

Shipping 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, amendments or repeal to 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, it is the obligation for flag Administration to update local legislations to give effect to the latest IMO requirements.

Existing legislations and Proposed Legislative Amendments

3. 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 individual Convention:

Convention/Code	Subsidiary legislations of Cap.369	Remarks	Annex
SOLAS Chapter V	Merchant Shipping (Safety) (Navigational Equipment and Safety of Navigation) Regulation (Cap.369[.])	to make a <u>new</u> subsidiary legislation	Annex 1
	Merchant Shipping (Safety) (Use of Signals of Distress) Regulations (Cap.369 O);	to <u>amend</u> the existing regulations	
	Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built Before 1 September 1984) Regulations (Cap.369 R);		
	Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations (Cap.369 S);		
	Merchant Shipping (Safety) (Passenger Ship Construction) (Ships Built Before 1 September 1984) Regulations (Cap.369AL);		
	Merchant Shipping (Safety) (Passenger Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations (Cap.369AM)		
	Merchant Shipping (Safety) (Automatic	<u>to repeal</u>	

Convention/Code	Subsidiary legislations of Cap.369	Remarks	Annex
	<p>Pilot and Testing of Steering Gear) Regulations (Cap. 369 L);</p> <p>Merchant Shipping (Safety) (Carriage of Nautical Publications) Regulations (Cap. 369 M);</p> <p>Merchant Shipping (Safety) (Navigational Equipment) Regulations (Cap. 369 AJ);</p> <p>Merchant Shipping (Safety) (Navigational Warnings) Regulations (Cap. 369 AK);</p> <p>Merchant Shipping (Safety) (Minimum Safe Manning Certificate) Regulation (Cap. 369 AS);</p> <p>Merchant Shipping (Safety) (Arrangements for Embarkation and Disembarkation of Pilots) Regulation (Cap. 369 AU)</p>		
SOLAS Chapter VI and XII	Merchant Shipping (Safety) (Carriage of Cargoes) Regulation (Cap.369AV)	to <u>amend</u> the existing regulation	Annex 2
COLREG 1972	Merchant Shipping (Safety) (Signals of Distress and Prevention of Collisions) Regulation (Cap.369N)	to <u>amend</u> the existing regulation	Annex 3
International Convention on Load Lines, 1966, as modified by the 1988 Protocol relating thereto, as amended	<p>Merchant Shipping (Safety) (Load Line) Regulations, Cap.369AD</p> <p>Merchant Shipping (Safety) (Load Lines) (Deck Cargo) Regulations, Cap.369AE</p> <p>Merchant Shipping (Safety) (Load Lines) (Length of Ship) Regulations, Cap.369AF</p>	to <u>amend</u> the existing regulations or to <u>repeal</u> the existing three regulations to make a new stand-alone subsidiary legislation for load lines (subject to the legal advice)	Annex 4
SOLAS Chapter X - International Code of Safety for High-Speed Craft, 2000	Merchant Shipping (Safety) (High Speed Craft) Regulations, Cap.369AW	to <u>amend</u> the existing regulation	Annex 5

4. It is anticipated that the proposed new, amendments or repeal will have no impact on the operation of ocean going vessels (OGV) because they are subject to the same safety requirements in other parts of the world and all Hong Kong registered OGV are being certificated by Recognized Organizations (ROs) in accordance with the applicable convention requirements.

Consultation

5. Members' comments, if any, are sought on our proposal to implement the updated international conventions in Hong Kong by making new, amending or repealing respective Merchant Shipping (Safety) regulations so as to give effect to relevant and latest IMO requirements.

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Multi-lateral Policy Division

**New Merchant Shipping (Safety) (Navigational Equipment and Safety of Navigation)
Regulation (Cap.369[..]) and Amending**

- **Merchant Shipping (Safety) (Use of Signals of Distress) Regulations (Cap.369 O)**
- **Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built Before 1 September 1984) Regulations (Cap.369 R)**
- **Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations (Cap.369 S)**
- **Merchant Shipping (Safety) (Passenger Ship Construction) (Ships Built Before 1 September 1984) Regulations (Cap.369AL)**
- **Merchant Shipping (Safety) (Passenger Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations (Cap.369AM)**

