

LEGISLATIVE COUNCIL BRIEF

Merchant Shipping (Safety) (Passenger Ship Construction) (Ships Built Before 1 September 1984) (Amendment) (No. 2) Regulation 2018 (Amendment) Regulation 2019

INTRODUCTION

Pursuant to sections 94 and 107 of the Merchant Shipping (Safety) Ordinance (Cap. 369), the Secretary for Transport and Housing (“STH”) has made the Merchant Shipping (Safety) (Passenger Ship Construction) (Ships Built Before 1 September 1984) (Amendment) (No. 2) Regulation 2018 (Amendment) Regulation 2019 (“the 2019 Amendment Regulation”), at **Annex**, to impose an offence on non-Hong Kong-registered passenger ships that contravene the structural strength requirement as stipulated in the Merchant Shipping (Safety) (Passenger Ship Construction) (Ships Built Before 1 September 1984) Regulations (Cap. 369AL) (“the Regulations”).

LEGISLATIVE PROPOSAL

2. The Regulations set out the construction requirements of passenger ships built before 1 September 1984, under which regulation 4 stipulates that the structural strength of a ship must be sufficient for the type of service it is intended for. A contravention of regulation 4 should be an offence for all passenger ships irrespective of whether they are Hong Kong-registered or non-Hong Kong-registered passenger ships.

3. To implement the latest requirements on ship construction as set out in the International Convention for the Safety of Life at Sea (“SOLAS”) of the International Maritime Organization (“IMO”), STH has made, among others, the Merchant Shipping (Safety) (Passenger Ship Construction) (Ships Built Before 1 September 1984) (Amendment) (No. 2) Regulation 2018 (“the 2018 Amendment Regulation”). It has been noted that in the 2018 Amendment Regulation, a contravention of regulation 4 by non-Hong Kong-registered passenger ships would not result in an offence. As regulation 4 is intended to be applied to both Hong Kong-registered and non-Hong Kong-registered passenger ships, STH has made the 2019 Amendment

Regulation to impose an offence on non-Hong Kong-registered passenger ships. The 2019 Amendment Regulation would come into operation before the commencement of the 2018 Amendment Regulation, which is on 1 March 2019.

LEGISLATIVE TIMETABLE

4. The 2019 Amendment Regulation will be published in the Gazette on 4 January 2019 and introduced into the Legislative Council on 9 January 2019 for negative vetting.

ENQUIRIES

5. Any enquiries on this brief can be addressed to Ms Louisa Yan, Principal Assistant Secretary for Transport and Housing (Transport) (Tel: 3509 8162), or Mr Choi Chi Chuen, Assistant Director (Multi-lateral Policy), Marine Department (Tel: 2852 4408).

**Transport and Housing Bureau
January 2019**

Merchant Shipping (Safety) (Passenger Ship Construction) (Ships Built Before 1 September 1984) (Amendment) (No. 2) Regulation 2018 (Amendment) Regulation 2019

Section 1

1

Merchant Shipping (Safety) (Passenger Ship Construction) (Ships Built Before 1 September 1984) (Amendment) (No. 2) Regulation 2018 (Amendment) Regulation 2019

(Made by the Secretary for Transport and Housing under sections 94 and 107 of the Merchant Shipping (Safety) Ordinance (Cap. 369))

1. Commencement

This Regulation comes into operation on 27 February 2019.

2. Merchant Shipping (Safety) (Passenger Ship Construction) (Ships Built Before 1 September 1984) (Amendment) (No. 2) Regulation 2018 amended

The Merchant Shipping (Safety) (Passenger Ship Construction) (Ships Built Before 1 September 1984) (Amendment) (No. 2) Regulation 2018 (L.N. 255 of 2018) is amended as set out in section 3.

3. Section 13 amended (regulations 133A and 133B added)

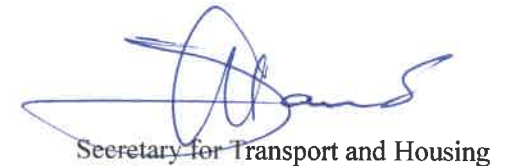
Section 13, new regulation 133B(2), after “which regulation”—

Add

“4.”.

Merchant Shipping (Safety) (Passenger Ship Construction) (Ships Built Before 1 September 1984) (Amendment) (No. 2) Regulation 2018 (Amendment) Regulation 2019

2



Secretary for Transport and Housing

2 January 2019

Explanatory Note

Regulation 4 of the Merchant Shipping (Safety) (Passenger Ship Construction) (Ships Built Before 1 September 1984) Regulations (Cap. 369 sub. leg. AL) (*principal Regulations*) provides for the general requirement on the structural strength of all ships to which the principal Regulations apply. That regulation 4 applies to both Hong Kong passenger ships and non-Hong Kong passenger ships.

2. The principal Regulations were amended by the Merchant Shipping (Safety) (Passenger Ship Construction) (Ships Built Before 1 September 1984) (Amendment) (No. 2) Regulation 2018 (L.N. 255 of 2018) (*2018 amendment Regulation*).
3. This Regulation amends the new regulation 133B(2) in section 13 of the 2018 amendment Regulation to include a reference to regulation 4 of the principal Regulations such that contravention of that regulation 4 in relation to a non-Hong Kong passenger ship is an offence.