

L.N. 47 of 2018

**Merchant Shipping (Safety) (Load Line) (Amendment)
Regulation 2018**

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Merchant Shipping (Safety) (Load Line) (Amendment) Regulation 2018

(Made by the Secretary for Transport and Housing under sections 51, 63, 64, 102, 107 and 112B of the Merchant Shipping (Safety) Ordinance (Cap. 369))

1. Commencement

This Regulation comes into operation on 1 June 2018.

2. Merchant Shipping (Safety) (Load Line) Regulations amended

The Merchant Shipping (Safety) (Load Line) Regulations (Cap. 369 sub. leg. AD) are amended as set out in sections 3 to 26.

3. Regulation 1A amended (interpretation)

(1) Regulation 1A(1), definition of *freeboard deck*—

Repeal

“in relation to a ship”

Substitute

“—

(a) in relation to a pre-2005 ship,”.

(2) Regulation 1A(1), definition of *freeboard deck*—

Repeal

“(a) the”

Substitute

“(i) the”.

(3) Regulation 1A(1), definition of *freeboard deck*—

Repeal

“(b) at”

Substitute

“(ii) at”.

- (4) Regulation 1A(1), definition of *freeboard deck*, paragraph (a)(ii)—

Repeal

“paragraph (a)”

Substitute

“subparagraph (i)”.

- (5) Regulation 1A(1), definition of *freeboard deck*—

Repeal

everything after “both”

Substitute

“—

(A) in a fore and aft direction at least between the machinery space and peak bulkheads of the ship; and

(B) athwartships,

a deck which is stepped being taken to consist for this purpose of the lowest line of the deck and the continuation of that line parallel to the upper part of the deck; or

(b) in relation to a post-2005 ship, has the meaning given by Regulation 3(9) of Annex I;”.

- (6) Regulation 1A(1), definition of *length* and the symbol (*L*)—

Repeal

“in relation to a ship”

Substitute

“—

(a) in relation to a pre-2005 ship,”.

- (7) Regulation 1A(1), definition of *length* and the symbol (*L*)—

Repeal

“(a) 96%”

Substitute

“(i) 96%”.

- (8) Regulation 1A(1), definition of *length* and the symbol (*L*)—

Repeal

“(b) the length”

Substitute

“(ii) the length”.

- (9) Regulation 1A(1), definition of *length* and the symbol (*L*)—

Repeal

“waterline;”

Substitute

“waterline; or”.

- (10) Regulation 1A(1), definition of *length* and the symbol (*L*), after paragraph (a)—

Add

“(b) in relation to a post-2005 ship, has the meaning given by Regulation 3(1) of Annex I;”.

- (11) Regulation 1A(1)—

Repeal the definition of *Surveyor*

Substitute

“*Surveyor* (驗船師) means—

- (a) a Government surveyor appointed under section 5 of the Ordinance; or
- (b) a surveyor appointed by a person authorized by the Director;”.

(12) Regulation 1A(1), before the definition of *amidships*—

Add

“**2008 IS Code** (《2008年IS規則》) means the International Code on Intact Stability, 2008, adopted by IMO resolution MSC.267(85), as from time to time revised or amended by any revision or amendment that applies to Hong Kong;”.

(13) Regulation 1A(1)—

Add in alphabetical order

“**Annex I** (《附則I》) means Annex I to the Convention of 1966;

Annex III (《附則III》) means Annex III to the Convention of 1966;

Assigning Authority (勘定當局)—see regulation 2(1);

constructed (建造), 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 less;

IMO means the International Maritime Organization;

moulded depth (型深), in relation to a ship, has the meaning given by Regulation 3(5) of Annex I;

post-2005 ship (2005年後船舶) means a ship constructed on or after 1 January 2005;

pre-2005 ship (2005年前船舶) means a ship constructed before 1 January 2005;

rake of keel (傾斜龍骨) means the inclination of the keel to a horizontal baseline;”.

4. Regulation 1AB added

After regulation 1A—

Add

“1AB. Meaning of *length*

For the purposes of Part IV of the Ordinance, the length of a ship has the meaning given by regulation 1A(1).”.

5. Regulation 1B amended (ships to which the regulations apply)

(1) Regulation 1B—

Renumber the regulation as regulation 1B(1).

(2) Regulation 1B(1)(a), Chinese text—

Repeal

“軍用船艦”

Substitute

“軍艦”.

(3) Regulation 1B(1)(b), Chinese text—

Repeal

“捕魚船隻”

Substitute

“漁船”.

