

LEGISLATIVE COUNCIL BRIEF

Merchant Shipping (Safety) Ordinance (Cap. 369)

Legislative Amendments for the Implementation of the International Convention for the Safety of Life at Sea

INTRODUCTION

To incorporate the latest requirements set out in the International Convention for the Safety of Life at Sea (“SOLAS”) of the International Maritime Organization (“IMO”) in relation to gas carriers into local legislation, the Secretary for Transport and Housing has made the Merchant Shipping (Safety) (Gas Carriers) (Amendment) Regulation 2018, at **Annex**, under Sections 101, 107 and 112B of the Merchant Shipping (Safety) Ordinance (Cap. 369) (“the Ordinance”).

BACKGROUND

2. SOLAS governs the standards for the construction, equipment and operation of ships to ensure maritime safety. It was adopted in 1974 and came into force internationally in 1980. Different aspects of maritime safety are covered under different chapters of SOLAS¹. To provide an

¹ SOLAS covers different aspects of maritime safety, as follows:

- Chapter I: General Provisions;
- Chapter II-1: Construction– structure, subdivision and stability, machinery and electrical installations;
- Chapter II-2: Construction– fire protection, fire detection and fire extinction;
- Chapter III: Life-saving appliances and arrangements;
- Chapter IV: Radiocommunications;
- Chapter V: Safety of navigation;
- Chapter VI: Carriage of cargoes and oil fuels;
- Chapter VII: Carriage of dangerous goods;
- Chapter VIII: Nuclear ships;
- Chapter IX: Management for the safe operation of ships;
- Chapter X: Safety measures for high-speed craft;
- Chapter XI-1: Special measures to enhance maritime safety;
- Chapter XI-2: Special measures to enhance maritime security;
- Chapter XII: Additional safety measures for bulk carriers;
- Chapter XIII: Verification of compliance; and
- Chapter XIV: Safety measures for ships operating in polar waters.

international standard for the safe transport of ships carrying liquefied gases in bulk, IMO has made the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (“the IGC Code”) mandatory under Chapter VII of SOLAS since 1 July 1986. The IGC Code applies to all gas carriers constructed thereafter. IMO made substantial amendments to the IGC Code in 1993 and the requirements in the revised IGC Code apply to gas carriers constructed on or after 1 October 1994.

3. In Hong Kong, the requirements of SOLAS are implemented through the Ordinance and its subsidiary legislation. The IGC Code is implemented in Hong Kong through the Merchant Shipping (Safety) (Gas Carriers) Regulations (Cap. 369Z) (“the Regulation”) which reflects the requirements of the two aforementioned versions of the IGC Code. The requirements of the two versions of the IGC Code apply to all Hong Kong-registered gas carriers and gas carriers in Hong Kong waters that are constructed on or after 1 July 1986 and 1 October 1994 respectively.

LEGISLATIVE PROPOSALS

4. IMO made substantial amendments to the IGC Code again in 2014 to update the requirements in respect of the design, the electrical system and the cargo handling and operation of gas carriers. These changes mainly apply to gas carriers constructed on or after 1 July 2016. IMO also imposed some new requirements on the gas carriers governed by the two previous versions of the IGC Code. As of 9 March 2018, there are 60 Hong Kong-registered gas carriers. As they have to call at different ports around the world, they are well informed of the latest requirements of the IGC Code and should already be in compliance with these requirements.

5. We propose to amend the Regulation to incorporate the latest requirements of the IGC Code into our local legislation. Some of the new requirements are described below —

- (a) ***Increasing the separation distance between gas tanks and side shell to minimise the risk of gas leakage in case of collision*** — Severe collisions or stranding could lead to cargo tank damage and uncontrolled release of liquefied gases, which could cause brittle fracture of a ship’s hull in some cases. To minimise the risk of gas leakage in case of collision, the updated standards require more separation distance (from 760 millimetres to a range between 800 and 2 000 millimetres depending on the

gross volume of individual tanks) between gas tanks and the side shell. This requirement will apply to gas carriers constructed on or after 1 July 2016.

- (b) ***Mandating the carriage of an approved stability instrument*** — Gas carriers will be required to carry an approved stability instrument which is capable of verifying compliance with the applicable stability requirements of the ship both in intact and damaged states, such that crew members can be alerted when any irregularities that may affect the stability of a ship are detected. Gas carriers constructed on or after 1 July 2016 will need to comply on delivery, and existing gas carriers will need to comply no later than 1 July 2021.
- (c) ***Enhanced design in electrical system*** — Electrical system must be designed in such a way that failure of a single component will still allow the system to maintain cargo tank pressure and temperature within the design range. This requirement will apply to gas carriers constructed on or after 1 July 2016.

