

LEGISLATIVE COUNCIL BRIEF

Merchant Shipping (Safety) Ordinance (Cap. 369)

Legislative Amendments for the Implementation of the International Convention on Load Lines

INTRODUCTION

To incorporate the latest requirements set out in the International Convention on Load Lines (“Load Lines Convention”) of the International Maritime Organization (“IMO”) into local legislation, the Secretary for Transport and Housing (“STH”) has made the following regulations under the Merchant Shipping (Safety) Ordinance (Cap. 369) (“the Ordinance”) —

- (a) Merchant Shipping (Safety) (Load Line) (Amendment) Regulation 2018, at **Annex A**, under Sections 51, 63, 64, 102, 107 and 112B of the Ordinance;
- (b) Merchant Shipping (Safety) (Load Lines) (Deck Cargo) (Amendment) Regulation 2018, at **Annex B**, under Sections 105, 107 and 112B of the Ordinance; and
- (c) Merchant Shipping (Safety) (Load Lines) (Length of Ship) Regulations (Repeal) Regulation, at **Annex C**, under Section 102 of the Ordinance.

BACKGROUND

2. To prevent marine accidents arising from overloading of ships, load lines are marked on the surface of a ship’s hull. These lines indicate the draft of a ship and the legal limit which the ship may be loaded. There may be a few load lines on a ship as a ship may be loaded to a greater and lesser degree in different zones and seasons¹. Ships on international voyages are required to comply with the requirements of the Load Lines Convention, which was adopted by IMO in 1966

¹ Summer Load Line, Winter Load Line, Winter North Atlantic Load Line, Tropical Load Line, Fresh Water Load Line and Tropical Fresh Water Load Line may be marked on the ships’ hull for ships operating in the corresponding zones and seasons.

and entered into force in 1968. Ships conforming with the load line requirements are issued with certificates by the flag state or by classification societies².

LEGISLATIVE PROPOSALS

3. IMO adopts resolutions from time to time to amend the Load Lines Convention to keep international standards in relation to load lines in tandem with new shipping technological and operational practices. We propose to incorporate requirements adopted by IMO after 2000 into our local legislation. Most of the requirements are technical in nature and seek to enhance the stability and safety of a ship. As ocean-going vessels have to call at different ports around the world, they should already be in compliance with these requirements. Some of the major amendments are highlighted below —

- (a) ***Calculation and determination of freeboard*** — A ship should have sufficient freeboard (i.e. the vertical distance between the main deck and the waterline) at all times, otherwise it will become unstable and unsafe. IMO has introduced technical amendments to improve the accuracy in the calculation of freeboard, with a view to enhancing the safety and stability of ships. This requirement will apply to ocean-going vessels constructed on or after 1 January 2005 (i.e. the date when the resolution was adopted).
- (b) ***Intact stability requirements of ships*** — When a ship is designed, sophisticated calculations are performed to ensure the ship has met the intact stability³ requirements such that it can remain stable and afloat in all different environmental conditions. To better ensure that ships have a robust hull which can withstand severe sea conditions and have adequate stability for loading and operating conditions, IMO has mandated that all ships constructed on or after 1 July 2010 must comply with the requirements stipulated in Part A of the 2008 International Code on Intact Stability (“2008 IS Code”). Apart from detailing the criteria for fulfilling the requirements of intact stability when constructing a ship, the 2008 IS Code also requires the master of a ship to take general precautions including obtaining weather forecast before voyages to ensure safe operation and reduce the risk of capsizing.

² Classification societies are organisations recognized by flag state to perform statutory certification and service under mandatory IMO instruments and national legislation.

³ Intact stability is one of the essential criteria to determine whether a ship is seaworthy. It refers to the stability of a ship when the intactness of its hull is maintained, and no compartment or watertight tank is damaged or freely flooded by seawater.

- (c) ***Strengthening hatch covers to withstand greater wave loads*** — Hatch covers are used on ships to prevent water from entering the cargo holds of ships, offer protection to ships' internal structures, and endure wave loads in extreme weather. A hatch cover to a ship can be understood as a lid to a box. IMO has tightened its requirements on ships to have stronger hatch covers to withstand greater wave loads so that ships can be water-tight in severe sea conditions.
- (d) ***Improving drainage of water on deck*** — Freeing ports are openings in the lower part of the bulwarks or the sides of a ship to drain water accumulated on the deck. As rapid drainage of water on deck is crucial to the safety of crew working on deck, IMO has increased the minimum freeing port area on each side of a ship.
- (e) ***Carrying deck cargo⁴ consisting of timber*** — IMO adopted the Code of Safe Practice for Ships Carrying Timber Deck Cargoes in 2011 to ensure that ships carrying timber deck cargo can retain adequate stability throughout their voyage and to avoid excessive loading on deck. The Code sets out requirements on the stowage and cargo securing arrangements to ensure that timber deck cargo is secured in a more compact and secure manner to prevent cargo movement and potential damage to a ship in all navigational conditions.

THE REGULATIONS

Merchant Shipping (Safety) (Load Line) (Amendment) Regulation 2018

4. The Merchant Shipping (Safety) (Load Line) (Amendment) Regulation 2018 incorporates the latest requirements of the Load Lines Convention, as well as the contents of the Merchant Shipping (Safety) (Load Lines) (Length of Ship) Regulations (Cap. 369AF).

Merchant Shipping (Safety) (Load Lines) (Deck Cargo) (Amendment) Regulation 2018

5. The Merchant Shipping (Safety) (Load Lines) (Deck Cargo) (Amendment) Regulation 2018 incorporates the latest requirements of the Load Lines Convention which governs ships that carry timber deck cargo.

⁴ Deck cargo refers to the cargo that is carried by a ship in any uncovered space on the deck.

Merchant Shipping (Safety) (Load Lines) (Length of Ship) Regulations (Repeal) Regulation

6. The Merchant Shipping (Safety) (Load Lines) (Length of Ship) Regulations (Repeal) Regulation is to repeal the existing Merchant Shipping (Safety) (Load Lines) (Length of Ship) Regulations as the requirements therein as updated are incorporated in the Merchant Shipping (Safety) (Load Line) (Amendment) Regulation 2018.

