

L.N. 258 of 2018

**Merchant Shipping (Safety) (Subdivision and Damage
Stability of Cargo Ships) (Amendment) (No. 2)
Regulation 2018**

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

1. Commencement

This Regulation comes into operation on 1 March 2019.

**2. Merchant Shipping (Safety) (Subdivision and Damage Stability
of Cargo Ships) Regulation amended**

The Merchant Shipping (Safety) (Subdivision and Damage
Stability of Cargo Ships) Regulation (Cap. 369 sub. leg. AT) is
amended as set out in sections 3 to 8.

3. Section 2 amended (application)

(1) Section 2(1)(a), after “1992”—

Add

“and before 1 January 2009”.

(2) Section 2(1)(b), after “1998”—

Add

“and before 1 January 2009”.

4. Section 4 amended (compliance with watertight subdivision)

Section 4—

Repeal subsection (2)

Substitute

“(2) If subsection (1) is contravened in relation to a ship, the owner of the ship commits an offence and is liable to a fine at level 3.”.

5. Section 5 amended (stability information)

Section 5—

Repeal subsection (4)

Substitute

“(4) If subsection (1) or (2) is contravened in relation to a ship, the owner of the ship commits an offence and is liable to a fine at level 3.”.

6. Section 6 amended (openings in watertight bulkheads and internal decks)

Section 6—

Repeal subsection (6)

Substitute

“(6) If subsection (1), (2), (3), (4) or (5) is contravened in relation to a ship, the owner and the master of the ship each commits an offence and is liable to a fine at level 3.”.

7. Section 7 amended (external openings)

Section 7—

Repeal subsection (6)

Substitute

“(6) If subsection (1), (2), (3) or (5) is contravened in relation to a ship, the owner and the master of the ship each commits an offence and is liable to a fine at level 3.”.

8. Section 9 amended (maintenance)

Section 9—

Repeal subsection (2)

Substitute

- “(2) If subsection (1) is contravened in relation to a ship, the owner and the master of the ship each commits an offence and is liable to a fine at level 3.”.

Frank CHAN Fan
Secretary for Transport and
Housing

4 December 2018

Explanatory Note

This Regulation amends the Merchant Shipping (Safety) (Subdivision and Damage Stability of Cargo Ships) Regulation (Cap. 369 sub. leg. AT) (*principal Regulation*) to—

- (a) provide that the principal Regulation does not apply to cargo ships constructed on or after 1 January 2009; and
- (b) revise the penalty level for offences under the principal Regulation to a fine at level 3 (namely, \$10,000) to align with the penalty level for similar offences applicable to passenger ships.