THE REGULATION

Merchant Shipping (Safety) (Gas Carriers) (Amendment) Regulation 2018

6. The Merchant Shipping (Safety) (Gas Carriers) (Amendment) Regulation 2018 amends the Regulation to reflect the latest requirements of the IGC Code of the IMO.

Application of the Direct Reference Approach

7. The requirements of the IGC Code 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 a direct reference approach to allow our local legislation to remain up-to-date as far as practicable.

LEGISLATIVE TIMETABLE

8. The regulations will be published in the Gazette on 4 May 2018 and introduced into the Legislative Council on 9 May 2018.

IMPLICATIONS OF THE PROPOSAL

9. 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

10. 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.

PUBLICITY

11. A press release will be issued on 4 May 2018. A spokesman will be available to answer enquiries.

ENQUIRIES

12. 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
May 2018**

Merchant Shipping (Safety) (Gas Carriers) (Amendment) Regulation 2018

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Merchant Shipping (Safety) (Gas Carriers) (Amendment) Regulation 2018

(Made by the Secretary for Transport and Housing under sections 101, 107 and 112B of the Merchant Shipping (Safety) Ordinance (Cap. 369))

1. Commencement

This Regulation comes into operation on 9 July 2018.

2. Merchant Shipping (Safety) (Gas Carriers) Regulations amended

The Merchant Shipping (Safety) (Gas Carriers) Regulations (Cap. 369 sub. leg. Z) are amended as set out in sections 3 to 17.

3. Regulation 2 amended (interpretation)

- (1) Regulation 2(1), definition of *Cargo Ship Safety Construction Certificate*, *Cargo Ship Safety Equipment Certificate*, *Cargo Ship Safety Radiotelegraphy Certificate* and *Cargo Ship Safety Radiotelephony Certificate*—

Repeal

““Cargo Ship Safety Construction Certificate” (貨船構造安全證明書), “Cargo Ship Safety Equipment Certificate” (貨船設備安全證明書), “Cargo Ship Safety Radiotelegraphy Certificate” (貨船無線電報安全證明書) and “Cargo Ship Safety Radiotelephony Certificate” (貨船無線電話安全證明書)”

Substitute

“*Cargo Ship Safety Construction Certificate* (貨船構造安全證書), *Cargo Ship Safety Equipment Certificate* (貨船設備安全證書), *Cargo Ship Safety Radio Certificate* (貨船無線

電安全證書) and *Cargo Ship Safety Certificate* (貨船安全證書)”.

- (2) Regulation 2(1)—

Repeal the definition of *constructed*

Substitute

“*constructed* (建造), in regulations 3(1) and 4(3), (4) and (5), 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 the less;”.

- (3) Regulation 2(1)—

Repeal the definition of *gas carrier*

Substitute

“*gas carrier* (氣體運輸船) means a cargo ship constructed or adapted and used for the carriage in bulk of—

- (a) any liquefied gas listed in Chapter 19 of the applicable IGC Code; or
- (b) any other substance listed in that Chapter;”.

- (4) Regulation 2(1), definition of *IBC Code*—

Repeal

everything after “in Bulk”

Substitute

“set out in the Annex to Resolution MSC. 4(48) adopted by the Maritime Safety Committee of IMO on 17 June 1983, as from time to time revised or amended by any revision or amendment that applies to Hong Kong;”.

- (5) Regulation 2(1), definition of *1983 IGC Code*—
Repeal
 “the International Maritime Organization on 17 June 1983”
Substitute
 “IMO on 17 June 1983, as amended by Resolutions MSC. 17(58), MSC. 103(73) and MSC. 177(79) adopted by the Committee and by Schedule 1”.
- (6) Regulation 2(1), definition of *1993 IGC Code*—
Repeal
 everything after “in Bulk”
Substitute
 “set out in the Annex to Resolution MSC. 5(48) adopted by the Maritime Safety Committee of IMO on 17 June 1983, as amended by Resolutions MSC. 17(58), MSC. 30(61), MSC. 32(63), MSC. 59(67), MSC. 103(73), MSC. 177(79) and MSC. 220(82) adopted by the Committee;”.
- (7) Regulation 2(1)—
Repeal the definition of *surveyor*
Substitute
 “*surveyor* (驗船師) means—
 (a) a surveyor appointed by the Director under regulation 6(1); or
 (b) a Government surveyor;”.
- (8) Regulation 2(1), definition of *the 1974 SOLAS Convention*—
Repeal
 “, 1974, as amended”
Substitute

