

LEGISLATIVE COUNCIL BRIEF

Merchant Shipping (Safety) Ordinance (Chapter 369)

**MERCHANT SHIPPING (SAFETY)
(CARGO SHIP CONSTRUCTION AND SURVEY)
(SHIPS BUILT BEFORE 1 SEPTEMBER 1984)
(AMENDMENT) REGULATION 2000**

**MERCHANT SHIPPING (SAFETY)
(CARGO SHIP CONSTRUCTION AND SURVEY)
(SHIPS BUILT ON OR AFTER 1 SEPTEMBER 1984)
(AMENDMENT) REGULATION 2000**

**MERCHANT SHIPPING (SAFETY)
(CARGO SHIP SAFETY EQUIPMENT SURVEY)
(AMENDMENT) REGULATION 2000**

**MERCHANT SHIPPING (SAFETY)
(LOAD LINE) (AMENDMENT) REGULATION 2000**

**MERCHANT SHIPPING (SAFETY)
(LOAD LINE) (LENGTH OF SHIP)
(AMENDMENT) REGULATION 2000**

**MERCHANT SHIPPING (SAFETY)
(PASSENGER SHIP CONSTRUCTION AND SURVEY) (SHIP
BUILT ON OR AFTER 1 SEPTEMBER 1984)
(AMENDMENT) REGULATION 2000**

**MERCHANT SHIPPING (SAFETY)
(RADIO INSTALLATIONS SURVEY)
(AMENDMENT) REGULATION 2000**

INTRODUCTION

Under Section 107 of the Merchant Shipping (Safety) Ordinance, Cap. 369 the Secretary for Economic Services is empowered to make

regulations for securing the safety of Hong Kong ships and persons on board these ships and make regulations to give effect to any international code, convention or agreement which is applicable to Hong Kong. In exercise of this power, the Secretary for Economic Services has made the relevant Amendment Regulations as set out in Annexes A to G.

BACKGROUND AND ARGUMENT

2. The 1988 Protocol relating to the International Convention for the Safety of Life at Sea, 1974 (“SOLAS 1974”) and the 1988 Protocol relating to the International Convention on Load Lines, 1966 (“Load Lines 1966”) were adopted to introduce amendments to the SOLAS 1974 and Load Lines 1966 respectively. The amendments aim to harmonize the system of survey and certification of ships. Contracting parties to the Protocols have agreed to target February 2000 for the provisions to come into effect. As an Associate Member of the International Maritime Organization and a major maritime centre, Hong Kong is obliged to give effect to the amendments to the Conventions through domestic legislation. As the two Conventions, i.e. the SOLAS 1974 and the Load Lines 1966, are implemented in Hong Kong through Cap. 369 and the subsidiary legislation made under it, it is necessary to amend Cap. 369 and its subsidiary legislation to implement in Hong Kong the amendments to the Conventions.

3. The amendments to the two Conventions entail the following changes :

(a) Validity period of certificates for cargo ships

4. At present, the maximum validity periods in respect of the following certificates are as follows: -

- (a) Cargo Ship Safety Construction Certificate – five years;
- (b) Cargo Ship Safety Equipment Certificate – two years;
- (c) Cargo Ship Safety Radio Certificate – one year;
- (d) International Load Line Certificate (1966) – five years.

5. In order to eliminate the inconsistencies relating to validity periods, it is decided that all these cargo ship certificates should be

streamlined and standardized with a validity period of not more than five years. The harmonization of the survey requirements and validity periods will not only reduce the overall time a ship is out of service for the conduct of a survey, but also reduce the ship owner's administrative cost. This would also make the control of safety of ship by the Administration and the Classification Societies more effective.

(b) Combined cargo ship safety certificate

6. At present, three separate certificates (i.e. a cargo ship safety construction certificate, a cargo ship safety equipment certificate and a cargo ship safety radio certificate) will be issued for a cargo ship after the completion of an initial survey or a renewal survey. The 1988 Protocol relating to the SOLAS 1974 however further provides for a "combined" cargo ship safety certificate, as an alternative to the three certificates. This would make the certificate issuing process more efficient.

(c) Extension of validity periods of certificates

7. The 1988 Protocols also introduce amendments to provisions regarding extension of validity periods of certain certificates. Accordingly, provisions in domestic legislation regarding extension of validity periods of certificates need to be modified or revised.

8. To implement the amendments introduced by the 1988 Protocols, it is necessary to amend Cap. 369 and its subsidiary legislation. The Merchant Shipping (Safety) (Amendment) Bill 1999 ("the Bill") was introduced into the Legislative Council on 1 December 1999 for amendments to the principal Ordinance. The Bill was passed by the Council on 12 January 2000. Amendments to the subsidiary legislation of Cap. 369 are being dealt with by seven Amendment Regulations which are now submitted for the Council's approval.

THE AMENDMENT REGULATIONS

9. The seven Amendment Regulations and their main provisions are as follows :

(a) Merchant Shipping (Safety)(Cargo Ship Construction and

Survey)(Ships Built Before 1 September 1984)(Amendment)
Regulation 2000 -

- (i) Sections 2 to 4 provide for the extent, manner and intervals of the initial, renewal, intermediate, annual and enhanced surveys, and bottom inspection to be carried out on the structure, machinery and equipment of a ship.
 - (ii) Section 4 also provides for the extension of cargo ship safety construction certificate issued in respect of a ship engaged on short voyages.
- (b) Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built On or After 1 September 1984) (Amendment) Regulation 2000 -
- (i) same to (a) (i) above.
 - (ii) same to (a) (ii) above.
- (c) Merchant Shipping (Safety) (Cargo Ship Safety Equipment Survey) (Amendment) Regulation 2000 -
- (i) Sections 2 and 3 provide for the extent, manner and intervals of the initial, renewal, periodical and annual surveys to be carried out on the safety equipment of a ship.
 - (ii) Section 4 provides for the extension of a cargo ship safety equipment certificate issued in respect of a ship engaged on short voyages.
- (d) Merchant Shipping (Safety) (Load Line) (Amendment) Regulation 2000 -
- (i) Section 3 provides for the extent, manner and intervals of the initial, renewal and annual surveys to be carried out on the structure and equipment of a ship.
 - (ii) Sections 5 to 7 provide for the duration, extension and validity of an International Load Line Certificate and an International Load Line Exemption Certificate.
 - (iii) Section 17 provides for a savings provision in respect of

International Load Line Certificates issued under Cap. 369 sub. leg. AD before the commencement of this Regulation.

- (e) Merchant Shipping (Safety) (Load Line) (Length of Ship) (Amendment) Regulation 2000 -
 - (i) Section 3 provides for a new method for ascertaining the length of a ship for the purposes of Part IV of Cap. 369.
- (f) Merchant Shipping (Safety) (Passenger Ship Construction and Survey) (Ships Built On or After 1 September 1984) (Amendment) Regulation 2000 -
 - (i) Sections 3 and 5 provide for the survey requirements and the issue of Passenger Ship Safety Certificates.
 - (ii) Section 6 provides for the duration and validity of Passenger Ship Safety Certificates.
 - (iii) Section 8 provides for a savings provision in respect of certificates issued under Cap. 369 sub. leg. AM before the commencement of this Regulation.
- (g) Merchant Shipping (Safety) (Radio Installations Survey) (Amendment) Regulation 2000 -
 - (i) Section 3 provides for the extent, manner and intervals of the initial, renewal, periodical and additional surveys to be carried out on the radio installations of a ship.
 - (ii) Section 4 provides for duration and the extension of a radio certificate issued in respect of a ship engaged on short voyages.

