

LEGISLATIVE COUNCIL BRIEF

**Merchant Shipping (Safety) Ordinance
(Cap. 369)**

**Merchant Shipping (Safety) (Signals of Distress and Prevention of
Collisions) (Amendment) Regulation 2016**

**Merchant Shipping (Safety) (Carriage of Cargoes) (Amendment)
Regulation 2016**

Merchant Shipping (Safety) (IMSBC Code) Regulation

**Merchant Shipping (Safety) (High Speed Craft)
(Amendment) Regulation 2016**

INTRODUCTION

To implement the latest requirements of the Convention on the International Regulations for Preventing Collisions at Sea (COLREGs) and the International Convention for the Safety of Life at Sea (SOLAS) adopted by the International Maritime Organization (IMO), the Secretary for Transport and Housing has made the following regulations under the Merchant Shipping (Safety) Ordinance (Cap.369) (the Ordinance) —

- A (a) Merchant Shipping (Safety) (Signals of Distress and Prevention of Collisions) (Amendment) Regulation 2016, at **Annex A**, under sections 93, 100 and 107 of the Ordinance;
- B (b) Merchant Shipping (Safety) (IMSBC Code) Regulation, at **Annex B**, under sections 107 and 112B of the Ordinance;

C

(c) Merchant Shipping (Safety) (Carriage of Cargoes) (Amendment) Regulation 2016, at **Annex C**, under sections 107, 112A and 112B of the Ordinance; and

D

(d) Merchant Shipping (Safety) (High Speed Craft) (Amendment) Regulation 2016, at **Annex D**, under section 107 of the Ordinance.

LEGISLATIVE PROPOSALS

COLREGs Requirements

2. COLREGs, which impose steering, sailing and signaling requirements on vessels to prevent ship collisions, were adopted in 1972 and entered into force in 1977. They are implemented in Hong Kong through the Merchant Shipping (Safety) (Signals of Distress and Prevention of Collisions) Regulations (Cap. 369N). COLREGs were progressively updated to take into account technological advancement and changes in shipping practices. This amendment exercise incorporates the latest international requirements into local legislation.

3. We will amend the Merchant Shipping (Safety) (Signals of Distress and Prevention of Collisions) Regulation (Cap. 369N) to reflect the latest requirements set out in COLREGs. Key changes are highlighted below —

- (a) *Covering a new type of vessel called “Wing-In-Ground craft”*: As shipping technologies advance, new types of vessels are developed. We will expand the scope of the Merchant Shipping (Safety) (Signals of Distress and Prevention of Collisions) Regulation to cover a new type of vessel called “Wing-In-Ground craft” (WIG craft). WIG craft is a very fast marine transportation vehicle that flies close to the water surface by utilising a cushion of relatively high-pressure air between its wing and the water surface. Because of its speed, in addition to the general requirements applicable to all vessels, WIG craft will be required to keep clear of all other vessels and exhibit a high-intensity all-round flashing red light to alert other vessels. At present, there is no WIG craft in Hong Kong.

- (b) ***Navigational lights for high speed craft of 50 metres or above:*** Currently, vessels are required to display at certain locations proper navigational lights to ensure that other vessels navigating in the vicinity are aware of their presence. Vessels of 50 metres or above are required to install two masthead lights¹ at different specified heights. As the configuration of high speed craft is different from that of other vessels², IMO has prescribed customised height requirements for them. At present, there is no such craft in Hong Kong.
- (c) ***Carriage of sound signals appliances:*** Vessels of different lengths are required to carry different sound signaling appliances. Currently, vessels of 12 metres or more in length are required to carry both a whistle and a bell on board. Taking into account the space required and hence the practical difficulty for smaller vessels to install a compliant bell on board, the latest COLREGs allow vessels exceeding 12 metres but less than 20 metres in length to carry only a whistle. The relaxed requirement will not compromise navigational safety as the bells are intended for use at anchor and smaller vessels rarely anchor in busy waters due to their convenience to berth at piers.
- (d) ***New technologies for sending distress signals:*** The way distress signals are sent has changed over time alongside technological advancement. We will amend the list of distress signals in the law by replacing the obsolete signaling methods with updated ones. Ocean-going vessels have already adopted the new methods which are now commonly used internationally. The new systems are not applicable to local vessels due to their smaller sizes.

SOLAS Requirements

4. SOLAS, which governs the standards for the construction, equipment and operation of ships to ensure maritime safety, was adopted and entered into force in

¹ Masthead lights are white navigation lights placed over the fore and at the back of a vessel.

² The shape, height and other configuration of high speed craft are different from that of other vessels. It does not make practical sense to impose the same requirements regarding the height of masthead lights on high speed craft.

1980. SOLAS is implemented in Hong Kong through the Merchant Shipping (Safety) Ordinance (Cap. 369) and its subsidiary legislation. Different aspects of maritime safety are covered under different chapters of the Annex to SOLAS³, and the requirements therein are incorporated into our local legislation as necessary. This amendment exercise focuses on carriage of cargoes (Chapter VI) and safety measures for high-speed craft (Chapter X).

Carriage of Cargoes

5. We will amend the Merchant Shipping (Safety) (Carriage of Cargoes) Regulation (Cap. 369AV) and make a new regulation entitled Merchant Shipping (Safety) (IMSBC Code) Regulation to reflect the changing patterns for carrying cargoes and the corresponding new safety measures. The major amendments are set out below —

- (a) ***Verifying the gross mass of cargoes (VGM):*** To prevent collapse of container stacks during voyage, with effect from 1 July 2016, shippers will be required to verify the gross mass of cargoes before loading the packed containers on board. This can be done by physically weighing the packed container as a whole, or adding up the constituent packages, cargoes and loads. The ship master and the terminal operator should not load containers without VGM documentation.

³ The Annex to SOLAS covers different aspects of maritime safety, as follows —

Chapter I: survey of ships and issue of certificates;

Chapter II-1: construction of ships covering subdivision and stability, machinery and electrical installations;

Chapter II-2: fire protection, fire detection and fire extinction;

Chapter III: life-saving appliances and arrangements;

Chapter IV: radiocommunications;

Chapter V: safety of navigation;

Chapter VI: carriage of cargoes ;

Chapter VII: carriage of dangerous goods;

Chapter VIII: nuclear ships;

Chapter IX: management for the safe operation of ships;

Chapter X: safety measures for high-speed craft;

Chapter XI: special measures to enhance maritime safety and security;

Chapter XII: additional safety measures for bulk carriers; and

Chapter XIII: verification of compliance.

There is a new Chapter XIV on safety measures for ships operating in polar waters, which will take effect from 1 January 2017.

- (b) ***Banning certain dangerous operations:*** To enhance safety of ship and seafarers on board, blending liquid cargoes or operations that may generate uncontrollable chemical reactions on voyages will be prohibited.
- (c) ***Extending the regulatory scope to cover ships carrying oil fuels:*** Ships carrying oil fuels will be required to provide on board a material safety data sheet so that seafarers have clear information on the potential health and environmental impacts of the oil cargo or oil fuel. To reflect the extended regulatory scope, the Merchant Shipping (Safety) (Carriage of Cargoes) Regulation (Cap. 369AV) will be renamed Merchant Shipping (Safety) (Carriage of Cargoes and Oil Fuel) Regulation.
- (d) ***Regulating carriage of solid bulk cargo***⁴: As carriage of solid bulk cargo can pose specific danger to ships⁵, IMO has introduced the International Maritime Solid Bulk Cargoes Code (“IMSBC Code”) under SOLAS. At present, there is no corresponding local legislation. We will make a new regulation under the Merchant Shipping (Safety) Ordinance to prescribe the procedures for shipment of solid bulk cargoes⁶ and mandate precautions for loading, stowage, carriage and discharge of solid bulk cargoes.

Safety Measures for High Speed Craft

6. The Merchant Shipping (Safety) (High Speed Craft) Regulation (Cap. 369AW) governs the construction, equipment, operational and maintenance matters of high speed craft pursuant to IMO’s 1994 International Code of Safety for High Speed Craft⁷. IMO has adopted the 2000 International Code of Safety for High Speed Craft to require high speed craft built on or after 1 July 2002 to comply with more stringent construction practices. To align with these latest requirements,

⁴ Solid bulk cargoes are cargoes in a loose form without packaging.

⁵ During voyage, chemical reactions, loss of stability or improper distribution of such cargo can endanger safety.

⁶ For example, provision of detailed information as required by section 4 of the IMSBC Code.

⁷ SOLAS makes the International Codes of Safety for High Speed Craft mandatory.

we will introduce the following requirements for high speed craft constructed on or after the commencement date of our amendment regulation⁸ —

- (a) incorporating more stringent fire-safety requirements for fire protection materials and equipment installed on board;
- (b) upgrading construction standards for anchoring equipment on the deck;
- (c) requiring the display of clearer emergency signs on the high speed craft; and
- (d) introducing higher standards for life-saving appliances provided on board.

Application of DRA

7. In line with the established practice in incorporating requirements of other marine-related international conventions into our local legislation, we have adopted the “direct reference approach” (DRA) in the regulations. By making direct reference to provisions under international agreements in local legislation, DRA can keep our local legislation in tandem with IMO’s new requirements. As a guiding principle, DRA is adopted for the technical details of IMO requirements (e.g. detailed constructional requirements of high speed craft, etc.).

THE REGULATIONS

Merchant Shipping (Safety) (Signals of Distress and Prevention of Collisions) (Amendment) Regulation 2016

8. This regulation gives effect to the latest COLREGs by updating rules concerning the steering and sailing, lights, sound signals and distress signals under different situations.

⁸ Existing high speed craft will continue to be subject to the 1994 International Code of Safety for High Speed Craft (which is also updated from time to time to ensure their safety). The co-existence of the two sets of requirements is a common international practice.

