

L.N. 55 of 2016

Merchant Shipping (Safety) (IMSBC Code) Regulation

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Merchant Shipping (Safety) (IMSBC Code) Regulation

(Made by the Secretary for Transport and Housing under sections 107 and 112B of the Merchant Shipping (Safety) Ordinance (Cap. 369))

1. Commencement

- (1) Subject to subsection (2), this Regulation comes into operation on 1 July 2016.
- (2) Sections 6(1) and 7(2)(b) and (7) come into operation on 1 January 2017.

2. Interpretation

In this Regulation—

cargo space (貨艙) means any space in a ship designated for carriage of cargoes;

cargo which may liquefy (可液化貨物) means a cargo that—

- (a) contains a certain proportion of fine particles and a certain amount of moisture; and
- (b) may liquefy if it is shipped with a moisture content in excess of its transportable moisture limit;

competent authority (主管當局), in relation to a place outside Hong Kong, means the authority responsible, under the law of that place, for the regulation of carriage of cargoes in that place;

concentrates (精礦) means materials obtained from a natural ore by a process of enrichment or beneficiation by physical or chemical separation and removal of unwanted constituents;

dangerous goods (危險貨物) means solid bulk cargoes which are classified as dangerous goods in accordance with section 9.2.2 of the IMSBC Code;

IMO means the International Maritime Organization;

IMSBC Code (《固體散裝貨規則》) means the International Maritime Solid Bulk Cargoes Code adopted by the IMO by resolution MSC.268(85) on 4 December 2008, as from time to time revised or amended by any revision or amendment that applies to Hong Kong;

moisture content (含濕量), in relation to concentrates or a cargo, means the portion of a representative sample of the concentrates or cargo consisting of water (whether in the form of ice or not) or other liquid expressed as a percentage of the total wet mass of that sample;

shipper (付運人), in relation to a cargo, means—

- (a) any person by whom, or in whose name, or on whose behalf, a contract of carriage of cargoes by sea has been concluded in respect of the cargo with a carrier; or
- (b) any person by whom, or in whose name, or on whose behalf, the cargo is delivered to a carrier under a contract of carriage of cargoes by sea concluded in respect of the cargo;

solid bulk cargo (固體散裝貨物) means any cargo, other than liquid cargo or gas cargo, consisting of a combination of particles, granules or any larger pieces of material generally uniform in composition, which is loaded directly into the cargo spaces of a ship without any intermediate form of containment;

transportable moisture limit (可運輸水分極限), in relation to a cargo which may liquefy, means the maximum moisture content of the cargo—

- (a) that is considered to be safe for carriage in a ship that does not comply with the requirements specified in section 7.3.2 of the IMSBC Code in relation to a specially constructed cargo ship or specially fitted cargo ship; and
- (b) that is determined by test procedures approved by a competent authority of the port at which the cargo is loaded.

3. **Application**

- (1) Subject to subsection (2), this Regulation applies to—
 - (a) a Hong Kong ship wherever it may be; and
 - (b) a non-Hong Kong ship while it is within the waters of Hong Kong.
- (2) This Regulation does not apply to a non-Hong Kong ship flying the flag of a State that is not a party to the Convention if it would not have been within the waters of Hong Kong but for stress of weather or any other circumstances which the owner, the charterer (if any) and the master of the ship could not have prevented or forestalled.
- (3) In this section—

Hong Kong ship (香港船舶) means a ship registered in Hong Kong;

non-Hong Kong ship (非香港船舶) means a ship other than a Hong Kong ship.

4. **Master not to accept solid bulk cargoes for loading unless certain conditions are satisfied**

- (1) For a solid bulk cargo that belongs to a type of cargo that is listed in appendix 1 to the IMSBC Code—

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- (a) the master of a ship must not accept the cargo for loading unless, prior to loading, the information on the cargo is provided to the master under section 7; and
 - (b) the master of the ship must ensure that the cargo is transported in compliance with—
 - (i) the provisions in the individual Schedule to that appendix in respect of that type of cargo; and
 - (ii) sections 5, 6, 8, 9, 10 and 11.
- (2) For a solid bulk cargo that does not belong to a type of cargo that is listed in appendix 1 to the IMSBC Code—
- (a) the master of a ship must not accept the cargo for loading unless, prior to loading, the master is provided with a certificate issued by the competent authority of the port of loading stating—
 - (i) the information on the characteristics and properties of the cargo; and
 - (ii) the conditions required for the carriage and handling of the cargo; and
 - (b) the master of the ship must ensure that the cargo is transported in compliance with sections 5, 6, 8, 9, 10 and 11.
- (3) The master of a ship who contravenes subsection (1) or (2) commits an offence and is liable to a fine of \$20,000 and to imprisonment for 2 years.