ECONOMIC IMPLICATIONS

10. There are no economic implications.

ENVIRONMENTAL IMPLICATIONS

11. There are no environmental implications.

HUMAN RIGHTS IMPLICATIONS

12. The Department of Justice advises that the seven Amendment Regulations have no human rights implications.

BINDING EFFECT

13. The seven Amendment Regulations will not affect the current binding effect of the seven Principal Regulations respectively.

FINANCIAL AND STAFFING IMPLICATIONS

14. There are no financial and staffing implications for Government.

PUBLIC CONSULTATION

15. We have consulted the shipping industry and they are in support of the amendments.

PUBLICITY

16. A press release will be issued on 3 February 2000 to tie in with the gazettal of the Amendment Regulations. A spokesman will be available to handle press enquiries.

ENQUIRY

17. For any enquiry on this brief, please contact Mr Raymond TANG, Assistant Director of Marine at 2852 4408 or Mr Peter KWOK, Assistant Secretary for Economic Services at 2537 2842.

Economic Services Bureau

Date : January 2000

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LEGISLATIVE COUNCIL BRIEF

Merchant Shipping (Safety) Ordinance (Chapter 369)

**MERCHANT SHIPPING (SAFETY)
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- B Merchant Shipping (Safety) (Cargo Ship Construction And Survey) (Ships Built On Or After 1 September 1984) (Amendment) Regulation 2000
- C Merchant Shipping (Safety) (Cargo Ship Safety Equipment Survey) (Amendment) Regulation 2000
- D Merchant Shipping (Safety) (Load Line) (Amendment) Regulation 2000
- E Merchant Shipping (Safety) (Load Line) (Length Of Ship) (Amendment) Regulation 2000
- F Merchant Shipping (Safety) (Passenger Ship Construction And Survey) (Ship Built On Or After 1 September 1984) (Amendment) Regulation 2000
- G Merchant Shipping (Safety) (Radio Installations Survey) (Amendment) Regulation 2000

**MERCHANT SHIPPING (SAFETY) (CARGO SHIP CONSTRUCTION AND
SURVEY) (SHIPS BUILT BEFORE 1 SEPTEMBER 1984)
(AMENDMENT) REGULATION 2000**

(Made under sections 96 and 107 of the Merchant Shipping
(Safety) Ordinance (Cap. 369))

1. Commencement

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

2. Regulations substituted

Regulations 74A to 74D of the Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built Before 1 September 1984) Regulations (Cap. 369 sub. leg.) is repealed and the following substituted -

“74A. Initial surveys

(1) The structure, machinery and equipment of a ship shall be subject to an initial survey before the ship is put in service or before a cargo ship safety construction certificate is issued in respect of the ship for the first time.

(2) The initial survey shall include a complete inspection of the structure, machinery and equipment, including an inspection of the outside of the ship's bottom. The survey shall ensure that the arrangements, materials, scantlings and workmanship of the structure, boilers and other pressure vessels, their appurtenances, main and

auxiliary machinery including steering gear and associated control systems, electrical installations and other equipment comply with the requirements of these regulations, are in satisfactory condition and are fit for the service for which the ship is intended. In the case of tankers, the survey shall also include an inspection of the pump rooms, cargo spaces, bunker and ventilation piping systems and associated safety devices.

(3) Upon completion of an initial survey of a ship, and on the application of the owner, agent or master of the ship, if the Director is satisfied that the ship complies with the requirements of these regulations, he may issue in respect of the ship a cargo ship safety construction certificate. The certificate shall be valid for 5 years from the date of issue or for such shorter period as may be specified in the certificate.

74B. Renewal surveys

(1) The structure, machinery and equipment of a ship shall be subject to a renewal survey at intervals specified by the Director which shall not exceed 5 years for the renewal of a cargo ship safety construction certificate.

(2) The renewal survey shall include an inspection of the structure, machinery and equipment as referred to in regulation 74A(2) to ensure that they comply with the requirements of these regulations, are in satisfactory condition and are fit for the service for which the ship is intended.

(3) Upon completion of a renewal survey of a ship, and on the application of the owner, agent or master of the ship, if the Director is satisfied that the ship complies with the requirements of these regulations, he may issue in respect of the ship a cargo ship safety construction certificate. The certificate shall be valid for 5 years from the date of issue or for such shorter period as may be specified in the certificate.

(4) Where a renewal survey of a ship in respect of which an extension of a cargo ship safety construction certificate is granted under regulation 74G is completed, the new cargo ship safety construction certificate issued in consequence of the survey shall be valid for 5 years from the date of expiry of the existing certificate before the extension was granted or for such shorter period as may be specified in the certificate or, if the Director considers it is appropriate in the special circumstances of the case, valid for 5 years from the date of completion of the survey or for such shorter period as may be specified in the certificate.

74C. Intermediate surveys

(1) The structure, machinery and equipment of a ship in respect of which a cargo ship safety construction certificate has been issued shall be subject to an intermediate survey within 3 months before or after the second anniversary date or within 3 months before or after the third anniversary date of the certificate, which shall

take the place of an annual survey to be carried out in the same year in which the intermediate survey is carried out.

(2) The intermediate survey shall include an inspection of the structure, boilers and other pressure vessels, machinery and equipment, the steering gear and associated control systems and electrical installations to ensure that they remain in satisfactory condition and are fit for the service for which the ship is intended. In the case of tankers, the survey shall also include an inspection of the pump rooms, cargo spaces, bunker and ventilation piping systems and associated safety devices and the testing of insulation resistance of electrical installations in dangerous zones.

(3) If an intermediate survey is completed before the period specified in subregulation (1) then -

- (a) a new date, which shall not be more than 3 months after the date on which the survey was completed, shall be endorsed by the surveyor on the cargo ship safety construction certificate to be the date for ascertaining subsequent anniversary dates;
- (b) the subsequent annual survey required under regulation 74D shall be carried out at the intervals prescribed by that regulation using the new date in paragraph (a) as the anniversary date; and
- (c) the expiry date of the certificate may remain unchanged provided one or more annual surveys

are carried out so that the maximum intervals between the surveys prescribed by regulation 74D(1) are not exceeded.

(4) If the ship is not surveyed in accordance with this regulation, the Director may cancel its cargo ship safety construction certificate. The Director shall notify the owner of the ship in writing of the cancellation specifying the grounds therefor and the date on which it takes effect.

74D. Annual surveys

(1) The structure, machinery and equipment of a ship in respect of which a cargo ship safety construction certificate has been issued shall be subject to an annual survey within 3 months before or after each anniversary date of the certificate.

(2) The annual survey shall include a general inspection of the structure, machinery and equipment as referred to in regulation 74A(2) to ensure that they have been maintained in accordance with the requirements of these regulations, and that they remain in satisfactory condition and are fit for the service for which the ship is intended, and to ensure that the ship in all respects remains fit to proceed to sea without danger to the ship or persons on board.