Consequential Amendments

7. Consequential amendments have to be made by way of the following regulations to update or remove the references made to the aforementioned amendment or repeal regulations —

- (a) Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built On or After 1 September 1984) (Amendment) Regulation 2018, at **Annex D**, under Section 96 of the Ordinance;
- (b) Merchant Shipping (Safety) (Passenger Ship Construction) (Ships Built Before 1 September 1984) (Amendment) Regulation 2018, at **Annex E**, under Section 107 of the Ordinance;
- (c) Merchant Shipping (Safety) (Passenger Ship Construction and Survey) (Ships Built On or After 1 September 1984) (Amendment) Regulation 2018, at **Annex F**, under Section 107 of the Ordinance;
- (d) Merchant Shipping (Safety) (Subdivision and Damage Stability of Cargo Ships) (Amendment) Regulation 2018, at **Annex G**, under Sections 96 and 107 of the Ordinance;
- (e) Merchant Shipping (Safety) (Carriage of Cargoes and Oil Fuel) (Amendment) Regulation 2018, at **Annex H**, under Section 107 of the Ordinance; and
- (f) Merchant Shipping (Local Vessels) (Safety and Survey) (Amendment) Regulation 2018, at **Annex I**, under Section 89 of the Merchant Shipping (Local Vessels) Ordinance (Cap. 548).

Commencement of Some Provisions in the Ordinance

8. The Merchant Shipping (Safety) (Amendment) Ordinance 2009 was enacted in 2009. Amongst others, it defined the Load Lines Convention to allow the use of “direct reference approach” (“DRA”) (see paragraph 9) in making subsidiary legislation, as well as provided for the Director of Marine to recognise the international load lines certificates issued by other Convention countries for Hong Kong-registered ships⁵. We need to bring into operation these related provisions for the implementation of the latest requirements of the Load Lines Convention. As such, STH has made the Merchant Shipping (Safety) (Amendment) Ordinance 2009 (Commencement) Notice 2018, at **Annex J**, under Section 2(2) of the Merchant Shipping (Safety) (Amendment) Ordinance 2009.

Application of DRA

9. The requirements of the Load Lines Convention are technical in nature and are updated from time to time by IMO. In line with the established practice in incorporating the requirements of other marine-related international conventions into our local legislation, we have adopted DRA in the regulations to allow our local legislation to remain up-to-date as far as practicable.

LEGISLATIVE TIMETABLE

10. The regulations will be published in the Gazette on 23 March 2018 and introduced into the Legislative Council on 28 March 2018.

IMPLICATIONS OF THE PROPOSAL

11. The proposal is in conformity with the Basic Law, including provisions concerning human rights. It will not affect the current binding effect of the Ordinance. The proposal has no financial, civil service, economic, productivity, competition, environmental, sustainability, gender or family implications.

PUBLIC CONSULTATION

12. We consulted the Legislative Council Panel on Economic Development in May 2017, as well as the Shipping Consultative Committee of the Marine Department. They supported the proposal.

⁵ Mutual recognition of international load lines certificates issued by Convention countries is a requirement of the Load Lines Convention.

PUBLICITY

13. A press release will be issued on 23 March 2018. A spokesman will be available to answer enquiries.

ENQUIRIES

14. Any enquiries on this brief can be addressed to Ms Louisa Yan, Principal Assistant Secretary for Transport and Housing (Transport) (Tel: 3509 8162), or Mr Choi Chi Chuen, Assistant Director (Multi-lateral Policy), Marine Department (Tel: 2852 4408).

**Transport and Housing Bureau
March 2018**

**Merchant Shipping (Safety) (Load Line) (Amendment)
Regulation 2018**

Contents

Section	Page
1. Commencement.....	1
2. Merchant Shipping (Safety) (Load Line) Regulations amended.....	1
3. Regulation 1A amended (interpretation)	1
4. Regulation 1AB added.....	5
1AB. Meaning of <i>length</i>	5
5. Regulation 1B amended (ships to which the regulations apply).....	5
6. Regulation 2 amended (application to Assigning Authority for the assignment of freeboards and issue of load line certificates).....	6
7. Regulation 3 amended (load line survey)	7
8. Regulation 4 amended (Surveyor’s report).....	7
9. Regulation 5 amended (assignment of freeboards).....	8
10. Regulation 5A amended (initial, renewal and annual surveys).....	8
11. Regulation 6 amended (issue and form of Load Line Certificates)	9
12. Regulation 9 amended (cancellation)	9

Section	Page
13. Regulation 11 amended (exemption and exemption certificates)	9
14. Regulation 23 amended (requirements relevant to the assignment of freeboards).....	10
15. Regulation 25 amended (record of particulars).....	11
16. Regulation 27 amended (determination of freeboards).....	12
17. Regulation 28 amended (greater than minimum freeboards).....	13
18. Regulation 30 amended (information as to stability of ships)	14
19. Regulation 32 amended (recognition of certificates issued by other Governments)	16
20. Regulation 33 added	16
33. Equivalents	16
21. Schedule 1 repealed (forms of certificates)	16
22. Schedule 2 amended (appropriate load lines—zones, areas and seasonal periods).....	17
23. Schedule 3 amended (record of particulars)	18
24. Schedule 4 amended (conditions of assignment).....	20
25. Schedule 5 amended (freeboards).....	21
26. Schedule 7 amended (information as to stability of ships)	22

Merchant Shipping (Safety) (Load Line) (Amendment) Regulation 2018

(Made by the Secretary for Transport and Housing under sections 51, 63, 64, 102, 107 and 112B of the Merchant Shipping (Safety) Ordinance (Cap. 369))

1. Commencement

This Regulation comes into operation on 1 June 2018.

2. Merchant Shipping (Safety) (Load Line) Regulations amended

The Merchant Shipping (Safety) (Load Line) Regulations (Cap. 369 sub. leg. AD) are amended as set out in sections 3 to 26.

