

## 4 JOINT OPERATIONS

### Chapter 1 Escorted operations

**Guidance:** The PWOM should contain or reference information on the rules and procedures set out by coastal States who require or offer icebreaking escort services. The Manual should also emphasize the need for the master to take account of the ship's limitations in agreeing on the conduct of escort operations.

### Chapter 2 Convoy operations

#### 第 8/2021 號行政長官公告

國際海事組織海上安全委員會於二零一四年十一月二十一日透過第MSC.386 (94) 號決議，通過了經修正的《1974年國際海上人命安全公約》的修正案，在新增的第XIV章引入有關極地水域營運船舶安全措施的規定，並使適用《國際極地水域運作船舶規則》（《極地規則》）的安全條款具有強制性。該修正案於二零一七年一月一日在國際法律秩序上生效，包括對澳門特別行政區生效；

基於此，行政長官根據第3/1999號法律《法規的公佈與格式》第五條（一）項和第六條第一款的規定，命令公佈包含上指修正案的國際海事組織海上安全委員會第MSC.386 (94) 號決議的中文和英文正式文本。

二零二一年三月八日發佈。

行政長官 賀一誠

#### Aviso do Chefe do Executivo n.º 8/2021

Considerando que, em 21 de Novembro de 2014, o Comité de Segurança Marítima da Organização Marítima Internacional (OMI), através da resolução MSC.386(94), adoptou emendas à Convenção Internacional para a Salvaguarda da Vida Humana no Mar, 1974, tal como emendada, que introduziram num novo Capítulo XIV as disposições relativas às medidas de segurança para os navios que operam em águas polares e tornaram obrigatória a aplicação das disposições de segurança previstas no Código Internacional para os Navios que Operam em Águas Polares (Código Polar), e que tais emendas entraram em vigor na ordem jurídica internacional, incluindo a Região Administrativa Especial de Macau, em 1 de Janeiro de 2017;

O Chefe do Executivo manda publicar, nos termos da alínea 1) do artigo 5.º e do n.º 1 do artigo 6.º da Lei n.º 3/1999 (Publicação e formulário dos diplomas), a resolução MSC.386(94) do Comité de Segurança Marítima da OMI, que contém as referidas emendas, nos seus textos autênticos em línguas chinesa e inglesa.

Promulgado em 8 de Março de 2021.

O Chefe do Executivo, *Ho Iat Seng*.

## 第 MSC.386 (94) 號決議

(2014 年 11 月 21 日通過)

### 經修正的《1974 年國際海上人命安全公約》 的修正案

海上安全委員會，

憶及《國際海事組織公約》關於本委員會職能的第二十八條第(二)款，

還憶及《1974 年國際海上人命安全公約》(《安全公約》)(“本公約”)關於本公約附則(除第 I 章條款外)的適用修正程序的第 VIII (b) 條，

認識到由於對極地水域營運船舶及其系統和操作的附加要求超出本公約和其他有約束力的相關海事組織文書的現有要求，因而有必要為這些船舶規定一個強制性框架，

注意到第 MSC.385 (94) 號決議，本委員會以它通過了《國際極地水域營運船舶規則》(《極地規則》)與安全有關的規定，

還注意到海上環境保護委員會在其第 67 屆會議上，核准了擬在其第 68 屆會議上通過的《經 1978 年議定書修訂的 1973 年國際防止船舶造成污染公約》的修正案，並還將審議通過《極地規則》的環境保護條款，

進一步注意到本公約的建議修正案使適用《極地規則》的安全條

款具有強制性，

在其第 94 屆會議上**審議**了按照本公約第 VIII (b) (i) 條提出和分發的本公約修正案，

1 按照本公約第 VIII (b) (iv) 條，**通過**本公約的修正案，其文本載於本決議附件；

2 按照本公約第 VIII (b) (vi) (2) (bb) 條，**決定**該修正案將在 2016 年 7 月 1 日視為已被接受，除非在此日期之前，有三分之一以上的本公約締約國政府或其商船隊總和佔世界商船總噸數不少於 50% 的締約國政府通報本組織秘書長其反對該修正案；