(3) If an annual survey is completed before the period specified in subregulation (1) then -

(a) a new date, which shall not be more than 3 months after the date on which the survey was

completed, shall be endorsed by the surveyor on the cargo ship safety construction certificate to be the date for ascertaining subsequent anniversary dates;

- (b) the subsequent intermediate or annual survey required under regulation 74C or this regulation shall be carried out at the intervals prescribed by that regulation or this regulation using the new date in paragraph (a) as the anniversary date; and
- (c) the expiry date of the certificate may remain unchanged provided one or more intermediate or annual surveys, as appropriate, are carried out so that the maximum intervals between the surveys prescribed by regulation 74C(1) or subregulation (1) are not exceeded.

(4) If the ship is not surveyed in accordance with this regulation, the Director may cancel its cargo ship safety construction certificate. The Director shall notify the owner of the ship in writing of the cancellation specifying the grounds therefor and the date on which it takes effect.”.

3. Enhanced surveys

Regulation 74E(2) is amended -

- (a) by repealing “periodical” and substituting “renewal”;
- (b) by repealing “74A(1)” and substituting “74B”.

4. Regulations added

The following are added -

“74F. Bottom inspections

(1) The outside of a ship’s bottom including the sea connections, overboard discharge valves, and other ship side fittings and the rudder shall be subject to a minimum of 2 inspections during any 5-year period, and the interval between any 2 inspections shall not exceed 36 months.

(2) Notwithstanding the requirement of subregulation (1), if a ship in respect of which a cargo ship safety construction certificate has been issued -

(a) is, on the date when the certificate expires, not in Hong Kong nor in a port in which it is to be surveyed; or

(b) is registered in Hong Kong and engaged on short voyages,

and in each case the Director has granted an extension of the certificate, the 5-year period under subregulation (1) may be extended to coincide with the extended period of validity of the certificate.

(3) The inspection under subregulation (1) shall ensure that the outside of the ship’s bottom including the sea connections, overboard discharge valves, and other ship side fittings and the rudder remain in satisfactory condition and are fit for the service for which the ship is intended.

74G. Extension of certificate

Where a ship in respect of which a cargo ship safety construction certificate has been issued is registered in Hong Kong and engaged on short voyages, and the certificate has not been extended under section 29 of the Ordinance nor this regulation, the Director may, on the application of the owner, agent or master of the ship, grant an extension of the certificate for a period not exceeding 1 month from the date of expiry of the certificate.”.

5. General

Regulation 75 is amended -

- (a) in subregulation (1), by repealing “or 74E” and substituting “, 74E or 74F”;
- (b) in subregulation (3)(a), by repealing “74A(1)” and substituting “74A or 74B”;
- (c) in subregulation (3)(b) -
 - (i) by repealing “74B(1)” and substituting “74C”;
 - (ii) by repealing “the supplement to” and substituting “on”;
 - (iii) by repealing “期間” and substituting “中期” ;
- (d) by repealing subregulation (3)(c);
- (e) in subregulation (3)(d) -
 - (i) by repealing “the attachment to” and substituting “on”;

- (ii) by repealing “年度” and substituting “周年” ;
- (f) in subregulation (3)(e), by repealing the full stop and substituting a semicolon;
- (g) in subregulation (3), by adding -
 - “(f) in the case of an inspection of the outside of the ship’s bottom as required by regulation 74F, endorse on the cargo ship safety construction certificate.”.

6. Penalties

Regulation 80(2) is amended by repealing “74A(1), 74B(1) to (2), 74C(1), 74D(1) and 74E” and substituting “74A, 74B, 74C, 74D, 74E and 74F”.

7. Examination of propeller shafts

Schedule 2 is repealed.

Secretary for Economic Services

18 January 2000

Explanatory Note

The purpose of this Regulation is to amend the Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built Before 1 September 1984) Regulations (Cap. 369 sub. leg.) (“the principal Regulations”) to give effect to the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974. The Protocol shall come into operation on 3 February 2000.

2. The Regulation provides for the period of validity of the cargo ship safety construction certificate. It also prescribes the extent, manner and intervals of initial, renewal, intermediate and annual surveys and bottom inspections to be conducted on ships to which the Principal Regulations apply as required by the Protocol.

**MERCHANT SHIPPING (SAFETY) (CARGO SHIP CONSTRUCTION AND
SURVEY) (SHIPS BUILT ON OR AFTER 1 SEPTEMBER 1984)
(AMENDMENT) REGULATION 2000**

(Made under sections 96 and 107 of the Merchant Shipping
(Safety) Ordinance (Cap. 369))

1. Commencement

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

2. Regulations substituted

Regulations 56 to 59 of the Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations (Cap. 369 sub. leg.) is repealed and the following substituted -

“56. Initial surveys

(1) The structure, machinery and equipment of a ship shall be subject to an initial survey before the ship is put in service or before a cargo ship safety construction certificate is issued in respect of the ship for the first time.

(2) The initial survey shall include a complete inspection of the structure, machinery and equipment including an inspection of the outside of the ship's bottom. The survey shall ensure that the arrangements, materials, scantlings and workmanship of the structure, boilers and other pressure vessels, their appurtenances, main and

auxiliary machinery including steering gear and associated control systems, electrical installations and other equipment comply with the requirements of these regulations, are in satisfactory condition and are fit for the service for which the ship is intended. In the case of tankers, the survey shall also include an inspection of the pump rooms, cargo spaces, bunker and ventilation piping systems and associated safety devices.

(3) Upon completion of an initial survey of a ship, and on the application of the owner, agent or master of the ship, if the Director is satisfied that the ship complies with the requirements of these regulations, he may issue in respect of the ship a cargo ship safety construction certificate. The certificate shall be valid for 5 years from the date of issue or for such shorter period as may be specified in the certificate.

57. Renewal surveys

(1) The structure, machinery and equipment of a ship shall be subject to a renewal survey at intervals specified by the Director which shall not exceed 5 years for the renewal of a cargo ship safety construction certificate.

(2) The renewal survey shall include an inspection of the structure, machinery and equipment referred to in regulation 56(2), to ensure that they comply with the requirements of these regulations, are in satisfactory

condition and are fit for the service for which the ship is intended.

(3) Upon completion of a renewal survey of a ship, and on the application of the owner, agent or master of the ship, if the Director is satisfied that the ship complies with the requirements of these regulations, he may issue in respect of the ship a cargo ship safety construction certificate. The certificate shall be valid for 5 years from the date of issue or for such shorter period as may be specified in the certificate.

(4) Where a renewal survey of a ship in respect of which an extension of a cargo ship safety construction certificate is granted under regulation 59C is completed, the new cargo ship safety construction certificate issued in consequence of the survey shall be valid for 5 years from the date of expiry of the existing certificate before the extension was granted or for such shorter period as may be specified in the certificate or, if the Director considers it is appropriate in the special circumstances of the case, valid for 5 years from the date of completion of the survey or for such shorter period as may be specified in the certificate.

58. Intermediate surveys

(1) The structure, machinery and equipment of a ship in respect of which a cargo ship safety construction certificate has been issued shall be subject to an intermediate survey

within 3 months before or after the second anniversary date or within 3 months before or after the third anniversary date of the certificate, which shall take the place of an annual survey to be carried out in the same year in which the intermediate survey is carried out.

