

**L.N. 148 of 2021**

**Merchant Shipping (Safety) (Construction and Survey)  
(Amendment) Regulation 2021**

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

**1. Commencement**

This Regulation comes into operation on 15 October 2021.

**2. Merchant Shipping (Safety) (Construction and Survey)  
Regulation amended**

The Merchant Shipping (Safety) (Construction and Survey)  
Regulation (Cap. 369 sub. leg. BD) is amended as set out in  
sections 3 to 6.

**3. Section 19 substituted**

Section 19—

**Repeal the section**

**Substitute**

**“19. Requirement on operational information after flooding  
casualty**

- (1) The owner of a passenger ship constructed before 1  
January 2014 must ensure that the requirement on  
the operational information after a flooding casualty  
specified in regulation 8-1.3.1 of Chapter II-1 is  
complied with in relation to the ship not later than  
the completion date of the first renewal survey of the  
ship that falls after 1 January 2025.

Section 4

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(2) The owner of a passenger ship constructed on or after 1 January 2014 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.

(3) In this section—

*renewal survey* (換證檢驗) means a survey carried out in accordance with section 66.”.

**4. Section 59 amended (duration of Safety Certificates after early completion of certain surveys of cargo ships)**

(1) Section 59, heading—

**Repeal**

“Duration of Safety Certificates after early completion of certain surveys”

**Substitute**

“New date on Safety Certificates”.

(2) Section 59(1)—

**Repeal**

everything after “if”

**Substitute**

“a new date (*new date*) is endorsed by a Government surveyor on a Safety Certificate issued in respect of a cargo ship to be the date for ascertaining subsequent anniversary dates in accordance with regulation 14(h) of Chapter I.”.

(3) Section 59—

**Repeal subsection (2).**

Section 5

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- (4) Section 59(3)—

**Repeal**

“anniversary”.

**5. Section 70 amended (intermediate surveys for cargo ships)**

- (1) Section 70—

**Renumber subsection (1) as subsection (1A).**

- (2) Before section 70(1A)—

**Add**

“(1) An intermediate survey of a cargo ship is to be carried out by a Government surveyor within the period commencing 3 months before the second anniversary date of the Safety Certificate issued in respect of the ship and ending 3 months after the third anniversary date of the Certificate.”.

- (3) Section 70(1A)—

**Repeal everything before paragraph (a)**

**Substitute**

“(1A) If the intermediate survey of a cargo ship is completed—”.

- (4) Section 70(1A)(a) and (b)—

**Repeal**

“Cargo Ship Safety Certificate or Cargo Ship Safety Construction”

**Substitute**

“Safety”.

Section 6

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- (5) Section 70(1A)—

**Repeal**

“ship.”

**Substitute**

“ship,

it is to take the place of an annual survey to be carried out under section 71 in the same year in which the intermediate survey is carried out.”.

**6. Section 71 amended (annual surveys for cargo ships)**

- (1) Section 71(1)—

**Repeal**

“subsection (2)”

**Substitute**

“section 70(1A)”.

- (2) Section 71(1)—

**Repeal**

“Cargo Ship Safety Certificate or Cargo Ship Safety Construction”

**Substitute**

“Safety”.

- (3) Section 71—

**Repeal subsection (2).**

Merchant Shipping (Safety) (Construction and Survey) (Amendment) Regulation  
2021

L.N. 148 of 2021  
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Frank CHAN Fan  
Secretary for Transport and  
Housing

4 August 2021

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## Explanatory Note

This Regulation amends the Merchant Shipping (Safety) (Construction and Survey) Regulation (Cap. 369 sub. leg. BD).

2. The main purpose of the Regulation is to give effect to certain revisions to—
  - (a) Chapter XI-1 of the Annex to the International Convention for the Safety of Life at Sea, 1974 (*Annex*) that were adopted by the International Maritime Organization by Resolution MSC.409(97) on 25 November 2016; and
  - (b) Chapter II-1 of the Annex that were adopted by the International Maritime Organization by Resolution MSC.436(99) on 24 May 2018.
3. The major amendments are to provide that—
  - (a) the owner of a passenger ship constructed before 1 January 2014 must ensure that the requirement on the operational information after a flooding casualty specified in regulation 8-1.3.1 of Chapter II-1 of the Annex is complied with in relation to the ship not later than the completion date of the first renewal survey of the ship that falls after 1 January 2025; and
  - (b) an intermediate survey of a cargo ship in respect of which a Cargo Ship Safety Certificate or Cargo Ship Safety Construction Certificate has been issued is to be carried out within the period commencing 3 months before the second anniversary date of the Certificate and ending 3 months after the third anniversary date of the Certificate.