

LN032-E

L.N. 32 of 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 is repealed and the following substituted---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.

Stephen IP

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.