(2) The intermediate survey shall include an inspection of the structure, boilers and other pressure vessels, machinery and equipment, the steering gear and associated control systems and electrical installations to ensure that they remain in satisfactory condition and are fit for the service for which the ship is intended. In the case of tankers, the survey shall also include an inspection of the pump rooms, cargo spaces, bunker and ventilation piping systems and associated safety devices and the testing of insulation resistance of electrical installations in dangerous zones.

(3) If an intermediate survey is completed before the period specified in subregulation (1) then -

- (a) a new date, which shall not be more than 3 months after the date on which the survey was completed, shall be endorsed by the surveyor on the cargo ship safety construction certificate to be the date for ascertaining subsequent anniversary dates;
- (b) the subsequent annual survey required under regulation 59 shall be carried out at the intervals prescribed by that regulation using

the new date in paragraph (a) as the anniversary date; and

- (c) the expiry date of the certificate may remain unchanged provided one or more annual surveys are carried out so that the maximum intervals between the surveys prescribed by regulation 59(1) are not exceeded.

(4) If the ship is not surveyed in accordance with this regulation, the Director may cancel its cargo ship safety construction certificate. The Director shall notify the owner of the ship in writing of the cancellation specifying the grounds therefor and the date on which it takes effect.

59. Annual surveys

(1) The structure, machinery and equipment of a ship in respect of which a cargo ship safety construction certificate has been issued shall be subject to an annual survey within 3 months before or after each anniversary date of the certificate.

(2) The annual survey shall include a general inspection of the structure, machinery and equipment referred to in regulation 56(2), to ensure that they have been maintained in accordance with the requirements of these regulations, and that they remain in satisfactory condition and are fit for the service for which the ship is intended, and to ensure that the ship in all respects remains fit to

proceed to sea without danger to the ship or persons on board.

(3) If an annual survey is completed before the period specified in subregulation (1) then -

- (a) a new date, which shall not be more than 3 months after the date on which the survey was completed, shall be endorsed by the surveyor on the cargo ship safety construction certificate to be the date for ascertaining subsequent anniversary dates;
- (b) the subsequent intermediate or annual survey required under regulation 58 or this regulation shall be carried out at the intervals prescribed by that regulation or this regulation using the new date in paragraph (a) as the anniversary date; and
- (c) the expiry date of the certificate may remain unchanged provided one or more intermediate or annual surveys, as appropriate, are carried out so that the maximum intervals between the surveys prescribed by regulation 58(1) or subregulation (1) are not exceeded.

(4) If the ship is not surveyed in accordance with this regulation, the Director may cancel its cargo ship safety construction certificate. The Director shall notify the owner of the ship in writing of the cancellation specifying the grounds therefor and the date on which it takes effect.”.

3. Enhanced surveys

Regulation 59A(2) is amended -

- (a) by repealing “periodical” and substituting “renewal”;
- (b) by repealing “56(1)” and substituting “57”.

4. Regulations added

The following are added -

“59B. Bottom inspections

(1) The outside of a ship’s bottom including the sea connections, overboard discharge valves and other ship side fittings and the rudder shall be subject to a minimum of 2 inspections during any 5-year period, and the intervals between any 2 inspections shall not exceed 36 months.

(2) Notwithstanding the requirement of subregulation (1), if the ship in respect of which a cargo ship safety construction certificate has been issued -

- (a) is on the date when the certificate expires, not in Hong Kong nor in a port in which it is to be surveyed; or
- (b) is registered in Hong Kong and engaged on short voyages,

and in each case the Director has granted an extension of the certificate, the 5-year period under subregulation (1) may be extended to coincide with the extended period of validity of the certificate.

(3) The inspection under subregulation (1) shall ensure that the outside of the ship's bottom including the sea connections, overboard discharge valves and other ship side fittings and the rudder remain in satisfactory condition and are fit for the service for which the ship is intended.

59C. Extension of certificate

Where a ship in respect of which a cargo ship safety construction certificate has been issued is registered in Hong Kong and engaged on short voyages, and the certificate has not been extended under section 29 of the Ordinance nor this regulation, the Director may, on the application of the owner, agent or master of the ship, grant an extension of the certificate for a period not exceeding 1 month from the date of expiry of the certificate.”.

5. General

Regulation 60 is amended -

- (a) in subregulation (1), by repealing “or 59A” and substituting “, 59A or 59B”;
- (b) in subregulation (3)(a), by repealing “56(1)” and substituting “56 or 57”;
- (c) in subregulation (3)(b) -
 - (i) by repealing “57(1)” and substituting “58”;
 - (ii) by repealing “the supplement to” and substituting “on”;

- (iii) by repealing “期間” and substituting “中期” ;
- (d) by repealing subregulation (3)(c);
- (e) in subregulation (3)(d) -
 - (i) by repealing “the attachment to” and substituting “on”;
 - (ii) by repealing “年度” and substituting “周年” ;
- (f) in subregulation (3)(e), by repealing the full stop and substituting a semicolon;
- (g) in subregulation (3), by adding -
 - “(f) in the case of an inspection of the outside of a ship’s bottom as required by regulation 59B, endorse on the cargo ship safety construction certificate.”.

6. Penalties

Regulation 64(2) is amended by repealing “56(1), 57(1) and (2), 58(1), 59(1), 59A and 60(1)” and substituting “56, 57, 58, 59, 59A and 59B”.

7. Examination of propeller shafts

Schedule 4 is repealed.

Secretary for Economic Services

18 January 2000

Explanatory Note

The purpose of this Regulation is to amend the Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations (Cap. 369 sub. leg.) (“the principal Regulations”) to give effect to the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974. The Protocol shall come into operation on 3 February 2000.

2. The Regulation provides for the period of validity of the cargo ship safety construction certificate. It also prescribes the extent, manner and intervals of the initial, renewal, intermediate and annual surveys and bottom inspections to be conducted on the ships to which the principal Regulations apply as required by the Protocol.

**MERCHANT SHIPPING (SAFETY) (CARGO SHIP SAFETY EQUIPMENT
SURVEY) (AMENDMENT) REGULATION 2000**

(Made under sections 96, 107, 110(4) and 112A of
the Merchant Shipping (Safety)
Ordinance (Cap. 369))

1. Commencement

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

**2. Initial and renewal surveys before issue of
a cargo ship safety equipment certificate**

Regulation 4 of the Merchant Shipping (Safety) (Cargo Ship Safety Equipment Survey) Regulations (Cap. 369 sub. leg.) is amended -

(a) by repealing subregulation (3) and substituting -

“(3) The survey referred to in subregulation (1) shall be as follows

-

(a) an initial survey before the ship is put in service or before a cargo ship safety equipment certificate is issued in respect of the ship for the first time. The initial survey shall include a complete inspection of the safety equipment of the ship to ensure

that the equipment complies with the requirements of the Safety Regulations, is in satisfactory condition and is fit for the service for which the ship is intended;

- (b) a renewal survey at intervals specified by the Director which shall not exceed 5 years for the renewal of a cargo ship safety equipment certificate. The renewal survey shall include an inspection of the safety equipment of the ship to ensure that the equipment complies with the requirements of the Safety Regulations, is in satisfactory condition and is fit for the service for which the ship is intended.”;

- (b) by adding -

“(5) A cargo ship safety equipment certificate shall be valid for 5 years from the date of issue or for such shorter period as may be specified in the certificate. The certificate shall be supplemented by a Record of Equipment.

