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**L.N. 248 of 2018**

**Merchant Shipping (Safety) (Construction and Survey)  
Regulation**

**Contents**

Section Page

**Part 1**

**Preliminary**

- 1. Commencement ..... B6411
- 2. Interpretation..... B6411
- 3. Application of this Regulation..... B6417

**Part 2**

**General Requirements on Construction and Structure, Subdivision and Stability,  
Machinery and Electrical Installations of Ships**

**Division 1—Construction and Structure of Ships**

- 4. Construction and structure ..... B6421
- 5. No asbestos in materials used for structure etc. of ships..... B6423
- 6. Subdivision and stability..... B6423
- 7. Subdivision, watertight and weathertight integrity ..... B6425
- 8. Stability management..... B6427
- 9. Machinery installations and equipment..... B6427
- 10. Electrical installations..... B6429

---

Section	Page
11. Periodically unattended machinery spaces .....	B6429
<b>Division 2—Safety Operation of Ships</b>	
12. Emergency towing procedures .....	B6431
13. Manual for access to and within spaces in cargo area .....	B6431
14. Construction drawings and plans .....	B6431
15. Means of embarkation and disembarkation .....	B6431
16. Ship Construction File.....	B6433
17. Protection against noise .....	B6433
18. Intact stability.....	B6433
19. Operational information after flooding casualty .....	B6433
20. Affixing notice to closing appliances .....	B6433
21. Load lines marks .....	B6435
<b>Division 3—Stability Management of Ships</b>	
22. Loading before departure .....	B6435
23. Operation and inspection of watertight doors etc. ....	B6435
24. Prevention and control of water ingress etc. ....	B6437
25. Special requirements for post-2009 ro-ro passenger ships.....	B6437
<b>Division 4—Electrical Installations and Requirements on Ships that have Periodically Unattended Machinery Spaces</b>	
26. Emergency source of electrical power.....	B6439
27. Documentary requirements on periodically unattended machinery spaces .....	B6439

Section	Page
---------	------

**Division 5—Miscellaneous Provisions**

28.	Use of low-flashpoint fuel .....	B6439
29.	Navigation bridge visibility .....	B6443

**Division 6—Passenger Ship Construction Regulations, Cargo Ship Construction and Survey Regulations, Offences and Penalties**

30.	Several provisions are passenger ship construction regulations .....	B6445
31.	Several provisions are cargo ship construction and survey regulations .....	B6445
32.	Offences in relation to cargo ships registered in Hong Kong under Part 2 .....	B6445
33.	Offences in relation to non-Hong Kong ships under Part 2 .....	B6445
34.	Other offences under Part 2 .....	B6447

**Part 3**

**Additional Requirements for Ships Constructed on or after 1 July 2002 and before 1 January 2009**

**Division 1—Preliminary**

35.	Interpretation of Part 3 .....	B6449
36.	Additional requirements for specified cargo ships and specified passenger ships .....	B6451

**Division 2—Construction and Structure of Ships**

37.	Construction and initial testing of watertight bulkheads.....	B6453
-----	---	-------

Section	Page
38. Emergency source of electrical power in tankers .....	B6453
<b>Division 3—Passenger Ship Construction Regulations, Cargo Ship Construction and Survey Regulations, Offences and Penalties</b>	
39. Several provisions are passenger ship construction regulations .....	B6455
40. Several provisions are cargo ship construction and survey regulations .....	B6455
41. Offences in relation to cargo ships registered in Hong Kong under Part 3 .....	B6455
42. Offences in relation to non-Hong Kong ships under Part 3 .....	B6457

#### **Part 4**

#### **Additional Safety Measures for Bulk Carriers**

##### **Division 1—Preliminary**

43. Interpretation of Part 4 .....	B6459
44. Application of Part 4 .....	B6459

##### **Division 2—Requirements on Construction, Structure, Survey and Operation**

45. Damage stability .....	B6459
46. Structural strength .....	B6461
47. Structure and design .....	B6461
48. Survey and maintenance .....	B6461
49. Information on compliance with requirements .....	B6461

---

Section	Page
50. Loading instrument .....	B6463
51. Water level detector .....	B6463
52. Pumping systems.....	B6463
<b>Division 3—Offences and Penalties</b>	
53. Offences under Part 4 .....	B6463
<b>Part 5</b>	
<b>Survey of Passenger Ships and Cargo Ships</b>	
<b>Division 1—Preliminary</b>	
54. Interpretation of Part 5 .....	B6465
55. Application of Part 5.....	B6469
<b>Division 2—Application for Safety Certificates</b>	
56. Application for Safety Certificates .....	B6469
<b>Division 3—Duration of Safety Certificates</b>	
57. Duration of Safety Certificates from date of issue .....	B6473
58. Duration of Safety Certificates issued after renewal surveys .....	B6475
59. Duration of Safety Certificates after early completion of certain surveys of cargo ships.....	B6475
60. Extension of validity period of Safety Certificates.....	B6477
<b>Division 4—Cessation and Cancellation of Safety Certificates</b>	
61. Safety Certificates cease to be valid .....	B6477
62. Cancellation of Safety Certificates.....	B6479

---

Section	Page
---------	------

**Division 5—Alteration and Certified True Copies of Safety Certificates**

63.	Alteration of Safety Certificates .....	B6479
64.	Certified true copies of Safety Certificates .....	B6479

**Division 6—Surveys for Passenger Ships**

65.	Initial surveys for passenger ships.....	B6481
66.	Renewal surveys for passenger ships.....	B6481
67.	Additional surveys for passenger ships .....	B6483

**Division 7—Surveys for Cargo Ships**

68.	Initial surveys for cargo ships .....	B6485
69.	Renewal surveys for cargo ships .....	B6487
70.	Intermediate surveys for cargo ships.....	B6489
71.	Annual surveys for cargo ships .....	B6491
72.	Additional surveys for cargo ships.....	B6493
73.	Inspection of cargo ships’ bottoms.....	B6495

**Division 8—Enhanced Surveys for Bulk Carriers and Oil Tankers**

74.	Enhanced surveys for bulk carriers and oil tankers .....	B6497
-----	--	-------

**Division 9—Corrective Action**

75.	Corrective action to be taken.....	B6497
-----	------------------------------------	-------

**Division 10—Transitional and Savings Provisions**

76.	Transitional and savings provisions for certificates issued under Cap. 369AM and Cap. 369S .....	B6499
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## Merchant Shipping (Safety) (Construction and Survey) Regulation

(Made by the Secretary for Transport and Housing under sections 94, 95, 96, 107, 112 and 112B of the Merchant Shipping (Safety) Ordinance (Cap. 369))

### Part 1

#### Preliminary

##### 1. Commencement

This Regulation comes into operation on 1 March 2019.