- (4) Regulation 1B(1)(c), after “vessels”—

Add

“not engaged in trade”.

- (5) At the end of regulation 1B(1)—

Add

“(e) local vessels.”.

- (6) After regulation 1B(1)—

Add

“(2) In this regulation—

fishing vessel (漁船) means a ship that is used for catching fish, whales, seals, walrus or other living resources of the sea;

local vessel (本地船隻) means a local vessel as defined by section 2 of the Merchant Shipping (Local Vessels) Ordinance (Cap. 548);

pleasure vessel (遊樂船隻) means a vessel primarily used for sport or recreation.”.

6. Regulation 2 amended (application to Assigning Authority for the assignment of freeboards and issue of load line certificates)

- (1) Regulation 2(1)—

Repeal

“, and”

Substitute

“or”.

- (2) Regulation 2(1)—

Repeal

“where appropriate”.

7. Regulation 3 amended (load line survey)

(1) Regulation 3(1)—

Repeal

everything after “ascertain” and before paragraph (b)(ii)

Substitute

“—

(a) the following—

(i) for a pre-2005 ship—whether the ship complies with the requirements of regulation 23(3);

(ii) for a post-2005 ship—whether the ship complies with the requirements of regulation 23(3B); and

(b) such other data as may be necessary—

(i) for the assignment of freeboards to the ship in accordance with Part IV; and”.

(2) Regulation 3(2)—

Repeal

everything after “stability”

Substitute

“are—

(a) for a pre-2005 ship—the tests referred to in regulation 30; or

(b) for a post-2005 ship—the tests referred to in regulation 30 and Regulation 10 of Annex I.”.

8. Regulation 4 amended (Surveyor’s report)

(1) Regulation 4(3)—

Repeal

“of Schedule 4 relating to stability the Surveyor shall furnish to the Director information necessary to enable the Director”

Substitute

“relating to stability as set out in subregulation (4), the Surveyor must furnish to the Assigning Authority information necessary to enable the Authority”.

(2) After regulation 4(3)—

Add

“(4) For the purposes of subregulation (3)—

- (a) a ship constructed before 1 July 2010 is required to comply with Schedule 4; and
- (b) a ship constructed on or after 1 July 2010 is required to comply with Part A of 2008 IS Code.”.

9. Regulation 5 amended (assignment of freeboards)

Regulation 5—

Repeal subregulation (1)

Substitute

“(1) The Assigning Authority must assign freeboards to a ship in accordance with Part IV, if the Authority is satisfied, based on a Surveyor’s report, that—

- (a) for a pre-2005 ship—the ship complies with the requirements of regulation 23(3); or

(b) for a post-2005 ship—the ship complies with the requirements of regulation 23(3B).”.

10. Regulation 5A amended (initial, renewal and annual surveys)

Regulation 5A(1), English text—

Repeal

“surveyor”

Substitute

“Surveyor”.

11. Regulation 6 amended (issue and form of Load Line Certificates)

Regulation 6—

Repeal

“Schedule 1”

Substitute

“Annex III”.

12. Regulation 9 amended (cancellation)

Regulation 9(1)(a)—

Repeal

“(whether by a report from an Assigning Authority or otherwise)”.

13. Regulation 11 amended (exemption and exemption certificates)

(1) Regulation 11(1)—

Repeal

“Schedule 1”

Substitute

“Annex III”.

- (2) After regulation 11(2)—

Add

“(3) Subregulation (2)(a) does not apply to the endorsements referred to in regulations 5A(2) and (3)(a) and 8(2).”.

14. Regulation 23 amended (requirements relevant to the assignment of freeboards)

- (1) Regulation 23(1)—

Repeal

“The requirements specified in this regulation and in Schedule 4”

Substitute

“The following requirements”.

- (2) Regulation 23(1)—

Repeal

“Ordinance.”

Substitute

“Ordinance—

- (a) for a pre-2005 ship—the requirements specified in this regulation and in Schedule 4; or
- (b) for a post-2005 ship—the requirements specified in Chapter II of Annex I.”.

- (3) Regulation 23—

Repeal subregulation (2).

- (4) Regulation 23—

Repeal subregulation (3)

Substitute

“(3) A pre-2005 ship must comply with the following requirements of Schedule 4—

(a) the applicable requirements under Parts II, III and IV (*specific requirements*); and

(b) the requirements under Part I (*basic requirements*).”.