3. Regulation 1A amended (interpretation)

(1) Regulation 1A(1), definition of *freeboard deck*—

Repeal

“in relation to a ship”

Substitute

“—

(a) in relation to a pre-2005 ship,”.

(2) Regulation 1A(1), definition of *freeboard deck*—

Repeal

“(a) the”

Substitute

“(i) the”.

(3) Regulation 1A(1), definition of *freeboard deck*—

Repeal

“(b) at”

Substitute

“(ii) at”.

(4) Regulation 1A(1), definition of *freeboard deck*, paragraph (a)(ii)—

Repeal

“paragraph (a)”

Substitute

“subparagraph (i)”.

(5) Regulation 1A(1), definition of *freeboard deck*—

Repeal

everything after “both”

Substitute

“—

(A) in a fore and aft direction at least between the machinery space and peak bulkheads of the ship; and

(B) athwartships,

a deck which is stepped being taken to consist for this purpose of the lowest line of the deck and the continuation of that line parallel to the upper part of the deck; or

(b) in relation to a post-2005 ship, has the meaning given by Regulation 3(9) of Annex I;”.

(6) Regulation 1A(1), definition of *length* and the symbol (*L*)—

Repeal

“in relation to a ship”

Substitute

“—

(a) in relation to a pre-2005 ship,”.

- (7) Regulation 1A(1), definition of *length* and the symbol (*L*)—

Repeal

“(a) 96%”

Substitute

“(i) 96%”.

- (8) Regulation 1A(1), definition of *length* and the symbol (*L*)—

Repeal

“(b) the length”

Substitute

“(ii) the length”.

- (9) Regulation 1A(1), definition of *length* and the symbol (*L*)—

Repeal

“waterline;”

Substitute

“waterline; or”.

- (10) Regulation 1A(1), definition of *length* and the symbol (*L*), after paragraph (a)—

Add

“(b) in relation to a post-2005 ship, has the meaning given by Regulation 3(1) of Annex I;”.

- (11) Regulation 1A(1)—

Repeal the definition of *Surveyor*

Substitute

“*Surveyor* (驗船師) means—

(a) a Government surveyor appointed under section 5 of the Ordinance; or

(b) a surveyor appointed by a person authorized by the Director;”.

- (12) Regulation 1A(1), before the definition of *amidships*—

Add

“*2008 IS Code* (《2008年IS規則》) means the International Code on Intact Stability, 2008, adopted by IMO resolution MSC.267(85), as from time to time revised or amended by any revision or amendment that applies to Hong Kong;”.

- (13) Regulation 1A(1)—

Add in alphabetical order

“*Annex I* (《附則 I》) means Annex I to the Convention of 1966;

Annex III (《附則 III》) means Annex III to the Convention of 1966;

Assigning Authority (勘定當局)—see regulation 2(1);

constructed (建造), in relation to a ship, means the stage at which—

(a) the keel of the ship is laid; or

(b) construction identifiable with the ship begins, and assembly of the ship has commenced comprising at least 50 tonnes or 1% of the estimated mass of all structural material, whichever is less;

IMO means the International Maritime Organization;

moulded depth (型深), in relation to a ship, has the meaning given by Regulation 3(5) of Annex I;

post-2005 ship (2005 年後船舶) means a ship constructed on or after 1 January 2005;

pre-2005 ship (2005 年前船舶) means a ship constructed before 1 January 2005;

rake of keel (傾斜龍骨) means the inclination of the keel to a horizontal baseline;”.

4. Regulation 1AB added

After regulation 1A—

Add

“1AB. Meaning of *length*

For the purposes of Part IV of the Ordinance, the length of a ship has the meaning given by regulation 1A(1).”.

5. Regulation 1B amended (ships to which the regulations apply)

(1) Regulation 1B—

Renumber the regulation as regulation 1B(1).

(2) Regulation 1B(1)(a), Chinese text—

Repeal

“軍用船艦”

Substitute

“軍艦”.

(3) Regulation 1B(1)(b), Chinese text—

Repeal

“捕魚船隻”

Substitute

“漁船”.

(4) Regulation 1B(1)(c), after “vessels”—

Add

“not engaged in trade”.

(5) At the end of regulation 1B(1)—

Add

“(e) local vessels.”.

(6) After regulation 1B(1)—

Add

“(2) In this regulation—

fishing vessel (漁船) means a ship that is used for catching fish, whales, seals, walrus or other living resources of the sea;

local vessel (本地船隻) means a local vessel as defined by section 2 of the Merchant Shipping (Local Vessels) Ordinance (Cap. 548);

pleasure vessel (遊樂船隻) means a vessel primarily used for sport or recreation.”.

6. Regulation 2 amended (application to Assigning Authority for the assignment of freeboards and issue of load line certificates)

(1) Regulation 2(1)—

Repeal

“, and”

Substitute

“or”.

(2) Regulation 2(1)—

Repeal

“where appropriate”.

7. Regulation 3 amended (load line survey)

(1) Regulation 3(1)—

Repeal

everything after “ascertain” and before paragraph (b)(ii)

Substitute

“—

(a) the following—

(i) for a pre-2005 ship—whether the ship complies with the requirements of regulation 23(3);

(ii) for a post-2005 ship—whether the ship complies with the requirements of regulation 23(3B); and

(b) such other data as may be necessary—

(i) for the assignment of freeboards to the ship in accordance with Part IV; and”.

(2) Regulation 3(2)—

Repeal

everything after “stability”

Substitute

“are—

(a) for a pre-2005 ship—the tests referred to in regulation 30; or

(b) for a post-2005 ship—the tests referred to in regulation 30 and Regulation 10 of Annex I.”.

8. Regulation 4 amended (Surveyor’s report)

(1) Regulation 4(3)—

Repeal

“of Schedule 4 relating to stability the Surveyor shall furnish to the Director information necessary to enable the Director”

Substitute

“relating to stability as set out in subregulation (4), the Surveyor must furnish to the Assigning Authority information necessary to enable the Authority”.