##### 2. Interpretation

(1) In this Regulation—

**Administration** (主管機關) means—

- (a) in relation to a Hong Kong ship, the Director; or
- (b) in relation to a non-Hong Kong ship, the government of a place outside Hong Kong whose flag the ship is entitled to fly;

**alteration** (改動), for the purposes of the definition of **constructed**, means any repair, alteration or modification that is of a major character;

**bulk carrier** (散裝貨輪) means a ship that is constructed or adapted primarily to carry dry cargo in bulk, and includes an ore carrier and combination carrier;

**Cap. 369AM** (《第369AM章》) means the Merchant Shipping (Safety) (Passenger Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations (Cap. 369 sub. leg. AM);

**Cap. 369S** (《第369S章》) means the Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations (Cap. 369 sub. leg. S);

**cargo ship** (貨船) means a ship other than a passenger ship;

**Chapter II-1** (《第II-1章》) means Chapter II-1 of the Annex to the Convention, as from time to time revised or amended by any revision or amendment that applies to Hong Kong;

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

- (a) the keel of the ship is laid;
- (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;
- (c) if the ship has undergone only one alteration—the alteration commences; or
- (d) if the ship has undergone 2 or more alterations—the latest alteration commences;

**Convention** (《公約》) means the International Convention for the Safety of Life at Sea 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;

**gas carrier** (氣體運輸船) has the meaning given by regulation 2(1) of the Merchant Shipping (Safety) (Gas Carriers) Regulations (Cap. 369 sub. leg. Z);

**Goal-based Ship Construction Standards for Bulk Carriers and Oil Tankers** (《散裝貨輪及油輪建造標準》) means the International Goal-based Ship Construction Standards for



Bulk Carriers and Oil Tankers, adopted by the Maritime Safety Committee of the IMO by Resolution MSC.287(87), as from time to time revised or amended by any revision or amendment that applies to Hong Kong;

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

**IMO** means the International Maritime Organization;

**machinery space** (機艙) has the meaning given by regulation 3 of Chapter II-1;

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

**oil tanker** (油輪) has the meaning given by regulation 2 of Chapter II-1;

**post-2009 ship** (2009年後建造的船舶) means a ship constructed on or after 1 January 2009;

**pre-2009 ship** (2009年前建造的船舶) means a ship constructed before 1 January 2009;

**specified cargo ship** (指明貨船) means a cargo ship constructed on or after 1 July 2002 and before 1 January 2009;

**specified passenger ship** (指明客船) means a passenger ship constructed on or after 1 July 2002 and before 1 January 2009;

**unattended machinery space** (無人看管的機艙), in relation to a ship, means a machinery space which during the normal operation of the ship at sea is unmanned for any period;

**watertight** (水密) has the meaning given by regulation 2 of Chapter II-1.

- (2) For the purposes of this Regulation, a cargo ship converted into a passenger ship is to be regarded as a passenger ship constructed on the date on which the conversion commences.

**3. Application of this Regulation**

- (1) This Regulation applies to—
  - (a) a Hong Kong ship (wherever it is) engaged in an international voyage; and
  - (b) a non-Hong Kong ship that is—
    - (i) engaged in an international voyage; and
    - (ii) within the waters of Hong Kong.
- (2) However, this Regulation does not apply to—
  - (a) a warship or troopship;
  - (b) a ship not propelled by mechanical means;
  - (c) a wooden ship of primitive build;
  - (d) a cargo ship of less than 500 gross tonnage;
  - (e) a pleasure vessel not engaged in trade;
  - (f) a vessel used for catching fish, whales, seals, walrus or other living resources of the sea;
  - (g) a high speed craft to which the Merchant Shipping (Safety) (High Speed Craft) Regulation (Cap. 369 sub. leg. AW) applies;
  - (h) a local vessel as defined by section 2 of the Merchant Shipping (Local Vessels) Ordinance (Cap. 548) (other than a local vessel referred to in section 3(4) of that Ordinance); and
  - (i) a non-Hong Kong ship flying the flag of a State that is not a Convention country if the ship is within the waters of Hong Kong due to—
    - (i) stress of weather; or

- (ii) any other circumstances that could not have been prevented or forestalled by the owner or master of the ship.

(3) In this section—

**Convention country** (公約國) means a country that is a party to the Convention;

**gross tonnage** (總噸位), in relation to a ship, means the gross tonnage of the ship determined in accordance with the Merchant Shipping (Registration) (Tonnage) Regulations (Cap. 415 sub. leg. C);

**international voyage** (國際航程) means—

- (a) a voyage between Hong Kong and a port outside the People's Republic of China; or
- (b) a voyage between a port in a Convention country and a port outside that country (whether in another Convention country or not);

**pleasure vessel** (遊樂船隻) means a vessel (other than a passenger ship) primarily used for sport or recreation.

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## **Part 2**

# **General Requirements on Construction and Structure, Subdivision and Stability, Machinery and Electrical Installations of Ships**

## **Division 1—Construction and Structure of Ships**

### **4. Construction and structure**

- (1) A post-2009 ship—
  - (a) must be designed, constructed, equipped and maintained; and
  - (b) must have on board the ship plans and information, in accordance with the applicable requirements on the ship's construction and structure specified in regulations 3-2, 3-3, 3-4 (except regulation 3-4.2.1), 3-6, 3-7, 3-8, 3-9, 3-10 (except regulation 3-10.3), 3-11 and 3-12 of Chapter II-1.
- (2) A pre-2009 ship—
  - (a) must be designed, constructed, equipped and maintained; and
  - (b) must have on board the ship plans and information, in accordance with the applicable requirements on the ship's construction and structure specified in regulations 3-2, 3-4 (except regulation 3-4.2.1), 3-6, 3-7 and 3-8 of Chapter II-1.
- (3) For the purposes of subsections (1) and (2), the applicable requirements on the ship's construction and structure specified in regulation 3-8 of Chapter II-1 are regarded as having been complied with in relation to a ship if the

arrangements, equipment and fittings of the ship comply with the applicable requirements specified in the guidelines issued by the IMO relating to the towing and mooring of the ship.

- (4) For the purposes of subsection (1), the applicable requirements on the ship's construction and structure specified in regulation 3-10.2 of Chapter II-1 are regarded as having been complied with in relation to a post-2009 ship if the design, construction and equipment of the ship comply with the functional requirements specified in the Goal-based Ship Construction Standards for Bulk Carriers and Oil Tankers.

**5. No asbestos in materials used for structure etc. of ships**

Materials installed on a ship on or after 1 March 2019 that are used for the structure, machinery, electrical installations or equipment of the ship must not contain asbestos.

**6. Subdivision and stability**

- (1) A post-2009 ship—
- (a) must be designed, constructed, subdivided, equipped and maintained; and
  - (b) must have on board the ship plans and information, in accordance with the applicable requirements on the ship's subdivision and stability specified in regulations 4, 5, 5-1, 6, 7, 7-1, 7-2, 7-3, 8 and 8-1 of Chapter II-1.
- (2) A post-2009 ship must have on board the ship—
- (a) the stability information relating to the ship in compliance with the applicable requirements specified in regulation 5-1 of Chapter II-1; and

- (b) if the ship is altered to the extent that materially affects its stability information—the amended stability information as altered.
- (3) The Administration must be provided with the stability information relating to a post-2009 ship, and, if applicable, the amended stability information relating to the ship mentioned in subsection (2)(b), in compliance with the applicable requirements specified in regulation 5-1 of Chapter II-1.