- “signed in London on 1 November 1974, or any convention that replaces that Convention or any successor convention, as amended from time to time and as applicable to Hong Kong”.
- (9) Regulation 2(1)—
Repeal the definition of *International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk*
- (10) Regulation 2(1), before the definition of *Cargo Ship Safety Construction Certificate, Cargo Ship Safety Equipment Certificate, Cargo Ship Safety Radio Certificate* and *Cargo Ship Safety Certificate*—
Add
 “*2014 IGC Code* (《2014 年國際氣體規則》) means the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk set out in the Annex to Resolution MSC. 370(93) adopted by the Maritime Safety Committee of IMO on 22 May 2014, as from time to time revised or amended by any revision or amendment that applies to Hong Kong;”.
- (11) Regulation 2(1)—
Add in alphabetical order
 “*anniversary date* (周年日期), in relation to an International Certificate of Fitness that is in force, means the day and month of each year which corresponds to the expiry date of the certificate;
applicable IGC Code (適用《國際氣體規則》), in relation to a ship, means the 1983 IGC Code, 1993 IGC Code or 2014 IGC Code that the ship is required to comply with under regulation 4;
Government surveyor (政府驗船師) means a Government surveyor appointed under section 5 of the Ordinance;

IMO means the International Maritime Organization;

International Certificate of Fitness (國際適裝證書) means—

- (a) for a Hong Kong ship—a certificate issued under regulation 7; and
- (b) for any other ship—a certificate issued in conformity with Chapter 1 of the applicable IGC Code by or on behalf of the Administration of the State in which the ship is registered;

issuing authority (發證當局) means—

- (a) the Director; or
- (b) an organization approved under section 8 of the Ordinance;”.

(12) Regulation 2(2)—

Repeal everything before paragraph (a)

Substitute

“(2) For the purposes of the 1983 IGC Code, 1993 IGC Code and 2014 IGC Code—”.

(13) Regulation 2(2)(a)—

Repeal

“and 1993”

Substitute

“, 1993 IGC Code and 2014”.

(14) Regulation 2(2)—

Repeal paragraph (b)

Substitute

“(b) the definitions set out in Chapter 1 of the 1983 IGC Code, 1993 IGC Code or 2014 IGC Code apply in relation to the Code concerned; and”.

(15) Regulation 2(2)(c)—

Repeal

“Kong, be references to the Director;”

Substitute

“Kong, be references to the Director.”.

(16) Regulation 2(2)—

Repeal paragraphs (d) and (f).

4. **Regulation 3 amended (application)**

(1) Regulation 3(1)(c), Chinese text—

Repeal

“更改”

Substitute

“改動”.

(2) Regulation 3(2)—

Repeal

“or 1993” (wherever appearing)

Substitute

“, 1993 IGC Code or 2014”.

5. **Regulation 4 amended (compliance with the 1983 IGC Code or 1993 IGC Code)**

(1) Regulation 4, heading—

Repeal

“or 1993”

Substitute

“, 1993 IGC Code or 2014”.

- (2) Regulation 4(1)—

Repeal

“Every ship”

Substitute

“Subject to subregulation (2), a ship”.

- (3) Regulation 4(1)—

Repeal

everything after “1.1.4.1”

Substitute

“to 1.1.4.4, and Chapters 2 to 19 of the 1983 IGC Code, 1993 IGC Code or 2014 IGC Code that the ship is required to comply with under subregulation (3), (4) or (5).”.

- (4) Regulation 4—

Repeal subregulation (2)**Substitute**

“(2) If, after 22 May 2014, IMO adopts a specified resolution that affects the requirements of the 1983 IGC Code or 1993 IGC Code referred to in subregulation (1) (*existing requirements*), then for a ship that is required to comply with the 1983 IGC Code or 1993 IGC Code under subregulation (3) or (4), the reference in subregulation (1) to the requirements relevant to the ship is to be read as—

- (a) if an additional requirement is imposed on the ship by the resolution—including the additional requirement; or

- (b) if the existing requirements are revised or amended by the resolution—the existing requirements as so revised or amended.”.