5. General loading, carriage and unloading requirements

- (1) The master of a ship carrying solid bulk cargoes must ensure that—

- (a) the weights of the cargoes are distributed throughout the ship;
- (b) the cargoes are arranged; and
- (c) the cargoes that are of high-density are loaded and distributed,

in compliance with the requirements specified in section 2.1 of the IMSBC Code in respect of cargo distribution.

- (2) The master of a ship carrying solid bulk cargoes must ensure that a stability information booklet is provided on the ship for calculating the stability of the ship in compliance with section 2.1.3.1 of the IMSBC Code.
- (3) If a ship carries solid bulk cargoes in 'tween-deck cargo spaces or in partially filled cargo spaces, and the master of the ship suspects that the cargoes may shift easily, the master must ensure that shifting divisions and bins are provided on the ship in compliance with section 2.1.3.2 of the IMSBC Code.
- (4) If solid bulk cargoes are loaded on or unloaded from a ship, the master of the ship must ensure that the loading or unloading complies with section 2.2 of the IMSBC Code.
- (5) The master of a ship who contravenes subsection (1), (2), (3) or (4) commits an offence and is liable to a fine of \$20,000 and to imprisonment for 2 years.

6. Safety of personnel and ship

- (1) The master of a ship referred to in section 3.1.2 of the IMSBC Code must ensure that—
 - (a) routine on board operational fire safety risk assessments are carried out in compliance with that section; and

- (b) the details of the assessments are recorded in the ship's Safety Management System with a recommended timing for carrying out the assessments.
- (2) The master of a ship carrying dangerous goods must ensure that the instructions on emergency response and medical first aid are provided on the ship in compliance with section 3.1 of the IMSBC Code.
- (3) If solid bulk cargoes that have the characteristics described in section 3.2 of the IMSBC Code—
 - (a) are loaded on a ship; and
 - (b) are carried on the ship,the master of the ship must ensure that the loading and carriage comply with section 3.2 of the Code to prevent poisoning, corrosive and asphyxiation hazards being caused by the cargoes.
- (4) If dust-borne solid bulk cargoes are carried on a ship, the master of the ship must ensure that the precautions specified in section 3.3 of the IMSBC Code are taken to minimize the risks to health associated with the exposure to the dust of the cargoes.
- (5) If—
 - (a) solid bulk cargoes that may constitute a fire or explosive hazard are loaded or carried on, or unloaded from, a ship; or
 - (b) the residue of the cargoes is being cleared from the cargo spaces,the master of the ship must ensure that the loading, carriage, unloading or clearance complies with section 3.4 of the IMSBC Code to prevent the formation of flammable atmosphere.

- (6) If solid bulk cargoes that may emit toxic, flammable or hazardous gases are carried on a ship, the master of the ship must ensure that appropriate ventilation (whether power-generated or not) is provided or maintained in the cargo spaces carrying the cargoes in compliance with—
 - (a) section 3.5 of the IMSBC Code; and
 - (b) the provisions in the individual Schedule to appendix 1 to the Code in respect of the cargoes.
- (7) The master of a ship must ensure that—
 - (a) in-transit fumigation and gas concentration safety checks on board the ship are performed in compliance with section 3.6 of the IMSBC Code; and
 - (b) the readings obtained from the checks are recorded in the ship's log book.
- (8) The master of a ship who contravenes subsection (1), (2), (3), (4), (5), (6) or (7) commits an offence and is liable to a fine of \$20,000 and to imprisonment for 2 years.

7. Assessment of acceptability of solid bulk cargoes for safe shipment

- (1) The shipper of solid bulk cargoes to be loaded on a ship must provide the master of the ship with information that complies with subsection (2) sufficiently in advance of loading to enable the master to take the necessary precautions for the proper stowage and safe carriage of the cargoes.