(2) After regulation 4(3)—

Add

“(4) For the purposes of subregulation (3)—

(a) a ship constructed before 1 July 2010 is required to comply with Schedule 4; and

(b) a ship constructed on or after 1 July 2010 is required to comply with Part A of 2008 IS Code.”.

9. Regulation 5 amended (assignment of freeboards)

Regulation 5—

Repeal subregulation (1)**Substitute**

“(1) The Assigning Authority must assign freeboards to a ship in accordance with Part IV, if the Authority is satisfied, based on a Surveyor’s report, that—

(a) for a pre-2005 ship—the ship complies with the requirements of regulation 23(3); or

(b) for a post-2005 ship—the ship complies with the requirements of regulation 23(3B).”.

10. Regulation 5A amended (initial, renewal and annual surveys)

Regulation 5A(1), English text—

Repeal

“surveyor”

Substitute

“Surveyor”.

11. Regulation 6 amended (issue and form of Load Line Certificates)

Regulation 6—

Repeal

“Schedule 1”

Substitute

“Annex III”.

12. Regulation 9 amended (cancellation)

Regulation 9(1)(a)—

Repeal

“(whether by a report from an Assigning Authority or otherwise)”.

13. Regulation 11 amended (exemption and exemption certificates)

(1) Regulation 11(1)—

Repeal

“Schedule 1”

Substitute

“Annex III”.

(2) After regulation 11(2)—

Add

“(3) Subregulation (2)(a) does not apply to the endorsements referred to in regulations 5A(2) and (3)(a) and 8(2).”.

14. Regulation 23 amended (requirements relevant to the assignment of freeboards)

(1) Regulation 23(1)—

Repeal

“The requirements specified in this regulation and in Schedule 4”

Substitute

“The following requirements”.

(2) Regulation 23(1)—

Repeal

“Ordinance.”

Substitute

“Ordinance—

(a) for a pre-2005 ship—the requirements specified in this regulation and in Schedule 4; or

(b) for a post-2005 ship—the requirements specified in Chapter II of Annex I.”.

(3) Regulation 23—

Repeal subregulation (2).

(4) Regulation 23—

Repeal subregulation (3)**Substitute**

“(3) A pre-2005 ship must comply with the following requirements of Schedule 4—

- (a) the applicable requirements under Parts II, III and IV (*specific requirements*); and
- (b) the requirements under Part I (*basic requirements*).

(5) After regulation 23(3)—

Add

- “(3A) Despite subregulation (3), if a requirement in relation to a subject matter under the specific requirements is inconsistent with a requirement in relation to the same subject matter under the basic requirements, the ship concerned is only required to comply with the requirement under the specific requirements.
- (3B) A post-2005 ship must comply with the following requirements—
- (a) the applicable requirements under Regulation 26 of Chapter II and Chapter IV of Annex I (*specific requirements*); and
 - (b) Regulations 10 to 25-1 of Annex I (*basic requirements*).
- (3C) Despite subregulation (3B), if a requirement in relation to a subject matter under the specific requirements is inconsistent with a requirement in relation to the same subject matter under the basic requirements, the ship concerned is only required to comply with the requirement under the specific requirements.”.

(6) Regulation 23—

Repeal subregulation (4).

15. Regulation 25 amended (record of particulars)

Regulation 25(1)—

Repeal

everything after “that form”

Substitute a full stop.

16. Regulation 27 amended (determination of freeboards)

(1) Regulation 27(1)—

Repeal

everything after “assigned to”

Substitute

“—

- (a) a new ship that is a pre-2005 ship—must be determined in accordance with Schedule 5; and
- (b) a new ship that is a post-2005 ship—
 - (i) if the ship is constructed before 1 July 2014—must be determined in accordance with Regulations 27 to 40, and Regulation 45, of Annex I to the International Convention on Load Lines signed on 5 April 1966, as modified by the Protocol of 1988 relating to it and as amended by IMO resolutions MSC.143(77), MSC.172(79), MSC.223(82), MSC.270(85) and MSC.329(90); and
 - (ii) if the ship is constructed on or after 1 July 2014—must be determined in accordance with Regulations 27 to 40, and Regulation 45, of Annex I.”.

(2) Regulation 27(2), proviso, after “Schedule 4”—

Add

“or Annex I”.

- (3) Regulation 27(2), proviso, after “Schedule 5”—

Add

“or Annex I”.

17. Regulation 28 amended (greater than minimum freeboards)

- (1) Regulation 28(2), English text, after “greater than”—

Add

“the”.

- (2) Regulation 28—

Repeal subregulation (3)

Substitute

- “(3) In the circumstances set out in subregulation (2)—

- (a) if the Assigning Authority is satisfied that after a survey of the ship under regulation 3, the ship complies with the applicable requirements, the Authority may—

- (i) assign to the ship freeboards (other than timber freeboards) greater than the minimum freeboards appropriate to the ship by such amount as the Authority may determine (*greater than minimum freeboards*); and

- (ii) furnish to the owner of the ship particulars of the freeboards in accordance with regulation 5; and

- (b) if greater than minimum freeboards have been assigned to the ship under paragraph (a)(i), timber freeboards must not be assigned to the ship.”.

- (3) After regulation 28(4)—

Add

- “(5) In this regulation—

applicable requirements (適用規定)—

- (a) in relation to a pre-2005 ship, means the requirements under regulation 23(3); and
- (b) in relation to a post-2005 ship, means the requirements under regulation 23(3B).”.

18. Regulation 30 amended (information as to stability of ships)

- (1) Regulation 30—

Repeal subregulation (2)

Substitute

- “(2) The information must include particulars appropriate to the ship in respect of all matters specified in Schedule 7.”.

- (2) Regulation 30(3)—

Repeal

everything after “which” and before “The information”

Substitute

“must be carried out in the presence of a Surveyor.”.

- (3) Regulation 30(3)—

Repeal

“if the Director”

Substitute

“if the Assigning Authority”.

- (4) Regulation 30(4)(b)—

Repeal the full stop

Substitute

“; and”.