- (5) After regulation 4(2)—

Add

“(3) The following ships must comply with the 1983 IGC Code—

- (a) a gas carrier that was constructed on or after 1 July 1986 but before 1 October 1994 (*specified period A*);
- (b) a ship that was converted into a gas carrier within the specified period A;
- (c) a gas carrier that was constructed before 1 July 1986 but has undergone any repair, alteration or modification of a major character within the specified period A.

(4) The following ships must comply with the 1993 IGC Code—

- (a) a gas carrier that was constructed on or after 1 October 1994 but before 1 July 2016 (*specified period B*);
- (b) a ship that was converted into a gas carrier within the specified period B;
- (c) a gas carrier that was constructed before 1 October 1994 but has undergone any repair, alteration or modification of a major character within the specified period B.

(5) The following ships must comply with the 2014 IGC Code—

- (a) a gas carrier that was constructed on or after 1 July 2016;
- (b) a ship that was converted into a gas carrier on or after 1 July 2016;
- (c) a gas carrier that was constructed before 1 July 2016 but has undergone any repair, alteration or modification of a major character on or after that date.

(6) In this regulation—

specified resolution (指明決議) means a resolution—

- (a) that revises or amends the 2014 IGC Code; and
- (b) that applies to Hong Kong.”.

6. Part II heading amended (survey and certificate)

Part II, Chinese text, heading—

Repeal

“證明書”

Substitute

“證書”.

7. Regulation 4A added

Part II, before regulation 5—

Add

“4A. Interpretation of Part II

In this Part—

1983 ship (1983 年船舶) means a ship that is required to comply with the 1983 IGC Code under regulation 4;

1993 ship (1993 年船舶) means a ship that is required to comply with the 1993 IGC Code under regulation 4;

2014 ship (2014 年船舶) means a ship that is required to comply with the 2014 IGC Code under regulation 4.”.

8. Regulation 5 amended (survey requirements)

(1) Regulation 5(1)—

Repeal

“Cargo Ship Safety Radiotelegraphy Certificate or Cargo Ship Safety Radiotelephony Certificate is issued) of a gas carrier shall”

Substitute

“Cargo Ship Safety Radio Certificate or Cargo Ship Safety Certificate is issued) of a ship must, unless stipulated otherwise,”.

(2) Regulation 5(1)(a)—

Repeal

“International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk is issued”

Substitute

“ship is put in service or before an International Certificate of Fitness is issued in respect of the ship”.

(3) Regulation 5(1)(a)—

Repeal

“1983 IGC Code or 1993 IGC Code, as the case may be” (wherever appearing)

Substitute

“applicable IGC Code”.

(4) Regulation 5(1)(b)—

Repeal

“periodical”

Substitute

“renewal”.

- (5) Regulation 5(1)(b)—

Repeal

everything after “materials”

Substitute

“fully comply with the applicable IGC Code;”.

- (6) Regulation 5(1)—

Repeal paragraph (c)**Substitute**

“(c) an intermediate survey within the period commencing 3 months before and ending 3 months after either the second anniversary date or third anniversary date of the International Certificate of Fitness issued in respect of the ship to ensure that the safety equipment and other equipment, as well as the associated pump and piping systems fully comply with the applicable IGC Code and are in good working order; the survey must be endorsed by the surveyor on the certificate;”.

- (7) Regulation 5(1)(d)—

Repeal

everything before “which shall”

Substitute

“(d) subject to subregulation (1A), an annual survey within the period commencing 3 months before and ending 3 months after the anniversary date of the International Certificate of Fitness issued in respect of the ship”.

- (8) Regulation 5(1)(d)—

Repeal

everything after “remain”

Substitute

“satisfactory for the service for which the ship is intended; the survey must be endorsed by the surveyor on the certificate;”.

- (9) Regulation 5(1)(e)—

Repeal

everything after “sea”

Substitute

“without—

(i) posing any danger to the ship or persons on board;
or

(ii) presenting any unreasonable threat of harm to the marine environment.”.

- (10) After regulation 5(1)—

Add

“(1A) If an intermediate survey of a ship has been carried out under subregulation (1)(c) by reference to an anniversary date, the annual survey of the ship by reference to the anniversary date for the relevant year is not required to be carried out.”.

- (11) Regulation 5(2)—

Repeal

“the Director”

Substitute

“an issuing authority”.

9. Regulation 7 amended (issue of International Certificate of Fitness)

- (1) Regulation 7, Chinese text, heading—

Repeal

“證明書”

Substitute

“證書”.