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- (2) The information—
- (a) must include information on the cargoes specified in section 4.2.2 of the IMSBC Code, except information on whether the cargoes are harmful to the marine environment;
 - (b) must include the Bulk Cargo Shipping Name (BCSN) of the cargoes specified in appendix 5 to the IMSBC Code in any one of the languages set out in that appendix;
 - (c) must be provided in writing and by appropriate shipping documents prior to loading; and
 - (d) must be accompanied by a declaration that—
 - (i) includes a statement specified in the form set out in section 4.2.3 of the IMSBC Code; and
 - (ii) is made in writing, whether in paper form or in electronic form.
- (3) In discharging the shipper's obligation under subsection (1), the shipper must cause the cargoes to be properly identified, classified, sampled and tested in compliance with sections 4.1 and 4.3 of the IMSBC Code.
- (4) If a certificate of test, declaration, statement or other document in respect of the cargoes is required under section 4.3 of the IMSBC Code, the shipper of the cargoes must—
- (a) provide the master of the ship with the certificate, declaration, statement or document in respect of the cargoes; and
 - (b) comply with the requirements specified in sections 4.3, 4.4, 4.5 and 4.6 of the Code for the certification, classification, sampling and testing of the cargoes.

- (5) If a ship carries cargoes that are dangerous goods, the shipper of the cargoes must ensure that the documents relating to the cargoes are provided on the ship in compliance with section 4.8 of the IMSBC Code.
- (6) A shipper who contravenes subsection (1), (3), (4) or (5) commits an offence and is liable to a fine of \$20,000 and to imprisonment for 2 years.
- (7) In this section—

Bulk Cargo Shipping Name (BCSN) (散裝貨物船運名) has the meaning given by section 1.7 of the IMSBC Code.

8. **Trimming procedures**

- (1) The master of a ship carrying solid bulk cargoes (whether non-cohesive solid bulk cargoes or not) must ensure that the cargoes are loaded, spread and trimmed in compliance with section 5.1 of the IMSBC Code.
- (2) The master of a multi-deck ship, apart from complying with subsection (1), must also ensure that the additional requirements specified in section 5.2 of the IMSBC Code are complied with if the solid bulk cargoes on the ship are loaded only in the lower cargo spaces or are carried in 'tween-decks of the ship.
- (3) If non-cohesive solid bulk cargoes are loaded or carried on a ship, the master of the ship must—
 - (a) if, according to the information provided under section 7, the cargoes have an angle of repose less than or equal to 30°—ensure that the loading or carriage complies with section 5.4.3 of the IMSBC Code;

- (b) if, according to the information provided under section 7, the cargoes have an angle of repose greater than 30° but less than or equal to 35°—ensure that the cargoes on the ship are trimmed according to the criteria specified in section 5.4.4 of the IMSBC Code; and
 - (c) if, according to the information provided under section 7, the cargoes have an angle of repose greater than 35°—ensure that the cargoes on the ship are trimmed according to the criteria specified in section 5.4.5 of the IMSBC Code.
- (4) The master of a ship who contravenes subsection (1), (2) or (3) commits an offence and is liable to a fine of \$20,000 and to imprisonment for 2 years.
- (5) In this section—

angle of repose (休止角), in relation to non-cohesive granular material, means the maximum slope angle of the granular material—

- (a) measured as the angle between a horizontal plane and the cone slope of the material; and
- (b) determined by the method set out in section 6 of the IMSBC Code;

non-cohesive material (非附着性物料) means a dry material listed in paragraph 1 of appendix 3 to the IMSBC Code that readily shifts due to sliding during transport;

non-cohesive solid bulk cargo (非附着性固體散裝貨物) means—

- (a) a cargo listed in paragraph 1 of appendix 3 to the IMSBC Code under the heading of non-cohesive cargoes; or
- (b) any other cargo which exhibits the property of a non-cohesive material;

trim (平艙) means any act of levelling of any solid bulk cargo in a cargo space, whether partial or total.