Merchant Shipping (Safety) (High Speed Craft) (Amendment) Regulation 2016

9. This regulation implements the latest requirements under the 1994 and 2000 International Code of Safety for High Speed Craft, covering the construction, operation, equipment and maintenance of high speed craft.

Merchant Shipping (Safety) (Carriage of Cargoes and Oil Fuel) (Amendment) Regulation 2016

10. This regulation gives effect to SOLAS requirements governing cargoes (including solid bulk cargoes and grain) and solid bulk cargoes carried on a bulk carrier.

Merchant Shipping (Safety) (IMSBC Code) Regulation

11. This regulation implements SOLAS requirements on the loading, stowage, carriage and unloading of solid bulk cargoes (other than grain), including dangerous goods in solid form in bulk.

LEGISLATIVE TIMETABLE

12. The regulations will be published in the Gazette on 6 May 2016 and introduced into the Legislative Council for negative vetting on 11 May 2016.

IMPLICATIONS FOR THE INDUSTRY

13. With the exception of the VGM requirement mentioned in paragraph 5(a), the latest COLREGs and SOLAS requirements have already been adopted by ocean liners. There is no compliance issue.

14. The VGM requirement will come into operation globally on 1 July 2016. In Hong Kong, some 60% of our containers are transshipment containers which will have their weight verified at their ports of origin. They do not require re-verification in Hong Kong. The new requirement will apply to about 4 600 twenty-foot equivalent units (TEUs) daily. For these containers, shippers can

register with Marine Department (MD) for verifying the gross weight of their containers by adding up the weight of the constituent packages, cargoes and loads. For cross-boundary cargoes, VGM documentation obtained in accordance with the guidelines published by Mainland authorities including the China Maritime Safety Administration will be accepted by MD. These arrangements will substantially minimise the number of containers that require physical weighing.

15. To lessen the industry's concern over practical implementation arrangements, MD has been in dialogue with them since 2013. Taking into account the trade's views, MD has promulgated the "Guidelines on the Verification of Gross Mass of a Container with Cargo Packed in Hong Kong". In addition, MD held five townhall meetings in April and May 2016 to brief stakeholders including shippers, freight forwarders, terminal operators, authorised weigh-scale operators, etc. on the implementation arrangements and procedures. More than 1 000 participants attended these briefings. A trial run on workflow and documentation involving MD, shippers and terminal operators will be conducted on 30 May 2016. The procedures will be fine-tuned in light of feedback to ensure smooth implementation on 1 July 2016.

OTHER IMPLICATIONS OF THE PROPOSAL

16. The proposal is in conformity with the Basic Law, including provisions concerning human rights. It will not affect the current binding effect of the Ordinance. There is no financial, environmental, sustainability, productivity, civil service, gender or family implications. On economic implications, while shippers might incur certain costs for complying with the VGM requirement, such costs should be limited.

PUBLIC CONSULTATION

17. The Shipping Consultative Committee, High Speed Craft Consultative Committee and the Local Vessels Advisory Committee, which comprise various stakeholders in the shipping industry, were consulted. Some Port Operation Committee members were concerned about the implementation arrangements of the new VGM requirements. We consulted the Legislative Council Panel on

Economic Development on our proposals to incorporate the latest requirements under COLREGs and SOLAS into local legislation on 27 July 2015 and 19 April 2016 respectively. In endorsing the proposals, Members asked the Government to address the industry's concerns on the VGM requirements. MD is implementing an array of measures to acquaint the trade with the implementation arrangements and compliance procedures (paragraph 15 refers).

PUBLICITY

18. A press release will be issued on 6 May 2016. A spokesperson will be available to handle enquiries.

ENQUIRIES

19. Enquiries on this brief can be addressed to Ms Louisa YAN, Principal Assistant Secretary for Transport and Housing (Transport) (Tel: 3509 8162) or Mr M C LEUNG, Acting Chief, Technical Policy of MD (Tel: 2852 4399).

Transport and Housing Bureau
May 2016

Merchant Shipping (Safety) (Signals of Distress and Prevention of Collisions)
(Amendment) Regulation 2016

Section 1

1

**Merchant Shipping (Safety) (Signals of Distress and
Prevention of Collisions) (Amendment) Regulation 2016**

(Made by the Secretary for Transport and Housing under sections 93, 100
and 107 of the Merchant Shipping (Safety) Ordinance (Cap. 369))

1. Commencement

This Regulation comes into operation on 1 July 2016.

**2. Merchant Shipping (Safety) (Signals of Distress and Prevention
of Collisions) Regulations amended**

The Merchant Shipping (Safety) (Signals of Distress and
Prevention of Collisions) Regulations (Cap. 369 sub. leg. N) are
amended as set out in sections 3 and 4.

3. Regulation 2 amended (interpretation)

(1) Regulation 2(1), definition of *International Regulations*—

Repeal

everything after “A.678(16)” and before “set out”

Substitute

“, A.736(18), A.910(22), A.1004(25) and A.1085(28) of the
International Maritime Organization, except Rules 39, 40 and
41, as”.

(2) Regulation 2(1)—

(a) definition of *Merchant Shipping Notice*;

(b) definition of *Notice to Mariners*—

Repeal the definitions.

(3) Regulation 2—

Merchant Shipping (Safety) (Signals of Distress and Prevention of Collisions)
(Amendment) Regulation 2016

Section 4

2

Repeal subregulation (2)

Substitute

“(2) A reference to traffic separation schemes in Rules 1(d)
and 10(a) of the International Regulations is to be
construed as a reference to the traffic separation schemes
referred to in the resolutions and circulars of the
Organization by which the schemes are adopted or
amended from time to time.”.

(4) Regulation 2(4)—

Repeal

everything after “is a reference to the International Code of
Signals”

Substitute

“adopted and amended from time to time by the
Organization.”.

(5) After regulation 2(4)—

Add

“(5) The reference to the International Aeronautical and
Maritime Search and Rescue Manual, Volume III in
paragraph 3 of Annex IV to the International
Regulations is a reference to Volume III of the
International Aeronautical and Maritime Search and
Rescue Manual adopted and amended from time to time
by the Organization and the International Civil Aviation
Organization.”.

**4. Schedule amended (International Regulations for Preventing
Collisions at Sea 1972)**

(1) The Schedule, heading—

Repeal

“FOR PREVENTING COLLISIONS AT SEA 1972”.

- (2) The Schedule, Rule 3(a), after “non-displacement craft”—

Add

“, WIG craft”.

- (3) The Schedule, after Rule 3(l)—

Add

“(m) The term “Wing-In-Ground (WIG) craft” means a multimodal craft which, in its main operational mode, flies in close proximity to the surface by utilizing surface-effect action.”.

- (4) The Schedule, Rule 8(a)—

Repeal

“taken to avoid collision shall,”

Substitute

“to avoid collision shall be taken in accordance with the rules of this Part and,”.

- (5) The Schedule, after Rule 18(e)—

Add

- “(f) (i) A WIG craft when taking-off, landing and in flight near the surface shall keep well clear of all other vessels and avoid impeding their navigation;
(ii) a WIG craft operating on the water surface shall comply with the Rules of this Part as a power-driven vessel.”.

- (6) The Schedule, Rule 23—

Renumber paragraph (c) as paragraph (d).

- (7) The Schedule, after Rule 23(b)—

Add

“(c) A WIG craft only when taking-off, landing and in flight near the surface shall, in addition to the lights prescribed in paragraph (a) of this Rule, exhibit a high intensity all-round flashing red light.”.

- (8) The Schedule, Rule 31, after “a seaplane”—

Add

“or a WIG craft”.

- (9) The Schedule, Rule 33(a)—

Repeal

everything after “of 12” and before “or more in length shall,”

Substitute

“metres or more in length shall be provided with a whistle, a vessel of 20 metres or more in length shall be provided with a bell in addition to a whistle, and a vessel of 100 metres”.

- (10) The Schedule, English text, Rule 33(a)—

Repeal

“specifications”

Substitute

“specification”.

- (11) The Schedule, Rule 33(a)—

Repeal

“prescribed”

Substitute

“required”.

(12) The Schedule, Rule 35—
ReNUMBER paragraphs (i) and (j) as paragraphs (j) and (k) respectively.

(13) The Schedule, after Rule 35(h)—

Add

“(i) A vessel of 12 metres or more but less than 20 metres in length shall not be obliged to give the bell signals prescribed in paragraphs (g) and (h) of this Rule. However, if she does not, she shall make some other efficient sound signal at intervals of not more than 2 minutes.”.

(14) The Schedule, Annex I, paragraph 2(d)—

Repeal

“23(c)(i)”

Substitute

“23(d)(i)”.

(15) The Schedule, Annex I—

Repeal paragraph 13

Substitute

“13. **High-speed craft**^{*}

(a) The masthead light of high-speed craft may be placed at a height related to the breadth of the craft lower than that prescribed in paragraph 2(a)(i) of this annex, provided that the base angle of the isosceles triangles formed by the sidelights and masthead light, when seen in end elevation, is not less than 27°.

(b) On high-speed craft of 50 metres or more in length, the vertical separation between foremast and mainmast light of 4.5 metres required by paragraph 2(a)(ii) of this annex may be modified provided that such distance shall not be less than the value determined by the following formula:

$$y = \frac{(a + 17\Psi)C}{1000} + 2$$

where: *y* is the height of the mainmast light above the fore mast light in metres;

a is the height of the foremast light above the water surface in service condition in metres;

Ψ is the trim in service condition in degrees;

C is the horizontal separation of masthead lights in metres.

* Refer to the International Code of Safety for High-Speed craft, 1994 and the International Code of Safety for High-Speed Craft, 2000.”.

(16) The Schedule, Annex III, paragraph 1(a)—

Repeal

everything after “shall lie within the range”

Substitute

“70-700Hz. The range of audibility of the signal from a whistle shall be determined by those frequencies, which may include the fundamental and/or one or more higher frequencies, which lie within the range 180-700Hz (+/-1%) for a vessel of 20 metres or more in length, or 180-2100Hz (+/-1%) for a vessel of less than 20 metres in length and

which provide the sound pressure levels specified in paragraph 1(c) below.”.