Updated in accordance to the relevant revisions of SOLAS Chapter V requirements

Amendments	Adopted		Effective Date	Regulations in Chapter V
	by	on		
2000	Res.MSC.99(73)	05 Dec 2000	01 Jul 2002	Revised completely
2002	Res.MSC.123(75)	24 May 2002	01 Jan 2004	21
2002	SOLAS/CONF.5/3 2	12 Dec 2002	01 Jul 2004	19
2003	Res.MSC.142(77)	05 Jun 2003	01 Jul 2006	2 22 28
2004	Res.MSC.153(78)	20 May 2004	01 Jul 2006	2 33 34 34-1(new)
2004	Res.MSC.170(79)	09 Dec 2004	01 Jul 2006	19 20
2006	Res.MSC.201(81)	18 May 2006	01 Jul 2010	22
2006	Res.MSC.202(81)	19 May 2006	01 Jan 2008	2 19-1(New)
2009	Res.MSC.282(86)	05 Jun 2009	01 Jan 2011	19
2010	Res.MSC.308(88)	03 Dec 2010	01 Jul 2012	18 23
2012	Res.MSC.325(90)	24 May 2012	01 Jan 2014	14
2013	Res.MSC.350(92)	21 Jun 2013	01 Jan 2015	19

**Merchant Shipping (Safety) (Carriage of Cargoes) Regulation (Cap.369AV) Updated in
accordance to the relevant revisions of
SOLAS Chapters VI and XII retirements**

1. Revisions made for SOLAS Chapter VI:

Amendments	Adopted		Effective Date	Regulations in Chapter VI
	by	on		
1998	Res.MSC.69(69)	20 May 1998	01 Jul 2002	5.6
2002	Res.MSC.123(75)	24 May 2002	01 Jan 2004	2, 5, 6
2005	Res.MSC.194(80), Annex 2	20 May 2005	01 Jan 2009	7
2007	Res.MSC.239(83)	12 Oct 2007	01 Jul 2009	5-1(new)
2008	Res.MSC.269(85), Annex 2	04 Dec 2008	01 Jan 2011	1-1, 1-2 (New)
				2
				3
				6
				7
2009	Res.MSC.282(86)	05 Jun 2009	01 Jan 2011	1
				5-1
2012	Res.MSC.325(90)	24 May 2012	01 Jan 2014	5-2 (New)
2014	Pending	Nov 2014 (expected)	01 Jul 2016 (expected)	2.4 - 2.6 (New)*

* Adding new requirements on verifying the gross mass of containers prior loading on board ships

2. In 1997, a new Chapter XII, “Additional safety measures for bulk carries” was added into the SOLAS Convention by the SOLAS Conference. This newly added chapter contains, inter alia, certain requirements related to carriage of cargoes in addition to those stipulated in Chapter VI, which need to be included in the amended Cap.369AV. Detailed as following:

- (a) Regulation 8: Information on compliance with requirements for bulk carriers;
- (b) Regulation 10: Solid bulk cargo density declaration;
- (c) Regulation 11: Loading instrument; and
- (d) Regulation 14: Restrictions for sailing with any hold empty.

**Merchant Shipping (Safety) (Signals of Distress and Prevention of Collisions) Regulation
(Cap.369N)**

Updated in accordance to the relevant revisions of COLREG 1972

Amendments	Adopted		Effective Date	Regulations in COLREG
	by	on		
2001	Res.A.910(22)	29 Nov 2001	29 Nov 2003	Rule 3(a), (m) Rule 8(a) Rule 18(f) Rule 23(c) Rule 31 Rule 33(a) Rule 35(i) Annex I/sec.13 Annex III: - sec.1-Whistles para. (a), (c), - sec. 2-Bell or gong para. (b).
2007	Res.A.1004(25)	29 Nov 2007	01 Dec 2009	Annex IV
2013	Res.A.1085(28)	10 Dec 2013	01 Jan 2016	Rules 39 - 41 (new)*

* The 2013 Amendments added a new part into COLREGs 1972. However, the rules introduced in this new part exclusively regulate the contracting parties and do not set any new requirements relating to signals of distress or prevention of collisions. So, these new regulations will not be added to the Schedule of Cap.369N.

Amendments to
Merchant Shipping (Safety) (Load Line) Regulations, Cap.369AD
Merchant Shipping (Safety) (Load Lines) (Deck Cargo) Regulations, Cap.369AE
Merchant Shipping (Safety) (Load Lines) (Length of Ship) Regulations, Cap.369AF