- (5) After regulation 30(4)(b)—

Add

“(c) in the case where the Director decides that the performance of an inclining test on a ship is not practicable or safe, or yields inaccurate results, due to the specific proportions, arrangements, strength or hull form of the ship, allow the information to be based on its lightship characteristics that are—

- (i) determined by a detailed weight estimate; and
- (ii) confirmed by a lightweight survey carried out in the presence of a Surveyor.”.

- (6) Regulation 30(5)(a)—

Repeal

“either to the Director or”.

- (7) Regulation 30(5)(b)—

Repeal

“Director”

Substitute

“Assigning Authority which assigned freeboards to the ship”.

- (8) Regulation 30(5)—

Repeal

“Director or the Assigning Authority to which it is submitted, as the case may be,”

Substitute

“Assigning Authority to which it is submitted”.

19. Regulation 32 amended (recognition of certificates issued by other Governments)

- (1) Regulation 32(2)(c)—

Repeal

“to the Convention of 1966 as modified by the Protocol of 1988 relating thereto”.

- (2) Regulation 32(2)(g)—

Repeal

“as modified by the Protocol of 1988 relating thereto”.

- (3) Regulation 32(3)—

Repeal

“as modified by the Protocol of 1988 relating thereto”.

20. Regulation 33 added

After regulation 32—

Add

“33. Equivalentents

If these regulations require that a particular fitting, material, appliance or apparatus is to be fitted to a ship, or that any particular provision is to be made in a ship, the Director may allow any other fitting, material, appliance or apparatus to be fitted to the ship, or any other provision to be made in the ship, if the Director is satisfied that such other fitting, material, appliance, apparatus or provision is at least as effective as that required under these regulations.”.

21. Schedule 1 repealed (forms of certificates)

Schedule 1—

Repeal the Schedule.

22. Schedule 2 amended (appropriate load lines—zones, areas and seasonal periods)

- (1) Schedule 2, Part I, paragraph 3(1)—

Repeal

“paragraph 1(1) of Part II of this Schedule”

Substitute

“Regulation 46 of Annex II to the Convention of 1966”.

- (2) Schedule 2—

Repeal Part II**Substitute****“PART II****Zones, Areas and Seasonal Periods**

The zones, areas and seasonal periods applicable to a ship are set out in Regulations 46 to 52 of Annex II to the Convention of 1966.”.

- (3) Schedule 2, after Part II—

Add**“PART III****Ports on Boundary Lines**

For the purposes of the application of this Schedule to a ship at a port which stands on the boundary line between 2 zones or areas or between a zone and an area, or is required under Annex II to the Convention of 1966 to be considered as being on such a boundary line, the port is regarded as within the

zone or area as determined in accordance with Article 11 of, and Annex II to, the Convention of 1966.”.

23. Schedule 3 amended (record of particulars)

- (1) Schedule 3—

Repeal“**MERCHANT SHIPPING (SAFETY) (LOAD LINE) REGULATIONS 1990**”**Substitute**“**MERCHANT SHIPPING (SAFETY) (LOAD LINE) REGULATIONS**”.

- (2) Schedule 3—

Repealeverything after “**CONDITIONS OF ASSIGNMENT**” and before “Name of ship”**Substitute**

“In this record, references to Regulations are references to the Regulations in Annex I.”.

- (3) Schedule 3—

Repeal“*(See Schedule 4 to these regulations, paragraphs 7 and 8)*” (wherever appearing).

- (4) Schedule 3—

Repeal“*(See Schedule 4 to these regulations, paragraph 5)*”.

- (5) Schedule 3—

Repeal“*(See Schedule 4 to these regulations, paragraphs 6 and 19)*”.

- (6) Schedule 3—
Repeal
 “(Regulation 18 and see Schedule 4 to these regulations, paragraph 8)”
Substitute
 “(Regulation 22-2)”.
- (7) Schedule 3—
Repeal
 “(See Schedule 4 to these regulations, paragraph 9)”.
- (8) Schedule 3—
Repeal
 “(See Schedule 4 to these regulations, paragraph 10)”.
- (9) Schedule 3—
Repeal
 “(See Schedule 4 to these regulations, paragraph 11)”.
- (10) Schedule 3—
Repeal
 “(See Schedule 4 to these regulations, paragraph 12)”.
- (11) Schedule 3—
Repeal
 “(See Schedule 4 to these regulations, paragraph 13)”.
- (12) Schedule 3—
Repeal
 “(See Schedule 4 to these regulations, paragraphs 14 and 20)”.
- (13) Schedule 3—

- Repeal**
 “(See Schedule 4 to these regulations, paragraphs 15, 18, 22, 23 and 24)”.
- (14) Schedule 3—
Repeal
 “(See Schedule 4 to these regulations, paragraph 29)”.
- (15) Schedule 3—
Repeal
 “regulations set out in Annex I to the Convention of 1966 as modified by the Protocol of 1988 relating thereto”
Substitute
 “Regulations in Annex I”.
- 24. Schedule 4 amended (conditions of assignment)**
- (1) Schedule 4, heading, after “ASSIGNMENT”—
Add
 “FOR PRE-2005 SHIPS”.
- (2) Schedule 4, paragraph 1, definition of *superstructure*—
Repeal
 “paragraph (b)”
Substitute
 “paragraph (a)(ii)”.
- (3) Schedule 4, paragraph 2—
Repeal subparagraph (3).
- (4) Schedule 4—
Repeal Part V.

25. Schedule 5 amended (freeboards)

- (1) Schedule 5, heading, after “FREEBOARDS”—

Add

“FOR PRE-2005 SHIPS”.

- (2) Schedule 5, paragraph 1—

Repeal the definition of *moulded depth*.

- (3) Schedule 5, paragraph 2(2)—

Repeal

“Assigning Authority with the approval of the Director may determine”

Substitute

“Director may approve”.

- (4) Schedule 5, paragraph 2(3)—

Repeal

“sailing ships;

tugs;

ships of wood or of composite construction or of other materials;

ships with constructional features such as to render freeboards determined as described in subparagraph (1) unreasonable or impracticable; and”.