(6) Where a renewal survey of the ship in respect of which an extension of the cargo ship safety equipment certificate is granted under regulation 5A is completed, the new cargo ship safety equipment certificate issued in consequence of the survey shall be valid for 5 years from the date of expiry of the existing certificate before the extension was granted or for such shorter period as may be specified in the certificate or, if the Director considers it is appropriate in the special circumstances of the case, valid for 5 years from the date of completion of the renewal survey or for such shorter period as may be specified in the certificate.

(7) In this regulation, “Record of Equipment” (設備紀) means a record issued by the Director or a person authorized by him setting out the details of safety equipment provided on a ship on the date of issue of the cargo ship safety equipment certificate.”.

3. Periodical and annual surveys

Regulation 5 is amended -

(a) by repealing subregulation (2) and substituting -

“(2) The survey referred to in subregulation (1) shall be as follows

-

- (a) a periodical survey within 3 months before or after the second anniversary date or within 3 months before or after the third anniversary date of the cargo ship safety equipment certificate, which shall take the place of an annual survey to be carried out in the same year in which the periodical survey is carried out. The periodical survey shall include an inspection of the safety equipment of the ship to ensure that the equipment complies with the requirements of the Safety Regulations, is in satisfactory condition and is fit for the service for which the ship is intended;

- (b) an annual survey within 3 months before or after each anniversary date of the cargo ship safety equipment certificate. The annual survey shall include a general inspection of the safety equipment of the ship to ensure

that the equipment has been maintained in accordance with the requirements of the Safety Regulations, and that it remains in satisfactory condition and is fit for the service for which the ship is intended and to ensure that the ship in all respects remains fit to proceed to sea without danger to the ship or persons on board.

(2A) If a periodical survey is completed before the period specified in subregulation (2) (a) then -

- (a) a new date, which shall not be more than 3 months after the date on which the survey was completed, shall be endorsed by the surveyor on the cargo ship safety equipment certificate to be the date for ascertaining subsequent anniversary dates;
- (b) the subsequent annual survey required under subregulation (2) (b) shall be carried out at the intervals prescribed by that subregulation using the

new date in paragraph (a) as the anniversary date; and

- (c) the expiry date of the certificate may remain unchanged provided one or more annual surveys are carried out so that the maximum intervals between the surveys prescribed by subregulation (2)(b) are not exceeded.

(2B) If an annual survey is completed before the period specified in subregulation (2) (b) then -

- (a) a new date, which shall not be more than 3 months after the date on which the survey was completed, shall be endorsed by the surveyor on the cargo ship safety equipment certificate to be the date for ascertaining subsequent anniversary dates;
- (b) the subsequent periodical or annual survey required under subregulation (2)(a) or (b) shall be carried out at the intervals prescribed by that subregulation using the new

date in paragraph (a) as the anniversary date; and

- (c) the expiry date of the certificate may remain unchanged provided one or more periodical or annual surveys, as appropriate, are carried out so that the maximum intervals between the surveys prescribed by subregulation (2) (a) or (b) are not exceeded.”;

(b) in subregulation (4) -

- (i) by repealing “The surveyor” and substituting “Without prejudice to the generality of subregulation (2), the surveyor, in carrying out the periodical and annual surveys under subregulation (2)”;
- (ii) by repealing “Schedules 1 and 2” where it twice appears and substituting “Schedule 1”;
- (iii) in paragraph (a), by repealing “efficient” and substituting “in satisfactory condition and are fit for the service for which the ship is intended”;

(c) by repealing subregulation (5) and substituting -

“(5) On completion of the periodical or annual survey, the surveyor shall, where he is satisfied that the survey has been carried out in accordance with subregulations (2) and (4), endorse the cargo ship safety equipment certificate the fact that such survey has been completed.

(6) If the Director cancels the certificate under subregulation (1), he shall notify the owner of the ship in writing of the cancellation specifying the grounds therefor and the date on which it takes effect.”.

4. Regulation added

The following is added -

“5A. Extension of certificate

Where a ship in respect of which a cargo ship safety equipment certificate has been issued is registered in Hong Kong and engaged on short voyages, and the certificate has not been extended under section 29 of the Ordinance nor this regulation, the director may, on the application of the owner, agent or master of the ship, grant an extension of the certificate for a period not exceeding 1 month from the date of expiry of the certificate.”.

5. Schedule 1 amended

Schedule 1 is amended -

- (a) in the heading, by repealing “ANNUAL SURVEY” and substituting “PERIODICAL AND ANNUAL SURVEYS”;
- (b) by repealing “annual survey” and substituting “periodical and annual surveys”.

6. Intermediate Survey

Schedule 2 is repealed.

Secretary for Economic Services

18 January 2000

Explanatory Note

The purpose of this Regulation is to amend the Merchant Shipping (Safety) (Cargo Ship Safety Equipment Survey) Regulations (Cap. 369 sub. leg.) (“the principal Regulations”) to give effect to the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974. The Protocol shall come into operation on 3 February 2000.

2. The Regulation provides for the period of validity of the cargo ship safety equipment certificate. It also prescribes the extent, manner and intervals of the initial, renewal, periodical and annual surveys to be conducted on ships to which the principal Regulations apply as required by the Protocol.

**MERCHANT SHIPPING (SAFETY) (LOAD LINE)
(AMENDMENT) REGULATION 2000**

(Made under sections 102 and 107 of the Merchant Shipping
(Safety) Ordinance (Cap. 369))

1. Commencement

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

2. Interpretation

Regulation 1A(1) of the Merchant Shipping (Safety) (Load Line) Regulations (Cap. 369 sub. leg.) is amended -

- (a) by repealing the definition of “length” and the symbol “(L)” and substituting

-

““length” (長度) and the symbol “(L)” in relation to a ship means the
greater of the following -

- (a) 96% of the total length of the ship on a waterline at
85% of the least moulded depth measured from the
top of the keel; or
- (b) the length measured from the fore side of the stem to
the axis of the rudder stock on that waterline.

Where the stem contour is concave above the waterline at 85% of the least moulded depth, both the forward terminal of the total length of the ship and the fore side of the stem respectively shall be taken at the vertical projection to that waterline of the aftermost point of the stem contour (above that waterline). In ships designed with a rake of keel the waterline on which this length is measured shall be parallel to the designed waterline;”;

(b) by adding -

““anniversary date” (周年日期) means the date in each year corresponding to the date of expiry of the load line certificate;”.

3. Regulation added

The following is added -

“5A.Initial, renewal and annual surveys

(1) After receipt of the application and the documents and information required by regulation 2 the Assigning Authority shall cause a surveyor to carry out on a ship the following surveys -

(a) an initial survey before the ship is put in service or before an International Load Line Certificate is issued in respect of the ship for the first time. The initial survey shall

include a complete inspection of the structure and equipment of the ship to ensure that the structure, equipment, arrangements, materials and scantlings comply with the requirements of these regulations;

- (b) a renewal survey at intervals specified by the Director which shall not exceed 5 years for the renewal of an International Load Line Certificate.

The renewal survey shall include an inspection of the structure and equipment of the ship to ensure that the structure, equipment, arrangements, materials and scantlings comply with the requirements of these regulations;

- (c) an annual survey within 3 months before or after each anniversary date of the International Load Line Certificate. The annual survey shall include a general inspection of the structure and equipment of the ship to ensure that -

- (i) alterations have not been made to the hull or superstructures which would affect the calculations determining the position of the load line;

- (ii) the fittings and appliances for the protection of openings, guard rails, freeing ports and means of access to

crew's quarters are maintained in an effective condition;

(iii) the freeboard marks are correctly and permanently indicated;

(iv) the information required by regulations 30 and 31 is supplied.

