulation for the issuance of Certificate of Survey or Certificate of Inspection for the vessel in respect to the prevention of air pollution ~~Hong Kong Air Pollution Prevention Certificate under Merchant Shipping (Prevention of Air Pollution) Regulation, Cap. 413 Sub leg.(Note 1),~~ the technical ~~safety~~ standards given in the following chapters and annexes of this Code are to be complied with additionally as appropriate:-

Item No.	Chapter/Annex	Section of Survey Regulation
(a)	Chapter I and II	Section 7 to 30 - Certificate of inspection or certificate of survey
(b)	~~Para. 7 and of~~ Annex I-10 - for the compliance of the requirements of Merchant Shipping (Prevention of Air Pollution) Regulation, Cap. 413 sub-leg.(Note 1) relevant to the class, type, category or description of the vessel.	Section 9(1)(n) – prevention and control of pollution

Note 1 : Subject to enactment and enforcement of Merchant Shipping (Prevention of Air Pollution) Regulations, Cap 413 Sub-leg., which is expected ready in 2007.

2 Statutory Legislation and Certificate etc.

2.1 This Code should be ~~read~~ applied in conjunction with the following statutory provisions and their amendments from time to time (if any) as appropriate:

(a) Merchant Shipping (Local Vessels) Ordinance, Cap. 548 (hereafter referred to as "the Ordinance")

(b) Merchant Shipping (Local Vessels) (General) Regulation, Cap. 548 sub. leg.

(c) Merchant Shipping (Local Vessels) (Certification and Licensing) Regulation, Cap. 548 sub. leg.

~~(d) Merchant Shipping (Local Vessels) (Works) Regulation, Cap. 548 sub. leg.~~

~~(e)~~(d) Merchant Shipping (Local Vessels) (Fees) Regulation, Cap. 548 sub. leg.

~~(f)~~ (e) Merchant Shipping (Local Vessels) (Safety and Survey) Regulation, Cap. 548 sub. leg. (hereafter to be referred as "~~safety~~ Survey Regulation")

(f) Merchant Shipping (Local Vessels) (Works) Regulation, Cap. 548 sub. leg.

(g) Merchant Shipping (Local Vessels)(Compulsory Third Party Risks Insurance) Regulation, Cap. 548 Sub. leg.

(h) Merchant Shipping (Safety) (Signals of Distress and Prevention of Collisions) Regulations, Cap. 369 sub. leg.

(i) Merchant Shipping (Safety) (Use of Signals of Distress) Regulations, Cap. 369 sub. leg.

~~(h)~~(j) Merchant Shipping (Prevention of Oil Pollution) Regulations, Cap. 413 sub. leg.

~~(i)~~(k) Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) Regulations, Cap. 413 sub. leg.

~~(j)~~ ~~Merchant Shipping (Local Vessels)(Compulsory Third Party Risks Insurance) Regulation, Cap. 548 Sub. leg.~~

~~(k)~~(l) Dangerous Goods Ordinance, Cap. 295

~~(l)~~(m) Dangerous Goods (Application and Exemption) Regulations, Cap. 295 sub. leg.

(~~m~~)(n) Dangerous Goods (General) Regulations, Cap. 295 sub. leg.

~~(n)~~(o) Dangerous Goods (Shipping) Regulations, Cap. 295 sub. leg.

(p) Merchant Shipping (Prevention of Air Pollution) Regulations, Cap. 413 sub. leg. [subject to enactment and enforcement date of relevant legislation]

2.2 Other standards

(1) The relevant requirements or guidelines promulgated by Marine Department, unless otherwise clearly specified are not mandatory.

(2) The vessel's strength, structure, arrangements, materials, scantlings, main and auxiliary machinery, boilers and pressure vessels, electrical installations, etc. should be so designed and installed as to ensure that the vessel is fit for the service for which it is intended. Apart from the requirements in this Code, present rules and standards of classification societies recognized by Marine Department or other equivalent standards should be used as assessment standards.

2.3 Statutory certificates or records

Upon satisfactory completion of statutory surveys or assessment, the following relevant statutory certificates or record document would be issued by Marine Department except those specified in paragraphs 2.5 and 2.7 :-

(1) Certificate of Survey ;

~~(2) Certificate of Inspection;~~

(2) Survey Record of Safety Equipment;

(3) Hong Kong Load Line Certificate or Freeboard Assignment Certificate;

(4) Survey Record of Tonnage Measurement ;

(5) Survey Record of Inspection for Cement Tank, Air Receiver, Material or ~~certain~~ Equipment ~~or Tests~~ etc.

(6) Exemption Certificate / Permit for alternative material, fitting or equipment

(7) Minimum Safe Manning document;

(8) International Tonnage Certificate;

(9) International Load Line Certificate;

(10) Hong Kong Oil Pollution Prevention Certificate;

(11) Hong Kong Air Pollution Prevention Certificate (Note);

(12) Hong Kong Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk;

(13) Declaration of Fitness for the Carriage of Dangerous Goods;

(14) Certification of Lifting Appliances and Lifting Gear.

Note : Subject to enactment and enforcement date of relevant legislation.

2.4 For the issuance of certificates or survey records of items 2.3(7) to (13) of the above, owners shall apply to Marine Department directly. For initial certificate, application must be enclosed with relevant application details or approval plans assessment.

2.5 For survey records of items 2.3~~(2)~~, (~~5~~4) and (~~6~~5), these records may also be issued by an authorized surveyor or authorized organization or recognized ~~government~~ authority.

2.6 The certificate of item 2.3(~~15~~ 14) which may shall be issued by a competent examiner in accordance with the requirements of the ~~"~~Merchant Shipping (Local Vessels)(Works) Regulation~~"~~.

2.7 The certificates of items 2.3(~~3~~2), (~~5~~4), (8) to (~~11~~ 13) of the above issued in accordance with the International Conventions by a recognized organization or recognized ~~government~~ authority or Administration under the Convention may be considered as equivalent and accepted by the Director.