- (17) The Schedule, Annex III, paragraph 1(c)—

Repeal

everything after “distance of 1” and before “The range of audibility”

Substitute

“metre from it, a sound pressure level in at least one 1/3rd-octave band within the range of frequencies 180-700Hz (+/-1%) for a vessel of 20 metres or more in length, or 180-2100Hz (+/-1%) for a vessel of less than 20 metres in length, of not less than the appropriate figure given in the table below.

Length of vessel in metres	1/3rd-octave band level at 1 metre in dB referred to $2 \times 10^{-5} \text{N/m}^2$	Audibility range in nautical miles
200 or more	143	2
75 but less than 200	138	1.5
20 but less than 75	130	1
Less than 20	120 ^{*1}	0.5
	115 ^{*2}	
	111 ^{*3}	

*1 When the measured frequencies lie within the range 180-450Hz

*2 When the measured frequencies lie within the range 450-

800Hz

- *3 When the measure frequencies lie within the range 800-2100Hz”.

- (18) The Schedule, Annex III, paragraph 2(b)—

Repeal

everything after “vessels of 20” and before “practicable,”

Substitute

“metres or more in length. Where”.

- (19) The Schedule, Annex III, paragraph 2(b)—

Repeal

“3%”

Substitute

“3 percent”.

- (20) The Schedule, English text, Annex IV, paragraph 1(a)—

Repeal

“signal”

Substitute

“signals”.

- (21) The Schedule, Annex IV, paragraph 1(d)—

Repeal

everything after “made by” and before “in the Morse”

Substitute

“any signalling method consisting of the group ... — — — ... (SOS)”.

- (22) The Schedule, Annex IV, paragraph 1(e)—

Repeal

“Mayday”

Substitute

“MAYDAY”.

- (23) The Schedule, English text, Annex IV, paragraph 1(i)—

Repeal

“hand flare”

Substitute

“hand-flare”.

- (24) The Schedule, Annex IV, paragraph 1—

Repeal subparagraph (l)

Substitute

“(l) a distress alert by means of digital selective calling (DSC) transmitted on:

- (i) VHF channel 70, or
- (ii) MF/HF on the frequencies 2187.5 kHz, 8414.5 kHz, 4207.5 kHz, 6312 kHz, 12577 kHz or 16804.5 kHz;”.

- (25) The Schedule, Annex IV, paragraph 1—

Repeal subparagraph (m)

Substitute

“(m) a ship-to-shore distress alert transmitted by the ship’s Inmarsat or other mobile satellite service provider ship earth station;”.

- (26) The Schedule, English text, Annex IV, paragraph 2, after “the foregoing signals”—

Add a comma.

- (27) The Schedule, English text, Annex IV, paragraph 2, after “the above signals”—

Add a comma.

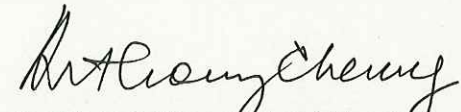
- (28) The Schedule, Annex IV, paragraph 3—

Repeal

“Merchant Ship Search and Rescue Manual”

Substitute

“International Aeronautical and Maritime Search and Rescue Manual, Volume III”.


Secretary for Transport and Housing

3 May 2016

Explanatory Note

The Convention on the International Regulations for Preventing Collisions at Sea 1972 (*Convention*) was adopted as a convention of the International Maritime Organization (*IMO*) to enhance safe navigation by setting out rules concerning the steering and sailing, lights, sound signals and distress signals under different situations.

2. This Regulation amends the Merchant Shipping (Safety) (Signals of Distress and Prevention of Collisions) Regulations (Cap. 369 sub. leg. N) to give effect to the amendments to the Convention, as adopted by IMO Resolutions A.910(22) and A.1004(25) in 2001 and 2007 respectively.

Merchant Shipping (Safety) (IMSBC Code) Regulation

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Merchant Shipping (Safety) (IMSBC Code) Regulation

(Made by the Secretary for Transport and Housing under sections 107 and 112B of the Merchant Shipping (Safety) Ordinance (Cap. 369))

1. Commencement

- (1) Subject to subsection (2), this Regulation comes into operation on 1 July 2016.
- (2) Sections 6(1) and 7(2)(b) and (7) come into operation on 1 January 2017.

2. Interpretation

In this Regulation—

cargo space (貨艙) means any space in a ship designated for carriage of cargoes;

cargo which may liquefy (可液化貨物) means a cargo that—

- (a) contains a certain proportion of fine particles and a certain amount of moisture; and
- (b) may liquefy if it is shipped with a moisture content in excess of its transportable moisture limit;

competent authority (主管當局), in relation to a place outside Hong Kong, means the authority responsible, under the law of that place, for the regulation of carriage of cargoes in that place;

concentrates (精礦) means materials obtained from a natural ore by a process of enrichment or beneficiation by physical or chemical separation and removal of unwanted constituents;

dangerous goods (危險貨物) means solid bulk cargoes which are classified as dangerous goods in accordance with section 9.2.2 of the IMSBC Code;

IMO means the International Maritime Organization;

IMSBC Code (《固體散裝貨規則》) means the International Maritime Solid Bulk Cargoes Code adopted by the IMO by resolution MSC.268(85) on 4 December 2008, as from time to time revised or amended by any revision or amendment that applies to Hong Kong;

moisture content (含濕量), in relation to concentrates or a cargo, means the portion of a representative sample of the concentrates or cargo consisting of water (whether in the form of ice or not) or other liquid expressed as a percentage of the total wet mass of that sample;

shipper (付運人), in relation to a cargo, means—

- (a) any person by whom, or in whose name, or on whose behalf, a contract of carriage of cargoes by sea has been concluded in respect of the cargo with a carrier; or
- (b) any person by whom, or in whose name, or on whose behalf, the cargo is delivered to a carrier under a contract of carriage of cargoes by sea concluded in respect of the cargo;

solid bulk cargo (固體散裝貨物) means any cargo, other than liquid cargo or gas cargo, consisting of a combination of particles, granules or any larger pieces of material generally uniform in composition, which is loaded directly into the cargo spaces of a ship without any intermediate form of containment;

transportable moisture limit (可運輸水分極限), in relation to a cargo which may liquefy, means the maximum moisture content of the cargo—

- (a) that is considered to be safe for carriage in a ship that does not comply with the requirements specified in section 7.3.2 of the IMSBC Code in relation to a

especially constructed cargo ship or specially fitted cargo ship; and

- (b) that is determined by test procedures approved by a competent authority of the port at which the cargo is loaded.

3. Application

- (1) Subject to subsection (2), this Regulation applies to—
 - (a) a Hong Kong ship wherever it may be; and
 - (b) a non-Hong Kong ship while it is within the waters of Hong Kong.
- (2) This Regulation does not apply to a non-Hong Kong ship flying the flag of a State that is not a party to the Convention if it would not have been within the waters of Hong Kong but for stress of weather or any other circumstances which the owner, the charterer (if any) and the master of the ship could not have prevented or forestalled.
- (3) In this section—

Hong Kong ship (香港船舶) means a ship registered in Hong Kong;

non-Hong Kong ship (非香港船舶) means a ship other than a Hong Kong ship.

4. Master not to accept solid bulk cargoes for loading unless certain conditions are satisfied

- (1) For a solid bulk cargo that belongs to a type of cargo that is listed in appendix 1 to the IMSBC Code—
 - (a) the master of a ship must not accept the cargo for loading unless, prior to loading, the information on the cargo is provided to the master under section 7; and

- (b) the master of the ship must ensure that the cargo is transported in compliance with—
 - (i) the provisions in the individual Schedule to that appendix in respect of that type of cargo; and
 - (ii) sections 5, 6, 8, 9, 10 and 11.
- (2) For a solid bulk cargo that does not belong to a type of cargo that is listed in appendix 1 to the IMSBC Code—
 - (a) the master of a ship must not accept the cargo for loading unless, prior to loading, the master is provided with a certificate issued by the competent authority of the port of loading stating—
 - (i) the information on the characteristics and properties of the cargo; and
 - (ii) the conditions required for the carriage and handling of the cargo; and
 - (b) the master of the ship must ensure that the cargo is transported in compliance with sections 5, 6, 8, 9, 10 and 11.
- (3) The master of a ship who contravenes subsection (1) or (2) commits an offence and is liable to a fine of \$20,000 and to imprisonment for 2 years.

5. General loading, carriage and unloading requirements

- (1) The master of a ship carrying solid bulk cargoes must ensure that—
 - (a) the weights of the cargoes are distributed throughout the ship;
 - (b) the cargoes are arranged; and
 - (c) the cargoes that are of high-density are loaded and distributed,

- in compliance with the requirements specified in section 2.1 of the IMSBC Code in respect of cargo distribution.
- (2) The master of a ship carrying solid bulk cargoes must ensure that a stability information booklet is provided on the ship for calculating the stability of the ship in compliance with section 2.1.3.1 of the IMSBC Code.
- (3) If a ship carries solid bulk cargoes in 'tween-deck cargo spaces or in partially filled cargo spaces, and the master of the ship suspects that the cargoes may shift easily, the master must ensure that shifting divisions and bins are provided on the ship in compliance with section 2.1.3.2 of the IMSBC Code.
- (4) If solid bulk cargoes are loaded on or unloaded from a ship, the master of the ship must ensure that the loading or unloading complies with section 2.2 of the IMSBC Code.
- (5) The master of a ship who contravenes subsection (1), (2), (3) or (4) commits an offence and is liable to a fine of \$20,000 and to imprisonment for 2 years.