**7. Subdivision, watertight and weathertight integrity**

- (1) A post-2009 ship must be designed, constructed, subdivided, equipped and maintained in accordance with the applicable requirements on the ship's subdivision, watertight and weathertight integrity specified in regulations 9, 10, 11, 12, 13, 13-1, 14, 15, 15-1, 16, 16-1, 17, 17-1 and 18 of Chapter II-1.
- (2) All reasonable and practicable measures as required under regulation 17 of Chapter II-1 must be taken in respect of a post-2009 ship to limit the entry and spread of water above the bulkhead deck.
- (3) A pre-2009 ship must be designed, constructed, subdivided, equipped and maintained in accordance with the applicable requirements on the ship's subdivision, watertight and weathertight integrity specified in regulation 16 of Chapter II-1.
- (4) In this section—  
*weathertight* (風雨密) has the meaning given by regulation 2 of Chapter II-1.

## **8. Stability management**

- (1) A post-2009 ship—
  - (a) must be designed, constructed, equipped and maintained; and
  - (b) must have on board the ship plans and information, in accordance with the applicable requirements on the ship's stability management specified in regulations 19, 22-1, 25.2, 25.3 and 25.4 of Chapter II-1.
- (2) A pre-2009 ship must be designed, constructed, equipped and maintained in accordance with the applicable requirements on the ship's stability management specified in regulations 25.2, 25.3 and 25.4 of Chapter II-1.

## **9. Machinery installations and equipment**

- (1) A post-2009 ship must comply with the applicable requirements on—
  - (a) the ship's machinery installations and equipment; and
  - (b) the provision on board the ship of plans and information,  
specified in regulations 26, 27, 28, 29 (except regulations 29.19 and 29.20), 30, 31, 32, 33, 34, 35, 35-1, 37, 38 and 39 of Chapter II-1.
- (2) A pre-2009 ship must comply with the applicable requirements on—
  - (a) the ship's machinery installations and equipment; and
  - (b) the provision on board the ship of plans and information,  
specified in regulations 26, 31 and 37 of Chapter II-1.

**10. Electrical installations**

- (1) A post-2009 ship must comply with the applicable requirements on the ship's electrical installations specified in regulations 40, 41, 42, 42-1.1, 42-1.2, 43, 44 and 45 of Chapter II-1.
- (2) A pre-2009 ship must comply with the applicable requirements on the ship's electrical installations specified in regulations 41, 42, 42-1.1, 42-1.2, 43, 44 and 45 of Chapter II-1.

**11. Periodically unattended machinery spaces**

- (1) This section applies to a ship that has periodically unattended machinery spaces.
- (2) A cargo ship must comply with the applicable requirements on periodically unattended machinery spaces specified in regulations 46, 47, 48, 49, 50, 51, 52 and 53 of Chapter II-1.
- (3) A passenger ship must comply with the applicable requirements on periodically unattended machinery spaces that are approved by the Administration.
- (4) The Administration may approve the requirements under subsection (3) if the requirements conform to the safety standards equivalent to those standards on attended machinery spaces applicable to ships that have such spaces.
- (5) In this section—  
***attended machinery space*** (有人看管的機艙), in relation to a ship, means a machinery space other than an unattended machinery space.



## **Division 2—Safety Operation of Ships**

### **12. Emergency towing procedures**

The master of a ship must ensure that an emergency towing procedure specific to the ship is provided on the ship for use in emergency situations in compliance with the applicable requirements specified in regulation 3-4 (except regulation 3-4.2.1) of Chapter II-1.

### **13. Manual for access to and within spaces in cargo area**

The owner and the master of a ship must ensure that an updated copy of ship structure access manual of the ship is kept on the ship in compliance with the applicable requirements specified in regulation 3-6 of Chapter II-1.

### **14. Construction drawings and plans**

- (1) The owner and the master of a ship must ensure that a set of the as-built construction drawings and plans of the ship specified in regulation 3-7.1 of Chapter II-1 is kept on the ship in compliance with that regulation.
- (2) The owner of a ship must ensure that another set of the as-built construction drawings and plans of the ship is kept on shore in compliance with regulation 3-7.1 of Chapter II-1.

### **15. Means of embarkation and disembarkation**

The owner and the master of a post-2009 ship must ensure that the means of embarkation on and disembarkation from the ship are inspected and maintained in compliance with the applicable requirements specified in regulation 3-9 of Chapter II-1.

**16. Ship Construction File**

The owner and the master of a post-2009 ship must ensure that the applicable requirements on the Ship Construction File relating to the application of the Goal-based Ship Construction Standards for Bulk Carriers and Oil Tankers specified in regulation 3-10 of Chapter II-1 are complied with in relation to the ship.

**17. Protection against noise**

The owner of a ship must ensure that the applicable requirements on the measures to reduce machinery noise, the insulation or insolation of source of excessive noise and the provision of ear protector specified in regulation 3-12 of Chapter II-1 are complied with in relation to the ship.

**18. Intact stability**

The owner of a post-2009 ship must ensure that the applicable requirements on the marking of scales of draughts specified in regulation 5.6 of Chapter II-1 are complied with in relation to the ship.

**19. Operational information after flooding casualty**

The owner of a post-2009 ship must ensure that the applicable requirements on the operational information after a flooding casualty specified in regulation 8-1 of Chapter II-1 are complied with in relation to the ship.

**20. Affixing notice to closing appliances**

The master of a post-2009 ship must ensure that the applicable requirements on the affixing of a notice to closing appliances specified in regulation 15-1.4 of Chapter II-1 are complied with in relation to the ship.

**21. Load lines marks**

- (1) The owner of a post-2009 ship must ensure that the applicable requirements on the assigning and marking of subdivision load line specified in regulation 18 of Chapter II-1 are complied with in relation to the ship.
- (2) The master of the ship must ensure that the subdivision load line assigned and marked is recorded on the general safety certificate issued under section 15(1) of the Ordinance in respect of the ship.
- (3) The master of the ship must ensure that the ship is not loaded so as to submerge the load line mark or the subdivision load line mark in contravention of regulation 18 of Chapter II-1.

**Division 3—Stability Management of Ships**

**22. Loading before departure**

- (1) On completion of loading of a post-2009 ship and before its departure from a port, the master of the ship must determine the ship's trim and stability, and ascertain the ship's stability criteria and make such a record in compliance with the applicable requirements specified in regulation 20 of Chapter II-1.
- (2) The master of the ship must ensure that ballast water is not carried in tanks intended for oil fuel except where oily water separating equipment is fitted or alternative means for disposing the oily water is provided as specified in regulation 20.2 of Chapter II-1.

**23. Operation and inspection of watertight doors etc.**

The master of a post-2009 ship must ensure that the applicable requirements on the conducting of drills, the operation and

inspection of watertight doors and closing mechanisms, and the recording of such drill, operation and inspection in the log-book specified in regulation 21 of Chapter II-1 are complied with in relation to the ship.

**24. Prevention and control of water ingress etc.**

The master of a post-2009 ship must ensure that the applicable requirements on the fitting, closure and opening of all watertight doors and other doors and openings and the recording of the operation on any voyage in the log-book specified in regulations 22 and 24 of Chapter II-1 are complied with in relation to the ship.

**25. Special requirements for post-2009 ro-ro passenger ships**

- (1) This section applies to a post-2009 ship that is a ro-ro passenger ship.
- (2) The owner and the master of a ship must ensure that the applicable requirements on the monitoring of spaces, operating procedures and arrangement relating to accesses, and the recording of closure of access in the log-book specified in regulation 23 of Chapter II-1 are complied with in relation to the ship.
- (3) In this section—

*ro-ro passenger ship* (滾裝客船) means a passenger ship provided with cargo or vehicle spaces in which cargoes or vehicles can be loaded or unloaded in a horizontal direction.