(2) The fact that the annual surveys has been completed shall be endorsed by the Assigning Authority on the International Load Line Certificate issued in respect of the ship under regulation 6 or the International Load Line Exemption Certificate issued in respect of the ship under section 63 of the Ordinance.

(3) If an annual survey is completed before the period specified in subregulation (1)(c) then -

- (a) a new date, which shall not be more than 3 months after the date on which the survey was completed, shall be endorsed by the Assigning Authority on the International Load Line Certificate to be the date for ascertaining subsequent anniversary dates;
- (b) the subsequent annual survey required under subregulation (1)(c) shall be carried out at the intervals prescribed in that regulation using the new date in paragraph (a) as the new anniversary date; and
- (c) the date of expiry of the Certificate may remain unchanged provided one or more annual surveys are carried out so that the maximum

intervals between the surveys prescribed in subregulation (1)(c) are not exceeded.”.

4. Issue and form of Load Line Certificates

Regulation 6 is amended by adding “surveyed in accordance with regulation 5A(1) (a) or (b) and” before “duly marked”.

5. Regulation substituted

Regulation 7 is repealed and the following substituted -

“7. Duration of International Load Line Certificate

(1) Except as otherwise provided in the following regulations of this Part, an International Load Line Certificate shall be valid for 5 years from the date of issue or for such shorter period as may be specified in the Certificate.

(2) Where a renewal survey is completed within 3 months before the date of expiry of an existing International Load Line Certificate issued in respect of a ship, the new International Load Line Certificate issued in consequence of the survey shall be valid for 5 years from the date of expiry of the existing Certificate or for such shorter period as may be specified in the new Certificate.

(3) Where a renewal survey is completed more than 3 months before the date of expiry of an existing International Load Line Certificate issued in respect of a ship, the new International Load Line Certificate issued in consequence of the survey shall be valid for 5 years from the date of

completion of the survey or for such shorter period as may be specified in the new Certificate.

(4) Where a renewal survey is completed after the date of expiry of an existing International Load Line Certificate issued in respect of a ship, the new International Load Line Certificate issued in consequence of the survey shall be valid for 5 years from the date of expiry of the existing Certificate or for such shorter period as may be specified in the new Certificate or, if the Director considers it is appropriate in the special circumstances of the case, for 5 years from the date of completion of the survey, or for such shorter period as may be specified in the new Certificate.”.

6. Regulation substituted

Regulation 8 is repealed and the following substituted -

“8. Extension of International Load Line Certificate

(1) Where an International Load Line Certificate issued in respect of a ship is valid for a period of less than 5 years, and on the application of the owner, agent or master of the ship, if the Director is satisfied that it is proper to do so, he may grant an extension of the existing 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 subregulation, does not exceed 5 years, provided that the annual surveys referred to in regulation 5A(1) (c) are carried out as appropriate.

(2) Where -

- (a) a renewal survey of a ship has been completed but a new International Load Line Certificate issued or to be issued under regulation 6 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 International Load Line Certificate; and
- (b) there is no alterations in the structure, equipment, arrangements, materials or scantlings which affect the ship's freeboard,

the Assigning Authority 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 Certificate.

(3) If on the date of expiry of an International Load Line Certificate issued in respect of a ship registered in Hong Kong, the ship is not in Hong Kong nor in a 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 Hong Kong or to that port; and
- (b) for a period not exceeding 3 months from the date of expiry of the Certificate.

A ship in respect of which an extension is granted shall not, on its arrival to Hong Kong or to the port in which it is to be surveyed, be entitled by virtue of such extension to leave Hong Kong or that port unless a new International Load Line Certificate has been obtained.

(4) Where a ship in respect of which an International Load Line Certificate has been issued is registered in Hong Kong and engaged on short voyages, and the Certificate has not been extended under this regulation, the Director may, on the application of the owner, agent or master of the ship, grant an extension of the Certificate for a period not exceeding one month from the date of expiry of the Certificate.

(5) Where a renewal survey of a ship in respect of which an extension of the International Load Line Certificate is granted under subregulation (3) or (4) is completed, the new International Load Line Certificate issued in consequence of the survey shall be valid for 5 years from the date of expiry of the existing Certificate before the extension was granted or for such shorter period as may be specified in the Certificate or, if the Director considers it is appropriate in the special circumstances of the case, for 5 years from the date of completion of the renewal survey or for such shorter period as may be specified in the Certificate.”.

7. Regulation added

The following is added -

**“8A.Duration of International Load Line
Exemption Certificate**

An International Load Line Exemption Certificate issued by the Director in respect of a ship under section 63 of the Ordinance shall -

- (a) be valid for 5 years from the date of issue or for such shorter period as may be specified in the Certificate; and
- (b) be limited to the single voyage specified on the Certificate.”.

8. Cancellation

Regulation 9(1) is amended -

(a) in paragraph (a) -

- (i) in subparagraph (iii), by adding “or” at the end;
- (ii) by adding -

“(iv)the fittings and appliances mentioned in regulation 5A(1)

(c) (ii) are not maintained in an effective condition;”;

(b) in paragraph (b) -

- (i) by repealing “10” and substituting “5A(2)”;
- (ii) by repealing “that regulation” and substituting “regulation 5A(1) (c)”.

9. Periodical Inspection of Ships

Regulation 10 is repealed.

10. Exemption and Exemption Certificates

Regulation 11 is amended -

- (a) in subregulation (2) -
 - (i) by repealing “5” and substituting “5A”;
 - (ii) by repealing “10” and substituting “9”;
- (b) by repealing subregulation (2) (b).

11. Record of Particulars

Regulation 25(1) is amended, in the proviso, in paragraph (b), by adding “as modified by the Protocol of 1988 relating thereto” after “1966”.

12. Recognition of certificates issued by other Governments

Regulation 32 is amended -

- (a) in subregulations (2) and (3), by repealing “(1966)” wherever it appears;
- (b) in subregulations (2) (c) and (g) and (3), by adding “as modified by the Protocol of 1988 relating thereto” after “Convention of 1966”;
- (c) in subregulation (2) (g) -
 - (i) by repealing “periodical inspections” and substituting “annual surveys”;

- (ii) by repealing “inspections” where it secondly appears and substituting “surveys”.

13. Forms of Certificates

Schedule 1 is amended -

(a) in paragraph 1 -

- (i) by repealing “(1966)”;
- (ii) by repealing “(1966)”;
- (iii) by adding “as modified by the Protocol of 1988 relating thereto” after “Convention on Load Lines, 1966,”;
- (iv) by repealing “periodical survey” and substituting “renewal survey”;
- (v) by adding “, as modified by the Protocol of 1988 relating thereto” after “Convention on Load Lines, 1966” where it secondly appears;
- (vi) by repealing “periodical inspections” and substituting “annual surveys”;
- (vii) by repealing “19.....”;
- (viii) by repealing “periodical inspection” and substituting “annual survey”;

(b) in paragraph 2 -

- (i) by adding “as modified by the Protocol of 1988 relating thereto” after “Convention on Load Lines, 1966,”;

- (ii) by adding “as modified by the Protocol of 1988 relating thereto” after “provisions of the 1966 Convention”;
- (iii) by repealing “periodical inspections” and substituting “annual surveys”;
- (iv) by repealing “19.....”.