ILLC/ Amendments	Adopted		Effective date	Amendments to the Convention
	by	date		
ILLC 1966	Conference	5 Apr 1966	21 Jul 1968	
1988 Protocol to ILLC 1966	Conference	11 Nov 1988	3 Feb 2000	Articles to ILLC 1966:- 2, 3, 4, 5, 12, 13, 14, 16, 17, 18, 19, 21
				Annex I :- Regs. 1, 2, 3, 5, 9, 10, 15, 22, 23, 24, 27, 37, 38, 40, 44, 45, 46, 47, 48, 49
				Annex III:- Certificate
2003 Amendments to 1988 Protocol to ILLC 1966	Res.MSC.143(77)	5 Jun 2003	1 Jan 2005	Annex I :- Regs. 1 to 45 (Completely revised)
				Annex II :- Reg. 49
2004 Amendments to 1988 Protocol to ILLC 1966	Res.MSC.172(79)	9 Dec 2004	1 Jul 2006	Annex III:- Certificate
2006 Amendments to 1988 Protocol to ILLC 1966	Res.MSC.223(82)	8 Dec 2006	1 Jul 2008	Annex I :- Regs. 22, 39
2008 Amendments to 1988 Protocol to ILLC 1966	Res.MSC.270(85)	4 Dec 2008	1 Jul 2010	Annex II :- Regs. 1, 3

ILLC/ Amendments	Adopted		Effective date	Amendments to the Convention
	by	date		
2012 Amendments to 1988 Protocol to ILLC 1966	Res.MSC.329(90) <i>(Corrigendum MSC 90/28/Add.1 /Rev.1/Corr.1)</i>	24 May 2012	1 Jan 2014	Annex II :- Reg. 47
	Res.MSC.345(91)	30 Nov 2012	1 Jul 2014	Annex II :- Reg. 27
2013 Amendments to 1988 Protocol to ILLC 1966	Res.MSC.356(92)	21 Jun 2013	1 Jan 2015	Annex II :- Reg. 2-1

**Amendments to Merchant Shipping (Safety) (High Speed Craft) Regulations, Cap.369AW
HSC Code, 2000 (International Code of Safety for High-Speed Craft, 2000)**

HSC Code/ Amendments	Adopted		Effective date	Amendments to the Code
	by	date		
HSC Code	Res.MSC.97(73)	5 Dec 2000	1 Jul 2002	
2004 Amendments	Res.MSC.175(79)	10 Dec 2004	1 Jul 2006	Ch.2 - 2.2.1 Annex 1 – HSC Safety Certificate
2006 Amendments	Res.MSC.222(82)	8 Dec 2006	1 Jul 2008	Ch.1 – 1.2.2 (new)
				1.3
				1.4.32 (new)
				1.8
				1.9
				1.15
				Ch.2 – 2.1
				2.2
				2.3
				2.4
				2.6
				2.6.8 (new)
				2.7
				2.7.2 (new)
				2.10.1.7 to 2.10.1.10 (new)
				2.12.3 (new)
				Ch.4 – 4.3
				4.4
				4.6
				4.7
				4.7.14 (new)
				4.8
				4.8.10 (new)
Ch.6 – 6.1.4 (new)				
Ch.7 – 7.3				
7.3.2 (new)				
7.3.4 to 7.3.6 (new)				
7.4				

HSC Code/ Amendments	Adopted		Effective date	Amendments to the Code
	by	date		
				7.4.1.4 (new)
				7.4.3.5 (new)
				7.4.4.2 (new)
				7.5
				7.6
				7.7
				7.8
				7.8.1.2 (new)
				7.8.6.2 (new)
				7.10
				7.11
				7.13
				7.17
				7.17.3.1.5 (new)
				7.17.3.1.6 (new)
				Ch.8 – 8.7
				8.9
				Ch.10 – 10.2
				Ch.11 – 11.3
				11.4
				Ch.13 – 13.8.2
				Ch.14 – 14.15
				Ch.18 – 18.1
				Annex 1 – Record of Equipment
				(section 3 item 16 (new),
				section 4 item 7 (new))
				Annex 6 – chapeau para.
				Annex 7 – 1.4
				1.5
				2.3
				Annex 8 – 1.1
				2.1
				Annex 9 – 2.1
				3.2
				3.3

HSC Code/ Amendments	Adopted		Effective date	Amendments to the Code
	by	date		
				Annex 10 – title
				3.4
				3.6
				3.9
				Annex 12 (new)
2008 Amendments	Res.MSC.260(84)	16 May 2008	1 Jan 2010	Ch.8 – 8.2.1.2
				Ch.14 – 14.7.1.3
	Res.MSC.271(85)	4 Dec 2008	1 Jan 2011	Ch.7- 7.17.1
				note 1 to table 7.17 – 1
				table 7.17-3
2012 Amendments	Res.MSC.326(90)	24 May 2012	1 Jan 2014	Ch.14 – 14.15.10
2013 Amendments	Res.MSC.352(92)	21 Jun 2013	1 Jan 2015	Ch.18 - 18.5.4 (new)
				18.5.8
				18.5.12 (new)