## **Division 4—Electrical Installations and Requirements on Ships that have Periodically Unattended Machinery Spaces**

### **26. Emergency source of electrical power**

The master of a ship must ensure that the applicable requirements on the testing of the complete emergency system for providing electrical power in the ship specified in regulations 42 and 43 of Chapter II-1 are complied with in relation to the ship.

### **27. Documentary requirements on periodically unattended machinery spaces**

- (1) This section applies to a ship that has periodically unattended machinery spaces.
- (2) The master of a ship must ensure that documentary evidence showing the ship's fitness of operation with periodically unattended machinery spaces is kept on the ship in compliance with regulation 46 of Chapter II-1.

## **Division 5—Miscellaneous Provisions**

### **28. Use of low-flashpoint fuel**

- (1) A ship (other than a specified ship) may use low-flashpoint fuel if—
  - (a) the use is approved by the Director on being satisfied that the applicable requirements specified in the IGF Code are complied with in relation to the ship; and
  - (b) the applicable requirements on the arrangement, installation, control and monitoring of machinery, equipment and systems using low-flashpoint fuel specified in the IGF Code are complied with in relation to the ship.

(2) The owner and the master of a ship (other than a specified ship) that uses low-flashpoint fuel must ensure that the applicable requirements on the testing, drills, emergency exercises and operations specified in the IGF Code are complied with in relation to the ship.

(3) In this section—

**IGC Code** (《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.5(48) adopted by the Maritime Safety Committee of the IMO on 17 June 1983, as from time to time revised or amended by any revision or amendment to any provision of such Code that applies to Hong Kong;

**IGF Code** (《國際氣體燃料規則》) means the International Code of Safety for Ships Using Gases or Other Low-flashpoint Fuels set out in the Annex to Resolution MSC.391(95) adopted by the Maritime Safety Committee of the IMO on 11 June 2015, as from time to time revised or amended by any revision or amendment to any provision of such Code that applies to Hong Kong;

**low-flashpoint fuel** (低閃點燃料) means gaseous or liquid fuel that has a flashpoint lower than that permitted under regulation 4.2.1.1 of Chapter II-2 of the Annex to the Convention as from time to time revised or amended by any revision or amendment to that regulation that applies to Hong Kong;

**specified ship** (指明船舶) means—

- (a) a gas carrier in relation to which the applicable requirements of the IGC Code are complied with; or
- (b) a ship that is owned or operated by—

- (i) the Government; or
- (ii) the government of a party to the Convention.

**29. Navigation bridge visibility**

- (1) A ship constructed on or after 1 July 1998 must be designed, constructed, equipped and maintained in accordance with the applicable requirements on the navigation bridge visibility specified in regulation 22 of Chapter V.
- (2) A ship constructed before 1 July 1998 must be designed, constructed, equipped and maintained in accordance with the applicable requirements on the navigation bridge visibility specified in regulation 22.2 of Chapter V.
- (3) If ballast water exchange is undertaken to ensure a proper lookout at the navigation bridge of a ship, the master of the ship must ensure that the applicable requirements on the operation of ballast water exchange and the recording of the operation specified in regulation 22 of Chapter V are complied with in relation to the ship.
- (4) In this section—

**Chapter V** (《第 V 章》) means Chapter V of the Annex to the Convention, as from time to time revised or amended by any revision or amendment that applies to Hong Kong.

## **Division 6—Passenger Ship Construction Regulations, Cargo Ship Construction and Survey Regulations, Offences and Penalties**

### **30. Several provisions are passenger ship construction regulations**

In so far as passenger ships registered in Hong Kong are concerned, sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 28 and 29 are passenger ship construction regulations for the purposes of section 94 of the Ordinance.

### **31. Several provisions are cargo ship construction and survey regulations**

In so far as cargo ships registered in Hong Kong are concerned, sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 28 and 29 are cargo ship construction and survey regulations for the purposes of section 96 of the Ordinance.

### **32. Offences in relation to cargo ships registered in Hong Kong under Part 2**

If section 4(1) or (2), 5, 6, 7, 8, 9, 10, 11(2), 28(1) or 29(1) or (2) is contravened in relation to a cargo ship registered in Hong Kong, the owner and the master of the ship each commits an offence and is liable to a fine at level 3.

### **33. Offences in relation to non-Hong Kong ships under Part 2**

If section 4(1) or (2), 5, 6, 7, 8, 9, 10, 11(2) or (3), 28(1) or 29(1) or (2) is contravened in relation to a non-Hong Kong ship, the owner and the master of the ship each commits an offence and is liable to a fine at level 3.



**34. Other offences under Part 2**

A person who contravenes section 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25(2), 26, 27(2), 28(2) or 29(3) commits an offence and is liable to a fine at level 3.

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## Part 3

### Additional Requirements for Ships Constructed on or after 1 July 2002 and before 1 January 2009

#### Division 1—Preliminary

#### 35. Interpretation of Part 3

In this Part—

*specified Chapter II-1* (《第 II-1 章指明版》) means Chapter II-1 of the Annex to the International Convention for the Safety of Life at Sea signed in London on 1 November 1974, as revised or amended by the following instruments adopted by the IMO that apply to Hong Kong—

- (a) the Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974 adopted on 17 February 1978;
- (b) the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974 adopted on 11 November 1988;
- (c) Resolutions MSC.1(XLV), MSC.2(XLV), MSC.6(48), MSC.11(55) and MSC.12(56);
- (d) Resolution 1 of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 on the Global Maritime Distress and Safety System adopted on 9 November 1988;
- (e) Resolutions MSC.13(57), MSC.19(58), MSC.26(60) and MSC.27(61);

- (f) Resolution 1 of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 adopted on 29 November 1995; and
- (g) Resolutions MSC.47(66), MSC.57(67), MSC.65(68), MSC.69(69), MSC.99(73), MSC.134(76), MSC.151(78) and MSC.170(79), Annex 1 to Resolution MSC.194(80) and Annex 1 to Resolution MSC.216(82).

**36. Additional requirements for specified cargo ships and specified passenger ships**

- (1) A specified cargo ship must comply with—
  - (a) the requirements imposed under Cap. 369S (except Part VI (survey) of Cap. 369S) in respect of a ship as if the requirements were imposed on a specified cargo ship; and
  - (b) the requirements imposed in respect of a specified cargo ship under Part 2 and this Part.
- (2) A specified passenger ship must comply with—
  - (a) the requirements imposed under Cap. 369AM (except Part VII (surveys and certification) of Cap. 369AM) in respect of a ship as if the requirements were imposed on a specified passenger ship; and
  - (b) the requirements imposed in respect of a specified passenger ship under Part 2 and this Part.

- (3) However, if a requirement imposed under Part 2 and this Part in relation to a subject matter (*new requirement*) is inconsistent with a requirement imposed in relation to the same subject matter under the following enactment (*other requirement*)—
- (a) for a specified cargo ship—Cap. 369S; or
  - (b) for a specified passenger ship—Cap. 369AM,
- the new requirement prevails, to the extent of the inconsistency, over the other requirement.