6. Safety of personnel and ship

- (1) The master of a ship referred to in section 3.1.2 of the IMSBC Code must ensure that—
 - (a) routine on board operational fire safety risk assessments are carried out in compliance with that section; and
 - (b) the details of the assessments are recorded in the ship's Safety Management System with a recommended timing for carrying out the assessments.
- (2) The master of a ship carrying dangerous goods must ensure that the instructions on emergency response and medical first aid are provided on the ship in compliance with section 3.1 of the IMSBC Code.

- (3) If solid bulk cargoes that have the characteristics described in section 3.2 of the IMSBC Code—
- (a) are loaded on a ship; and
 - (b) are carried on the ship,
- the master of the ship must ensure that the loading and carriage comply with section 3.2 of the Code to prevent poisoning, corrosive and asphyxiation hazards being caused by the cargoes.
- (4) If dust-borne solid bulk cargoes are carried on a ship, the master of the ship must ensure that the precautions specified in section 3.3 of the IMSBC Code are taken to minimize the risks to health associated with the exposure to the dust of the cargoes.
- (5) If—
- (a) solid bulk cargoes that may constitute a fire or explosive hazard are loaded or carried on, or unloaded from, a ship; or
 - (b) the residue of the cargoes is being cleared from the cargo spaces,
- the master of the ship must ensure that the loading, carriage, unloading or clearance complies with section 3.4 of the IMSBC Code to prevent the formation of flammable atmosphere.
- (6) If solid bulk cargoes that may emit toxic, flammable or hazardous gases are carried on a ship, the master of the ship must ensure that appropriate ventilation (whether power-generated or not) is provided or maintained in the cargo spaces carrying the cargoes in compliance with—
- (a) section 3.5 of the IMSBC Code; and

- (b) the provisions in the individual Schedule to appendix 1 to the Code in respect of the cargoes.
- (7) The master of a ship must ensure that—
- (a) in-transit fumigation and gas concentration safety checks on board the ship are performed in compliance with section 3.6 of the IMSBC Code; and
 - (b) the readings obtained from the checks are recorded in the ship's log book.
- (8) The master of a ship who contravenes subsection (1), (2), (3), (4), (5), (6) or (7) commits an offence and is liable to a fine of \$20,000 and to imprisonment for 2 years.

7. **Assessment of acceptability of solid bulk cargoes for safe shipment**

- (1) The shipper of solid bulk cargoes to be loaded on a ship must provide the master of the ship with information that complies with subsection (2) sufficiently in advance of loading to enable the master to take the necessary precautions for the proper stowage and safe carriage of the cargoes.
- (2) The information—
 - (a) must include information on the cargoes specified in section 4.2.2 of the IMSBC Code, except information on whether the cargoes are harmful to the marine environment;
 - (b) must include the Bulk Cargo Shipping Name (BCSN) of the cargoes specified in appendix 5 to the IMSBC Code in any one of the languages set out in that appendix;
 - (c) must be provided in writing and by appropriate shipping documents prior to loading; and
 - (d) must be accompanied by a declaration that—

- (i) includes a statement specified in the form set out in section 4.2.3 of the IMSBC Code; and
 - (ii) is made in writing, whether in paper form or in electronic form.
- (3) In discharging the shipper's obligation under subsection (1), the shipper must cause the cargoes to be properly identified, classified, sampled and tested in compliance with sections 4.1 and 4.3 of the IMSBC Code.
- (4) If a certificate of test, declaration, statement or other document in respect of the cargoes is required under section 4.3 of the IMSBC Code, the shipper of the cargoes must—
- (a) provide the master of the ship with the certificate, declaration, statement or document in respect of the cargoes; and
 - (b) comply with the requirements specified in sections 4.3, 4.4, 4.5 and 4.6 of the Code for the certification, classification, sampling and testing of the cargoes.
- (5) If a ship carries cargoes that are dangerous goods, the shipper of the cargoes must ensure that the documents relating to the cargoes are provided on the ship in compliance with section 4.8 of the IMSBC Code.
- (6) A shipper who contravenes subsection (1), (3), (4) or (5) commits an offence and is liable to a fine of \$20,000 and to imprisonment for 2 years.
- (7) In this section—

Bulk Cargo Shipping Name (BCSN) (散裝貨物船運名) has the meaning given by section 1.7 of the IMSBC Code.

8. Trimming procedures

- (1) The master of a ship carrying solid bulk cargoes (whether non-cohesive solid bulk cargoes or not) must ensure that the

- cargoes are loaded, spread and trimmed in compliance with section 5.1 of the IMSBC Code.
- (2) The master of a multi-deck ship, apart from complying with subsection (1), must also ensure that the additional requirements specified in section 5.2 of the IMSBC Code are complied with if the solid bulk cargoes on the ship are loaded only in the lower cargo spaces or are carried in 'tween-decks of the ship.
- (3) If non-cohesive solid bulk cargoes are loaded or carried on a ship, the master of the ship must—
- (a) if, according to the information provided under section 7, the cargoes have an angle of repose less than or equal to 30°—ensure that the loading or carriage complies with section 5.4.3 of the IMSBC Code;
 - (b) if, according to the information provided under section 7, the cargoes have an angle of repose greater than 30° but less than or equal to 35°—ensure that the cargoes on the ship are trimmed according to the criteria specified in section 5.4.4 of the IMSBC Code; and
 - (c) if, according to the information provided under section 7, the cargoes have an angle of repose greater than 35°—ensure that the cargoes on the ship are trimmed according to the criteria specified in section 5.4.5 of the IMSBC Code.
- (4) The master of a ship who contravenes subsection (1), (2) or (3) commits an offence and is liable to a fine of \$20,000 and to imprisonment for 2 years.
- (5) In this section—
- angle of repose** (休止角), in relation to non-cohesive granular material, means the maximum slope angle of the granular material—

- (a) measured as the angle between a horizontal plane and the cone slope of the material; and
- (b) determined by the method set out in section 6 of the IMSBC Code;

non-cohesive material (非附着性物料) means a dry material listed in paragraph 1 of appendix 3 to the IMSBC Code that readily shifts due to sliding during transport;

non-cohesive solid bulk cargo (非附着性固體散裝貨物) means—

- (a) a cargo listed in paragraph 1 of appendix 3 to the IMSBC Code under the heading of non-cohesive cargoes; or
- (b) any other cargo which exhibits the property of a non-cohesive material;

trim (平艙) means any act of levelling of any solid bulk cargo in a cargo space, whether partial or total.

9. Cargoes which may liquefy

- (1) The master of a ship—
 - (a) must not accept for loading or carriage on the ship any concentrates in bulk or other solid bulk cargoes which may liquefy, unless the moisture content of the concentrates or cargoes is less than its transportable moisture limit; and
 - (b) if the concentrates or cargoes are accepted for loading or carriage, must ensure that the loading or carriage complies with section 7.3.1 of the IMSBC Code.
- (2) Despite subsection (1), a cargo which has a moisture content in excess of its transportable moisture limit may be loaded or carried on a ship, if the ship is a specially constructed cargo ship or specially fitted cargo ship that complies with section 7.3.2 of the IMSBC Code.

- (3) The master of a ship who contravenes subsection (1) commits an offence and is liable to a fine of \$20,000 and to imprisonment for 2 years.

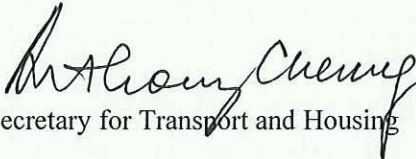
10. Materials possessing chemical hazards

- (1) This section applies to solid bulk cargoes that are either—
 - (a) dangerous goods; or
 - (b) materials hazardous only in bulk within the meaning of section 9.2.3 of the IMSBC Code.
- (2) If solid bulk cargoes are loaded, stowed, segregated or carried on, or discharged from, a ship, the master of the ship must ensure that the loading, stowage, segregation, carriage or discharge complies with section 9.3 of the IMSBC Code.
- (3) The master of a ship who contravenes subsection (2) commits an offence and is liable to a fine of \$20,000 and to imprisonment for 2 years.

11. Carriage of wastes in bulk

- (1) The master of a ship carrying wastes in bulk must ensure that the wastes are stowed, handled, segregated, carried and transported in compliance with section 10 of the IMSBC Code.
- (2) The master of a ship who contravenes subsection (1) commits an offence and is liable to a fine of \$20,000 and to imprisonment for 2 years.
- (3) In this section—

wastes (廢物) has the meaning given by section 10.2.1 of the IMSBC Code.


Secretary for Transport and Housing

3 May 2016

Explanatory Note

This Regulation is made under the Merchant Shipping (Safety) Ordinance (Cap. 369) for implementing regulation 1-2 of Chapter VI of the International Convention for the Safety of Life at Sea, 1974, as amended. That regulation 1-2 provides that the carriage of solid bulk cargoes (other than grain) must comply with the relevant provisions of the International Maritime Solid Bulk Cargoes Code (*IMSBC Code*).

2. The Regulation provides for the requirements for the loading, stowage, carriage and unloading of solid bulk cargoes (other than grain), including dangerous goods in solid form in bulk.
3. Section 1 provides for the commencement of the Regulation.
4. Section 2 contains the definition of words and expressions used in the Regulation.
5. Section 3 provides for the scope of application of the Regulation.
6. Section 4 implements section 1 of the IMSBC Code, which sets out the conditions for the loading of solid bulk cargoes on a ship.
7. Section 5 implements section 2 of the IMSBC Code, which sets out the general loading, carriage and unloading requirements to be complied with in relation to solid bulk cargoes.
8. Section 6 implements section 3 of the IMSBC Code, which imposes a duty on the master of a ship carrying solid bulk cargoes to ensure the safety of the personnel on board and the ship.
9. Section 7 implements sections 4 and 8.1 of the IMSBC Code, which require a shipper of solid bulk cargoes to provide the master of a ship with information on the cargoes to enable the master to take the necessary precautions for the proper stowage and safe carriage of the cargoes.

