

LN035-E

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 LoadLine 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 survey 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 subregulation 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 new 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 in 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 America";

(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.

Stephen IP

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 Regulations") 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 Regulations apply as required by the Protocol.