2.8 ~~It is required to display~~ The Certificate of Survey ~~or Certificate of Inspection~~ and relevant remarks should be displayed in a conspicuous location onboard ~~and same remark should be indicated on the certificate~~.

3 Definitions

3.1 In this Code-

"approved", in relation to equipment, appliances, machinery, any other fittings or materials, means approved by the Director;

"authorised surveyor" means a person, or a person belonging to a class of persons, who is not a public officer, appointed by the Director under section 7(1) of the Ordinance to be a surveyor for the purposes of the Ordinance [1] and noticed in the Marine Department Notice from time to time;

"carrying xx passengers" means vessel's permissible number of passengers that can be carried through out the text of this Code."

"chemical carrier" means any vessel constructed or adapted and used for the carriage in bulk of any liquid product listed in chapter 17 of the IBC Code;

"certificate" means a Certificate of Survey, a Record of Safety Equipment, a Freeboard Assignment Certificate, a Hong Kong Load Line Certificate or a Declaration of Fitness for the Carriage of Dangerous Goods issued by the Director under the Survey Regulation; and a Hong Kong Oil Pollution Prevention Certificate, a Hong Kong Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk, ~~(HKAPP)~~ a Hong Kong Air Pollution Prevention Certificate [Note] issued under Merchant Shipping (Prevention and Control of Pollution) Ordinance, Cap. 413. ~~or a Declaration of Fitness for the Carriage of Dangerous Goods issued by the Director under the Merchant Shipping (Local Vessels) (Safety and Survey) Regulation~~;

Note : Subject to enactment and enforcement of Merchant Shipping (Prevention of Air Pollution) Regulations, Cap 413 Sub-leg., which is expected ready in 2007.

"Class I vessel" means any vessel, other than a Class IV vessel, which is permitted to carry more than 12 passengers;

"Class II vessel" means any vessel, other than a Class IV vessel, which is permitted to carry not more than 12 passengers;

"Class III vessel" means any vessel used exclusively for fishing and related purposes;

"Class IV vessel" means any vessel used exclusively for pleasure purposes, regardless of the number of passengers it is permitted to carry;

"classification societies" means the classification societies recognised by the Director under s.8 of Cap. 369, which are as follows:

---

[1] May include any person of the following classes, subject to formal conditions and authorization having been issued by the Director and such list of persons being published in the Marine Department Notice from time to time:

(i) Registered Professional Engineer (Marine and Naval Architecture);

(ii) classification societies;

(a) American Bureau of Shipping (ABS);
(b) Bureau Veritas (BV);
(c) China Classification Society (CCS);
(d) Det Norske Veritas (DNV);
(e) Germanischer Lloyd (GL);
(f) Korean Register of Shipping (KR);
(g) Lloyd's Register ~~of Shipping~~ (LR);
(h) Nippon Kaiji Kyokai(NK); and
(i) Registro Italiano Navale (RINA)

"Code" means this Code;

"coxswain" means the person having for the time being the charge or command of the vessel; but where there is no such person or the vessel is in the charge or command of a person under the age of 16, it means the person whose name appears in the vessel's Certificate of Ownership;

"crew" means the coxswain and any other person employed or engaged in any capacity on board a local vessel on the business of the vessel;

"dangerous goods" means -

(a) goods classified in the IMDG Code or any other IMO publication as dangerous for carriage by sea; and

(b) any other substance or goods the properties of which might be dangerous if such substance or goods were carried by sea,

and includes empty receptacles, and residues in empty tanks or cargo holds, which have been used previously for the carriage of dangerous goods, except where such receptacles, empty tanks or cargo holds have been –

(i) cleaned and dried;
(ii) gas freed or ventilated as appropriate; or
(iii) where the previous contents were radioactive substances, cleaned and adequately closed,

but shall not include goods forming part of the equipment or stores of the vessel in which goods or substances are carried;

"dangerous goods carrier" means a vessel, other than an oil carrier, certificated for the carriage of dangerous goods;

"Declaration" means Declaration of Survey;

"Director" means the Director of Marine;

"engine room" means a space of any vessel which contains propulsion machinery and/or generators;

"existing vessel" means a vessel which is not a new vessel;

"favourable weather" means weather, when the visibility is good and when the combined effects of wind, sea or swell, upon the ship under consideration are never greater than those which would cause moderate rolling or pitching, or result in the shipping of green seas on to the main deck (in the case of open boats, over the gunwale);

"ferry vessel" means a vessel operating a franchised service or a licensed service as defined in the Ferry Services Ordinance (Cap. 104);

"final inspection" means the last or final visit for the purpose of survey or inspection, usually carried out on safety equipment items and functional trials in an initial survey or a periodical survey for a vessel;

"gross tonnage", a measurement figure for a local vessel of which the details and calculation can be referred to Chapter IX of this Code;

"high risk vessel" means a Class I vessel, an Oil Carrier, a Dangerous Goods Carrier, a Noxious Liquid Substances Carrier or any Class II vessel intended for carrying cargoes of hazardous nature;

"HSC Code" means the International Code of Safety for High Speed Craft adopted by the Maritime Safety Committee (MSC) of the IMO by resolution MSC 36(63), as may be amended by the MSC from time to time;

"IBC Code" means the 1998 edition of the IMO International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, as may be amended by the IMO from time to time;

"IMDG Code" means the International Maritime Dangerous Goods Code, published by the IMO as amended from time to time by IMO;

"IMO" means the International Maritime Organization;

"initial survey" in connection with anyone of the certificates mentioned in s.7(1) of Survey Regulation means the survey (including its final inspection) to be completed for a new

vessel for the first issue of the concerned certificate;

"length" (長度) or the symbol "(L)", in relation to a local vessel, means the greater of the following –

(a) the distance between the foreside of the stem and the axis of the rudder stock;

(b) 96% of the distance between the foreside of the stem and the aftside of the stern, measured on a waterline at 85% of the least moulded depth,

except that –

(c) if the vessel has a rake of keel, the waterline on which the distance is measured shall be parallel to the designed waterline; and

(d) if the vessel is not fitted with a rudder stock, the length shall be determined in accordance with paragraph (b);

"low risk vessel" means a vessel of other than high risk vessel;

"main engine" means the propulsion engine(s) of vessel;

"moulded breadth" is measured at amidship and is the maximum breadth over the frames.

