

L.N. 187 of 2016

Merchant Shipping (Local Vessels) (Safety and Survey)
(Amendment) Regulation 2016

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Merchant Shipping (Local Vessels) (Safety and Survey) (Amendment) Regulation 2016

(Made by the Secretary for Transport and Housing under section 89 of the Merchant Shipping (Local Vessels) Ordinance (Cap. 548))

1. Commencement

- (1) Subject to subsections (2), (3) and (4), this Regulation comes into operation on 1 April 2017.
- (2) Section 6 comes into operation on 1 December 2017.
- (3) Section 7, in so far as it relates to the new section 80A(2), comes into operation on 1 March 2018.
- (4) The following provisions come into operation on a day to be appointed by the Secretary for Transport and Housing by notice published in the Gazette—
 - (a) section 3, in so far as it relates to the new section 18(2)(a)(vib);
 - (b) section 5, in so far as it relates to the definition of *VHF* in the new section 78A;
 - (c) section 7, in so far as it relates to the new section 80B;
 - (d) section 9(1) and (2).

2. Merchant Shipping (Local Vessels) (Safety and Survey) Regulation amended

The Merchant Shipping (Local Vessels) (Safety and Survey) Regulation (Cap. 548 sub. leg. G) is amended as set out in sections 3 to 10.

3. Section 18 amended (matters to be surveyed under Part 4)

After section 18(2)(a)(vi)—

Add

“(via) section 80A;
(vib) section 80B;”.

4. Part 11 heading amended (specific requirements relating to plying limits, radars and engines)

Part 11, heading—

Repeal

“RADARS AND ENGINES”

Substitute

“RADARS, ENGINES AND OTHER EQUIPMENT”.

5. Section 78A added

Part 11, before section 79—

Add

“78A. Interpretation of Part 11

In this Part—

typhoon shelter (避風塘) has the meaning given by section 2 of the Merchant Shipping (Local Vessels) (Typhoon Shelters) Regulation (Cap. 548 sub. leg. E);

VHF (甚高頻) means very high frequency.”.

6. Section 80 amended (radar)

After section 80(1)—

Add

- “(1A) This section also applies to a Class I vessel that is licensed to carry more than 100 passengers except—
- (a) a floating restaurant;
 - (b) a stationary vessel;
 - (c) a vessel the operating licence of which restricts the vessel to plying within a typhoon shelter; or
 - (d) a vessel—
 - (i) that is in use on or is reserved for a franchised service or a licensed service as defined in the Ferry Services Ordinance (Cap. 104);
 - (ii) that is subject to the maximum permitted speed specified in Schedule 2 to the Merchant Shipping (Local Vessels) (General) Regulation (Cap. 548 sub. leg. F); and
 - (iii) the operating licence of which restricts the vessel to plying within the boundaries of the Victoria port.”.

7. Sections 80A and 80B added

After section 80—

Add

“80A. Automatic identification system

- (1) This section applies to a Class I vessel that is licensed to carry more than 100 passengers except—
- (a) a floating restaurant;
 - (b) a stationary vessel; or

Section 7

- (c) a vessel the operating licence of which restricts the vessel to plying within a typhoon shelter.
- (2) This section also applies to a Class II vessel that is—
 - (a) a dangerous goods carrier;
 - (b) a noxious liquid substance carrier;
 - (c) an oil carrier; or
 - (d) a vessel of 300 gross tonnage or above fitted with a propulsion engine.
- (3) A vessel must be fitted with an automatic identification system.
- (4) The following information must be stored and maintained in the automatic identification system—
 - (a) the Maritime Mobile Service Identity number of the vessel;
 - (b) the name of the vessel as specified in its certificate of ownership; and
 - (c) the identifier number of the vessel.
- (5) If subsection (3) or (4) is contravened, each person specified in subsection (6) commits an offence if the person has no reasonable excuse for the contravention.
- (6) The persons are—
 - (a) the owner of the vessel;
 - (b) the owner's agent; and
 - (c) the coxswain of the vessel.
- (7) A person who commits an offence under subsection (5) is liable on conviction to a fine at level 3.
- (8) In this section—

automatic identification system (自動識別系統) means a system that—

- (a) meets the relevant requirements in Annex 2 to the ITU recommendation; and
- (b) is capable of—
 - (i) providing the specified information automatically to appropriately equipped shore stations, other vessels and aircraft;
 - (ii) receiving the specified information automatically from other vessels fitted with the system;
 - (iii) monitoring and tracking other vessels fitted with the system; and
 - (iv) exchanging data with shore-based facilities;

certificate of ownership (擁有權證明書) has the meaning given by section 2(1) of the Merchant Shipping (Local Vessels) (Certification and Licensing) Regulation (Cap. 548 sub. leg. D);

identifier number (標識符編號), in relation to a vessel, means the identifier number describing the type of the vessel according to the table entitled “Identifiers to be used by ships to report their type” in the ITU recommendation;