- (5) Schedule 5, Part III, heading—

Repeal

“Sailing Ships and”.

- (6) Schedule 5—

Repeal paragraphs 19 and 20.

26. Schedule 7 amended (information as to stability of ships)

- (1) Schedule 7, paragraph 2—

Repeal

“Director”

Substitute

“Assigning Authority”.

- (2) Schedule 7, paragraph 4—

Repeal

everything after “assessing such”

Substitute

“weight and centres of gravity—

- (i) passengers and crew must be assumed to be distributed about the ship in the spaces they will normally occupy, including the highest decks to which either or both have access; and

- (ii) for a ship constructed on or after 1 July 2010—the assessment must also be based on the assumptions set out in paragraph 3.1, Chapter 3, Part A of the 2008 IS Code.”.

- (3) Schedule 7, paragraph 5—

Repeal

everything after “being”

Substitute

“—

- (a) taken to be 15% of the weight of the cargo; or
-
- (b) determined in accordance with the Code of Safe Practice for Ships Carrying Timber Deck Cargoes, 2011.”.

- (4) Schedule 7, paragraph 9(1), after “diagram”—

Add

“or table”.

- (5) Schedule 7, paragraph 9(2)—

Repeal

“efficient trunks as defined in paragraph 10 of Schedule 5 shall be taken into account in deriving such curves.”

Substitute

“the following efficient trunks are to be taken into account in deriving such curves—

- (i) for a pre-2005 ship—efficient trunks as defined in paragraph 10 of Schedule 5;
- (ii) for a post-2005 ship—efficient trunks as defined in Chapter III of Annex I.”.

- (6) Schedule 7, paragraph 9(3)—

Repeal

“Director”

Substitute

“Assigning Authority”.

- (7) Schedule 7, paragraph 9(3)—

Repeal

“Director’s”

Substitute

“Assigning Authority’s”.

- (8) Schedule 7, paragraph 10(5)—

Repeal

“Director”

Substitute

“Assigning Authority”.



Secretary for Transport and Housing

20 March 2018

Explanatory Note

This Regulation amends the Merchant Shipping (Safety) (Load Line) Regulations (Cap. 369 sub. leg. AD) (*Load Line Regulations*) to implement the resolutions adopted by the International Maritime Organization which amend the International Convention on Load Lines, 1966 as modified by the Protocol of 1988 relating to it (*ICLL*). The amendments are basically to bring the Load Line Regulations in line with Annex I to the ICLL (*Annex I*). Annex I applies to ships constructed on or after 1 January 2005. The Load Line Regulations are amended by the Regulation to regulate both the ships constructed before 1 January 2005 (*pre-2005 ships*) and the ships constructed on or after 1 January 2005 (*post-2005 ships*).

2. Sections 3 and 4 of the Regulation amend certain existing definitions in the Load Line Regulations and also add in new definitions to the Regulations for the interpretation of the Load Line Regulations as amended by the Regulation.
3. Part I of the Load Line Regulations contains requirements relating to the surveys of ships, and the issue of International Load Line Certificates and International Load Line Exemption Certificates. For implementing the updated requirements in Annex I, Part I is amended to provide for different requirements for pre-2005 ships and post-2005 ships. In terms of stability requirements, a ship that is constructed on or after 1 July 2010 is required under Annex I to comply with Part A of the International Code on Intact Stability, 2008 (*2008 IS Code*).
4. Part III of the Load Lines Regulations which sets out the requirements relevant to the assignment of freeboards is amended so as to impose different requirements for pre-2005 ships and post-2005 ships.

5. Part IV of the Load Lines Regulations mainly deal with the determination of freeboards. Apart from the existing requirements that apply to pre-2005 ships, the Regulation adds new requirements for post-2005 ships by reference to certain Regulations in Annex I. In view of resolution MSC.345(91) which is adopted by the International Maritime Organization and entered into force on 1 July 2014, Part IV is amended to introduce different requirements for the determination of freeboards for certain post-2005 ships.
6. Part V of the Load Lines Regulations is amended to provide for an exception to the general requirements relating to the stability information of a ship. In addition, a new regulation 33 is added to that Part to empower the Director of Marine to allow equivalent to be fitted to, or provision to be made in, a ship.
7. As the forms of an International Load Line Certificate and International Load Line Exemption Certificate are prescribed in Annex III of the ICLL, Schedule 1 to the Load Line Regulations is repealed.
8. Schedule 2 to the Load Line Regulations is amended to make direct references to Annex II of the ICLL.
9. Schedule 3 to the Load Line Regulations deals with the forms relating to the record of particulars in respect of the hull, superstructures, fittings and appliances of a ship to which freeboards are assigned. Schedule 3 is amended to remove all references to Schedule 4, as Schedule 4 is amended by the Regulation to apply to pre-2005 ships while Schedule 3 is now applicable to pre-2005 ships and post-2005 ships.
10. Schedule 4 to the Load Line Regulations is amended to apply to pre-2005 ships. Part of the provision in Part V of that Schedule is being modified and reproduced in the new regulation 33 added by the Regulation.

11. Schedule 5 to the Load Line Regulations covers technical calculations of freeboards. That Schedule is also amended to apply to pre-2005 ships.
12. Schedule 7 to the Load Line Regulations sets out the types of information relating to the stability of a ship which must be provided to the master of the ship. That Schedule is amended to incorporate the updated requirements under—
 - (a) the 2008 IS Code; and
 - (b) the Code of Safe Practice for Ships Carrying Timber Deck Cargoes, 2011.

Merchant Shipping (Safety) (Load Lines) (Deck Cargo) (Amendment) Regulation 2018

(Made by the Secretary for Transport and Housing under sections 105, 107 and 112B of the Merchant Shipping (Safety) Ordinance (Cap. 369))

1. Commencement

This Regulation comes into operation on the day on which the Merchant Shipping (Safety) (Load Line) (Amendment) Regulation 2018 comes into operation.