"moulded depth" in relation to a ship means the vertical distance measured from the top of the keel to the top of the freeboard deck beam at side.

Provided that –

(a) in the case of a wood or composite ship, it shall be measured from the lower edge of the keel rabbet;

(b) if the form at the lower part of the midship section of the ship is of a hollow character, or if thick garboards are fitted, it shall be measured from the point where the line of the flat of the bottom continued inwards cuts the side of the keel;

(c) in the case of a ship having rounded gunwales, it shall be measured to the point of intersection of the moulded lines of the deck and side shell plating, the lines extending as though the gunwale were of angular design;

(d) if the freeboard deck is stepped and the raised part of the deck extends over the point at which the moulded depth is to be determined, it shall be measured to a line of reference extending from the lower part of the deck along a line parallel to the raised part of the deck;

"new vessel" (新船隻) means –

(a) a local vessel –

(i) that has never been licensed under Part IV of the Shipping and Port Control Ordinance (Cap. 313) before the commencement date of the Survey Regulation; and

(ii) in respect of which an application for an operating licence is made for the first time on or after the commencement date of the Survey Regulation, but does not include a vessel the keel of which is laid, or which is at a similar stage of construction, within 12 months immediately before that date and is still under construction on that date;

(b) a local vessel that does not fall within paragraph (a) and undergoes, on or after the commencement date of the Survey Regulation, alteration –

(i) of –

(A) its length, breadth or depth as recorded in the certificate of ownership issued or endorsed under the Merchant Shipping (Local Vessels) (Certification and Licensing) Regulation;

(B) the output of its main propulsion engine so that –

(I) the output is increased by 10% or more than what is recorded in its certificate of inspection or certificate of survey; or

(II) particulars relating to the materials, scantlings or design of the propulsion shafting or stern tube, as shown in the plans approved under Part 3 of Survey Regulation, are no longer accurate; or

(C) its passenger capacity so that it increases from not more than 60 to more than 60, or from not more than 100 to more than 100; or

(ii) to an extent that it is no longer suitable –

(A) to remain certificated for the particular class or type that it is certificated for under the Merchant Shipping (Local Vessels) (Certification and Licensing) Regulation; or

(B) to be categorized as a Category A vessel or a Category B vessel;

"noxious liquid substance carrier" means a mechanized, or a non-mechanized vessel, constructed or adapted for the carriage in bulk of any substance listed in column (a) of the table in Chapter 17 and/or 18 of the IBC Code (being a substance falling into category A, B, C or D) and any other liquid substance which is provisionally listed or class-approved as a category A, B, C or D substance;

“oil carrier” means a motor tanker, or a dumb barge, constructed or adapted for the carriage in bulk of liquid cargoes of a flammable nature (including sludge oil);

“Ordinance” or “LVO” (《商船(本地船隻)條例》或《條例》) means the Merchant Shipping (Local Vessels) Ordinance (Cap 548).

“owner” , in relation to a local vessel, means-

(a) the person or persons named in the vessel's certificate of ownership as the owner of the vessel; or

(b) in the absence of such a certificate, the person or persons owning the vessel;

“passenger” means any person carried in a vessel other than -

(a) a member of the crew;

(b) a child under 1 year of age;

"periodical survey" in connection with anyone of the certificates mentioned in s.7(1) of Survey Regulation means the survey (including its final inspection) to be completed for an existing vessel for the renewal survey, annual endorsement survey or intermediate survey issue of the concerned certificate;

"Recognized Authority" (獲承認的當局) means a government authority recognized under section 7A of the Ordinance;

"river trade limits" means-

(a) the waters in the vicinity of Hong Kong within the following boundaries-
  (i) to the East, meridian 114° 30' East;
  (ii) to the South, parallel 22° 09' North; and
  (iii) to the West, meridian 113° 31' East; and

(b) all inland waterways in the province of Kwangtung and Kwangsi on the mainland of China to which access can be obtained by water from the area defined in paragraph (a).

"Survey Regulation" or "Survey Reg" (《檢驗規例》) means the Merchant Shipping (Local Vessels) (Safety and Survey) Regulation (Cap 548).

~~"transportation vessel" means a vessel licensed as a launch under the repealed Merchant Shipping (Launches and Ferry Vessels) Regulations, used for the carriage of not more than 12 passengers within the Hong Kong waters.~~

"waters of Hong Kong " means waters of Hong Kong within the meaning of Schedule 2 of the Interpretation and General Clauses Ordinance (Cap. 1).

10.2 Adequate ventilation should be provided in engine room. If only natural ventilation is provided, at least two cowl ventilators of adequate size should be fitted. One of the cowl vents should be led well down into the space to vent out the accumulated vapour in the lower part of the space. Ventilation trunk if passing through other compartments should be of watertight or gastight construction, as appropriate. The ventilator should be fitted with damper or other means of closing. The fire damper, if fitted, should be provided with indicator showing its open or close position.

10.3 If the vessel is constructed of wooden or GRP of non-oil resistant material, a suitable metal tray which can readily be cleaned should be fitted under the engine to protect the bilges against saturation by oil.

10.4 Two means of escape including suitable ladders and exits should be provided for the engine room. One of these means of escape may be waived with regard to the size and disposition of the space. If such means of escape is led to passenger space, it should be clear of any seating.

10.5 Every machinery spaces shall be at all times kept clean and free from unnecessary combustible materials and that waste oil is not allowed to accumulate in the bilges.