3 **請**《安全公約》締約國政府注意，按照本公約第 VIII (b) (vii) (2) 條，該修正案將在按照上述第 2 段被接受後，於 2017 年 1 月 1 日生效；

4 **要求**秘書長為本公約第 VIII (b) (v) 條之目的，將本決議及其附件中的修正案文本的核證無誤副本分發給所有本公約締約國政府；

5 **還要求**秘書長將本決議及其附件的副本分發給非本公約締約國的本組織會員國。

## 附件

## 經修正的《1974 年國際海上人命安全公約》的修正案

在現有第 XIII 章後新增第 XIV 章如下：

## “第 XIV 章

## 極地水域營運船舶的安全措施

## 第 1 條 定義

就本章而言：

1 極地規則係指第 MSC.385 (94) 號決議和海上環境保護委員會決議通過的《國際極地水域營運船舶規則》，由引言和 I-A 和 II-A 部分以及 I-B 和 II-B 部分組成；它可加以修正，但：

.1 《極地規則》引言和 I-A 部分中與安全相關的條款的修正案應按照第 VIII 條關於本公約附則（除第 I 章外）的適用修正程序的規定予以通過、生效和實施；和

.2 《極地規則》I-B 部分的修正案由海上安全委員會按其議事規則予以通過。

2 南極區域係指南緯 60° 以南的海域。

3 北極水域係指位於下述連線以北的水域：從北緯 58°00'.0 和西經 042°00'.0 延伸至北緯 64°37'.0 和西經 035°27'.0 的連線，再經一恆向線延伸至北緯 67°03'.9 和西經 026°33'.4，再經一恆向線延伸至北緯 70°49'.56 和西經 008°59'.61 (Sørkapp, Jan Mayen)，並經由 Jan Mayen 南岸延伸至靠近 Bjørnøya 島的北緯 73°31'.6 和東經 019°01'.0，再經

一大圓線延伸至北緯 68°38'.29 和東經 043°23'.08 (Cap Kanin Nos)，再經由亞洲大陸北岸向東延伸至白令海峽，再從白令海峽向西延伸至北緯 60°直到 Il'pyrskiy，並沿北緯 60°平行線向東延伸至並包括 Etolin 海峽，再經由北美大陸北岸向南延伸至北緯 60°，再向東沿北緯 60°平行線延伸至西經 056°37'.1，再延伸至北緯 58°00'.0 和西經 042°00'.0。

4 極地水域係指北極水域和（或）南極區域。

5 建造的船舶係指安放龍骨或處於類似建造階段的船舶。

6 類似建造階段係指在此階段：

.1 可辨認出某一具體船舶的建造開始；和

.2 該船業已開始的裝配量至少為 50 噸，或為全部結構材料估算重量的 1%，取較小者。

## 第 2 條—適用範圍

1 除另有明文規定外，本章適用於在極地水域營運並按第 I 章發證的船舶。

2 2017 年 1 月 1 日以前建造的船舶應在 2018 年 1 月 1 日後的第一次中間或換證檢驗之前（以較早者為準）滿足《極地規則》的相關要求。

3 在適用《極地規則》的 I-A 部分時，應考慮到《極地規則》I-B 部分中的補充指南。

4 本章不適用於由締約國政府擁有或經營的、目前僅用於政府非商業性服務的船舶。但是，仍鼓勵締約國政府擁有或經營的、目前僅用於政府非商業性服務的船舶在合理和可行的範圍內符合本章要求。

5 本章的任何內容均不得損害各國根據國際法所具有的權利或義務。

### 第 3 條－對適用本章的船舶的要求

1 適用本章的船舶應符合《極地規則》的引言和 I-A 部分中安全相關條款的要求，且除須符合第 I/7、I/8、I/9 和 I/10 條的適用要求外，還應按該規則的規定進行檢驗和發證。

2 持有按照上述第 1 款規定簽發的證書的、適用本章的船舶須接受第 I/19 和 XI-1/4 條規定的監督。為此，此種證書須視為根據第 I/12 或 I/13 條簽發的證書。

