

C204E

Amend the Merchant Shipping (Safety) Ordinance.

Enacted by the Legislative Council.

1. Short title and commencement

(1) This Ordinance may be cited as the Merchant Shipping (Safety) (Amendment) Ordinance 1999.

(2) This Ordinance shall come into operation on a day to be appointed by the Secretary for Economic Services by notice in the Gazette.

2. Interpretation

Section 4(1) of the Merchant Shipping (Safety) Ordinance (Cap. 369) is amended---

(a) in the definition of "accepted Convention certificate", by repealing "1978" and substituting "1988";

(b) by adding---

"cargo ship safety certificate" (貨船安全證明書) means a cargo ship safety certificate issued under section 21A;"

3. Issue for cargo ships of radio certificates and exemption certificates

Section 18(1), (2)(i) and (3) is amended by repealing "radiotelegraphy, radiotelephony, radio navigational aids and direction-finders" and substituting "radio installations and shipborne navigational equipment".

4. Renewal of radio certificates for small cargo ships

Section 19 is repealed.

5. Cargo ship safety construction certificates and exemption certificates

Section 21(1)(a) is amended by repealing "1978" and substituting "1988".

6. Section added

The following is added---

"21A. Issue of cargo ship safety certificates

(1) If on---

(a) receipt of a declaration of survey in respect of a ship to which section 11 applies and which is registered in Hong Kong; and

(b) the application of the owner, agent or master of the ship, the Director is satisfied that---

(i) the ship complies with---

(A) the life-saving appliances regulations;

(B) the fire-fighting appliances regulations;

(C) the radio regulations;

(D) the navigational equipment regulations; and
(E) the cargo ship construction and survey regulations,
applicable to the ship and to such international voyages as it is to be engaged
on; and

(ii) the ship is properly provided with the lights, shapes, and means of making
sound signals required by the collision regulations,
he may issue in respect of the ship a cargo ship safety certificate showing that the
ship complies with such of the requirements of the Convention relating to the matters
specified in paragraph (ii) and to the matters for which the regulations set out in
paragraph (i) are made.

(2) Unless the context otherwise requires, any reference in this Ordinance to
a cargo ship safety equipment certificate, a cargo ship safety radio certificate or
a cargo ship safety construction certificate shall, where a cargo ship safety
certificate has been issued in respect of a ship, be construed in relation to that
ship as a reference to the cargo ship safety certificate, and the other provisions
of this Ordinance shall apply accordingly.

(3) Nothing in this section shall derogate from the power to issue a certificate
under section 17(1), 18(1) or 21(1)."

7. Prohibition on proceeding to sea without
appropriate certificates

Section 25(1)(b)(i), (ii) and (iii) is repealed and the following substituted---

"(i) (A) a cargo ship safety equipment certificate or a qualified cargo ship
safety equipment certificate; and
(B) a cargo ship safety radio certificate or a qualified cargo ship safety radio
certificate or an exemption certificate stating that it is wholly exempt from the
requirements of the Convention relating to radio installations and shipborne
navigational equipment; and
(C) a cargo ship safety construction certificate or a qualified cargo ship safety
construction certificate; or
(ii) a cargo ship safety certificate,".

8. Prohibition on certain ships proceeding to sea unless relevant regulations
complied with

The Chinese text of section 25A(1) is repealed and the following substituted---

"(1) 本條適用於（並只適用於）符合以下各項說明的船舶——
(a) 是在香港註冊的；
(b) 並非客船；
(c) 總噸位少於 500 噸；
(d) 屬根據《船舶及港口管制條例》（第 313 章）第 IV 部須領牌的船隻。".

9. Duration of certificates

Section 26 is amended---

(a) in subsection (1), by repealing everything from "A" to "18(3)" and substituting "Subject to subsection (4) and section 29, a passenger certificate";

(b) in subsection (2), by repealing everything from "A" to "years" and substituting "Subject to subsections (3A) and (4) and section 29, a general safety certificate shall remain in force for 1 year";

(c) by repealing subsection (3) and substituting---

"(3) Subject to subsections (3A) and (4) and section 29, a cargo ship safety equipment certificate, a cargo ship safety radio certificate, a cargo ship safety construction certificate or a cargo ship safety certificate, shall remain in force for 5 years from the date of its issue or for such shorter period as may be specified in the certificate.

(3A) Where---

(a) a survey of a ship is completed within 3 months before the date of expiry of a certificate referred to in subsection (2) or (3) issued in respect of the ship, any corresponding certificate issued in consequence of the survey shall be valid from the date of completion of the survey to---

(i) in the case of a general safety certificate, a date within 1 year from the date of expiry of the first-mentioned certificate;

(ii) in the case of a certificate referred to in subsection (3), a date within 5 years from the date of expiry of the first-mentioned certificate, specified in the corresponding certificate;

(b) a survey of a ship is completed on a date earlier than 3 months before the date of expiry of a certificate referred to in subsection (2) or (3) issued in respect of the ship, any corresponding certificate issued in consequence of the survey shall be valid from the date of completion of the survey to---

(i) in the case of a general safety certificate, a date within 1 year from the date of completion of the survey;

(ii) in the case of a certificate referred to in subsection (3), a date within 5 years from the date of completion of the survey, specified in the corresponding certificate;

(c) a survey of a ship is completed after the date of expiry of a certificate referred to in subsection (2) or (3) issued in respect of the ship, any corresponding certificate issued in consequence of the survey shall be valid from the date of completion of the survey to---

(i) in the case of a general safety certificate, a date within 1 year from the date of expiry of the first-mentioned certificate;

(ii) in the case of a certificate referred to in subsection (3), a date within 5 years from the date of expiry of the first-mentioned certificate, specified in the corresponding certificate.";

(d) in subsection (4), by repealing everything from "Notwithstanding" to "those subsections" and substituting "No certificate referred to in subsection (1), (2) or (3)";

(e) in subsection (5)---

(i) by repealing "須";

(ii) by repealing ", other than one under section 18(3),".