11 Nature of Fuel

Except otherwise permitted by the Director, marine fuel oil of flash point above 61^{o}C (closed cup test) should be used for engine.

12 Tanks

12.1 The arrangements for filling fuel tanks should be such that oil will not spill or overflow into any compartment of the vessel. Woodwork surrounding the deck filling mouth should be covered with metal piece. No loose can/barrel of fuel oil should be carried on board.

12.2 Fuel tanks should be substantially constructed of suitable material and securely fixed in position. The tanks and their connections should be tested by hydraulic pressure to a water head of 2.5 metres, or to the height of the overflow whichever is the higher.

12.3.1 The materials for water tank of water boats should be of steel, aluminum or glass reinforced fibre (GRP) subject to :

(a) the tanks are watertight;
(b) the tanks do not affect the stability, structure and safety of the vessel;
(c) the shell of water tank shall not be formed as any part of ship hull unless the ship hull is constructed of steel or aluminum;
(d) the physical construction and installation of the water tank, fittings and piping are up to the Director's satisfaction;
(e) the tank coating/paint used shall not cause any health and hygiene risk; and
(f) the requirements from other Department (if any) shall be fulfilled.

12.3.2 If water boat requires ballasting; detail information, drawing and calculation of the ballast

19 Installation for Prevention of Oil Pollution

19.1 In accordance with Schedule 7 of Survey Regulation, ~~V~~vessels to which the requirements of Merchant Shipping (Prevention of Oil Pollution) Regulations (Cap 413A) applicable ~~and relevant exemption notice apply are summarised~~ are reproduced in the following table:

Type of vessel	Category of vessel	A		B	
	Propulsion	Fitted with propulsion engine	Not fitted with propulsion engine	Fitted with propulsion engine	Not fitted with propulsion engine
		Gross tonnage	Gross tonnage	Gross tonnage	Gross tonnage
Class I vessel					
ferry vessel		≥80	-	-	-
floating restaurant		-	≥80	-	-
launch		≥80	-	-	-
multi-purposes vessel		≥80	-	-	-
primitive vessel (kaito)		≥80	-	≥400	-
Class II vessel					
dangerous goods carrier		≥80	-	≥400	-
dredger		≥80	-	-	-
dry cargo vessel		≥80	-	≥400	-
edible oil carrier		≥80	-	-	-
floating dock		-	≥80	-	-
floating workshop (including repair pontoon, welding barge)		≥80	≥80	≥80	≥80
noxious liquid substance carrier		≥80	-	-	-
oil carrier		of any tonnage	of any tonnage	-	-
pilot boat		≥80	-	≥400	-
special purpose vessel		≥80	-	-	-
transportation boat		≥80	-	-	-
transportation sampan		-	-	≥400	-
tug		≥80	-	-	-
water boat		≥80	-	≥400	-
work boat		≥80	≥80	≥80	≥80
Class III vessel					
fish carrier		≥80	-	≥400	-
fishing sampan		-	-	≥400	-

fishing vessel	≥80	-	≥400	-

19.2 The installation and documentation required on board, and information required to submit for approval are detailed in the following table:

Type of Vessel	Oil Carrier (incl. Sludge Oil Carrier)		Vessels other than Oil Carrier	
Gross Tonnage (GT)	GT<150	GT≥150	80≤ GT<400	GT≥400
Required Installation and Documentation	(c),(f)	(a),(b),(c), (d),(e)	(c),(f)	(a),(b), (c),(d), (e)
Information to be submitted	(i),(k), (l),(m)	(g),(h),(j), (k),(l),(m)	(i)	(g),(h), (j)

Legend

(a) An approved type oily water separator designed to produce effluent not more than 15 ppm of oil.

(b) Tank (sludge tank) for oil residue in engine room.

(c) Standard discharge connection.

(d) For oil carrier (including sludge oil carrier) ≥150 GRT or vessels other than oil carrier ≥400 GRT, Hong Kong Oil Pollution Prevention Certificate and Supplement issued/endorsed by the Director or International Oil Pollution Prevention Certificate and Supplement issued/endorsed by a classification society.

(e) Oil record book (Part I and Part II); Vessels other than oil carriers require Part I.

(f) Bilge water holding tank.

The minimum capacity (V) of the tank is to be determined by the following formula:

$$V = 0.9\,P + 50 \quad \text{litres}$$

where P = total horsepower of main engine(s), in kW.

The above formula is for an interval of discharge of 18 hours. For alternate intervals of discharge, the capacity should be adjusted accordingly.

(g) Installation plans for oily-water separator consist of:

(i) piping arrangements, and

(ii) wiring diagram of electrical installation.

(h) Sludge tank and discharge arrangement plans include:

(i) construction, size and location of sludge tank; and

(ii) piping diagram of sludge tank from machinery spaces to reception facility via standard discharge connection.

(i) Bilge water holding tank and discharge arrangement plans include:

(i) construction, size and location of bilge holding tank; and

(ii) piping diagram of bilge water holding tank from machinery spaces to reception facility via standard discharge connection.

(j) Shipboard oil pollution emergency plan (not required for sludge oil carriers).

(k) Cargo oil pump room bilge pumping arrangements.

(l) Brief description of scheme for cleaning cargo oil tanks.

(m) Damage stability calculations.

19.3 Vessels shall maintain a valid certificate relevant to prevention of oil pollution as required by Merchant Shipping (Prevention of Oil Pollution) Regulations (Cap 413 sub. leg A) for the intended purpose of the vessel.

19.4 Provisions for discharge prohibition for oil pollution prevention as stipulated in Cap 313, Cap 413 and Cap 548 are to be strictly obeyed for all local vessels, including those vessels not mandatory required to provide with the physical arrangements/equipment/document on board as indicated in paragraphs 19.1 and 19.2 above.