## Division 2—Construction and Structure of Ships

### 37. Construction and initial testing of watertight bulkheads

- (1) A specified cargo ship must comply with the applicable requirements on the construction and initial testing of the watertight bulkheads specified in regulation 14.3 of specified Chapter II-1.
- (2) A specified passenger ship must comply with the applicable requirements on the construction and initial testing of the watertight bulkheads specified in regulation 14.3 of specified Chapter II-1.

### 38. Emergency source of electrical power in tankers

- (1) A specified tanker must comply with the applicable requirements on the provision of emergency lighting in all cargo pump rooms specified in regulation 43 of specified Chapter II-1.
- (2) In this section—

*specified tanker* (指明液貨船) means the following ship that is constructed on or after 1 July 2002 and before 1 January 2009—

- (a) a tanker;
- (b) an oil tanker;
- (c) a gas carrier; or
- (d) a chemical tanker as defined by regulation 3 of Chapter II-1;

*tanker* (液貨船) means a cargo ship constructed or adapted for the carriage in bulk of liquid cargoes of an inflammable nature.

### **Division 3—Passenger Ship Construction Regulations, Cargo Ship Construction and Survey Regulations, Offences and Penalties**

#### **39. Several provisions are passenger ship construction regulations**

In so far as passenger ships registered in Hong Kong are concerned, sections 35, 36 and 37 are passenger ship construction regulations for the purposes of section 94 of the Ordinance.

#### **40. Several provisions are cargo ship construction and survey regulations**

In so far as cargo ships registered in Hong Kong are concerned, sections 35, 36, 37 and 38 are cargo ship construction and survey regulations for the purposes of section 96 of the Ordinance.

#### **41. Offences in relation to cargo ships registered in Hong Kong under Part 3**

If section 36(1), 37(1) or 38(1) is contravened in relation to a cargo ship registered in Hong Kong, the owner and the master of the ship each commits an offence and is liable to a fine at level 3.

**42. Offences in relation to non-Hong Kong ships under Part 3**

If section 36, 37 or 38(1) is contravened in relation to a non-Hong Kong ship, the owner and the master of the ship each commits an offence and is liable to a fine at level 3.

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## Part 4

### Additional Safety Measures for Bulk Carriers

#### Division 1—Preliminary

#### 43. Interpretation of Part 4

In this Part—

*Chapter XII* (《第 XII 章》) means Chapter XII of the Annex to the Convention, as from time to time revised or amended by any revision or amendment that applies to Hong Kong;

*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.

#### 44. Application of Part 4

This Part applies to bulk carriers regardless of their date of construction.

#### Division 2—Requirements on Construction, Structure, Survey and Operation

#### 45. Damage stability

A bulk carrier designed to carry solid bulk cargoes must comply with the applicable requirements on the damage stability specified in regulations 4.1, 4.2, 4.4, 4.5, 4.6 and 4.7 of Chapter XII.

**46. Structural strength**

A bulk carrier designed to carry solid bulk cargoes must be so constructed to have sufficient strength to withstand flooding in the cargo holds in compliance with the applicable requirements specified in regulation 5 of Chapter XII.

**47. Structure and design**

A bulk carrier designed to carry solid bulk cargoes must comply with the applicable requirements on the structure and design specified in regulations 6.2, 6.3 and 6.4 of Chapter XII.

**48. Survey and maintenance**

- (1) A bulk carrier must not carry any solid bulk cargo unless it has satisfactorily undergone either of the following surveys in compliance with the applicable requirements specified in regulation 7 of Chapter XII—
  - (a) a periodic survey;
  - (b) a survey of all cargo holds of the bulk carrier.
- (2) A bulk carrier must comply with the applicable maintenance requirements specified in regulation 7 of Chapter XII.

**49. Information on compliance with requirements**

- (1) A bulk carrier must have on board the carrier a booklet specified in regulation 8.1 of Chapter XII endorsed by the Administration indicating that sections 45, 46, 47 and 48 are complied with in relation to the bulk carrier.
- (2) A bulk carrier to which the restrictions on carriage of cargo specified in regulation 8 of Chapter XII apply must comply with the applicable requirements on the marking of the bulk carrier's side specified in that regulation.



**50. Loading instrument**

- (1) A bulk carrier must be fitted with a loading instrument capable of providing information in compliance with the applicable requirements specified in regulations 11.1 and 11.3 of Chapter XII.
- (2) The computer software forming part of the loading instrument providing information on the bulk carrier's stability in intact position must be approved by the Administration based on the guidelines relating to the onboard use and application of computers.

**51. Water level detector**

A bulk carrier must be fitted with water level detectors that can give audible and visual alarms in cargo holds and ballast tanks in compliance with the applicable requirements specified in regulations 12.1 and 12.2 of Chapter XII.

**52. Pumping systems**

A bulk carrier must comply with the applicable requirements on the availability of pumping systems specified in regulation 13.1 of Chapter XII.

### **Division 3—Offences and Penalties**

**53. Offences under Part 4**

If section 45, 46, 47, 48, 49, 50, 51 or 52 is contravened in relation to a bulk carrier, the owner and the master of the bulk carrier each commits an offence and is liable to a fine at level 3.

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## Part 5

### Survey of Passenger Ships and Cargo Ships

#### Division 1—Preliminary

#### 54. Interpretation of Part 5

In this Part—

***anniversary date*** (周年日期), in relation to a Safety Certificate that is in force in respect of a ship, means the day and month of each year which corresponds to the date of expiry of the Certificate;

***applicable requirements for post-2009 cargo ship*** (2009年後貨船適用規定), in relation to a post-2009 cargo ship, means the requirements imposed in respect of the ship under—

- (a) Part 2; and
- (b) the regulations referred to in section 21A(1) of the Ordinance;

***applicable requirements for post-2009 passenger ship*** (2009年後客船適用規定), in relation to a post-2009 passenger ship, means the requirements imposed in respect of the ship under—

- (a) Part 2; and
- (b) the regulations referred to in section 15(1) of the Ordinance;

***applicable requirements for specified cargo ship*** (指明貨船適用規定), in relation to a specified cargo ship, means the requirements imposed in respect of the ship under—

- (a) Parts 2 and 3; and

- (b) the regulations referred to in section 21A(1) of the Ordinance;

***applicable requirements for specified passenger ship*** (指明客船適用規定), in relation to a specified passenger ship, means the requirements imposed in respect of the ship under—

- (a) Parts 2 and 3; and  
(b) the regulations referred to in section 15(1) of the Ordinance;

***Cargo Ship Safety Certificate*** (貨船安全證明書) means a certificate issued under section 21A of the Ordinance;

***Cargo Ship Safety Construction Certificate*** (貨船構造安全證明書) means a certificate issued under section 21(1) of the Ordinance;

***Chapter I*** (《第 I 章》) means Chapter I of the Annex to the Convention, as from time to time revised or amended by any revision or amendment that applies to Hong Kong;

***Government surveyor*** (政府驗船師) means a Government surveyor appointed under section 5 of the Ordinance;

***Passenger Ship Safety Certificate*** (客船安全證明書) means a general safety certificate issued under section 15(1) of the Ordinance;

***post-2009 cargo ship*** (2009年後建造的貨船) means a cargo ship constructed on or after 1 January 2009;

***post-2009 passenger ship*** (2009年後建造的客船) means a passenger ship constructed on or after 1 January 2009;

***prescribed fee*** (訂明費用), in relation to a matter, means the fee prescribed for the matter in the Merchant Shipping (Fees) Regulations (Cap. 281 sub. leg. F);

***Safety Certificate*** (安全證書) means—

- (a) in relation to a passenger ship—a Passenger Ship Safety Certificate; or
- (b) in relation to a cargo ship—
  - (i) a Cargo Ship Safety Certificate; or
  - (ii) a Cargo Ship Safety Construction Certificate.