10. Section substituted

Section 29 is repealed and the following substituted---

"29. Extension of certificates

(1) The Director may, on the application of the owner, agent or master of a ship registered in Hong Kong in respect of which a certificate has been issued under this Part, grant an extension of the certificate for a period not exceeding 1 month from the date of expiry of the certificate.

(2) If on the date of expiry of a certificate issued under this Part in respect of a ship registered in Hong Kong, the ship is not in the port in which it is to be surveyed, the Director may, on the application of the owner, agent or master of the ship, grant an extension of the certificate---

(a) for the purpose of allowing the ship to complete its voyage to that port; and
(b) for a period not exceeding 3 months from the date of expiry of the certificate.

(3) Where a survey of a ship has been completed but a certificate issued or to be issued under this Part in respect of the ship in consequence of the survey cannot be placed on board the ship before the date of expiry of an existing certificate to which the first-mentioned certificate corresponds, the Director may endorse on the existing certificate the fact that such survey has been completed or cause such certificate to be so endorsed, and such certificate so endorsed shall be regarded as valid for such further period not exceeding 5 months from the date of its expiry as may be specified in the endorsement.

(4) Without prejudice to subsections (1), (2) and (3), if on---

(a) receipt of a declaration of survey in respect of a ship in respect of which a certificate issued under section 17(1), 18(1), 21(1) or 21A(1) is in force; and

(b) the application of the owner, agent or master of the ship,

the Director is satisfied that it is proper to do so, the Director may grant an extension of the certificate for a period which, together with the period for which the certificate was issued and any period by which the certificate has been previously extended under this subsection, does not exceed 5 years.

(5) Where a survey of a ship is completed after the expiry of a certificate issued under this Part in respect of the ship, any corresponding certificate issued in consequence of the survey shall remain in force for---

(a) in the case of a general safety certificate, such period not exceeding 1 year from the date of completion of the survey;

(b) in the case of a certificate referred to in section 26(3), such period not exceeding 5 years from the date of completion of the survey, as the Director may consider appropriate in the special circumstances of the case and as may be specified in the corresponding certificate.

(6) Where---

(a) an extension of a certificate issued in respect of a ship has been granted under subsection (1) or (2); and

(b) a survey of the ship is completed,

any corresponding certificate issued in consequence of the survey shall remain in force for---

(i) in the case of a general safety certificate, such period not exceeding 1 year from the date of completion of the survey;

(ii) in the case of a certificate referred to in section 26(3), such period not exceeding 5 years from the date of completion of the survey, as the Director may consider appropriate in the special circumstances of the case and as may be specified in the corresponding certificate."

11. Certificates of Convention ships not registered in Hong Kong

Section 33(2)(c) is amended by repealing "radiotelegraphy, radiotelephony and" and substituting "radio installations and shipborne".

12. Production of documentary evidence of compliance with certificate requirements

The Chinese text of section 34A(1) is repealed and the following substituted---

"(1) 本條適用於（並只適用於）符合以下各項說明的船舶——

(a) 並非在香港註冊的；

(b) 並非持有獲認可的公約證明書；

(c) 並非客船；

(d) 並非根據《船舶及港口管制條例》（第 313 章）第 IV 部須領牌的船隻。".

13. Issue of load line certificate

Section 51(1) and (3) is amended by repealing "(1966)" wherever it appears.

14. Ship not to proceed to sea without load line certificate

Section 54(1) is amended by repealing "(1966)".

15. Valid Convention certificates

Section 57(3) is amended by repealing "(1966)".

16. Provisions as to inspection

Section 61(2) is amended by repealing "(1966)".

17. Radio regulations

Section 97 is amended---

(a) in subsection (1), by repealing "a radio navigational aid" and substituting "shipborne navigational equipment";

(b) in subsection (2), by repealing "radiotelegraphy and radiotelephony" and substituting "radio installations".

18. Load line regulations

Section 102(1)(j) is amended by repealing "(1966)".

19. Savings

Any certificate issued under Part II of the principal Ordinance before the commencement of this section which is valid immediately before that commencement shall remain in force for the part of its validity period left to run as at that commencement as if the certificate had been issued under that Part as amended by this Ordinance and for that period of validity, and the provisions of the principal Ordinance as amended by this Ordinance shall apply accordingly.

Explanatory Memorandum

The object of this Bill is to---

(a) amend certain provisions of the Merchant Shipping (Safety) Ordinance (Cap. 369) ("the principal Ordinance") to give effect to the provisions of the 2 Protocols of 1988 relating to the International Convention for the Safety of Life at Sea, 1974 and the International Convention on Load Lines signed in 1966 (clauses 2 to 7, 9 to 11 and 13 to 18); and

(b) remove an arguable discrepancy between the two texts of sections 25A and 34A (clauses 8 and 12).

2. A savings provision is also provided in respect of certificates issued under the principal Ordinance before the commencement of the Bill as enacted (clause 19).