

**MERCHANT SHIPPING (SEAFARERS) (MEDICAL STORES) REGULATION**

**(Cap. 478 sub. leg. X)**

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# MERCHANT SHIPPING (SEAFARERS) (MEDICAL STORES) REGULATION

(Cap. 478, sections 96, 100 and 134)

[2 September 1996] *L.N. 342 of 1996*

## PART I

### PRELIMINARY

1. *(Omitted as spent)*

2. **Interpretation**

(1) In this Regulation, unless the context otherwise requires—

“crew” (船員) means all seafarers employed on board a ship;

“offshore installation” (離岸裝置) means any installation which is maintained, or is intended to be established, for underwater exploitation or exploration;

***passenger-carrying ship*** (載客船舶) means a ship authorized to carry passengers within river trade limits in reliance on a passenger certificate and a general safety certificate issued under Part II of the Merchant Shipping (Safety) Ordinance (Cap. 369); (*L.N. 78 of 2016*)

***Quantification Addendum*** (《指南補充本》) means the Quantification Addendum: International Medical Guide for Ships published by the World Health Organization, as amended from time to time; (*L.N. 78 of 2016*)

***Recommended List*** (《建議清單》) means the list of recommended medicines and equipment set out in Chapter 33 of the International Medical Guide for Ships published by the

World Health Organization, as amended from time to time;  
(*L.N. 78 of 2016*)

“seagoing” (海域航行), in relation to a ship, means any ship other than a ship which navigates exclusively within inland waters or in areas where port regulations apply;

“submersible craft” (潛水艇) means any vessel used or designed for use under the surface of any waters;

“voyage” (航程) means a journey from a port to the next port of call of a ship (which may be the same port).

(*L.N. 78 of 2016*)

(2)-(4) (*Repealed L.N. 78 of 2016*)

### **3. Application**

- (1) This Regulation shall apply to all Hong Kong ships other than—
  - (a) pleasure vessels or fishing vessels;
  - (b) offshore installations whilst on or within 500 metres of their working stations; or
  - (c) submersible craft unless being operated without shore or surface vessel support.
- (2) The Authority may grant exemptions from all or any of the provisions of this Regulation for classes of cases or individual cases on such conditions, if any, as he thinks fit and may, subject to giving reasonable notice, alter or cancel any such exemption.

## PART II

### MEDICINES AND MEDICAL STORES

#### 4. Medicines and medical stores

- (1) A seagoing ship must not proceed on a voyage unless there are kept on board the ship medicines and medical stores in compliance with Schedule 1. *(L.N. 78 of 2016)*
- (2) A passenger-carrying ship that only trades within river trade limits must not proceed on a voyage unless there are kept on board the ship medicines and medical stores in compliance with Schedule 2. *(L.N. 78 of 2016)*
- (3) There shall be kept on board every ship on a voyage on which a medical practitioner is carried as a member of the crew, any additional supplies which he may reasonably require having regard to the size of the crew, the number of passengers on board and the intended voyage. *(L.N. 78 of 2016)*

#### 5. *(Repealed L.N. 78 of 2016)*

#### 6. Packaging and labelling of containers

- (1) Without prejudice to any other enactment, any container of medicines or medical stores required by section 4 to be kept on board a ship— *(L.N. 78 of 2016)*
  - (a) shall have, in the English language, on a label the particulars specified in subsection (3);
  - (b) in the case of a container of tablets or capsules, shall be capable of reclosure to prevent ingress of moisture;
  - (c) in the case of a container of disinfectant, shall not show deleterious reaction with the disinfectant after storage in