10. Section 8 implements section 5 of the IMSBC Code, which requires the master of a ship to ensure that solid bulk cargoes are loaded, spread and trimmed in compliance with that section 5. Additional requirements are imposed for non-cohesive solid bulk cargoes which have different angles of repose. The angle of repose is determined by the method set out in section 6 of the Code.
11. Section 9 implements section 7 of the IMSBC Code, which provides that the master of a ship may only accept for loading or carriage any concentrates in bulk or other solid bulk cargoes which may liquefy if the conditions set out in that section 7 are met.
12. Section 10 implements section 9 of the IMSBC Code, which requires the master of a ship to ensure that the stowage, segregation and other requirements specified in that section 9 are complied with in relation to solid bulk cargoes that possess chemical hazards.
13. Section 11 implements section 10 of the IMSBC Code, which requires the master of a ship carrying wastes in bulk to ensure that the wastes are stowed, handled, segregated, carried and transported in compliance with that section 10.

Merchant Shipping (Safety) (Carriage of Cargoes) (Amendment) Regulation 2016

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Merchant Shipping (Safety) (Carriage of Cargoes) (Amendment) Regulation 2016

(Made by the Secretary for Transport and Housing under sections 107, 112A and 112B of the Merchant Shipping (Safety) Ordinance (Cap. 369))

1. Commencement

This Regulation comes into operation on 1 July 2016.

2. Merchant Shipping (Safety) (Carriage of Cargoes) Regulation amended

The Merchant Shipping (Safety) (Carriage of Cargoes) Regulation (Cap. 369 sub. leg. AV) is amended as set out in sections 3 to 20.

3. Title amended

The title, after “CARGOES”—

Add

“AND OIL FUEL”.

4. Part 1 heading added

Before section 1—

Add

“Part 1

Preliminary and Application”.

5. Section 1 amended (interpretation)

(1) Section 1(1), definition of *cargo*—

Repeal paragraph (a).

(2) Section 1(1), definition of *Cargo Securing Manual*, paragraph (a), after “solid”—

Add

“bulk cargoes”.

(3) Section 1(1), definition of *Cargo Securing Manual*—

Repeal paragraphs (b) and (c)

Substitute

“(b) is approved by an Administration; and

(c) is of a standard equivalent to or higher than the standard as set out in the guidelines contained in the Annex to the MSC.1/Circular 1353 of the Maritime Safety Committee of the IMO, as from time to time revised or amended by the IMO;”.

(4) Section 1(1)—

Repeal the definition of *freight container*

Substitute

“*freight container* (運貨貨櫃) has the meaning given by section 2(1) of the Freight Containers (Safety) Ordinance (Cap. 506);”.

(5) Section 1(1), English text, definition of *tons*, paragraph (b)—

Repeal the semicolon

Substitute a full stop.

(6) Section 1(1)—

(a) definition of *bulk cargo*;

(b) definition of *Code of Safe Practices for Cargo Stowage and Securing*;

(c) definition of *IMDG Code*;

(d) definition of *Merchant Shipping Notice*;

- (e) definition of *moisture content*;
- (f) definition of *ro-ro cargo spaces*;
- (g) definition of *transportable moisture limit*—

Repeal the definitions.

- (7) Section 1(1)—

Add in alphabetical order

“*Administration* (主管機關) means—

- (a) in relation to a Hong Kong ship, the Director; and
- (b) in relation to a non-Hong Kong ship, the government of the State whose flag the ship is entitled to fly;

bulk carrier (散裝貨輪) means a ship that is constructed primarily to carry dry cargo in bulk, and includes an ore carrier and a combination carrier;

cargo transport unit (貨物運輸單元) means a road transport tank or freight vehicle, a railway transport tank or freight wagon, a multimodal freight container or portable tank, or a multi-element gas container;

container (貨櫃) has the meaning given by section 2 of the Freight Containers (Safety) Ordinance (Cap. 506);

liquid bulk cargo (液體散裝貨物) means any cargo that is liquid in bulk;

non-Hong Kong ship (非香港船舶) means a ship other than a Hong Kong ship;

shipper (付運人), in relation to a cargo, means—

- (a) a person by whom, or in whose name, or on whose behalf, a contract of carriage of cargoes by sea has been concluded in respect of the cargo with a carrier; or

- (b) a person by whom, or in whose name, or on whose behalf, the cargo is delivered to a carrier under a contract of carriage of cargoes by sea concluded in respect of the cargo;

solid bulk cargo (固體散裝貨物) means any cargo, other than liquid cargo or gas cargo, consisting of a combination of particles, granules or any larger pieces of material generally uniform in composition, which is loaded directly into the cargo spaces of a ship without any intermediate form of containment;”.

- (8) Section 1—

Repeal subsection (2).**6. Section 2 amended (application)**

- (1) Section 2—

Repeal subsection (1)**Substitute**

“(1) Subject to subsection (2), this Regulation applies to—

- (a) a Hong Kong ship wherever it may be; and
- (b) a non-Hong Kong ship while it is within the waters of Hong Kong.”.

- (2) Section 2(2)—

Repeal

“in relation to any ship which is not a Hong Kong ship”

Substitute

“to a non-Hong Kong ship flying the flag of a State that is not a party to the Convention”.

- (3) Section 2(3)(a)—

Repeal

“or 8(1), (2), (4), (5) or (6)”

Substitute

“, 7A or 8(1)”.

7. Part 2 heading added

Before section 3—

Add

“Part 2

All Cargoes”.

8. Section 3 amended (cargo information to be furnished before loading)

(1) Section 3(1)—

Repeal

“subsection (2)”

Substitute

“subsections (2), (3) and (3A)”.

(2) Section 3(2)—

Repeal paragraph (b)

Substitute

“(b) furnished with adequate details regarding the cargoes so that their stowage may be properly planned for handling and transport for ensuring that—

- (i) different commodities to be carried are compatible with each other or suitably separated;
- (ii) the cargoes are suitable for being carried on the ship;

(iii) the ship is suitable for carrying the cargoes; and

(iv) the cargoes can be safely stowed and secured on board the ship and transported under all expected conditions during the intended voyage.”.

(3) Section 3(3)—

Repeal

everything after “subsection (1)”

Substitute

“must include—

(a) for a general cargo and a cargo carried in a cargo unit—

- (i) a general description of the cargo;
- (ii) the gross mass of the cargo or, if the cargo is carried in a cargo unit, the gross mass of such cargo unit; and
- (iii) any properties of the cargo that are relevant to the safe carriage of the cargo by sea; or

(b) for a solid bulk cargo—

- (i) the information required by section 4.2.2 of the IMSBC Code; and
- (ii) if the cargo is carried in a bulk carrier of 150 metres or more in length, the additional information on the density of the cargo declared by the shipper of the cargo.”.

(4) After section 3(3)—

Add

“(3A) If—

- (a) a bulk carrier that carries a solid bulk cargo is a bulk carrier referred to in subsection (3B); and

- (b) the density of the cargo declared under subsection (3)(b)(ii) is 1 250 kg/cubic metre or above but is below 1 780 kg/cubic metre,

the shipper of the cargo must furnish information to show that the density of the cargo has been verified by an accredited testing organization.

(3B) The bulk carrier is one—

- (a) to which regulation 6 of Chapter XII of the Convention applies; and
- (b) which does not comply with the requirements of regulations 4.3, 6, 7.1 and 14 of Chapter XII of the Convention applicable to the carriage of solid bulk cargoes having a density of 1 780 kg/cubic metre or above.”.

(5) Section 3(5), after “an offence”—

Add

“and is liable to a fine of \$20,000 and to imprisonment for 2 years”.

(6) Section 3(6), after “an offence”—

Add

“and is liable to a fine of \$20,000 and to imprisonment for 2 years”.

(7) After section 3(6)—

Add

“(7) In this section—

general cargo (一般貨物) means a cargo not being transported—

- (a) in bulk;
- (b) in a cargo unit; or

- (c) in a cargo transport unit;

IMSBC Code (《固體散裝貨規則》) means the International Maritime Solid Bulk Cargoes Code adopted by the IMO by resolution MSC.268(85) on 4 December 2008, as from time to time revised or amended by any revision or amendment that applies to Hong Kong.”.

9. Section 3A added

After section 3—

Add

“3A. Verifying gross mass of cargoes and containers for purpose of section 3(3)(a)(ii)

- (1) This section applies to a cargo carried in a cargo unit that is a packed container.
- (2) For the purpose of section 3(3)(a)(ii), if a packed container is to be shipped from Hong Kong on a ship, a specified person must—
- (a) verify the gross mass of the packed container in accordance with subsection (3);
- (b) ensure that the verified gross mass is stated in a shipping document signed by a person duly authorized by the specified person; and
- (c) deliver a copy of the shipping document in advance to the master of the ship or the master’s representative and the terminal operator of the terminal, wharf or other similar facilities at which the container is to be loaded for the preparation of the ship’s stowage plan.
- (3) The gross mass must be verified by one of the following methods—

- (a) by weighing the packed container as a whole using an equipment that is acceptable to—
 - (i) the competent authority of the place at which the packing of the container was completed; or
 - (ii) the Director;
- (b) by adding—
 - (i) the tare mass of the container; and
 - (ii) the mass of all the cargoes and packages (including the mass of pallets, dunnage, other packing materials and securing materials) to be packed into the container, that is obtained by weighing the content of the container by using a method approved by—
 - (A) the competent authority of the place at which the packing of the container was completed; or
 - (B) the Director.
- (4) The master of the ship and the terminal operator must not load the container on the ship if the master or the terminal operator does not have the gross mass of the container verified under subsection (2).
- (5) The Director may, in relation to a packed container—
 - (a) request the gross mass of the container verified under subsection (2) to be checked before the loading of the container on a ship; and
 - (b) request the specified person concerned to provide documentary proof to show that subsection (2) has been complied with.
- (6) Subsection (2) does not apply to a container that—