### **55. Application of Part 5**

This Part applies to a Hong Kong ship constructed on or after 1 July 2002.

## **Division 2—Application for Safety Certificates**

### **56. Application for Safety Certificates**

- (1) An application under section 15, 21 or 21A of the Ordinance for a Safety Certificate in respect of a ship must be accompanied by the prescribed fee for the Certificate.
- (2) A Passenger Ship Safety Certificate must be issued by the Director under section 15(1) of the Ordinance in respect of a passenger ship if the Director is satisfied—
  - (a) that—
    - (i) if a Passenger Ship Safety Certificate has never been issued in respect of the ship—an initial survey of the ship has been carried out in accordance with section 65; or
    - (ii) if a Passenger Ship Safety Certificate has been issued in respect of the ship—a renewal survey of the ship has been carried out in accordance with section 66; and

- (b) that, on the evidence of a declaration of survey forwarded to the Director under section 65(3), 66(4) or 67(2)—
  - (i) for a specified passenger ship—it complies with the applicable requirements for specified passenger ship; or
  - (ii) for a post-2009 passenger ship—it complies with the applicable requirements for post-2009 passenger ship.
- (3) A Cargo Ship Safety Certificate must be issued by the Director under section 21A of the Ordinance in respect of a cargo ship if the Director is satisfied—
  - (a) that—
    - (i) if a Cargo Ship Safety Certificate has never been issued in respect of the ship—an initial survey of the ship has been carried out in accordance with section 68; or
    - (ii) if a Cargo Ship Safety Certificate has been issued in respect of the ship—a renewal survey of the ship has been carried out in accordance with section 69; and
  - (b) that, on the evidence of a declaration of survey forwarded to the Director under section 68(3), 69(4) or 72(2)—
    - (i) for a specified cargo ship—it complies with the applicable requirements for specified cargo ship; or
    - (ii) for a post-2009 cargo ship—it complies with the applicable requirements for post-2009 cargo ship.

- (4) A Cargo Ship Safety Construction Certificate must be issued by the Director under section 21(1) of the Ordinance in respect of a cargo ship if the Director is satisfied—
- (a) that—
    - (i) if a Cargo Ship Safety Construction Certificate has never been issued in respect of the ship—an initial survey of the ship has been carried out in accordance with section 68; or
    - (ii) if a Cargo Ship Safety Construction Certificate has been issued in respect of the ship—a renewal survey of the ship has been carried out in accordance with section 69; and
  - (b) that, on the evidence of a declaration of survey forwarded to the Director under section 68(3), 69(4) or 72(2)—
    - (i) for a specified cargo ship—it complies with the requirements imposed in respect of the ship under Parts 2 and 3; or
    - (ii) for a post-2009 cargo ship—it complies with the requirements imposed in respect of the ship under Part 2.

### **Division 3—Duration of Safety Certificates**

#### **57. Duration of Safety Certificates from date of issue**

Subject to this Division and Division 4—

- (a) a Passenger Ship Safety Certificate is valid for the period specified by the Director in the Certificate in accordance with section 26(2) of the Ordinance; and

- (b) a Cargo Ship Safety Certificate or a Cargo Ship Safety Construction Certificate is valid for the period specified by the Director in the Certificate in accordance with section 26(3) of the Ordinance.

**58. Duration of Safety Certificates issued after renewal surveys**

A new Safety Certificate issued in respect of a ship as a result of a renewal survey of the ship carried out in accordance with section 66 or 69 is valid for the period specified by the Director in the Certificate in accordance with section 26(3A) of the Ordinance.

**59. Duration of Safety Certificates after early completion of certain surveys of cargo ships**

- (1) This section applies if—
  - (a) an intermediate survey of a cargo ship is completed before the period within which the survey is required to be carried out under section 70; or
  - (b) an annual survey of a cargo ship is completed before the period within which the survey is required to be carried out under section 71.
- (2) After a survey of a cargo ship is completed as described in subsection (1), the existing Cargo Ship Safety Certificate or Cargo Ship Safety Construction Certificate issued in respect of the ship must be endorsed to show a date described in the endorsement as the “new anniversary date” (*new anniversary date*), which must be a date that is within 3 months from the date of completion of the survey.

- (3) For the purposes of any intermediate survey or annual survey of the ship to be carried out under section 70 or 71 in any year after the endorsement, the period within which the survey must be carried out is to be ascertained by reference to the new anniversary date.

**60. Extension of validity period of Safety Certificates**

The Director may, in accordance with section 29 of the Ordinance, extend the validity period of an existing Safety Certificate issued in respect of a ship.

**Division 4—Cessation and Cancellation of Safety Certificates**

**61. Safety Certificates cease to be valid**

A Safety Certificate issued in respect of a ship ceases to be valid if—

- (a) for a passenger ship—a survey referred to in Division 6 is not carried out in respect of the ship before the expiry of the period specified for the survey in that Division;
- (b) for a cargo ship—
  - (i) a survey or inspection referred to in Division 7 is not carried out in respect of the ship before the expiry of the period specified for the survey or inspection in that Division;
  - (ii) the Certificate is not endorsed under section 70 after an intermediate survey of the ship is carried out; or
  - (iii) the Certificate is not endorsed under section 71 after an annual survey of the ship is carried out; or



- (c) the ship ceases to be registered in Hong Kong.

**62. Cancellation of Safety Certificates**

The Director may exercise the power under section 27 of the Ordinance to cancel a Safety Certificate issued in respect of a ship by giving a written notice to the owner and the master of the ship.

**Division 5—Alteration and Certified True Copies of Safety Certificates**

**63. Alteration of Safety Certificates**

- (1) The owner of a ship in respect of which a Safety Certificate has been issued may request the Director to alter any of the particulars contained in the Certificate.
- (2) The Director may refuse to make the alteration if the Director considers it to be a material alteration.
- (3) If the Director agrees to make the alteration, the Director must, on payment of the prescribed fee, alter the Certificate.

**64. Certified true copies of Safety Certificates**

- (1) The owner of a ship in respect of which a Safety Certificate has been issued may apply to the Director for the issue of a certified true copy of the Certificate.
- (2) The application must be accompanied by the prescribed fee for the certified true copy.

## **Division 6—Surveys for Passenger Ships**

### **65. Initial surveys for passenger ships**

- (1) An initial survey of a passenger ship is to be carried out by a Government surveyor—
  - (a) before the ship is put into service; or
  - (b) before a Passenger Ship Safety Certificate is issued for the first time in respect of the ship.
- (2) An initial survey of a passenger ship must include a complete inspection of the ship in compliance with the applicable requirements specified in Chapter I.
- (3) If, after having carried out an initial survey of the ship, the Government surveyor is satisfied that it complies with—
  - (a) for a specified passenger ship—the applicable requirements for specified passenger ship; or
  - (b) for a post-2009 passenger ship—the applicable requirements for post-2009 passenger ship,the surveyor must make a declaration of survey to that effect and forward the declaration to the Director.