- (2) Regulation 7—

Repeal subregulation (1)**Substitute**

“(1) If, after completion of an initial or renewal survey, the issuing authority is satisfied that the ship complies with the relevant requirements of the applicable IGC Code, the issuing authority must issue an International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk in respect of the ship.”.

- (3) Regulation 7(2), Chinese text—

Repeal

“證明書停止有”

Substitute

“證書失”.

- (4) After regulation 7(2)(a)—

Add

“(ab) if it is not endorsed after an intermediate survey has been carried out under regulation 5(1)(c);

(ac) if it is not endorsed after an annual survey has been carried out under regulation 5(1)(d);”.

- (5) Regulation 7—

Repeal subregulation (3)**Substitute**

“(3) If a certificate ceases to be valid under subregulation (2)(a), (ab), (ac) or (b), the owner of the ship in respect of which the certificate is issued must deliver up the certificate to the Director on demand.”.

- (6) Regulation 7(4)(a)—

Repeal

“periodical”

Substitute

“renewal”.

- (7) Regulation 7(4)(b)—

Repeal

“a certificate of fitness”

Substitute

“an International Certificate of Fitness”.

- (8) Regulation 7(4)(c)—

Repeal

everything after “with the”

Substitute

“requirements of the applicable IGC Code; and”.

- (9) Regulation 7(4)—

Repeal

“for the Carriage of Liquefied Gases in Bulk”.

- (10) Regulation 7(5)—

Repeal

“for the Carriage of Liquefied Gases in Bulk”.

10. Regulations 7A to 7D added

After regulation 7—

Add

“7A. Duration of International Certificate of Fitness—general

Subject to regulations 7(2), 7B, 7C and 7D, an International Certificate of Fitness issued in respect of a ship is valid for the period not exceeding 5 years as specified by the issuing authority in the certificate.

7B. Duration of International Certificate of Fitness issued after renewal surveys

An International Certificate of Fitness issued in respect of a ship as a result of the completion of a renewal survey required under regulation 5(1)(b) is valid for the period specified by the issuing authority in the certificate in accordance with—

- (a) for a 1983 ship—Paragraph 1.5.6 of the 1983 IGC Code;
- (b) for a 1993 ship—Paragraph 1.5.6 of the 1993 IGC Code; or
- (c) for a 2014 ship—Paragraph 1.4.6 of the 2014 IGC Code.

7C. Duration of International Certificate of Fitness after early completion of surveys

- (1) This regulation applies if—
 - (a) an intermediate survey of a ship is completed before the period within which the survey is required to be completed under regulation 5(1)(c); or

- (b) an annual survey of a ship is completed before the period within which the survey is required to be completed under regulation 5(1)(d).

- (2) After a survey of a ship is completed as described in subregulation (1), the existing International Certificate of Fitness issued in respect of the ship must be endorsed to show a date described on the endorsement as the “new anniversary date” (*new anniversary date*), which must be a date within 3 months from the date of completion of the survey.

- (3) For the purposes of any intermediate survey or annual survey to be carried out in respect of the ship under regulation 5(1)(c) or (d) in any year subsequent to the endorsement, the period within which the survey must be completed is to be ascertained by reference to the new anniversary date.

- (4) The duration of the existing International Certificate of Fitness issued in respect of the ship may be varied by the Director in accordance with—

- (a) for a 1983 ship—Paragraph 1.5.6 of the 1983 IGC Code;
- (b) for a 1993 ship—Paragraph 1.5.6 of the 1993 IGC Code; or
- (c) for a 2014 ship—Paragraph 1.4.6 of the 2014 IGC Code.

7D. Extension of validity period of International Certificate of Fitness in certain circumstances

- (1) The Director may, or with the Director’s consent an organization approved under section 8 of the Ordinance may, extend the validity period of an existing

International Certificate of Fitness issued in respect of a ship if—

- (a) the certificate is valid for a period of less than 5 years;
 - (b) a new International Certificate of Fitness cannot be issued or placed on board the ship before the expiry of the certificate;
 - (c) the ship is not in the port in which it is to be surveyed when the certificate expires; or
 - (d) the ship is engaged in short voyages.
- (2) An extension under subregulation (1) is to be granted in accordance with—
- (a) for a 1983 ship—Paragraph 1.5.6 of the 1983 IGC Code;
 - (b) for a 1993 ship—Paragraph 1.5.6 of the 1993 IGC Code; or
 - (c) for a 2014 ship—Paragraph 1.4.6 of the 2014 IGC Code.”.