2. Merchant Shipping (Safety) (Load Lines) (Deck Cargo) Regulations amended

The Merchant Shipping (Safety) (Load Lines) (Deck Cargo) Regulations (Cap. 369 sub. leg. AE) are amended as set out in sections 3 to 6.

3. Regulation 3 substituted

Regulation 3—

Repeal the regulation

Substitute

“3. Application to ships

- (1) These regulations apply to all ships except—
 - (a) a ship of war;
 - (b) a local vessel;
 - (c) a pleasure vessel not engaged in trade; and
 - (d) a fishing vessel.
- (2) In this regulation—

fishing vessel (漁船) means a ship that is used for catching fish, whales, seals, walrus or other living resources of the sea;

local vessel (本地船隻) means a local vessel as defined by section 2 of the Merchant Shipping (Local Vessels) Ordinance (Cap. 548);

pleasure vessel (遊樂船隻) means a vessel primarily used for sport or recreation.”.

4. Regulation 10 substituted

Regulation 10—

Repeal the regulation

Substitute

“10. Maximum height of timber deck cargo

- (1) This regulation applies if a ship is in a special area.
- (2) If a ship is in a special area during the Winter Period specified in Regulations 46, 47, 50 and 51 of Annex II for the winter seasonal zone or area concerned, all timber deck cargo carried by the ship must be stowed so as to ensure that at no point throughout its length does the height of the timber deck cargo above the level of the weather deck at side exceed one-third of the extreme breadth of the ship.
- (3) For the purposes of subregulation (1), if a ship is at a port which stands on the boundary line between 2 zones or areas or between a zone and an area, or is required under Annex II to be considered as being on such a boundary line, the port is regarded as within the zone or area as determined in accordance with Article 11 of the Convention of 1966 and Annex II.

(4) In this regulation—

Annex II (《附則 II》) means Annex II to the Convention of 1966;

special area (特別區域) means an area specified in Regulations 46, 47, 50 and 51 of Annex II as a winter seasonal zone or area.”.

5. Regulation 16 substituted

Regulation 16—

Repeal the regulation

Substitute

“16. Securing of timber deck cargo

(1) Timber deck cargo must be effectively secured throughout its length by a lashing system—

- (a) that complies with the 2011 TDC Code; or
- (b) that is acceptable to the Director.

(2) In this regulation—

2011 TDC Code (《2011 年 TDC 規則》) means the Code of Safe Practice for Ships Carrying Timber Deck Cargoes, 2011 adopted by the International Maritime Organization on 30 November 2011 by Resolution A.1048(27).”.

6. Schedule repealed

The Schedule—

Repeal the Schedule.



Secretary for Transport and Housing

20 March 2018

Merchant Shipping (Safety) (Load Lines) (Deck Cargo) (Amendment) Regulation
2018

Explanatory Note
Paragraph 1

5

Explanatory Note

This Regulation amends the Merchant Shipping (Safety) (Load Lines) (Deck Cargo) Regulations (Cap. 369 sub. leg. AE) to reflect the updated requirements in the International Convention on Load Lines signed on 5 April 1966, as amended from time to time and as applicable to Hong Kong.

Merchant Shipping (Safety) (Load Lines) (Length of Ship) Regulations (Repeal) Regulation

(Made by the Secretary for Transport and Housing under section 102 of the Merchant Shipping (Safety) Ordinance (Cap. 369))

1. Commencement

This Regulation comes into operation on the day on which the Merchant Shipping (Safety) (Load Line) (Amendment) Regulation 2018 comes into operation.

2. Repeal

The Merchant Shipping (Safety) (Load Lines) (Length of Ship) Regulations (Cap. 369 sub. leg. AF) are repealed.



Secretary for Transport and Housing

20 March 2018

Explanatory Note

This Regulation repeals the Merchant Shipping (Safety) (Load Lines) (Length of Ship) Regulations (Cap. 369 sub. leg. AF) in view of the making of the Merchant Shipping (Safety) (Load Line) (Amendment) Regulation 2018.

Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built On or After 1 September 1984) (Amendment) Regulation 2018

(Made by the Secretary for Transport and Housing under section 96 of the Merchant Shipping (Safety) Ordinance (Cap. 369))


Secretary for Transport and Housing

1. Commencement

This Regulation comes into operation on the day on which the Merchant Shipping (Safety) (Load Line) (Amendment) Regulation 2018 comes into operation.

20 March 2018

2. Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations amended

The Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations (Cap. 369 sub. leg. S) are amended as set out in section 3.

3. Regulation 1 amended (citation, interpretation, application and exemption)

Regulation 1(2)—

Repeal the definition of *length*

Substitute

“*length* (長度) has the meaning given by paragraph (a) of the definition of *length* and the symbol (*L*) in regulation 1A(1) of the Merchant Shipping (Safety) (Load Line) Regulations (Cap. 369 sub. leg. AD);”.

Explanatory Note

This Regulation amends the Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations (Cap. 369 sub. leg. S) consequentially on the repeal of the Merchant Shipping (Safety) (Load Lines) (Length of Ship) Regulations (Cap. 369 sub. leg. AF).

**Merchant Shipping (Safety) (Passenger Ship
Construction) (Ships Built Before 1 September 1984)
(Amendment) Regulation 2018**

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

1. Commencement

This Regulation comes into operation on the day on which the Merchant Shipping (Safety) (Load Line) (Amendment) Regulation 2018 comes into operation.

2. Merchant Shipping (Safety) (Passenger Ship Construction) (Ships Built Before 1 September 1984) Regulations amended

The Merchant Shipping (Safety) (Passenger Ship Construction) (Ships Built Before 1 September 1984) Regulations (Cap. 369 sub. leg. AL) are amended as set out in section 3.

3. Regulation 19 amended (openings in the shell plating below the margin line)

Regulation 19(5)(b)(ii) and (c)(iii)—

Repeal

“as defined in the Merchant Shipping (Safety) (Load Lines) (Length of Ship) Regulations (Cap. 369 sub. leg.)”