14. Appropriate Load Lines - Zones, Areas and Seasonal Periods

Part II of Schedule 2 is amended -

- (a) in paragraph 1(1) (b), by adding “The Shetland Islands are to be considered as being on the boundary of the North Atlantic Winter Seasonal Zones I and II.” after “Skagerrak.”;
- (b) in paragraph 1(1), by repealing “The Shetland Islands are to be considered as being on the boundary line between the North Atlantic Winter Seasonal Zones I and II.” at the end;
- (c) in paragraph 2, by repealing “to the west coast of the American continent” and substituting “to the point latitude 33° S, longitude 79° W, thence the rhumb line to the point latitude 41° S, longitude 75° W, thence the rhumb line to Punta Corona light-house on Chiloe Island, latitude 41° 47’S, longitude 75° 53’W, thence along the north, east and south coasts of Chiloe Island to the point latitude 43° 20’S, longitude 74° 20’W, and thence the meridian of longitude 74° 20’W to the parallel of latitude

45° 45'S, including the inner zone of Chiloe channels from the meridian 74° 20'W to the east”;

(d) in paragraph 3(2) -

(i) by repealing “and thence the rhumb line to the west coast of the American continent at latitude 30° S” and substituting “thence the rhumb line to the point latitude 32° 47'S, longitude 72° W, and thence to the parallel of latitude 32° 47'S to the west coast of South American”;

(ii) by repealing “Coquimbo” and substituting “Valparaiso”;

(e) in paragraph 4(4) (b), by repealing “120° E” where it twice appears and substituting “114° E”.

15. Record of Particulars

Schedule 3 is amended -

(a) by adding “as modified by the Protocol of 1988 relating thereto” after “the Convention of 1966” where it twice appears;

(b) in the part headed “SUBSEQUENT PERIODICAL SURVEYS” -

(i) by repealing “PERIODICAL” and substituting “RENEWAL”;

(ii) by repealing “periodical” and substituting “renewal”.

16. Conditions of Assignment

Schedule 4 is amended, in paragraph 12, by adding -

“(3A) Scuppers led through the shell from enclosed superstructures used for the carriage of cargo shall be permitted only where the edge of the freeboard deck is not immersed when the ship heels 5° either way. In other cases the drainage shall be led inboard in accordance with the requirements of the Convention in force.”.

17. Savings

Any International Load Line Certificate issued under Part I of the Merchant Shipping (Safety) (Load Line) Regulations (Cap. 369 sub. leg.) (“the principal Regulation”) before the commencement of this Regulation which is valid immediately before that commencement shall remain in force for the unexpired period of its validity left to run as from that commencement as if the Certificate had been issued under that Part as amended by this Regulation and for that period of validity, and the provisions of the principal Regulation as amended by this Regulation shall apply accordingly.

Secretary for Economic Services

18 January 2000

Explanatory Note

The purpose of this Regulation is to amend the Merchant Shipping (Safety) (Load Line) Regulations (Cap. 369 sub. leg.) (“the principal Regulation”) to give effect to the Protocol of 1988 relating to the International Convention on Load Lines, 1966. The Protocol shall come into operation on 3 February 2000.

2. The Regulation provides for the period of validity of an International Load Line Certificate and International Load Line Exemption Certificate. It also prescribes the extent, manner and intervals of the initial, renewal and annual surveys to be conducted on ships to which the principal Regulation apply as required by the Protocol.

**MERCHANT SHIPPING (SAFETY) (LOAD LINES) (LENGTH OF SHIP)
(AMENDMENT) REGULATION 2000**

(Made under section 102 of the Merchant Shipping
(Safety) Ordinance (Cap. 369))

1. Commencement

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

2. Interpretation

Regulation 2 of the Merchant Shipping (Safety) (Load Lines) (Length of Ship) Regulations (Cap. 369 sub. leg.) is amended, in the definition of “rake of keel”, by repealing “（龍骨傾斜度）” and substituting “（傾斜龍骨）” .

3. Regulation substituted

Regulation 3 is repealed and the following substituted -

“3. Ascertainment of length of ship

(1) For the purposes of Part IV of the Ordinance the length of a ship shall be the greater of the following -

- (a) 96% of the total length of the ship on a waterline at 85% of the least moulded depth measured from the top of the keel; or
- (b) the length measured from the fore side of the stem to the axis of the rudder stock on that waterline.

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(2) Where the stem contour is concave above the waterline at 85% of the least moulded depth, both the forward terminal of the total length of the ship and the fore side of the stem respectively shall be taken at the vertical projection to that waterline of the aftermost point of the stem contour (above that waterline).

(3) In the case of ships designed with a rake of keel the waterline on which this length is measured shall be parallel to the designed waterline.”.

Secretary for Economic Services

18 January 2000

Explanatory Note

This Regulation amends the Merchant Shipping (Safety) (Load Lines) (Length of Ship) Regulations (Cap. 369 sub. leg.) to give effect to the Protocol of 1988 relating to the International Convention on Load Lines, 1966. The Protocol shall come into operation on 3 February 2000.

2. The amendment introduces a new method for ascertaining the length of a ship for the purposes of Part IV of the Merchant Shipping (Safety) Ordinance (Cap. 369).

**MERCHANT SHIPPING (SAFETY) (PASSENGER SHIP CONSTRUCTION AND
SURVEY) (SHIPS BUILT ON OR AFTER 1 SEPTEMBER 1984)
(AMENDMENT) REGULATION 2000**

(Made under section 107 of the Merchant Shipping
(Safety) Ordinance (Cap. 369))

1. Commencement

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

2. Inclining and stability information

Regulation 9A(4) of the Merchant Shipping (Safety) (Passenger Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations (Cap. 369 sub. leg.) is amended by repealing “and” where it thirdly appears and substituting “Ship”.

3. Survey requirements

Regulation 81 is amended -

(a) in subregulation (1) -

(i) in paragraph (a) -

(A) by repealing “a” where it secondly appears and substituting
“an initial”;

(B) by adding “or before a Passenger Ship Safety Certificate or a
Passenger Certificate is issued in

respect of the ship for the first time” at the end;

(ii) by repealing paragraph (b) and substituting -

“(b) a renewal survey at least once every 12 months for the renewal of the Passenger Ship Safety Certificate, or Passenger Certificate;”;

(b) in subregulation (2) (b), by repealing “and” where it first appears and substituting “Ship”.

4. Maintenance of conditions after survey

Regulation 82(1) is amended by repealing “and” where it secondly appears and substituting “Ship”.

5. Issue of certificates

Regulation 83 is amended -

(a) in subregulation (1) -

(i) by repealing “and” where it first appears and substituting “Ship”;

(ii) by adding “The Passenger Ship Safety Certificate shall be supplemented by a Record of Equipment.” at the end;

(b) by adding -

“(3) In this regulation, “Record of Equipment” (設備紀錄) means a record issued

by the Director or a person authorized by him setting out the details of safety equipment provided on a ship on the date of issue of the Passenger Ship Safety Certificate.”.