9. Cargoes which may liquefy

- (1) The master of a ship—
 - (a) must not accept for loading or carriage on the ship any concentrates in bulk or other solid bulk cargoes which may liquefy, unless the moisture content of the concentrates or cargoes is less than its transportable moisture limit; and
 - (b) if the concentrates or cargoes are accepted for loading or carriage, must ensure that the loading or carriage complies with section 7.3.1 of the IMSBC Code.
- (2) Despite subsection (1), a cargo which has a moisture content in excess of its transportable moisture limit may be loaded or carried on a ship, if the ship is a specially constructed cargo ship or specially fitted cargo ship that complies with section 7.3.2 of the IMSBC Code.
- (3) The master of a ship who contravenes subsection (1) commits an offence and is liable to a fine of \$20,000 and to imprisonment for 2 years.

10. Materials possessing chemical hazards

- (1) This section applies to solid bulk cargoes that are either—
 - (a) dangerous goods; or
 - (b) materials hazardous only in bulk within the meaning of section 9.2.3 of the IMSBC Code.
- (2) If solid bulk cargoes are loaded, stowed, segregated or carried on, or discharged from, a ship, the master of the

ship must ensure that the loading, stowage, segregation, carriage or discharge complies with section 9.3 of the IMSBC Code.

- (3) The master of a ship who contravenes subsection (2) commits an offence and is liable to a fine of \$20,000 and to imprisonment for 2 years.

11. Carriage of wastes in bulk

- (1) The master of a ship carrying wastes in bulk must ensure that the wastes are stowed, handled, segregated, carried and transported in compliance with section 10 of the IMSBC Code.
- (2) The master of a ship who contravenes subsection (1) commits an offence and is liable to a fine of \$20,000 and to imprisonment for 2 years.
- (3) In this section—
wastes (廢物) has the meaning given by section 10.2.1 of the IMSBC Code.

Anthony B. L. CHEUNG
Secretary for Transport and
Housing

3 May 2016

Explanatory Note

This Regulation is made under the Merchant Shipping (Safety) Ordinance (Cap. 369) for implementing regulation 1-2 of Chapter VI of the International Convention for the Safety of Life at Sea, 1974, as amended. That regulation 1-2 provides that the carriage of solid bulk cargoes (other than grain) must comply with the relevant provisions of the International Maritime Solid Bulk Cargoes Code (*IMSBC Code*).

2. The Regulation provides for the requirements for the loading, stowage, carriage and unloading of solid bulk cargoes (other than grain), including dangerous goods in solid form in bulk.
3. Section 1 provides for the commencement of the Regulation.
4. Section 2 contains the definition of words and expressions used in the Regulation.
5. Section 3 provides for the scope of application of the Regulation.
6. Section 4 implements section 1 of the IMSBC Code, which sets out the conditions for the loading of solid bulk cargoes on a ship.
7. Section 5 implements section 2 of the IMSBC Code, which sets out the general loading, carriage and unloading requirements to be complied with in relation to solid bulk cargoes.

8. Section 6 implements section 3 of the IMSBC Code, which imposes a duty on the master of a ship carrying solid bulk cargoes to ensure the safety of the personnel on board and the ship.
9. Section 7 implements sections 4 and 8.1 of the IMSBC Code, which require a shipper of solid bulk cargoes to provide the master of a ship with information on the cargoes to enable the master to take the necessary precautions for the proper stowage and safe carriage of the cargoes.
10. Section 8 implements section 5 of the IMSBC Code, which requires the master of a ship to ensure that solid bulk cargoes are loaded, spread and trimmed in compliance with that section 5. Additional requirements are imposed for non-cohesive solid bulk cargoes which have different angles of repose. The angle of repose is determined by the method set out in section 6 of the Code.
11. Section 9 implements section 7 of the IMSBC Code, which provides that the master of a ship may only accept for loading or carriage any concentrates in bulk or other solid bulk cargoes which may liquefy if the conditions set out in that section 7 are met.
12. Section 10 implements section 9 of the IMSBC Code, which requires the master of a ship to ensure that the stowage, segregation and other requirements specified in that section 9 are complied with in relation to solid bulk cargoes that possess chemical hazards.

Merchant Shipping (Safety) (IMSBC Code) Regulation

Explanatory Note
Paragraph 13

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13. Section 11 implements section 10 of the IMSBC Code, which requires the master of a ship carrying wastes in bulk to ensure that the wastes are stowed, handled, segregated, carried and transported in compliance with that section 10.