Substitute

“within the meaning of paragraph (a) of the definition of *length* and the symbol (*L*) in regulation 1A(1) of the Merchant Shipping (Safety) (Load Line) Regulations (Cap. 369 sub. leg. AD)”.


Secretary for Transport and Housing

20 March 2018

Explanatory Note

This Regulation amends the Merchant Shipping (Safety) (Passenger Ship Construction) (Ships Built Before 1 September 1984) Regulations (Cap. 369 sub. leg. AL) consequentially on the repeal of the Merchant Shipping (Safety) (Load Lines) (Length of Ship) Regulations (Cap. 369 sub. leg. AF).

Merchant Shipping (Safety) (Passenger Ship Construction and Survey) (Ships Built On or After 1 September 1984) (Amendment) Regulation 2018

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

1. Commencement

This Regulation comes into operation on the day on which the Merchant Shipping (Safety) (Load Line) (Amendment) Regulation 2018 comes into operation.

2. Merchant Shipping (Safety) (Passenger Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations amended

The Merchant Shipping (Safety) (Passenger Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations (Cap. 369 sub. leg. AM) are amended as set out in section 3.

3. Regulation 20 amended (openings in the shell plating below the margin line)

Regulation 20(4)(b)(ii) and (c)(iii)—

Repeal

“as defined in the Merchant Shipping (Safety) (Load Lines) (Length of Ship) Regulations (Cap. 369 sub. leg.)”

Substitute

“within the meaning of paragraph (a) of the definition of *length* and the symbol (*L*) in regulation 1A(1) of the

Merchant Shipping (Safety) (Load Line) Regulations (Cap. 369 sub. leg. AD)”.



Secretary for Transport and Housing

20 March 2018

Explanatory Note

This Regulation amends the Merchant Shipping (Safety) (Passenger Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations (Cap. 369 sub. leg. AM) consequentially on the repeal of the Merchant Shipping (Safety) (Load Lines) (Length of Ship) Regulations (Cap. 369 sub. leg. AF).

Merchant Shipping (Safety) (Subdivision and Damage Stability of Cargo Ships) (Amendment) Regulation 2018

(Made by the Secretary for Transport and Housing under sections 96 and 107 of the Merchant Shipping (Safety) Ordinance (Cap. 369))

1. Commencement

This Regulation comes into operation on the day on which the Merchant Shipping (Safety) (Load Line) (Amendment) Regulation 2018 comes into operation.

2. Merchant Shipping (Safety) (Subdivision and Damage Stability of Cargo Ships) Regulation amended

The Merchant Shipping (Safety) (Subdivision and Damage Stability of Cargo Ships) Regulation (Cap. 369 sub. leg. AT) is amended as set out in section 3.

3. Section 5 amended (stability information)

Section 5(1)(a)—

Repeal

“Part I of Schedule 4 to”.



Secretary for Transport and Housing

20 March 2018

Explanatory Note

This Regulation amends the Merchant Shipping (Safety) (Subdivision and Damage Stability of Cargo Ships) Regulation (Cap. 369 sub. leg. AT) consequentially on the making of the Merchant Shipping (Safety) (Load Line) (Amendment) Regulation 2018.

**Merchant Shipping (Safety) (Carriage of Cargoes and
Oil Fuel) (Amendment) Regulation 2018**

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

1. Commencement

This Regulation comes into operation on the day on which the
Merchant Shipping (Safety) (Load Line) (Amendment) Regulation
2018 comes into operation.

**2. Merchant Shipping (Safety) (Carriage of Cargoes and Oil Fuel)
Regulation amended**


The Merchant Shipping (Safety) (Carriage of Cargoes and Oil Fuel)
Regulation (Cap. 369 sub. leg. AV) is amended as set out in section
3.

3. Section 8 amended (acceptability for shipment)

Section 8(1)(a)—

Repeal

“which information shall be in the form required by that
regulation”.


Secretary for Transport and Housing

20 March 2018

Merchant Shipping (Safety) (Carriage of Cargoes and Oil Fuel) (Amendment)
Regulation 2018

Explanatory Note
Paragraph 1

3

Explanatory Note

This Regulation amends the Merchant Shipping (Safety) (Carriage of Cargoes and Oil Fuel) Regulation (Cap. 369 sub. leg. AV) consequentially on the making of the Merchant Shipping (Safety) (Load Line) (Amendment) Regulation 2018.

Merchant Shipping (Local Vessels) (Safety and Survey) (Amendment) Regulation 2018

(Made by the Secretary for Transport and Housing under section 89 of the Merchant Shipping (Local Vessels) Ordinance (Cap. 548))

1. Commencement

This Regulation comes into operation on the day on which the Merchant Shipping (Safety) (Load Line) (Amendment) Regulation 2018 comes into operation.

2. Merchant Shipping (Local Vessels) (Safety and Survey) Regulation amended

The Merchant Shipping (Local Vessels) (Safety and Survey) Regulation (Cap. 548 sub. leg. G) is amended as set out in section 3.

3. Section 2 amended (interpretation)

Section 2—

Repeal the definition of *conditions of assignment*

Substitute

“*conditions of assignment* (勘定條件) means the requirements of the Load Lines Convention that relate to the assignment of freeboard;”



Secretary for Transport and Housing

20 March 2018

Explanatory Note

This Regulation amends the Merchant Shipping (Local Vessels) (Safety and Survey) Regulation (Cap. 548 sub. leg. G) consequentially on the making of the Merchant Shipping (Safety) (Load Line) (Amendment) Regulation 2018.

Merchant Shipping (Safety) (Amendment) Ordinance 2009 (Commencement) Notice
2018

1

**Merchant Shipping (Safety) (Amendment) Ordinance
2009 (Commencement) Notice 2018**

Under section 2(2) of the Merchant Shipping (Safety) (Amendment) Ordinance 2009 (10 of 2009), I appoint 28 May 2018 as the day on which the following provisions of the Ordinance come into operation—

- (a) section 3(4) in so far as it relates to the new definition of *Convention of 1966*;
- (b) sections 14, 15, 16 and 17.


Secretary for Transport and Housing

20 March 2018