- (a) is carried on a chassis or trailer; and
- (b) is driven on a ro-ro ship engaged in short international voyages as defined by regulation 3.22 of Chapter III of the Convention.
- (7) The Director may, by notice published in the Gazette, specify the specifications, standards or additional requirements on verifying gross mass for—
 - (a) acceptance of an equipment for the purpose of subsection (3)(a)(ii); or
 - (b) approval of a method for the purpose of subsection (3)(b)(ii)(B).
- (8) A notice published under subsection (7) is not subsidiary legislation.
- (9) A specified person who contravenes subsection (2) commits an offence and is liable to a fine of \$20,000 and to imprisonment for 2 years.
- (10) If subsection (4) is contravened, the master concerned and the terminal operator concerned each commits an offence and is liable to a fine of \$20,000 and to imprisonment for 2 years.
- (11) In this section—
 - competent authority* (主管當局), in relation to a place outside Hong Kong, means the authority responsible, under the law of that place, for the regulation of carriage of cargoes in that place;
 - packed container* (已裝填貨櫃) means a container loaded with—
 - (a) cargoes of liquids, gases, or solids, or cargoes packed and tied together in the form of packages; and

(b) pallets, dunnage, other packing materials or securing materials;

specified person (指明人士), in relation to a cargo packed in a packed container, means a person—

(a) who is named in a bill of lading, a sea waybill or an equivalent multimodal transport document as the shipper of the cargo; and

(b) who (or in whose name or on whose behalf) has concluded a contract of carriage with a shipping company in respect of the cargo;

terminal operator (貨運站營運者), in relation to a terminal, wharf or other similar facilities, means the person in charge of the operation of the terminal, wharf or facilities.”.

10. Section 4 amended (provision of oxygen analysis and gas detection equipment)

(1) Section 4(1), before “bulk cargo”—

Add

“solid”.

(2) Section 4(1)—

Repeal everything after paragraph (b)

Substitute

“the master and the owner of the ship must ensure that the ship is provided with an instrument for measuring the concentration of such gas or oxygen in the air, together with detailed instructions for its use, and that the instrument is in effective working condition.”.

(3) After section 4(1)—

Add

“(1A) If subsection (1) is contravened, the master and the owner of the ship concerned each commits an offence and is liable to a fine of \$20,000 and to imprisonment for 2 years.”.

(4) Section 4(2), before “bulk cargo”—

Add

“solid”.

(5) Section 4(3), after “an offence”—

Add

“and is liable to a fine of \$20,000 and to imprisonment for 2 years”.

11. Section 5 amended (safe use of pesticides in ships)

(1) Section 5(2), after “an offence”—

Add

“and is liable to a fine of \$20,000 and to imprisonment for 2 years”.

(2) Section 5(4)—

Repeal

everything after “in accordance with”

Substitute

“the relevant recommendations relating to the safe use of pesticides in ships published by the IMO, as from time to time amended by the Maritime Safety Committee of the IMO may be relied on as tending to establish or negate any liability which is in question.”.

12. Section 6 amended (stowage and securing of cargoes)

(1) Section 6, heading—

Repeal

“cargoes”

Substitute

“cargoes, cargo units and cargo transport units”.

- (2) Section 6(1)—

Repeal

everything after “of a ship”

Substitute

“must ensure that cargoes, cargo units and cargo transport units carried on a ship must be so loaded, stowed and secured as to minimize the risk to—

- (a) the safety of the ship;
- (b) the health or safety of any person on board the ship; or
- (c) the loss of cargo overboard.”.

- (3) Section 6(2)—

Repeal

“carried in a cargo unit shall ensure that the cargo is”

Substitute

“, cargo unit and cargo transport unit must ensure that they are”.

- (4) Section 6(4)—

Repeal

everything after “loading and discharging”

Substitute

“cargo units and cargo transport units on and from the ship must ensure that the units are—

- (a) so loaded on and transported within the ship; and
- (b) so secured, having regard to the securing arrangements on board the ship and on cargo units and cargo transport units, and to the strength of the securing points and lashings,

as to minimize the risk to the safety of the ship or any person on board the ship.”.

- (5) Section 6—

Repeal subsections (4A) and (4B)**Substitute**

“(4A) The master of a ship must ensure that all cargoes (other than solid bulk cargoes and liquid bulk cargoes), cargo units and cargo transport units are loaded, stowed and secured in accordance with the Cargo Securing Manual of the ship throughout the voyage.

(4B) For a ship with ro-ro spaces as defined in regulation 3 of Chapter II-2 of the Convention, the master of the ship must ensure that all cargoes (other than solid bulk cargoes and liquid bulk cargoes), cargo units and cargo transport units are loaded, stowed and secured on the ship in accordance with the Cargo Securing Manual of the ship before the ship leaves the berth at which the cargoes and units are loaded.”.

- (6) Section 6(4C)—

Repeal

“carrying cargo”

Substitute

“carrying a cargo, cargo unit or cargo transport unit”.

- (7) Section 6(5), after “an offence”—

Add

“and is liable to a fine of \$20,000 and to imprisonment for 2 years”.

13. Section 7 amended (freight containers not to be overloaded)

(1) Section 7, Chinese text, heading—

Repeal

“貨運集裝箱”

Substitute

“運貨貨櫃”.

(2) Section 7—

Renumber the section as section 7(1).

(3) Section 7(1)—

Repeal

everything after “safety approval plate”

Substitute

“affixed to the container commits an offence and is liable to a fine of \$20,000 and to imprisonment for 2 years.”.

(4) After section 7(1)—

Add

“(2) In subsection (1)—

safety approval plate (安全合格牌照) has the meaning given by section 2(1) of the Freight Containers (Safety) Ordinance (Cap. 506).”.

14. Sections 7A and 7B added

After section 7—

Add

“7A. Material safety data sheets

(1) If a ship carries oil as cargo in bulk or oil fuel, the master of the ship must ensure that the material safety data sheets relating to the oil or oil fuel that comply with subsection (2) are provided on the ship before loading the oil as cargo in bulk or bunkering of the oil fuel.

(2) The material safety data sheets must contain details of the items specified in the Recommendations for Material Safety Data Sheets (MSDS) for MARPOL Annex 1 Oil Cargo and Oil Fuel, adopted by the IMO by resolution MSC.286(86), as from time to time revised or amended by the IMO.

(3) The master of a ship who contravenes subsection (1) commits an offence and is liable to a fine of \$20,000 and to imprisonment for 2 years.

(4) In this section—

MARPOL (《防污公約》) means the International Convention for the Prevention of Pollution from Ships, 1973, including its protocols and appendices, as from time to time revised or amended by any revision or amendment that applies to Hong Kong;

oil (油類)—

(a) means petroleum in any form, including crude oil, fuel oil, sludge, oil refuse and refined products (other than petrochemicals which are subject to the provisions of Annex II to MARPOL); and

(b) includes the substances listed in Appendix I to Annex I to MARPOL;

oil fuel (油類燃料) means any oil used as fuel in connection with the propulsion and auxiliary machinery of the ship on which the oil is carried.

7B. Prohibition of blending of liquid bulk cargoes and production process on ship during voyages

- (1) Subject to subsection (2), the master of a ship must ensure that any physical blending of liquid bulk cargoes is not carried out on board the ship during a voyage.
- (2) Subsection (1) does not apply to—
 - (a) any physical blending of liquid bulk cargoes that is for undertaking cargo transfers for—
 - (i) the safety of the ship; or
 - (ii) the protection of the marine environment; and
 - (b) any physical blending of liquid bulk cargoes that is for use in the search or exploitation of seabed mineral resources.
- (3) Subject to subsection (4), the master of a ship must ensure that a production process is not carried out on board the ship during a voyage.
- (4) Subsection (3) does not apply if the production process is—
 - (a) carried out for the search or exploitation of seabed mineral resources; and
 - (b) carried out in conformity with the Guidelines for the Transport and Handling of Limited Amounts of Hazardous and Noxious Liquid Substances in Bulk on Offshore Support Vessels adopted by the IMO by resolution A.673(16), as from time to time revised or amended by the IMO.
- (5) The master of a ship who contravenes subsection (1) or (3) commits an offence and is liable to a fine of \$20,000 and to imprisonment for 2 years.
- (6) In this section—

physical blending (物理混合) means a process by which a ship's cargo pumps and pipelines are used to circulate 2 or more different cargoes on board the ship with the intent to produce a cargo with a composition or description different from that of those cargoes;

production process (生產作業) means a deliberate operation by which a chemical reaction between a ship's cargoes and any other cargo or substance takes place.”.

15. Part 3 heading added

Before section 8—

Add

“Part 3

Special Provisions for Solid Bulk Cargoes”.

16. Section 8 amended (provisions in respect of bulk cargo)

(1) Section 8, heading—

Repeal

“Provisions in respect of bulk cargo”

Substitute

“Acceptability for shipment”.

(2) Section 8(1)—

Repeal

“bulk cargo is loaded on a”

Substitute

“solid bulk cargo is loaded on the”.

(3) Section 8(1)(a)—

Repeal

“Schedule 7 to”

Substitute

“regulation 30 of”.

- (4) Section 8(1)(a)—

Repeal

“that Schedule”

Substitute

“that regulation”.

- (5) Section 8—

Repeal subsections (2), (3), (4), (5) and (6).

- (6) Section 8(7)—

Repeal

everything after “subsection (1)”

Substitute

“commits an offence and is liable to a fine of \$20,000 and to imprisonment for 2 years.”.

- (7) Section 8—

Repeal subsection (8).

17. Section 8A amended (duty of owner of terminal, etc., to appoint terminal representative)

Section 8A(4), after “an offence”—

Add

“and is liable to a fine of \$20,000 and to imprisonment for 2 years.”.