6. Duration and validity of certificates

Regulation 84 is amended -

- (a) in subregulation (1), by repealing “a period not exceeding 12 months” and substituting “12 months from the date of issue or for such shorter period as may be specified in the certificate”;
- (b) in subregulation (2), by repealing “and” where it first appears and substituting “Ship”;
- (c) in subregulation (3) -
 - (i) by repealing “five” and substituting “3”;
 - (ii) by adding at the end -

“When the renewal survey of the ship is completed, the new certificate issued in consequence of the survey shall be valid for 12 months from the date of expiry of the existing certificate before the extension was granted or for such shorter period as may be specified in the certificate or, if the Director considers it is appropriate in the special circumstances of the case, valid for 12 months from the date of

completion of the survey or for such shorter period as may be specified in the certificate.”;

(d) by repealing subregulation (4) and substituting -

“(4) The Director may, on the application of the owner, agent or master of a ship of Class IIA, grant an extension of a Passenger Certificate issued in respect of the ship for a period not exceeding 1 month from the date of expiry of the certificate.”;

(e) by adding -

“(5) Where a ship in respect of which a Passenger Ship Safety Certificate has been issued is registered in Hong Kong and engaged on short voyages, and the certificate has not been extended under section 29 of the Ordinance nor this regulation, the Director may, on the application of the owner, agent or master of the ship, grant an extension of the certificate for a period not exceeding 1 month from the date of expiry of the certificate. When the renewal survey of the ship is completed, the new certificate issued in consequence of the survey shall be valid for 12 months from the date of expiry of the existing certificate before the extension was granted or for such shorter period as may be specified in the certificate or, if the

Director considers it is appropriate in the special circumstances of the case, valid for 12 months from the date of completion of the survey or for such shorter period as may be specified in the certificate.

(6) A Passenger Ship Safety Certificate shall cease to be valid -

- (a) if the relevant surveys are not carried out within the periods specified under regulation 81(1);
- (b) if the certificate is not endorsed in accordance with these regulations; or
- (c) if the ship was registered in Hong Kong when the certificate was issued and has ceased to be so registered.”.

7. Penalties

Regulation 86(1) is amended by repealing “81(1)” and substituting “81(1) (a) and (b)”.

8. Savings

Any certificate issued under regulation 83 of the Merchant Shipping (Safety) (Passenger Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations (Cap. 369 sub. leg.) (“principal Regulations”) before the commencement of this

Regulation which is valid immediately before that commencement shall remain in force for the unexpired period of its validity left to run as from that commencement as if the certificate had been issued under regulation 83 as amended by this Regulation and for that period of validity, and the provisions of the principal Regulations as amended by this Regulation shall apply accordingly.

Secretary for Economic Services

18 January 2000

Explanatory Note

The purpose of this Regulation is to amend the Merchant Shipping (Safety) (Passenger Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations (Cap. 369 sub. leg.) to give effect to the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974. The Protocol shall come into operation on 3 February 2000.

2. The Regulation provides for the period of validity of the Passenger Ship Safety Certificate and the extension of the Passenger Ship Safety Certificate and the Passenger Certificate.

**MERCHANT SHIPPING (SAFETY) (RADIO INSTALLATIONS SURVEY)
(AMENDMENT) REGULATION 2000**

(Made under sections 97 and 107 of the Merchant Shipping
(Safety) Ordinance (Cap. 369))

1. Commencement

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

2. Interpretation

Regulation 2 of the Merchant Shipping (Safety) (Radio Installations Survey) Regulations (Cap. 369 sub. leg.) is amended by adding -

““anniversary date” (周年日期) means the date in each year corresponding to the date of expiry of the radio certificate;”.

3. Surveys

Regulation 4 is amended -

(a) by repealing subregulation (3) and substituting -

“(3) The survey referred to in subregulation (1) shall be as follows -

(a) an initial survey before the ship is put in service or before a radio certificate is issued in respect of the ship for the first time. The

initial survey shall include a complete inspection of the radio installations, including those used in life-saving appliances, of the ship to ensure that they comply with the requirements of the Radio Installations Regulations;

- (b) a renewal survey at intervals specified by the Director which shall not exceed 5 years for the renewal of a radio certificate.

The renewal survey shall include an inspection of the radio installations, including those used in life-saving appliances, of the ship to ensure that they comply with the requirements of the Radio Installations Regulations;

- (c) a periodical survey within 3 months before or after each anniversary date of the radio certificate. The periodical survey shall include an inspection of the radio installations, including those

used in life-saving appliances, of the ship to ensure that they comply with the requirements of the Radio Installations Regulations;

(d) an additional survey, either general or partial according to the circumstances, whenever any important repairs or renewals are made.”;

(b) by adding -

“(5) On completion of the periodical survey, the nominated surveyor shall, where he is satisfied that the survey has been carried out in accordance with subregulation (3) (c), endorse the radio certificate the fact that such survey has been completed.

(6) If a periodical survey is completed before the period specified in subregulation (3) (c) then -

(a) a new date, which shall not be more than 3 months after the date on which the survey was completed, shall be endorsed by the nominated surveyor on the radio certificate to be the date for ascertaining subsequent anniversary dates;

(b) the subsequent periodical survey required under subregulation (3) (c) shall be carried out at the intervals prescribed by that subregulation using the new date in paragraph (a) as the anniversary date; and

(c) the expiry date of the certificate may remain unchanged provided one or more periodical surveys are carried out so that the maximum intervals between the surveys prescribed by subregulation (3) (c) are not exceeded.

(7) If the ship is not surveyed in accordance with subregulation (3) (c) or (d), the Director may cancel its radio certificate. The Director shall notify the owner of the ship in writing of the cancellation specifying the grounds therefor and the date on which it takes effect.”.

4. Regulation added

The following is added -

**“4A.Duration and extension
of radio certificate**

(1) A radio certificate shall be valid for 5 years from the date of issue or for such shorter period as may be specified in the certificate.

(2) Where a ship in respect of which a radio certificate has been issued is registered in Hong Kong and engaged on short voyages, and the certificate has not been extended under section 29 of the Ordinance nor this regulation, the Director may, on the application of the owner, agent or master of the ship, grant an extension of the certificate for a period not exceeding 1 month from the date of expiry of the certificate.

(3) Where a renewal survey of a ship in respect of which an extension of a radio certificate is granted under subregulation (2) is completed, the new radio certificate issued in consequence of the survey shall be valid for 5 years from the date of expiry of the existing certificate before the extension was granted or for such shorter period as may be specified in the certificate or, if the Director considers it is appropriate in the special circumstances of the case, valid for 5 years from the date of completion of the renewal survey or for such shorter period as may be specified in the certificate.”.

5. Penalties

Regulation 8 is amended by repealing “(1) or (2)” and substituting “(3) (a), (b) or (c)”.

Secretary for Economic Services

18 January 2000

Explanatory Note

The purpose of this Regulation is to amend the Merchant Shipping (Safety) (Radio Installations Survey) Regulations (Cap. 369 sub. leg.) (“the principal Regulations”) to give effect to the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974. The Protocol shall come into operation on 3 February 2000.

2. The Regulation provides for the period of validity of cargo ship safety radio certificate. It also prescribes the extent, manner and intervals of the initial, renewal, periodical and additional surveys to be conducted on ships to which the principal Regulations apply as required by the Protocol.