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

Contents

Section	Page
1. Commencement	B887
2. Merchant Shipping (Safety) (Gas Carriers) Regulations amended	B887
3. Regulation 2 amended (interpretation)	B887
4. Regulation 3 amended (application)	B897
5. Regulation 4 amended (compliance with the 1983 IGC Code or 1993 IGC Code)	B899
6. Part II heading amended (survey and certificate)	B903
7. Regulation 4A added	B903
4A. Interpretation of Part II	B905
8. Regulation 5 amended (survey requirements)	B905
9. Regulation 7 amended (issue of International Certificate of Fitness)	B911
10. Regulations 7A to 7D added	B915
7A. Duration of International Certificate of Fitness—general	B915

Section	Page
7B. Duration of International Certificate of Fitness issued after renewal surveys	B917
7C. Duration of International Certificate of Fitness after early completion of surveys	B917
7D. Extension of validity period of International Certificate of Fitness in certain circumstances.....	B919
11. Regulation 8 amended (fees)	B921
12. Regulation 9 amended (maintenance of condition after survey)	B921
13. Regulation 10 amended (equivalents)	B923
14. Regulation 12 amended (loading and carriage in bulk of dangerous substances)	B923
15. Regulation 13 amended (penalties)	B925
16. Schedule 1 amended (amendments to 1983 IGC Code)	B925
17. Schedule 2 repealed (table of corresponding regulations)	B927

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.

Frank CHAN Fan
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.