- normal conditions for 6 months or less; and *(L.N. 78 of 2016)*
- (d) *(Repealed L.N. 78 of 2016)*
- (e) in the case of medicine not in the container supplied by its manufacturer, shall be packed in a sturdy, brown-coloured or non-translucent container. *(L.N. 78 of 2016)*
- (2) Any label referred to in subsection (1)(a) shall either be firmly affixed to the container and rendered resistant to moisture by varnish or other effective means or be an integral part of the container.
- (3) The particulars required by subsection (1)(a) to be shown on a label are— *(L.N. 78 of 2016)*
- (a) the generic name of the medicines or medical stores in the container, as set out in the Recommended List; *(L.N. 78 of 2016)*
- (b) any storage requirements for the medicines or medical stores, as specified by the supplier of the medicines or medical stores; *(L.N. 78 of 2016)*
- (ba) the dosage of the medicines recommended by the supplier of the medicines, if applicable; *(L.N. 78 of 2016)*
- (c) if the medicines or medical stores are perishable, the expiry date as defined in section 8;
- (d) the name and address of the supplier of the medicines or medical stores, the product licence number and batch number; *(L.N. 78 of 2016)*
- (e) in the case of any container of a disinfectant, the dilution recommended by the supplier of the disinfectant for using the disinfectant; and *(L.N. 78 of 2016)*
- (f) *(Repealed L.N. 78 of 2016)*

- (g) in the case of a container of hypochlorite, a notice indicating that the chemical may combust spontaneously and that the hypochlorite should be stored in a cool, dark place. *(L.N. 78 of 2016)*
- (h) *(Repealed L.N. 78 of 2016)*
- (4) If any of the particulars on the label of a container is illegible, all the medicines or medical stores in the container must be destroyed. *(L.N. 78 of 2016)*
- (5) If any medicine or medical store in a container cannot be identified, the medicine or medical store must be destroyed. *(L.N. 78 of 2016)*

**7. Storage of medicines and medical stores**

*(L.N. 78 of 2016)*

- (1) Any medicine or medical store kept on board a ship must—
  - (a) be stored in accordance with the instructions on its container;
  - (b) be kept in a good condition; and
  - (c) be protected against humidity and temperature extremes. *(L.N. 78 of 2016)*
- (2) Subject to subsections (2A), (2B) and (2C), the medicines and medical stores kept on board a ship must be stored in a medical cabinet that is large enough for them—
  - (a) to be arranged in an orderly manner;
  - (b) to be easily identified; and
  - (c) to be available for immediate use. *(L.N. 78 of 2016)*
- (2A) The medicines and medical stores kept on board a ship that are to be used in emergencies must—
  - (a) be stored in an accessible place; and

- (b) be stored separately from other medicines and medical stores. *(L.N. 78 of 2016)*
- (2B) If a medicine is required to be refrigerated, it must be stored in a refrigerator that—
  - (a) is located near a medical cabinet referred to in subsection (2);
  - (b) is equipped with a lock; and
  - (c) is not used for other purposes. *(L.N. 78 of 2016)*
- (2C) Any medicine or medical store that is a drug or substance specified in Part I of the First Schedule to the Dangerous Drugs Ordinance (Cap. 134) must—
  - (a) be stored separately from other medicines and medical stores; and
  - (b) be stored in a locked compartment in a room that is locked when unoccupied. *(L.N. 78 of 2016)*
- (3) Any medicines or medical stores kept in a hyperbaric decompression chamber or otherwise in such a way as not to be readily accessible at all times to the master or any person authorized by him shall not be taken into account in respect of the requirements of section 4.

**8. Replacement of expired medicines and medical stores**

*(L.N. 78 of 2016)*

- (1) Where—
  - (a) a ship is required pursuant to section 4 to have on board any medicine or medical store in compliance with Schedule 1 or 2; and
  - (b) any label required by section 6(1)(a) to be borne by any container of any such medicine or medical store indicates a date after which the medicine or medical



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store contained in it is not to be used (hereafter called “the expiry date”),

that medicine or medical store shall be replaced at the earliest possible date after the expiry date, and in any case within 3 months of the expiry date. *(L.N. 78 of 2016)*

- (2) Expired medicines and medical stores must be taken to a pharmacy to be destroyed. *(L.N. 78 of 2016)*
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## PART III