18. Section 8B amended (loading, unloading and storage of bulk cargoes)

- (1) Section 8B, heading—

Repeal

“storage of”

Substitute

“stowage of solid”.

- (2) Section 8B(1), before “bulk cargo”—

Add

“solid”.

- (3) Section 8B(1)—

Repeal

everything after “the master with”

Substitute

“a solid bulk cargo booklet which—

- (a) contains the information set out in subsection (2);
- (b) is written in a language with which the ship’s officers responsible for the cargo operation are familiar and, if the language is not English, is accompanied by a translation in English; and
- (c) is endorsed by an Administration.”.

- (4) Section 8B(2)—

Repeal

“Information on or in relation to cargoes”

Substitute

“The information”.

- (5) Section 8B(2)(f)—

Repeal

“and”.

- (6) Section 8B(2)(g)—

Repeal the full stop**Substitute**

“; and”.

- (7) After section 8B(2)(g)—

Add

“(h) the restrictions imposed on the carriage of solid bulk cargoes having a density of 1 780 kg/cubic metre or above in accordance with the requirements of regulations 6 and 14 of Chapter XII of the Convention.”.

- (8) Section 8B(3)(a), before “bulk cargo”—

Add

“solid”.

- (9) After section 8B(3)—

Add

“(3A) If a master of a ship or a terminal representative becomes aware of a significant deviation from the plan referred to in subsection (3), the master and the terminal representative must, within each of their area of responsibility, ensure that the cargo or ballast operations, or both, are adjusted so that any deviation is corrected.”.

- (10) Section 8B—

Repeal subsection (4)**Substitute**

“(4) If a solid bulk cargo is loaded on or unloaded from a ship—

- (a) the master of the ship must ensure that the loading or unloading, as the case may be, is continuously monitored by one or more of the ship’s personnel;
- (b) the master of the ship must ensure that the ship’s draught is checked regularly to confirm the tonnage figures supplied;
- (c) the master of the ship must ensure that each draught check carried out and tonnage confirmed under paragraph (b) is recorded in a cargo log-book; and
- (d) the master and the terminal representative must, if the master is of the opinion that any of the limits of the ship referred to in subsection (2)(b), (c), (d), (e), (f), (g) and (h) are exceeded or are likely to be exceeded if the loading or unloading operation continues, ensure that corrective action (which may be or include the suspension of the loading or unloading operation) is taken immediately.

- (4A) If the corrective action taken under subsection (4)(d) results in the suspension of the loading or unloading operation, the master must, as soon as practicable, furnish the port authority with—

- (a) the particulars of the limits to which the corrective action relates; and
- (b) the particulars of the corrective action taken.”.

- (11) Section 8B—

Repeal subsection (5)**Substitute**

“(5) If subsection (1) is contravened, the master and the owner concerned each commits an offence and is liable to a fine of \$20,000 and to imprisonment for 2 years.

- (5A) If any of the requirements in subsection (3), (3A) or (4)(d) is contravened, the master and the terminal representative concerned each commits an offence and is liable to a fine of \$20,000 and to imprisonment for 2 years.
- (5B) A master of a ship who contravenes subsection (4)(a), (b) or (c) or (4A) commits an offence and is liable to a fine of \$20,000 and to imprisonment for 2 years.”.

19. Section 8C added

After section 8B—

Add

“8C. Restrictions on certain bulk carriers with empty hold to proceed to sea


- (1) This section applies to a ship that—
- (a) is a bulk carrier of—
- (i) single-side skin construction as defined by regulation 1.2 of Chapter XII of the Convention; and
 - (ii) 150 metres or above in length;
- (b) carries solid bulk cargoes having a density of 1 780 kg/cubic metre or above;
- (c) does not meet—
- (i) the requirements for withstanding flooding of any one cargo hold specified in regulation 5.1 of Chapter XII of the Convention; and
 - (ii) the standards and criteria for side structures of bulk carriers of single-side skin construction, adopted by the IMO by resolution MSC.168(79), as from time to time revised or

- amended by any revision or amendment that applies to Hong Kong; and
- (d) is over 10 years of age.
- (2) A master of a ship must not permit or authorize the ship to proceed to sea with any hold loaded to less than 10% of the hold’s maximum allowable cargo weight when the ship is in full load condition.
- (3) A master of a ship who contravenes subsection (2) commits an offence and is liable to a fine of \$20,000 and to imprisonment for 2 years.
- (4) In subsection (2)—
- full load condition* (滿載狀況), in relation to a ship, means a load equals to, or greater than, 90% of the deadweight at the relevant assigned freeboard of the ship.”.

20. Section 9 repealed (penalties)

Section 9—

Repeal the section.


Secretary for Transport and Housing

3 May 2016

Explanatory Note

This Regulation amends the Merchant Shipping (Safety) (Carriage of Cargoes) Regulation (Cap. 369 sub. leg. AV) (*principal Regulation*) for—

- (a) giving effect to—
 - (i) regulations 1, 2, 3, 4, 5, 6 and 7 of Chapter VI of the International Convention for the Safety of Life at Sea, 1974 as amended (*Convention*), which deals with cargoes (including solid bulk cargoes and grain); and
 - (ii) regulations 8.1, 8.2, 10 and 14 of Chapter XII of the Convention, which deals with solid bulk cargoes carried on a ship which is a bulk carrier; and
 - (b) updating the provisions for the loading, stowage, carriage and unloading of cargoes (including solid bulk cargoes and grain).
2. Section 1 of the principal Regulation is amended to include new definitions necessary for the interpretation of the principal Regulation as amended by this Regulation (*New Regulation*).
 3. Section 2 of the principal Regulation which relates to the scope of application is being amended.
 4. Section 3 of the principal Regulation is amended to require additional cargo information to be furnished before loading.
 5. A new section 3A is added to the principal Regulation for implementing the new requirements under regulation 2 of Chapter VI of the Convention. That section 3A requires the gross mass of cargoes and containers to be verified by weighing the packed

- containers or the cargoes and packages to be packed into the containers.
6. Section 6 of the principal Regulation is amended to extend the requirement on stowage and securing of cargoes to cargo units and cargo transport units.
 7. A new section 7A is added to the principal Regulation for implementing regulation 5-1 of Chapter VI of the Convention. The master of a ship that carries oil as cargo in bulk or oil fuel must ensure that the material safety data sheets are provided on the ship.
 8. A new section 7B is added to the principal Regulation for implementing regulation 5-2 of Chapter VI of the Convention. It prohibits any physical blending of liquid bulk cargoes and production process to be carried out on a ship during voyages.
 9. Sections 8 and 8B of the principal Regulation are amended to make clear that those provisions apply to the loading, unloading and carriage of solid bulk cargoes. Section 8B is also amended to implement regulation 7 of Chapter VI and regulation 8 of Chapter XII of the Convention.
 10. A new section 8C is added to the principal Regulation for implementing regulation 14 of Chapter XII of the Convention. The master of certain bulk carrier must not permit the carrier to proceed to sea with empty hold.
 11. To implement the Convention in relation to cargoes—
 - (a) Parts 1 and 2 of the New Regulation regulate cargoes loaded or carried on a ship;
 - (b) Parts 1, 2 and 3 of the New Regulation regulate grain loaded or carried on a ship in addition to the Merchant Shipping (Safety) (Grain) Regulations (Cap. 369 sub. leg. AA); and

- (c) Parts 1, 2 and 3 of the New Regulation regulate solid bulk cargoes (other than grain) loaded or carried on a ship in addition to the Merchant Shipping (Safety) (IMSBC Code) Regulation.

Merchant Shipping (Safety) (High Speed Craft) (Amendment) Regulation 2016

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Merchant Shipping (Safety) (High Speed Craft) (Amendment) Regulation 2016

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

1. Commencement

This Regulation comes into operation on 1 July 2016.

2. Merchant Shipping (Safety) (High Speed Craft) Regulation amended

The Merchant Shipping (Safety) (High Speed Craft) Regulation (Cap. 369 sub. leg. AW) is amended as set out in sections 3 to 15.

3. Section 2 amended (interpretation)

- (1) Section 2(1), definition of *failure mode and effect analysis*—

Repeal

“, in accordance with annex 4 of the HSC Code, of the craft’s”

Substitute

“of a craft’s”.

- (2) Section 2(1), definition of *high speed craft*—

Repeal

everything after “or”

Substitute

“exceeding $3.7\nabla^{0.1667}$ (where ∇ = volume of displacement corresponding to the design waterline (m^3)), excluding a craft the hull of which is supported completely clear above the water surface in non-displacement mode by aerodynamic forces generated by ground effect;”.

- (3) Section 2(1)—

Repeal the definition of *HSC Code*

Substitute

“*HSC Code* (《高速船規則》) means the 1994 Code or the 2000 Code;”.

- (4) Section 2(1), Chinese text, definition of *安全證明書*—

Repeal

everything after “條發出的”

Substitute

“證明書，而就任何其他高速船而言，指由該船的註冊國家或地區政府按《高速船規則》第 1 章發出(或代該政府發出)的證明書；”。

- (5) Section 2(1), Chinese text, definition of *營運許可證*—

Repeal

everything after “條發出的”

Substitute

“許可證，而就任何其他高速船而言，指由該船的註冊國家或地區政府按《高速船規則》第 1 章發出(或代該政府發出)的許可證；”。

- (6) Section 2(1)—

Repeal the definition of *design waterline*.

- (7) Section 2(1), before the definition of *cargo craft*—

Add

“*1994 Code* (《1994 年規則》) means the International Code of Safety for High Speed Craft adopted by the Maritime Safety Committee of the International Maritime Organization by resolution MSC.36(63), as from time to

time revised or amended by any revision or amendment that applies to Hong Kong;

2000 Code (《2000年規則》) means the International Code of Safety for High Speed Craft adopted by the Maritime Safety Committee of the International Maritime Organization by resolution MSC.97(73), as from time to time revised or amended by any revision or amendment that applies to Hong Kong;”.