20 Pollution Prevention for Vessels carrying Noxious Liquid Substances in bulk

Every vessel carrying noxious liquid substance ~~in bulk~~, including unassessed liquid substances, in bulk shall comply with the relevant requirements of the Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) Regulations, Cap 413B and maintain a valid certificate as appropriate for the intended purpose of the vessel.

PART 4 ELECTRICAL INSTALLATION

21 Electrical Power Source

21.1 Nominal voltage of electrical system is recommended to be 380V for generation and power circuits, 220V for lighting and distribution circuits and 24V D.C. for low voltage circuits.

21.2 The hull return system should not be used for power or lighting.

21.3 An earthed distribution system should not be used on an oil carrier carrying petroleum

products or other types of vessel with flammable cargo.

21.4 Where electrical power constitutes the only means driving the lubrication oil pump and cooling water pump for the main engine, a main source of electrical power should be provided which should include at least two generating sets, one of which should be driven by internal combustion engine.

21.5 The vessel's emergency lighting, navigation lights for vessels of length exceeding 24 metres, fixed fire extinguishing system, fire detection and alarm system and public address system should be provided with emergency power supply of sufficient capacity.

21.6 Ventilation fans serving machinery or cargo spaces, engines' oil fuel pumps and other similar oil pumps should be capable to be stopped outside of the space where the appliance is situated.

21.7 Each navigation light should be connected separately to the distribution board served for this purpose.

<21.8 In every electric or electro-hydraulic power steering gear system on vessel:

(a) the steering gear should have two independent sets of supply cables connecting direct to main switchboard;

(b) the supply circuits of steering gear control system should be provided with short circuit protection only;

(c) the steering gear motors should have an overload alarm instead of overload.>

9.4.1 The materials for water tank of water boats should be of steel, aluminum or glass reinforced fibre (GRP) subject to:

(a) the tanks are watertight;
(b) the tanks do not affect the stability, structure and safety of the vessel;
(c) the shell of water tank shall not be formed as any part of ship hull unless the ship hull is constructed of steel or aluminum;
(d) the physical construction and installation of the water tank, fittings and piping are up to the Director's satisfaction;
(e) the tank coating/paint used shall not cause any health and hygiene risk; and
(f) the requirements from other Department (if any) shall be fulfilled.

9.4.2 If water boat requires ballasting, detail information, drawing and calculation of the ballast tank and ballast system shall be prior approved by the Director.

10 Pumping and Piping Arrangement

Ch.IIIA/Pt 3/13 refers.

11 Bilge Pumping Arrangement

A hand or electrical operated bilge pump of sufficient capacity should be fitted for pumping out water in the bilge. On dumb lighters, a portable type submerged pump is accepted for the purpose.

12 Compressed Air System

Ch.IIIA/Pt 3/15 refers.

13 Wheelhouse - Engine room Communication

Ch.IIIA/Pt 3/18 refers

Note: For the purpose of "combined coxswain" operation, any existing vessel of length less than 24m, total propulsion power not more than 750 kW (1,000 HP), and operating within waters of Hong Kong, fittings of a fixed fire detection (operated by smoke detectors) and fire alarm system for engine room can be waived, provided regular surveillance (such as through tale-tell pipe or transparent glass view-hole fittings etc.) can be exercised from outside engine room or control station by the coxswain or a crewmember.

14 Oil Pollution Prevention Installation

Ch.IIIA/Pt 3/19 refers.

PART 4 ELECTRICAL INSTALLATION

15 Electrical Installations

Ch.IIIA/Pt 4 refers.

Item 5

CHAPTER XII
SPECIAL REQUIREMENTS FOR VESSELS CARRYING DANGEROUS GOODS

PART 1 Hull Construction and Equipment

1 Hull Construction

1.1 < The hull should be constructed of metal >.

1.2 Cargo holds should be efficiently ventilated.

1.3 A means for effectively closing the engine room and other machinery spaces should be fitted so as to prevent a fire in that space from spreading.

1.4 No passenger is to be carried on board a vessel when it is engaged in carrying dangerous goods.

2 Windlass

2.1 Every vessel should be fitted with windlass of sufficient number, strength and power for recovering the cables and anchors.

3 Signals

3.1 A vessel on which explosives are being handled (carriage, loading and unloading, etc.) should -

(a) between sunrise and sunset, fly the international code signal "B" at the fore masthead; and

(b) between sunset and sunrise, exhibit an all-round red light at a height of not less than 6 metres above the uppermost deck, and such light shall be of such intensity as to be visible in clear atmosphere on a dark night at a distance of at least one nautical mile.

3.2 A vessel on which petroleum having a flash point of less than 61^{o}C (closed cup test) is being handled should -

(a) between sunrise and sunset, fly a red flag of not less than one metre square with a white circular centre 150 mm in diameter at the fore masthead and also fly the international code signal "S.U.7."; and

(b) between sunset and sunrise, exhibit an all-round red light at a height of not less than 6 metres above the uppermost deck, and such light shall be of such intensity as to be visible in clear atmosphere on a dark night at a distance of at least one nautical mile.

4 Notices

4.1 A vessel on which dangerous goods is being handled should prominently display at suitable locations onboard two of each of the following notices –

不准吸煙 No Smoking	不准明火 No Naked Lights

The Chinese characters and English letters should be at least 100 mm in height.

PART 2 Carriage of Dangerous Goods in Packaged Form or in Solid Form in Bulk

5 Regulatory Requirements

5.1 Unless otherwise specified elsewhere in this code, any vessel intended for the carriage of dangerous goods in packaged form or in solid form in bulk should -

(a) (i) in addition to complying with the fire protection requirements prescribed in Schedule 4 of the ~~safety~~ Survey Regulation, (ii) comply with the special requirements for ships carrying dangerous goods as stipulated in Part C, chapter II-2 of the SOLAS; and

(b) be in accordance with the requirements of the IMDG Code with regard to classification, identification, marking, labelling, placarding, packing, stowage, segregation, fire precautions and documentation.