### **66. Renewal surveys for passenger ships**

- (1) Subject to subsection (2), a renewal survey of a passenger ship is to be carried out by a Government surveyor within 1 year—
  - (a) from the date of completion of the initial survey of the ship; or
  - (b) if a renewal survey of the ship has been carried out—from the date of completion of the preceding renewal survey.

- (2) If the validity period of the Passenger Ship Safety Certificate issued in respect of the ship has been extended under section 60, the period of 1 year referred to in subsection (1) is to be extended by the period for which the Certificate is extended.
- (3) A renewal survey of a passenger ship must include an inspection of the ship in compliance with the applicable requirements specified in Chapter I.
- (4) If, after having carried out a renewal survey of the ship, the Government surveyor is satisfied that it complies with—
  - (a) for a specified passenger ship—the applicable requirements for specified passenger ship; or
  - (b) for a post-2009 passenger ship—the applicable requirements for post-2009 passenger ship,the surveyor must make a declaration of survey to that effect and forward the declaration to the Director.

**67. Additional surveys for passenger ships**

- (1) If the Director intends to require, under section 23(3) or 27(2) of the Ordinance, a survey (whether general or partial) of a passenger ship to be carried out, the Director may, by written notice to the owner and the master of the ship, require the ship to be so surveyed by a Government surveyor within a reasonable period specified in the notice.
- (2) If, after having carried out an additional survey of the ship, the Government surveyor is satisfied that—
  - (a) it complies with—
    - (i) for a specified passenger ship—the applicable requirements for specified passenger ship; or

- (ii) for a post-2009 passenger ship—the applicable requirements for post-2009 passenger ship; and
- (b) if repairs or renewals have been made to the ship—
  - (i) the repairs or renewals have been effectively made; and
  - (ii) the material used in, and the workmanship of, the repairs or renewals are satisfactory,

the surveyor must make a declaration of survey to that effect and forward the declaration to the Director.

### **Division 7—Surveys for Cargo Ships**

#### **68. Initial surveys for cargo ships**

- (1) An initial survey of a cargo ship is to be carried out by a Government surveyor—
  - (a) before the ship is put into service; or
  - (b) before a Cargo Ship Safety Certificate or a Cargo Ship Safety Construction Certificate is issued for the first time in respect of the ship.
- (2) An initial survey of a cargo ship must include a complete inspection of the ship in compliance with the applicable requirements specified in Chapter I.
- (3) If, after having carried out an initial survey of the ship, the Government surveyor is satisfied that it complies with—
  - (a) for a Cargo Ship Safety Certificate—
    - (i) for a specified cargo ship—the applicable requirements for specified cargo ship; or
    - (ii) for a post-2009 cargo ship—the applicable requirements for post-2009 cargo ship; or

- (b) for a Cargo Ship Safety Construction Certificate—
  - (i) for a specified cargo ship—the requirements imposed in respect of the ship under Parts 2 and 3; or
  - (ii) for a post-2009 cargo ship—the requirements imposed in respect of the ship under Part 2,the surveyor must make a declaration of survey to that effect and forward the declaration to the Director.

**69. Renewal surveys for cargo ships**

- (1) Subject to subsection (2), a renewal survey of a cargo ship is to be carried out by a Government surveyor within 5 years—
  - (a) from the date of completion of the initial survey of the ship; or
  - (b) if a renewal survey of the ship has been carried out—from the date of completion of the preceding renewal survey.
- (2) If the validity period of the Cargo Ship Safety Certificate or Cargo Ship Safety Construction Certificate issued in respect of the ship has been extended under section 60, the period of 5 years referred to in subsection (1) is to be extended by the period for which the Certificate is extended.
- (3) A renewal survey of a cargo ship must include an inspection of the ship in compliance with the applicable requirements specified in Chapter I.
- (4) If, after having carried out a renewal survey of the ship, the Government surveyor is satisfied that it complies with—
  - (a) for a Cargo Ship Safety Certificate—

- (i) for a specified cargo ship—the applicable requirements for specified cargo ship; or
- (ii) for a post-2009 cargo ship—the applicable requirements for post-2009 cargo ship; or
- (b) for a Cargo Ship Safety Construction Certificate—
  - (i) for a specified cargo ship—the requirements imposed in respect of the ship under Parts 2 and 3; or
  - (ii) for a post-2009 cargo ship—the requirements imposed in respect of the ship under Part 2,the surveyor must make a declaration of survey to that effect and forward the declaration to the Director.

**70. Intermediate surveys for cargo ships**

- (1) An intermediate survey of a cargo ship is to be carried out by a Government surveyor—
  - (a) within the period commencing 3 months before, and ending 3 months after, the second anniversary date of the Cargo Ship Safety Certificate or Cargo Ship Safety Construction Certificate issued in respect of the ship; or
  - (b) within the period commencing 3 months before, and ending 3 months after, the third anniversary date of the Cargo Ship Safety Certificate or Cargo Ship Safety Construction Certificate issued in respect of the ship.
- (2) An intermediate survey of a cargo ship must include an inspection of the ship in compliance with the applicable requirements specified in Chapter I.

- (3) If, after having carried out an intermediate survey of the ship, the Government surveyor is satisfied that it complies with—
- (a) for a Cargo Ship Safety Certificate—
    - (i) for a specified cargo ship—the applicable requirements for specified cargo ship; or
    - (ii) for a post-2009 cargo ship—the applicable requirements for post-2009 cargo ship; or
  - (b) for a Cargo Ship Safety Construction Certificate—
    - (i) for a specified cargo ship—the requirements imposed in respect of the ship under Parts 2 and 3; or
    - (ii) for a post-2009 cargo ship—the requirements imposed in respect of the ship under Part 2,
- the surveyor must make an endorsement to that effect on the Certificate.

## **71. Annual surveys for cargo ships**

- (1) Subject to subsection (2), an annual survey of a cargo ship is to be carried out by a Government surveyor within the period commencing 3 months before, and ending 3 months after, each anniversary date of the Cargo Ship Safety Certificate or Cargo Ship Safety Construction Certificate issued in respect of the ship.
- (2) If an intermediate survey of the ship has been carried out under section 70 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.
- (3) An annual survey of a cargo ship must include a general inspection of the ship in compliance with the applicable requirements specified in Chapter I.

- (4) If, after having carried out an annual survey of the ship, the Government surveyor is satisfied that the ship remains in a satisfactory condition and is fit for the service for which the ship is intended, the surveyor must make an endorsement to that effect on the Certificate.