(8) Section 2(1)—

Add in alphabetical order

“**alteration** (改動), in relation to a high speed craft, means any repair, alteration, modification or outfitting of the craft that is of a major character;

applicable Code (適用《規則》) means—

- (a) in relation to a high speed craft that is subject to the requirement under section 3A(2), 3B(2) or 3C(2), the 1994 Code; and
- (b) in relation to a high speed craft that is subject to the requirement under section 3A(3), 3B(4) or 3C(3), the 2000 Code;

constructed (建造), in relation to a high speed craft, means the stage at which—

- (a) the keel of the craft is laid; or
- (b) construction identifiable with the craft begins, and assembly of the craft has commenced comprising at least 50 tonnes or 3% of the estimated mass of all structural material, whichever is less;

cross-boundary voyage (跨境航程) means a voyage—

- (a) between Hong Kong and a port outside Hong Kong; and

(b) which is not an international voyage;

International Safety Management Code (《國際安全管理規則》) means the International Management Code for the Safe Operation of Ships and for Pollution Prevention adopted by the International Maritime Organization, as from time to time revised or amended by any revision or amendment that applies to Hong Kong;

international voyage (國際航程) means a voyage between—

- (a) Hong Kong and a port outside the People’s Republic of China; or
- (b) a port in a country which is a party to the Convention and a port outside that country (whether in a country which is a party to the Convention or not);

owner (船東), in relation to a high speed craft, means—

- (a) the owner of the craft; or
- (b) a person who—
 - (i) has assumed responsibility for the operation of the craft; and
 - (ii) on assuming that responsibility, has agreed to take over all the duties and responsibilities imposed in respect of the craft by the International Safety Management Code;”.

(9) Section 2(2), Chinese text—

Repeal

“《守則》”

Substitute

“《高速船規則》”.

4. Section 3 amended (application)

(1) Section 3—

Repeal subsection (1).

(2) Section 3(2)—

Repeal

“specified in subsection (1)”.

(3) Section 3(2)(b)—

Repeal subparagraph (ii)**Substitute**

“(ii) cross-boundary voyages; and”.

5. Sections 3A, 3B and 3C added

After section 3—

Add**“3A. High speed craft engaged in cross-boundary voyages to comply with HSC Code**

- (1) This section applies to a high speed craft engaged in cross-boundary voyages.
- (2) The following high speed craft must be built, equipped, operated and maintained in accordance with the 1994 Code—
 - (a) a high speed craft constructed before 1 March 1999 and to which alterations were made on or after 1 March 1999 but before 1 July 2016; and
 - (b) a high speed craft constructed on or after 1 March 1999 but before 1 July 2016 and to which no alterations are made on or after 1 July 2016.

(3) The following high speed craft must be built, equipped, operated and maintained in accordance with the 2000 Code—

- (a) a high speed craft constructed before 1 July 2016 and to which alterations are made on or after 1 July 2016; and
- (b) a high speed craft constructed on or after 1 July 2016.

3B. Certain high speed craft engaged in cross-boundary voyages to comply with HSC Code on approval of Director

(1) Subsection (2) applies to a Hong Kong high speed craft which is—

- (a) engaged in cross-boundary voyages; and
- (b) constructed before 1 March 1999 and to which no alterations are made on or after 1 March 1999.

(2) A high speed craft to which this subsection applies must be built, equipped, operated and maintained in accordance with the 1994 Code if—

- (a) the owner of the craft makes an application to the Director that the 1994 Code is to apply to the craft; and
- (b) the Director approves the application.

(3) Subsection (4) applies to a Hong Kong high speed craft which is—

- (a) engaged in cross-boundary voyages; and
- (b) constructed on or after 1 March 1999 but before 1 July 2016 and to which no alterations are made on or after 1 July 2016.

- (4) Despite section 3A(2)(b), a high speed craft to which this subsection applies must be built, equipped, operated and maintained in accordance with the 2000 Code if—
- (a) the owner of the craft makes an application to the Director that the 2000 Code is to apply to the craft; and
 - (b) the Director approves the application.

3C. High speed craft engaged in international voyages to comply with HSC Code

- (1) This section applies to a high speed craft engaged in international voyages.
- (2) The following high speed craft must be built, equipped, operated and maintained in accordance with the 1994 Code—
 - (a) a high speed craft constructed before 1 January 1996 and to which alterations were made on or after 1 January 1996 but before 1 July 2002; and
 - (b) a high speed craft constructed on or after 1 January 1996 but before 1 July 2002 and to which no alterations are made on or after 1 July 2002.
- (3) The following high speed craft must be built, equipped, operated and maintained in accordance with the 2000 Code—
 - (a) a high speed craft constructed before 1 July 2002 and to which alterations are made on or after 1 July 2002; and
 - (b) a high speed craft constructed on or after 1 July 2002.”.

6. Section 4 repealed (compliance with the HSC Code)

Section 4—

Repeal the section.

7. Section 5 amended (survey requirements)

- (1) Section 5(2)(a)(iv), after “analysis”—

Add

“conducted in accordance with annex 4 of the applicable Code”.

- (2) Section 5(2)(a)(v)—

Repeal

everything after “required”

Substitute

“to be carried on the craft under the applicable Code; and”.

- (3) Section 5(2)(a)(vi), (b) and (c)—

Repeal

“HSC”

Substitute

“applicable”.

8. Section 6 amended (issue of High Speed Craft Safety Certificate)

- (1) Section 6, heading, after “**Issue**”—

Add

“**and display**”.

- (2) Section 6(2), Chinese text—

Repeal

“高速船安全”

Substitute

“安全”.

- (3) After section 6(2)—

Add

“(3) A High Speed Craft Safety Certificate must be carried on the high speed craft in respect of which the Certificate is issued.

- (4) A copy of a High Speed Craft Safety Certificate must be posted up in a prominent and accessible place on the high speed craft in respect of which the Certificate is issued.”.

9. Section 8 amended (Permit to Operate High Speed Craft)

- (1) Section 8(2)—

Repeal

“1.2.2 to 1.2.7 of the HSC”

Substitute

“paragraphs 1.2.1.2 to 1.2.1.7 of the applicable”.

- (2) Section 8(3)—

Repeal

“carried under section 10(1)”

Substitute

“required to be carried on the craft under the applicable Code”.

- (3) Section 8—

Repeal subsection (6).

- (4) At the end of section 8—

Add

“(7) The Permit to Operate High Speed Craft issued in respect of a craft under subsection (2) ceases to be valid if the High Speed Craft Safety Certificate issued in respect of the craft ceases to be valid.

- (8) A Permit to Operate High Speed Craft must be carried on the high speed craft in respect of which the Permit is issued.

- (9) A copy of a Permit to Operate High Speed Craft must be posted up in a prominent and accessible place on the high speed craft in respect of which the Permit is issued.”.

10. Section 9 amended (maintenance of conditions after survey)

Section 9—

Repeal subsection (1).**11. Section 10 repealed (information to be made available)**

Section 10—

Repeal the section.**12. Section 11 amended (equivalents)**

Section 11(1) and (2)—

Repeal

“HSC” (wherever appearing)

Substitute

“applicable”.

13. Section 12 amended (exemptions)

Section 12—

Repeal

“HSC”

Substitute

“applicable”.

14. Section 14 amended (delegation)

Section 14(1), after “sections”—

Add

“3B,”.

15. Section 15 amended (penalties)

(1) Section 15(1)—

Repeal

“sections 4, 7(9), 8(1), 9 or 10”

Substitute

“section 3A(2) or (3), 3B(2) or (4), 3C(2) or (3), 7(9), 8(1) or 9”.

(2) Section 15(1)—

Repeal

“are liable to a fine at level 4”

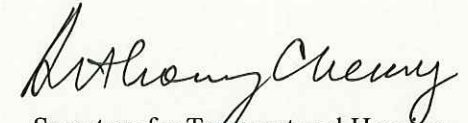
Substitute

“is liable to a fine of \$20,000”.

(3) After section 15(1)—

Add

“(1A) If section 6(3) or (4) or 8(8) or (9) is contravened, the master and the owner of the high speed craft concerned each commits an offence and is liable to a fine of \$5,000.”.


Secretary for Transport and Housing

3 May 2016

Explanatory Note

Chapter X of the Annex to the International Convention for the Safety of Life at Sea 1974 as amended (*Convention*) seeks to impose safety measures for high speed craft. Requirements in the following codes were made mandatory in relation to certain high speed craft by the Convention—

- (a) the International Code of Safety for High Speed Craft adopted by the Maritime Safety Committee of the International Maritime Organization (*IMO*) by resolution MSC.36(63) as amended from time to time (*1994 Code*);
 - (b) the International Code of Safety for High Speed Craft adopted by the Maritime Safety Committee of IMO by resolution MSC.97(73) as amended from time to time (*2000 Code*).
2. The Merchant Shipping (Safety) (High Speed Craft) Regulation (Cap. 369 sub. leg. AW) (*principal Regulation*) was made in 1998 to implement Chapter X of the Annex to the Convention in relation to the 1994 Code.
 3. To implement the latest version of Chapter X of the Annex to the Convention, this Regulation amends the principal Regulation—
 - (a) to update the latest requirements under the 1994 Code; and
 - (b) to implement the requirements under the 2000 Code.
 4. The main amendments are set out below—
 - (a) section 5 adds new sections 3A, 3B and 3C to the principal Regulation to provide that certain high speed craft must be built, equipped, operated and maintained in accordance with the 1994 Code or the 2000 Code;

- (b) section 8 amends section 6 of the principal Regulation to provide for the display requirement of a High Speed Craft Safety Certificate; and
- (c) section 9(4) amends section 8 of the principal Regulation to deal with the validity of a Permit to Operate High Speed Craft and the display requirement of the Permit.