6 Dumb Steel Lighters carrying Packaged Dangerous Goods in Freight Containers

6.1 Dumb steel lighters intended for the carriage of any class(es) of dangerous goods as shown in the following table may, instead of complying with the above para. 5 (i)(b), comply with the relevant requirements indicated in the following table. Dumb lighters which carry cargoes in open-hatch type cargo hold should meet the requirements of items A to G; flat top barges which carry cargoes on a complete weather deck should meet the requirements of items A, F and G. Notwithstanding meeting the safety construction requirements shown in the table, the carriage of such cargoes should comply with the control measures that embrace segregation, stowage and safe handling of dangerous goods as imposed from time to time by the Port Control Division of the Department.

Item 6

Chapter XII

VESSEL SAFE OPERATION AND OPERATOR REQUIREMENTS

1 General

Every Class I, II or III vessel that is fitted with propulsion engine should be controlled by the following appropriate complement when underway - z

(a) coxswain; and

(b) engine operator, except that specified in Schedule 3 of the Merchant Shipping (Local Vessels) (Certification and Licensing) Regulation (Cap. 548 sub. leg.).

2 Certificate Classes and Validity

2.1 Local certificates of competency issued before, and after commencement of the Merchant Shipping (Local Vessels) (Local Certificates of Competency) Rules, (Local Certificates of Competency Rules), ~~(MS(LV) (LC of C)Rules)~~ and its validity limitations are shown in the following table :

Certificates issued before the commencement of Local Certificates of Competency Rules ~~(MS(LV)(LC of C)Rules)~~	Certificates issued under Local Certificates of Competency Rules ~~(MS(LV)(LC of C)Rules)~~	Vessels Applicable
Local Certificate of Competency as Master of a vessel of 300 tons and under; Local Certificate of Competency as Trawling Master	Coxswain Grade 1	Up to and including 1600 gross ton
Local Certificate of Competency as Master of a vessel of 60 tons and under	Coxswain Grade 2	Up to and including 24 m length
Local Certificate of Competency as Master of a Fishing Vessel;	Coxswain Grade 3	Up to and including 15 m length
Local Certificate of Competency as Ferry engineer; Local Certificate of Competency as Engineer for a vessel with engine power over 150 BHP	Engine Operator Grade 1	Up to and including 3000 kW total propulsion power
	Engine Operator Grade 2	Up to and including 1500 kW total propulsion power
Local Certificate of Competency as engineer of a vessel with engine power up to 150 BHP; Local Certificate of Competency as Engineer of a Fishing Vessel	Engine Operator Grade 3	Up to and including 750 kW total propulsion power

Note : If vessel's gross tonnage is greater than 1600 or vessel's total propulsion power is greater than 3000kW, special consideration may be sought from the Director.

2.2 Local certificate of competency as master restricted to operate a craft of not more than 10 metres in length and fitted with either a petrol outboard engine of not more than 12 kW power or a diesel engine of not more than 38kW power within limits of permitted areas issued before the commencement of the Local Certificates of Competency Rules ~~(MS(LV)(LC of C)Rules)~~ shall, unless earlier suspended or cancelled-

(a) continue in force until the date of its expiry;

(b) valid for operation within the limits of the permitted areas as shown shaded on the map in Schedule 3 of the Local Certificates of Competency Rules ~~(MS(LV)(LC of C)Rules)~~; and

(c) subject to the conditions except the geographic operational limits as endorsed in the original certificate.

2.3 Local certificate of competency as master restricted to operate in typhoon shelters only issued before the commencement of the Local Certificates of Competency Rules ~~(MS(LV)(LC of C)Rules)~~ shall, unless earlier suspended or cancelled-

(a) continue in force until the date of its expiry;

(b) valid for operation in typhoon shelters only; and

(c) subject to the conditions as endorsed on the original certificate.

3 Vessel Permitted to be Operated by Combined Coxswain and Engine Operator

3.1 Except the types of vessels stated in 3.2 below, and subject to the condition stated in 3.3 below, vessels equipped for unattended machinery space operation as required in Ch.IIIA/Pt 3/18 when operating within Hong Kong waters may be operated under the command of a person who is a holder of both valid coxswain certificate and valid engine operator certificate (i.e. "combined coxswain").

3.2 The following types of mechanically propelled vessels while under way are not allowed to be controlled by only a combined coxswain:

(a) vessel permitted to carry more than 100 passengers

(b) oil carrier;

(c) dangerous goods carrier;

(d) noxious liquid substances carrier;

(e) tug;

(f) vessel of length exceeding 24 metres;

(g) vessel of total engine horsepower exceeding 1000 kW (1340 BHP);

(h) any other type of vessel as considered by the Director not suitable to be operated by only a combined coxswain.

3.3 On a vessel commanded by only a combined coxswain, there should be at least one crew member with common engineering knowledge on board to assist the combined coxswain while the vessel is underway.

3.4 Any fishing vessel equipped as required in Ch.IIIA/Pt 3/18 and of length not exceeding 24 metres and total propulsion power not exceeding 260 kW (350 BHP), may be controlled by only a combined coxswain.

4 Radar Operator

A ferry vessel operating a franchised service or a licensed service as it is defined in the Ferry Services Ordinance (Cap. 104) and plying outside the boundaries of the Victoria Port, is required to be fitted with a radar of approved type and to have on board, at all times when under way, a radar operator who has successfully completed a radar training course approved by the Director for the operation of the radar.

5 Reporting of Accidents

5.1 It is a statutory requirement for the owner or coxswain or agent of any local vessel to report accidents relating to collisions and fires etc. as required in Part XI of the Ordinance.

6 Observance of Safe Navigational Speed, Carrying Certificated Operators and Adequate Number of Crew

6.1 When any local vessel is under way, the coxswain should ensure the vessel is proceeding at a safe navigational speed, and diligently comply with the speed limits in the relevant operating areas and the relevant operational requirements as promulgated in Marine Department notices from time to time.