## 72. Additional surveys for cargo ships

- (1) If the Director intends to require, under section 23(3) or 27(2) of the Ordinance, a survey (whether general or partial) of a cargo ship to be carried out, the Director may, by written notice to the owner and the master of the ship, require the ship to be so surveyed by a Government surveyor within a reasonable period specified in the notice.
- (2) If, after having carried out an additional survey of the ship, the Government surveyor is satisfied that—
- (a) it complies with—
    - (i) for a Cargo Ship Safety Certificate—
      - (A) for a specified cargo ship—the applicable requirements for specified cargo ship; or
      - (B) for a post-2009 cargo ship—the applicable requirements for post-2009 cargo ship; or
    - (ii) for a Cargo Ship Safety Construction Certificate—
      - (A) for a specified cargo ship—the requirements imposed in respect of the ship under Parts 2 and 3; or
      - (B) for a post-2009 cargo ship—the requirements imposed in respect of the ship under Part 2; and
  - (b) if repairs or renewals have been made to the ship—



- (i) the repairs or renewals have been effectively made; and
- (ii) the material used in, and the workmanship of, the repairs or renewals are satisfactory,

the surveyor must make a declaration of survey to that effect and forward the declaration to the Director.

**73. Inspection of cargo ships' bottoms**

- (1) The outside of a cargo ship's bottom is to be subject to not less than 2 inspections by a Government surveyor during any 5-year period of validity of the Cargo Ship Safety Certificate or Cargo Ship Safety Construction Certificate, and the interval between any 2 inspections must not exceed 36 months.
- (2) Despite subsection (1), if the ship in respect of which a Cargo Ship Safety Certificate or a Cargo Ship Safety Construction Certificate has been issued—
  - (a) is, on the date when the Certificate expires, not in Hong Kong nor in a port in which it is to be surveyed; or
  - (b) is registered in Hong Kong and engaged in short voyages,

and in each case the Director has granted an extension of the validity period of the Certificate under section 60, a reference to 5-year period in subsection (1) is to be regarded as, in relation to the ship, the extended period of validity of the Certificate.

- (3) An inspection of the ship's bottom must comply with the applicable requirements specified in Chapter I.
- (4) If, after having carried out the inspection, the Government surveyor is satisfied that the outside of the ship's bottom

remains in a satisfactory condition and is fit for the service for which the ship is intended, the surveyor must make an endorsement to that effect on the Certificate.

## **Division 8—Enhanced Surveys for Bulk Carriers and Oil Tankers**

### **74. Enhanced surveys for bulk carriers and oil tankers**

(1) A bulk carrier and an oil tanker must be subject to an enhanced programme of inspections in accordance with the applicable requirements specified in regulation 2 of Chapter XI-1.

(2) In this section—

*Chapter XI-1* (《第 XI-1 章》) means Chapter XI-1 of the Annex to the Convention, as from time to time revised or amended by any revision or amendment that applies to Hong Kong.

## **Division 9—Corrective Action**

### **75. Corrective action to be taken**

(1) A Government surveyor may, by written notice, require the owner or the master of a ship in respect of which a Safety Certificate has been issued to take the corrective action that the surveyor considers necessary within the period specified by the surveyor, if on a survey (other than the initial survey) of the ship—

(a) the surveyor determines that the condition of the ship, or its equipment, does not correspond substantially with the particulars in the Certificate;  
or

- (b) the surveyor is of the opinion that the ship is not fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment.
- (2) The Government surveyor must, on giving a notice under subsection (1), inform the Director of the notice.
- (3) If a corrective action is not taken within the period specified by the Government surveyor, the surveyor must inform the Director and the Director may, by written notice to the owner and the master of the ship, withdraw the Safety Certificate issued in respect of the ship (*relevant Certificate*).
- (4) On receiving a notice under subsection (3), the owner and the master of the ship must deliver the relevant Certificate to the Director immediately.
- (5) The owner or the master of the ship may, after the corrective action in respect of the ship has been taken, apply to the Director for the return of the relevant Certificate.
- (6) On receiving an application under subsection (5), if the Director is satisfied that the corrective action in respect of the ship has been taken, the Director must, by written notice to the applicant, return the relevant Certificate to the applicant.

## **Division 10—Transitional and Savings Provisions**

- 76. Transitional and savings provisions for certificates issued under Cap. 369AM and Cap. 369S**
- (1) A Passenger Ship Safety Certificate (*first-mentioned Certificate*)—
    - (a) that is issued under regulation 83(1) of Cap. 369AM in respect of a designated passenger ship; and

- (b) that is in force immediately before 1 March 2019, is regarded as a Passenger Ship Safety Certificate as defined by section 54, and the provisions of this Part apply in relation to the first-mentioned Certificate and the ship accordingly.
- (2) A cargo ship safety construction certificate (*former certificate*)—
- (a) that is issued under regulation 56(3) or 57(3) of Cap. 369S in respect of a designated cargo ship; and
- (b) that is in force immediately before 1 March 2019, is regarded as a Cargo Ship Safety Construction Certificate as defined by section 54, and the provisions of this Part apply in relation to the former certificate and the ship accordingly.
- (3) In this section—
- designated cargo ship* (指定貨船) means a cargo ship constructed on or after 1 July 2002 and before 1 March 2019;
- designated passenger ship* (指定客船) means a passenger ship constructed on or after 1 July 2002 and before 1 March 2019.

Frank CHAN Fan  
Secretary for Transport and  
Housing

4 December 2018

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### **Explanatory Note**

The object of this Regulation is to give effect to Chapters I, II-1, XI-1 (regulation 2) and XII of the Annex to the International Convention for the Safety of Life at Sea signed in London on 1 November 1974, as revised or amended from time to time by any revision or amendment that applies to Hong Kong (*Convention*). Chapter I covers the surveys of ships as well as the issue of safety certificates. Chapter II-1 covers the technical requirements on the construction and structure of ships, their subdivision and stability, the machinery and electrical installations. Chapter XI-1 covers the special measures to enhance maritime safety. Chapter XII covers additional safety measures relating to structures for bulk carriers engaged in international voyages.

2. The Regulation is divided into 5 Parts.
3. Part 1 covers the preliminary matters.
4. Section 1 specifies the commencement date of the Regulation.
5. Section 2 contains the definitions necessary for the interpretation of the Regulation.
6. Section 3 covers the scope of application of the Regulation.
7. Part 2 implements Chapter II-1 of the Convention. It covers the construction, structure, subdivision, stability, machinery and electrical installations of ships. It also covers the requirements applicable to ships using low-flashpoint fuels.

8. Part 3 implements the requirements in Chapter II-1 of the International Convention for the Safety of Life at Sea signed in London on 1 November 1974, as revised or amended by certain resolutions adopted by the International Maritime Organization that are applicable to ships constructed on or after 1 July 2002 and before 1 January 2009.
9. Part 4 implements Chapter XII of the Convention. It covers the additional safety measures applicable to the construction of bulk carriers which are engaged in international voyages.
10. Part 5 implements Chapter I of the Convention. It covers the surveys of passenger ships and cargo ships as well as the duration, validity, extension and cancellation of safety certificates issued under the Merchant Shipping (Safety) Ordinance (Cap. 369) in respect of the ships. Part 5 provides for the procedural details and should be read together with that Ordinance in which certification requirements have been provided for.
11. Part 5 also implements regulation 2 of Chapter XI-1 of the Convention relating to the construction of bulk carriers and oil tankers. To enhance maritime safety, the bulk carriers and oil tankers are subject to enhanced surveys in accordance with the International Code on the Enhanced Programme of Inspections During Surveys of Bulk Carriers and Oil Tankers, 2011 mentioned in that regulation.