(5) After regulation 23(3)—

Add

“(3A) Despite subregulation (3), if a requirement in relation to a subject matter under the specific requirements is inconsistent with a requirement in relation to the same subject matter under the basic requirements, the ship concerned is only required to comply with the requirement under the specific requirements.

(3B) A post-2005 ship must comply with the following requirements—

(a) the applicable requirements under Regulation 26 of Chapter II and Chapter IV of Annex I (*specific requirements*); and

(b) Regulations 10 to 25-1 of Annex I (*basic requirements*).

(3C) Despite subregulation (3B), if a requirement in relation to a subject matter under the specific requirements is inconsistent with a requirement in relation to the same subject matter under the basic requirements, the ship concerned is only required to comply with the requirement under the specific requirements.”.

(6) Regulation 23—

Repeal subregulation (4).

15. Regulation 25 amended (record of particulars)

Regulation 25(1)—

Repeal

everything after “that form”

Substitute a full stop.

16. Regulation 27 amended (determination of freeboards)

(1) Regulation 27(1)—

Repeal

everything after “assigned to”

Substitute

“—

(a) a new ship that is a pre-2005 ship—must be determined in accordance with Schedule 5; and

(b) a new ship that is a post-2005 ship—

(i) if the ship is constructed before 1 July 2014—must be determined in accordance with Regulations 27 to 40, and Regulation 45, of Annex I to the International Convention on Load Lines signed on 5 April 1966, as modified by the Protocol of 1988 relating to it and as amended by IMO resolutions MSC.143(77), MSC.172(79), MSC.223(82), MSC.270(85) and MSC.329(90); and

(ii) if the ship is constructed on or after 1 July 2014—must be determined in accordance with Regulations 27 to 40, and Regulation 45, of Annex I.”.

(2) Regulation 27(2), proviso, after “Schedule 4”—

Add

“or Annex I”.

- (3) Regulation 27(2), proviso, after “Schedule 5”—

Add

“or Annex I”.

17. Regulation 28 amended (greater than minimum freeboards)

- (1) Regulation 28(2), English text, after “greater than”—

Add

“the”.

- (2) Regulation 28—

Repeal subregulation (3)

Substitute

- “(3) In the circumstances set out in subregulation (2)—
- (a) if the Assigning Authority is satisfied that after a survey of the ship under regulation 3, the ship complies with the applicable requirements, the Authority may—
- (i) assign to the ship freeboards (other than timber freeboards) greater than the minimum freeboards appropriate to the ship by such amount as the Authority may determine (*greater than minimum freeboards*); and
- (ii) furnish to the owner of the ship particulars of the freeboards in accordance with regulation 5; and

(b) if greater than minimum freeboards have been assigned to the ship under paragraph (a)(i), timber freeboards must not be assigned to the ship.”.

(3) After regulation 28(4)—

Add

“(5) In this regulation—

applicable requirements (適用規定)—

(a) in relation to a pre-2005 ship, means the requirements under regulation 23(3); and

(b) in relation to a post-2005 ship, means the requirements under regulation 23(3B).”.

18. Regulation 30 amended (information as to stability of ships)

(1) Regulation 30—

Repeal subregulation (2)

Substitute

“(2) The information must include particulars appropriate to the ship in respect of all matters specified in Schedule 7.”.

(2) Regulation 30(3)—

Repeal

everything after “which” and before “The information”

Substitute

“must be carried out in the presence of a Surveyor.”.

(3) Regulation 30(3)—

Repeal

“if the Director”

Substitute

“if the Assigning Authority”.

- (4) Regulation 30(4)(b)—

Repeal the full stop

Substitute

“; and”.

- (5) After regulation 30(4)(b)—

Add

“(c) in the case where the Director decides that the performance of an inclining test on a ship is not practicable or safe, or yields inaccurate results, due to the specific proportions, arrangements, strength or hull form of the ship, allow the information to be based on its lightweight characteristics that are—

- (i) determined by a detailed weight estimate; and
- (ii) confirmed by a lightweight survey carried out in the presence of a Surveyor.”.

- (6) Regulation 30(5)(a)—

Repeal

“either to the Director or”.

- (7) Regulation 30(5)(b)—

Repeal

“Director”

Substitute

“Assigning Authority which assigned freeboards to the ship”.

- (8) Regulation 30(5)—

Repeal

“Director or the Assigning Authority to which it is submitted, as the case may be,”

Substitute

“Assigning Authority to which it is submitted”.

19. Regulation 32 amended (recognition of certificates issued by other Governments)

(1) Regulation 32(2)(c)—

Repeal

“to the Convention of 1966 as modified by the Protocol of 1988 relating thereto”.