6.2 Any Class I, II or III vessel owner or coxswain of the vessel should observe any specified licensing conditions on vessel operator requirements, including those indicated in para. 18 of

Chapter IIIA, para. 13 of Chapter IIIB, Chapter XII and Annex U-4~~P~~ of this Code, in order to cope with operational needs including helping out emergency measures etc..

7 Third Party Risks Insurance Coverage

7.1 It is the obligation of the owner and agent of any local vessel to ensure compliance with the relevant requirements of the Merchant Shipping (Local Vessels) (Compulsory Third Party Risks Insurance) Regulation.

8 Duties Relating to Owner and Agent of any Class I, II and III Vessel

8.1 It is the responsibility of the owner and agent of any Class I, II or III vessel :-

(a) to ensure that the vessel is properly maintained, surveyed and certificated in accordance with the requirements of the Ordinance and regulations as mentioned in paragraph 2 above, in addition to this Code; and

(b) to ensure that the vessel is built and constructed with adequate strength and stability, adequacy in safety for machinery, electrical and in safety arrangement and equipment for vessel's intended purpose through statutory survey and certification.

8.2 It is the responsibility of the owner, agent and the coxswain of any Class I, II or III vessel to observe applicable duties as indicated in the Merchant Shipping (Local Vessels)(General) Regulation and Merchant Shipping (Local Vessels)(Certification and Licensing) Regulation, and in particular relating to restrictions imposed under section 6 and operators holding relevant certificates of competency etc. required on any Class I, II or III vessel specified under sections 46 to 50 of the latter Regulation. These are extracted in Annex ~~T-1~~V-2 and Annex ~~T-2~~V-3 for reference.

9 Operational Safety Requirements on Cleanliness

9.1 The owner of a local passenger vessel and his agent shall ensure that vessel is kept clean at all times as specified under s. 29 of general regulation.

9.2 The owner or master of a local passenger vessel should ensure the vessel is in a proper state of cleanliness and repair, its equipment and appliances to be maintained in good order and kept in readiness for immediate use.

Annex I-10
Implementation of the Requirements of Annex VI of MARPOL 73/78 to Locally Licensed Vessels

Annex VI of MARPOL 73/78 for the Prevention of Air Pollution from Ships together with the requirement for diesel engines with Engine International Air Pollution Prevention Certificate (EIAPP) ~~are both expected to come~~ came into force internationally on 19 May 2005. The following relevant requirements will be applied to all locally licensed vessels when the above Annex of the conventions are enforced.

2. The Requirements of Annex VI of MARPOL 73/78 contains wide-ranging regulations covering the following areas:

   (a) Prohibition of the use or release of ozone depleting substances - As per Regulation 12 of Annex VI, deliberate emission of ozone depleting substances including halons and chlorofluorocarbons (CFCs) will be prohibited. Also, new installations containing ozone-depleting substances will be prohibited on all ships. However, new installations containing hydro-chlorofluorocarbons (HCFCs) may be allowed until 1 January 2020.

   (b) Nitrogen oxide (NOx) emission from diesel engines as per Regulation 13 of Annex VI (refers to requirements of NOx emission limits in paragraph 5).

   (c) Sulphur oxide (SOx) emissions from ships - As per Regulation 14 of Annex VI, a global cap of 4.5% m/m on the sulphur content of fuel oil used on board ships together with limitation of sulphur oxide emissions from ship exhausts will be imposed.

   There will be designated "SOx Emission Control Areas" that may impose more stringent sulphur oxide emission controls. In these areas, the sulphur content of fuel oil used onboard ships must not exceed 1.5% m/m, unless the ship is fitted with an exhaust gas cleaning system (or by using other technological methods) to limit its SOx emission.

   (d) Volatile organic compounds (VOCs) emission from cargo tanks of oil tankers during loading may be subject to controls from Administration as per Regulation 15 of Annex VI. Should such control requirement is notified by an Administration to IMO, there is a three years grace period from the effective date.

   (e) Shipboard incineration of waste as per Regulation 16 of Annex VI.

   (f) Fuel oil quality - As per Regulation 18 of Annex VI, fuel oil quality that will be allowed to be used onboard ships requires that:

      (i) fuel oil used onboard ships for combustion purposes must comply with the quality standards required by Annex VI;

      (ii) all ships of 400 gross tonnage or above are to record details of the fuel oil used on board, by means of a bunker delivery note. The bunker delivery note must include the information given in Appendix VI of Annex VI; and the bunker delivery note must also contain a declaration signed and certified by the fuel oil supplier's representative to confirm that the fuel oil supplied is in conformity with Annex VI requirements. The bunker delivery note is to be

kept on board for ready inspections, and it should be kept for 3 years after the fuel oil has been delivered on board; and

(iii) a representative sample of the fuel oil delivered on board is required to accompany the bunker delivery note; which is to be sealed and signed by the supplier's representative as well as by the master or officer in charge of the bunker operation, and should be kept by the ship for a period of 12 months or until the fuel oil is consumed, whichever is of the latter.

Application MARPOL Annex VI requirements to Local Vessels

3. For local vessels, it has been decided that –

(a) as regards the requirement in paragraph 2(d), since the VOCs involved is very small in Hong Kong, it is not necessary to impose VOCs emission control to ships loading in Hong Kong at this stage;

(b) no incinerator is allowed to be installed onboard for the requirement mentioned in paragraph 2 (e); and

(c) for the requirements mentioned in paragraph 2 (f) such as fuel oil sampling device, keeping of bunker delivery notes and samples -

(i) for vessels of less than 400 gross tonnage ~~and non-self-propelled vessels which are~~

- if the vessel trading only in local waters is using only marine diesel fuel ~~of~~ (sulphur contents not more than 0.5% m/m), and solely supplied by ~~solely~~ local registered fuel oil suppliers(Note), keeping documentary evidence of bunker delivery notes onboard ready for inspection is suffice for the compliance of regulation 18 of the Annex. ~~These delivery notes should be kept for a period since last safety survey.~~
- For vessels other than the above, control measures on bunker delivery notes and fuel oil samples would be same as those specified in para (3)(c)(ii).