ITU recommendation (《國際電信聯盟建議書》) means the Recommendation ITU-R M.1371 “Technical characteristics for an automatic identification system using time division multiple access in the VHF maritime mobile frequency band” approved by the International Telecommunication Union, as amended from time to time;

Maritime Mobile Service Identity number (MMSI編號), in relation to a vessel, means the maritime mobile service identity number specified in the licence of the vessel granted by the Communications Authority under the Telecommunications Ordinance (Cap. 106), for the use of the automatic identification system fitted on the vessel;

specified information (指明資料), in relation to a vessel, includes the identity, type, position, course, speed, navigational status and other safety related information of the vessel.

80B. Radiotelephone equipment

- (1) This section applies to a Class I vessel that is licensed to carry more than 12 passengers except—
 - (a) a floating restaurant;
 - (b) a stationary vessel;
 - (c) a vessel to which Part 9 of the Merchant Shipping (Local Vessels) (General) Regulation (Cap. 548 sub. leg. F) applies; or
 - (d) a vessel the operating licence of which restricts the vessel to plying within a typhoon shelter.
- (2) A vessel must have on board radiotelephone equipment for VHF radiotelephone communication that is capable of operation on specified VHF channels.
- (3) The radiotelephone equipment must be available for operation from the navigational bridge of a vessel, or if there is no navigational bridge on the vessel, from its steering position.

- (4) If subsection (2) or (3) is contravened, each person specified in subsection (5) commits an offence if the person has no reasonable excuse for the contravention.
- (5) The persons are—
 - (a) the owner of the vessel;
 - (b) the owner's agent; and
 - (c) the coxswain of the vessel.
- (6) A person who commits an offence under subsection (4) is liable on conviction to a fine at level 3.
- (7) In this section—

Radio Regulations (《無線電規則》) means the Radio Regulations annexed to the Constitution and Convention of the International Telecommunication Union in force at the relevant time;

specified VHF channel (指明甚高頻頻道), in relation to VHF radiotelephone communication, means a radiotelephone channel in the VHF band provided for in the Radio Regulations and specified in column 1 of the First Schedule to the Shipping and Port Control Regulations (Cap. 313 sub. leg. A);

steering position (操舵位置) means the position from which the vessel is steered.”.

8. Section 81 amended (restriction on use of certain engines)

Section 81(1)—

Repeal

“not exceeding 61°C”

Substitute

“of less than 60°C”.

Section 9

9. Schedule 3 amended (provision of life-saving appliances)

(1) Schedule 3, Part 2, Table 1—

Repeal

“VHF (very high frequency) radio installation ⁽⁵⁾	1	”.
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(2) Schedule 3, Part 2, Table 1—

Repeal Note (5).

(3) Schedule 3, Part 2, Table 4—

Repeal

“61°C”

Substitute

“60°C”.

10. Schedule 4 amended (fire protection and provision of fire-fighting apparatus)

(1) Schedule 4, Part 1, section 2(1)(a), before “such”—

Add

“unless otherwise specified in this Schedule,”.

(2) Schedule 4, Part 2, Table 6, Note (2)—

Repeal

“61°C”

Substitute

“60°C”.

Merchant Shipping (Local Vessels) (Safety and Survey) (Amendment) Regulation
2016

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Anthony B. L. CHEUNG
Secretary for Transport and
Housing

7 December 2016

Explanatory Note

This Regulation amends the Merchant Shipping (Local Vessels) (Safety and Survey) Regulation (Cap. 548 sub. leg. G)—

- (a) to require certain vessels to have an automatic identification system, radar or radiotelephone equipment fitted on board; and
- (b) to revise the minimum flash point for fuel oil to be used on the engines of certain vessels and to revise the flash point for cargoes carried on board certain vessels to tally with the relevant international standards.