### MISCELLANEOUS

#### 9. Offences

- (1) Where any requirement under section 4, 6, 7 or 8 is contravened in respect of a ship, the owner of the ship commits an offence and is liable on conviction to a fine at level 4. (*L.N. 78 of 2016*)
- (2) It shall be a defence for any person charged in connection with a contravention of section 4 to show that the deficiency was caused by medicines and medical stores being used for their purpose and that it has not been reasonably practicable to replace them.
- (3) It shall be a defence for a person charged under this section, including a person charged by virtue of subsection (4), to show that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.
- (4) Where an offence under this Regulation is committed, or would have been committed except for the operation of subsection (3), by any person due to the act or default of some other person, that other person shall be guilty of the like offence, and a person may be charged with and convicted of the offence by virtue of this subsection whether or not proceedings are taken against the first-mentioned person.

#### 10. Inspection and detention

- (1) The Authority, or a person authorized by him for the purposes of this section, may inspect a ship for the purposes of ascertaining whether it complies with the requirements of sections 4 and 6. (*L.N. 78 of 2016*)

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- (2) Where the Authority or a person referred to in subsection (1) has carried out an inspection of a ship pursuant to that subsection and is not satisfied that the ship complies with the requirements referred to in that subsection, then the Authority or that person, as the case may be, may, if that ship is within the waters of Hong Kong, detain that ship until the Authority or that person, as the case may be, is satisfied that the ship complies with those requirements.
- (3) The Authority and a person referred to in subsection (1) shall not in the exercise of his powers under this section unreasonably delay or detain a ship.

## **11. Amendment of Schedules**

The Authority may, by notice in the Gazette, amend Schedule 1 or 2.

*(L.N. 78 of 2016)*

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## **Schedule 1**

[ss. 4, 8 & 11]

### **Medicines and Medical Stores to be Kept on Board Seagoing Ships**

1. There must be kept on board a seagoing ship every medicine listed in the Recommended List, in the quantity set out in Annex 3 to the Quantification Addendum.
2. There must be kept on board a seagoing ship every equipment, material and instrument listed in the Recommended List, in the quantity set out in the Recommended List.

*(Schedule 1 replaced L.N. 78 of 2016)*

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## Schedule 2

[ss. 4, 8 & 11]

### Medicines and Medical Stores to be Kept on Board Passenger-carrying Ships Trading within River Trade Limits

1. There must be kept on board a passenger-carrying ship that only trades within river trade limits—
  - (a) if the ship’s passenger capacity is not more than 100, 1 first aid kit;
  - (b) if the ship’s passenger capacity is more than 100, 2 first aid kits.
  
2. A first aid kit must contain every item listed and, if applicable, described in the table, in the quantity set out in the table.

**Table**

Column 1	Column 2	Column 3	Column 4
Item	Name	Description	Quantity required
1.	Triangular of calico	90 cm × 90 cm × 128 cm	8 pieces
2.	Conforming bandage	5 cm × 195 cm	2 rolls

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Column 1	Column 2	Column 3	Column 4
Item	Name	Description	Quantity required
3.	Bandage	5 cm × 540 cm	2 rolls
4.	Bandage	7.5 cm × 540 cm	2 rolls
5.	Tape	Assorted, sterile, adhesive	20 pieces
6.	Dressings	Sterile paraffin gauze	10 pieces
7.	Dressing strip	2.5 cm × 495 cm	2 rolls
8.	Absorbent cotton wool	35 g	2 packs
9.	Safety pins	Rustless, 5 cm	12 pieces
10.	Disinfectant	—	0.2 L
11.	Scissors	Stainless steel throughout	1 pair

*(Schedule 2 replaced L.N. 78 of 2016)*

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**SCHEDULE 3**

*(Repealed L.N. 78 of 2016)*

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**SCHEDULE 4**

*(Repealed L.N. 78 of 2016)*