

LN034-E

L.N. 34 of 2000

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 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.

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 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.