(ii) for vessels of 400 gross tonnage or above

- if the vessel is using fuel solely supplied by from registered fuel oil suppliers(Note), only bunker delivery notes are required to be maintained on board ready for inspection.
- oil samples in addition to bunker delivery notes are required for the vessel if the fuel oil is not supplied by the local registered fuel oil suppliers or registered fuel oil suppliers outside Hong Kong.

Note: Vessel operators may voluntarily keep fuel oil samples on board for a reasonable period in order to protect their interests in case of a dispute.

(d) Per para (3)(c)(ii), ~~All~~ bunker delivery notes should be retained for 3 years and fuel oil samples are to be kept ~~for 3 years and~~ 1 year or until the fuel oil has been subsequently consumed ~~respectively.~~; and they should be readily available for inspection.

4. The application control measures on air pollution prevention to vessels under Annex VI of MARPOL 73/78 applied to local vessels, which are operated in ~~non-international voyages~~ river trade limits or Hong Kong waters (non international voyages), are as follows:

(a) For self-propelled vessels of 400 gross tonnage and above

Surveys and inspections on these vessels should be in accordance with Regulation 5 of Annex VI. Upon satisfactory completion of the survey, a Hong Kong Air Pollution Prevention (HKAPP) Certificate is to be issued or endorsed as appropriate.

(b) For self-propelled vessels of less than 400 gross tonnage and non-self-propelled vessels of any tonnage

A Hong Kong Air Pollution Prevention Certificate (HKAPP Cert) is **not required.** However, an effective visual inspection will be carried out to ensure no unauthorized modifications or installation of equipment in compliance with Annex VI during the initial/annual/periodic safety survey of the vessel for the issuance of the Certificate of Survey or Certificate of Inspection (with inspection record) to indicate its compliance with MARPOL Annex VI.

Application of the NOx emission requirements to Local Vessels

5. The requirements relating to the control of Nitrogen oxide (NOx) emission from diesel engines fitted onboard vessels are prescribed under Reg. 13 of the Annex, of which the control NOx limits are summarized as follows:

	Rated Engine Speed (rpm) (n)	Maximum allowable NOx-emissions (g/kWh)
a.	$n<130$	17
b.	$130\leq n<2000$	$45n^{-0.2}$
c.	$n\geq2000$	9.8

6. Subsequent to 19 May 2005, all diesel engines of more than 130 kW power output installed on board a local vessel constructed / licensed or a vessel has undergone a major conversion as defined under Regulation 13(2) (a) of the Annex after that date must subject to NOx emission control. Shipowners and operators should ensure that these engines could meet the relevant requirements.

7. The NOx requirements for engine emission do not apply to emergency generator engines, lifeboat engines and any engine installation intended to be used solely for emergency purpose.

8. (a) A diesel engine of more than 130 kW power output installed on board a local vessel of 400 gross tonnage and above is required to be certified for full compliance with the provisions of Regulation 13 and the NOx Technical Code by an EIAPP certificate together with a Technical File containing record of information as stipulated in paragraph 2.4 of the Technical Code.

(b) A diesel engine more than 130 kW power output installed on board a local vessel of less than 400 gross tonnage, should be certified by an EIAPP certificate or a certificate (with similar format as EIAPP) issued by the engine maker or authorized surveyor or recognized organization showing that it is in compliance with Regulation 13 and the NOx Technical Code or similar standard acceptable to the Director.

9. When the local legislation (Cap 413 sub-leg) comes into force, the engines mentioned in paragraph 6 above will be inspected to confirm their compliance with the NOx requirements of the Annex. All engines are expected to be certified either by the engine manufacturers, authorized surveyors or recognized organizations, as appropriate, for its compliance with the relevant NOx requirements.

Periodic Inspection of Engines

10. The NOx Technical Code allows different on-board verification procedures. Owners may adopt one of the following procedures for periodic inspection:

    (a) engine parameter check method as per Code procedure 6.2 – on board inspections including verification of the engine parameters, critical components, settings and operating data against the engine certificate and Technical File; or

    (b) simplified measurement method – actual trial run and test run like the engine parent test in the test bed but in a simplified manner as described in the Code procedure 6.3 by verifying against the information in the engine certificate and Technical File, or similar procedures approved or accepted by the Director; or

    (c) direct measurement and monitoring method in accordance with paragraph 2.3.4, 2.3.5, 2.3.7, 2.3.8, 2.3.11, 2.4.4, and 5.5 of the Code.

11. All diesel engines of more than 130 kW power output will be periodically inspected during the safety certification survey of a local vessel to ensure that they are in compliance with the relevant NOx emission criteria.

~~11. The above requirements for engine emission do not apply to emergency generator engines, lifeboat engines and any engine installation intended to be used solely for emergency purpose.~~

Implementation schedules

12. The implementation schedules of the relevant Annex VI requirement as indicated in above paragraph 2 and the application measures in paragraph 4 are as follows (see remarks):

    (a) vessels constructed / licensed on or after 19 May 2005 shall comply.

    (b) vessels constructed/ licensed before 19 May 2005 are required to comply no later than their first scheduled docking after 19 May 2005, but in no case later than three years, i.e. 19 May 2008, whichever is earlier.

    (c) vessels installed with diesel engines as mentioned in the above paragraph 6 are required to comply on or after 19 May 2005.

Remarks : (1) The aforementioned requirements will be finalized in the relevant legislation in consultation with relevant Policy Bureaux and Department of Justice.

(2) When the local legislation on Annex VI requirement comes into force, which is expected to be in 2007, all local vessels will be mandatory inspected to ensure its compliance. Before that commencement date, owners of local vessels are urged for voluntary compliance of the Annex for the issue of a Certificate of Compliance (with inspection records) or Record of Inspection as appropriate.