

L.N. 103 of 2023

**Merchant Shipping (Safety) (IMSBC Code)
(Amendment) Regulation 2023**

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

1. Commencement

This Regulation comes into operation on 1 December 2023.

2. Merchant Shipping (Safety) (IMSBC Code) Regulation amended

The Merchant Shipping (Safety) (IMSBC Code) Regulation (Cap. 369 sub. leg. AZ) is amended as set out in sections 3 and 4.

3. Section 2 amended (interpretation)

(1) Section 2, definition of *moisture content*—

Repeal

“concentrates or” (wherever appearing).

(2) Section 2, English text, definition of *solid bulk cargo*—

Repeal

“containment;”

Substitute

“containment.”.

(3) Section 2, Chinese text, definition of 貨艙—

Repeal

“間；”

Substitute

“間 。”。

(4) Section 2—

(a) definition of *cargo which may liquefy*;

(b) definition of *concentrates*;

(c) definition of *transportable moisture limit*—

Repeal the definitions.

4. Section 9 amended (cargoes which may liquefy)

(1) Section 9, heading—

Repeal

“Cargoes which may liquefy”

Substitute

“Moist cargoes”.

(2) Section 9(1)—

Repeal paragraph (a)

Substitute

“(a) must not accept for loading or carriage on the ship a solid bulk cargo that is a moist cargo, unless the moisture content of the cargo is at or less than its transportable moisture limit; and”.

(3) Section 9(1)(b)—

Repeal

“the concentrates or cargoes are”

Substitute

“such a cargo is”.

(4) Section 9(2)—

Repeal

“cargo ship or specially fitted cargo ship”

Substitute

“or fitted cargo ship for confining cargo shift”.

- (5) Section 9(2), Chinese text—

Repeal

“超出”

Substitute

“超過”.

- (6) After section 9(3)—

Add

“(4) In this section—

dynamic separation (動態分離) means the phenomenon of forming a liquid slurry (water and fine solids) above a solid material, resulting in a free surface effect which may significantly affect a ship’s stability if the material is carried on the ship;

moist cargo (含濕貨物) means a cargo that possesses a hazard due to moisture that may result in liquefaction or dynamic separation of the cargo if the cargo is shipped at a moisture content in excess of a certain limit;

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

- (a) that is considered safe for carriage in a ship that does not comply with the requirements specified in section 7.3.2 of the IMSBC Code in relation to a specially constructed or fitted cargo ship for confining cargo shift; and

- (b) that is determined by test procedures approved by a competent authority of the port at which the cargo is loaded.”.

LAM Sai-hung
Secretary for Transport and
Logistics

21 June 2023

Explanatory Note

The Merchant Shipping (Safety) (IMSBC Code) Regulation (Cap. 369 sub. leg. AZ) (*principal Regulation*) implements regulation 1-2 of Chapter VI of the International Convention for the Safety of Life at Sea, 1974. That regulation 1-2 provides that the carriage of solid bulk cargoes (other than grain) must comply with the relevant provisions of the International Maritime Solid Bulk Cargoes Code (*IMSBC Code*).

2. The Maritime Safety Committee of the International Maritime Organization passed resolution MSC.500(105) on 28 April 2022. The resolution adopts amendments to the IMSBC Code. This Regulation amends the principal Regulation to reflect the amendments to those parts of the IMSBC Code relating to the shipping of cargoes that may undergo liquefaction or dynamic separation.