11. Regulation 8 amended (fees)

Regulation 8, after “provided”—

Add

“by a Government surveyor”.

12. Regulation 9 amended (maintenance of condition after survey)

(1) Regulation 9(1)—

Repeal

everything after “so as”

Substitute

“to ensure that—

- (a) the requirements of the applicable IGC Code are complied with; and
- (b) the ship remains fit to proceed to sea without—
 - (i) posing any danger to the ship or persons on board; or
 - (ii) presenting any unreasonable threat of harm to the marine environment.”.

(2) Regulation 9(3)—

Repeal

everything before “, the master or owner of the ship shall report”

Substitute

“(3) If a reportable incident within the meaning of subregulation (4) happens to a ship”.

(3) After regulation 9(3)—

Add

“(4) In subregulation (3)—

reportable incident (須報告事故) means the occurrence of an accident that affects the following matter or the discovery of a defect in a ship that affects the following matter—

- (a) the safety of the ship or persons on board;
- (b) the efficiency or completeness of the ship’s life-saving appliances or other equipment required by the applicable IGC Code.”.

13. Regulation 10 amended (equivalents)

Regulation 10—

Repeal

“1983 IGC Code or 1993 IGC Code, as the case may be”
(wherever appearing)

Substitute

“applicable IGC Code”.

14. Regulation 12 amended (loading and carriage in bulk of dangerous substances)

(1) Regulation 12—

Repeal

everything before “unless”

Substitute

“A ship must not load in bulk or carry in bulk any of the substances listed in Chapter 19 of the applicable IGC Code”.

(2) Regulation 12(a)—

Repeal

everything after “Fitness”

Substitute

“covering the substance; or”.

15. Regulation 13 amended (penalties)

(1) Regulation 13—

Repeal subregulation (1)**Substitute**

“(1) If regulation 4, 5(1), 9 or 12 is contravened in relation to a ship, the owner and master of the ship each commits an offence and is liable to a fine at level 3.”.

(2) After regulation 13(2)—

Add

“(2A) If regulation 7(3) or (5) is contravened in relation to a ship, the owner and master of the ship each commits an offence and is liable to a fine at level 2.”.

16. Schedule 1 amended (amendments to 1983 IGC Code)

Schedule 1, Chinese text—

Repeal

“證明書”

Substitute

“證書”.

17. Schedule 2 repealed (table of corresponding regulations)

Schedule 2—

Repeal the Schedule.



Secretary for Transport and Housing

30 April 2018

Explanatory Note

This Regulation amends the Merchant Shipping (Safety) (Gas Carriers) Regulations (Cap. 369 sub. leg. Z) (*Gas Carriers Regulations*) to give effect to the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (*IGC Code*). The International Maritime Organization made the IGC Code mandatory under Chapter VII of the International Convention for the Safety of Life at Sea (*SOLAS*) for gas carriers constructed on or after 1 July 1986. Changes were made to the IGC Code at different stages. The 1983 IGC Code, 1993 IGC Code and 2014 IGC Code are different versions of the IGC Code that govern different types of gas carriers.

2. Section 3 amends certain existing definitions in the Gas Carriers Regulations and also add in new definitions for the interpretation of the Gas Carriers Regulations as amended by the Regulation.
3. Sections 4 and 5 contain amendments to reflect the types of ships that are subject to the 1983 IGC Code, 1993 IGC Code and 2014 IGC Code.
4. Section 8 updates the survey requirements in the Gas Carriers Regulations to follow the requirements in the IGC Code.
5. Sections 9 and 10 deal with the issue of an International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk (*International Certificate of Fitness*). New regulations 7A to 7D are added to the Gas Carriers Regulations to incorporate the provisions relating to the duration and extension of validity period of an International Certificate of Fitness set out in the 1983 IGC Code, 1993 IGC Code and 2014 IGC Code (section 10).
6. Section 12 provides for matters to be taken into account in relation to—
 - (a) the maintenance of a ship and its equipment; and

- (b) an accident occurred to, or a defect discovered in, a ship.
7. Section 15 adds a penalty provision for failing to deliver an International Certificate of Fitness on demand or keep the certificate on board.
8. Schedule 2 to the Gas Carriers Regulations contains references to SOLAS and corresponding regulations made under the Merchant Shipping (Safety) Ordinance (Cap. 369). Section 17 repeals the Schedule as the references are outdated.