### 第 4 條－替代設計和布置

1 本條的目的是為結構、機電設備、消防安全以及救生設備和布置的替代設計和布置提供方法。

2 結構布置、機電設備、消防安全的設計和布置措施以及救生設備和布置可偏離《極地規則》第 3、6、7 和 8 章所述的規定性要求，但替代設計和布置應滿足相關目的和功能要求的意圖並具有與該幾章中的要求等效的安全等級。

3 當替代設計或布置偏離《極地規則》第 3、6、7 和 8 章的規定性要求時，應根據本組織批准的導則進行替代設計和布置的工程分析、評估和認可。

4 任何偏離規定性要求的替代設計或布置均須按照《極地規則》的要求，在極地船舶證書和船舶的極地水域操作手冊中予以記錄，並對所允許的偏離規定其技術、操作措施和條件。”

**RESOLUTION MSC.386(94)**  
**(adopted on 21 November 2014)**

**AMENDMENTS TO THE INTERNATIONAL CONVENTION  
FOR THE SAFETY OF LIFE AT SEA, 1974, AS AMENDED**

THE MARITIME SAFETY COMMITTEE,

RECALLING Article 28(b) of the Convention on the International Maritime Organization concerning the functions of the Committee,

RECALLING ALSO article VIII(b) of the International Convention for the Safety of Life at Sea (SOLAS), 1974 ("the Convention"), concerning the amendment procedure applicable to the annex to the Convention, other than to the provisions of chapter I,

RECOGNIZING the need to provide a mandatory framework for ships operating in polar waters due to the additional demands on ships, their systems and operation, which go beyond the existing requirements of the Convention, and other relevant binding IMO instruments,

NOTING resolution MSC.385(94), by which the Committee adopted the International Code for Ships Operating in Polar Waters (Polar Code) with respect to its provisions for safety,

NOTING ALSO that the Marine Environment Protection Committee, at its sixty-seventh session, approved with a view to adoption, at its sixty-eighth session, amendments to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978, and that it will also consider for adoption the environmental protection provisions of the Polar Code,

NOTING FURTHER the proposed amendments to the Convention to make use of the safety provisions of the Polar Code mandatory,

HAVING CONSIDERED, at its ninety-fourth session, amendments to the Convention, proposed and circulated in accordance with article VIII(b)(i) thereof,

1 ADOPTS, in accordance with article VIII(b)(iv) of the Convention, amendments to the Convention, the text of which is set out in the annex to the present resolution;

2 DETERMINES, in accordance with article VIII(b)(vi)(2)(bb) of the Convention, that the said amendments shall be deemed to have been accepted on 1 July 2016, unless, prior to that date, more than one third of the Contracting Governments to the Convention or Contracting Governments the combined merchant fleets of which constitute not less than 50% of the gross tonnage of the world's merchant fleet, have notified to the Secretary-General of the Organization their objections to the amendments;

3 INVITES SOLAS Contracting Governments to note that, in accordance with article VIII(b)(vii)(2) of the Convention, the amendments shall enter into force on 1 January 2017 upon their acceptance in accordance with paragraph 2 above;

4 REQUESTS the Secretary-General, for the purposes of article VIII(b)(v) of the Convention, to transmit certified copies of the present resolution and the text of the amendments contained in the annex to all Contracting Governments to the Convention;

5 ALSO REQUESTS the Secretary-General to transmit copies of this resolution and its annex to Members of the Organization which are not Contracting Governments to the Convention.



## ANNEX

AMENDMENTS TO THE INTERNATIONAL CONVENTION FOR THE  
SAFETY OF LIFE AT SEA, 1974

A new chapter XIV is added after chapter XIII, as follows:

**"CHAPTER XIV  
SAFETY MEASURES FOR SHIPS OPERATING IN POLAR WATERS****Regulation 1 – Definitions**

For the purpose of this chapter:

1 *Polar Code* means the International Code for Ships Operating in Polar Waters, consisting of an introduction and parts I-A and II-A and parts I-B and II-B, as adopted by resolutions MSC.385(94) and of the Marine Environment Protection Committee, as may be amended, provided that:

- .1 amendments to the safety-related provisions of the introduction and part I-A of the Polar Code are adopted, brought into force and take effect in accordance with the provisions of article VIII of the present Convention concerning the amendment procedures applicable to the annex other than chapter I; and
- .2 amendments to part I-B of the Polar Code are adopted by the Maritime Safety Committee in accordance with its Rules of Procedure.

2 *Antarctic area* means the sea area south of latitude 60° S.

3 *Arctic waters* means those waters which are located north of a line from the latitude 58°00'.0 N and longitude 042°00'.0 W to latitude 64°37'.0 N, longitude 035°27'.0 W and thence by a rhumb line to latitude 67°03'.9 N, longitude 026°33'.4 W and thence by a rhumb line to the latitude 70°49'.56 N and longitude 008°59'.61 W (Sørkapp, Jan Mayen) and by the southern shore of Jan Mayen to 73°31'.6 N and 019°01'.0 E by the Island of Bjørnøya, and thence by a great circle line to the latitude 68°38'.29 N and longitude 043°23'.08 E (Cap Kanin Nos) and hence by the northern shore of the Asian Continent eastward to the Bering Strait and thence from the Bering Strait westward to latitude 60° N as far as Il'pyskiy and following the 60th North parallel eastward as far as and including Etolin Strait and thence by the northern shore of the North American continent as far south as latitude 60° N and thence eastward along parallel of latitude 60° N, to longitude 056°37'.1 W and thence to the latitude 58°00'.0 N, longitude 042°00'.0 W.

4 *Polar waters* means Arctic waters and/or the Antarctic area.

5 *Ship constructed* means a ship the keel of which is laid or which is at a similar stage of construction.

6 *At a similar stage of construction* means the stage at which:

- .1 construction identifiable with a specific ship begins; and
- .2 assembly of that ship has commenced comprising at least 50 tonnes or 1% of the estimated mass of all structural material, whichever is less.



**Regulation 2 – Application**

- 1 Unless expressly provided otherwise, this chapter applies to ships operating in polar waters, certified in accordance with chapter I.
- 2 Ships constructed before 1 January 2017 shall meet the relevant requirements of the Polar Code by the first intermediate or renewal survey, whichever occurs first, after 1 January 2018.
- 3 In applying part I-A of the Polar Code, consideration should be given to the additional guidance in part I-B of the Polar Code.
- 4 This chapter shall not apply to ships owned or operated by a Contracting Government and used, for the time being, only in Government non-commercial service. However, ships owned or operated by a Contracting Government and used, for the time being, only in Government non-commercial service are encouraged to act in a manner consistent, so far as reasonable and practicable, with this chapter.
- 5 Nothing in this chapter shall prejudice the rights or obligations of States under international law.

**Regulation 3 – Requirements for ships to which this chapter applies**

- 1 Ships to which this chapter applies shall comply with the requirements of the safety-related provision of the introduction and with part I-A of the Polar Code and shall, in addition to the requirements of regulations I/7, I/8, I/9, and I/10, as applicable, be surveyed and certified, as provided for in that Code.
- 2 Ships to which this chapter applies holding a certificate issued pursuant to the provisions of paragraph 1 shall be subject to the control established in regulations I/19 and XI-1/4. For this purpose, such certificates shall be treated as a certificate issued under regulation I/12 or I/13.

**Regulation 4 – Alternative design and arrangement**

- 1 The goal of this regulation is to provide a methodology for alternative design and arrangements for structure, machinery, and electrical installations, fire safety and life-saving appliances and arrangements.
- 2 Structural arrangements, machinery and electrical installation, fire safety design and arrangement measures and as well as life-saving appliances and arrangements may deviate from the prescriptive requirements set out in chapters 3, 6, 7 and 8 of the Polar Code, provided that the alternative design and arrangements meet the intent of the goal and functional requirements concerned and provide an equivalent level of safety to the requirements in those chapters.
- 3 When alternative designs or arrangements deviate from the prescriptive requirements of chapters 3, 6, 7 and 8 of the Polar Code, an engineering analysis, evaluation and approval of the design and arrangements shall be carried out based on the guidelines approved by the Organization.
- 4 Any alternative designs or arrangement deviating from the prescriptive requirements shall be recorded in the Polar Ship Certificate and the ship's Polar Water Operational Manual, as required by the Polar Code, also defining the technical and operational measures and conditions for the allowed deviation.