(2) Regulation 32(2)(g)—

Repeal

“as modified by the Protocol of 1988 relating thereto”.

(3) Regulation 32(3)—

Repeal

“as modified by the Protocol of 1988 relating thereto”.

20. Regulation 33 added

After regulation 32—

Add

“33. Equivalents

If these regulations require that a particular fitting, material, appliance or apparatus is to be fitted to a ship, or that any particular provision is to be made in a ship, the Director may allow any other fitting, material, appliance or apparatus to be fitted to the ship, or any

other provision to be made in the ship, if the Director is satisfied that such other fitting, material, appliance, apparatus or provision is at least as effective as that required under these regulations.”.

21. Schedule 1 repealed (forms of certificates)

Schedule 1—

Repeal the Schedule.

22. Schedule 2 amended (appropriate load lines—zones, areas and seasonal periods)

(1) Schedule 2, Part I, paragraph 3(1)—

Repeal

“paragraph 1(1) of Part II of this Schedule”

Substitute

“Regulation 46 of Annex II to the Convention of 1966”.

(2) Schedule 2—

Repeal Part II

Substitute

“PART II

Zones, Areas and Seasonal Periods

The zones, areas and seasonal periods applicable to a ship are set out in Regulations 46 to 52 of Annex II to the Convention of 1966.”.

(3) Schedule 2, after Part II—

Add

“PART III

Ports on Boundary Lines

For the purposes of the application of this Schedule to a ship at a port which stands on the boundary line between 2 zones or areas or between a zone and an area, or is required under Annex II to the Convention of 1966 to be considered as being on such a boundary line, the port is regarded as within the zone or area as determined in accordance with Article 11 of, and Annex II to, the Convention of 1966.”.

23. Schedule 3 amended (record of particulars)

(1) Schedule 3—

Repeal

“**MERCHANT SHIPPING (SAFETY) (LOAD LINE) REGULATIONS 1990**”

Substitute

“**MERCHANT SHIPPING (SAFETY) (LOAD LINE) REGULATIONS**”.

(2) Schedule 3—

Repeal

everything after “**CONDITIONS OF ASSIGNMENT**” and before “Name of ship”

Substitute

“In this record, references to Regulations are references to the Regulations in Annex I.”.

(3) Schedule 3—

Repeal

“(See Schedule 4 to these regulations, paragraphs 7 and 8)”
(wherever appearing).

- (4) Schedule 3—

Repeal

“(See Schedule 4 to these regulations, paragraph 5)”.

- (5) Schedule 3—

Repeal

“(See Schedule 4 to these regulations, paragraphs 6 and 19)”.

- (6) Schedule 3—

Repeal

“(Regulation 18 and see Schedule 4 to these regulations, paragraph 8)”

Substitute

“(Regulation 22-2)”.

- (7) Schedule 3—

Repeal

“(See Schedule 4 to these regulations, paragraph 9)”.

- (8) Schedule 3—

Repeal

“(See Schedule 4 to these regulations, paragraph 10)”.

- (9) Schedule 3—

Repeal

“(See Schedule 4 to these regulations, paragraph 11)”.

- (10) Schedule 3—

Repeal

“(See Schedule 4 to these regulations, paragraph 12)”.

(11) Schedule 3—

Repeal

“(See Schedule 4 to these regulations, paragraph 13)”.

(12) Schedule 3—

Repeal

“(See Schedule 4 to these regulations, paragraphs 14 and 20)”.

(13) Schedule 3—

Repeal

“(See Schedule 4 to these regulations, paragraphs 15, 18, 22, 23 and 24)”.

(14) Schedule 3—

Repeal

“(See Schedule 4 to these regulations, paragraph 29)”.

(15) Schedule 3—

Repeal

“regulations set out in Annex I to the Convention of 1966 as modified by the Protocol of 1988 relating thereto”

Substitute

“Regulations in Annex I”.

24. Schedule 4 amended (conditions of assignment)

(1) Schedule 4, heading, after “ASSIGNMENT”—

Add

“FOR PRE-2005 SHIPS”.

(2) Schedule 4, paragraph 1, definition of *superstructure*—

Repeal

“paragraph (b)”

Substitute

“paragraph (a)(ii)”.

- (3) Schedule 4, paragraph 2—

Repeal subparagraph (3).

- (4) Schedule 4—

Repeal Part V.

25. Schedule 5 amended (freeboards)

- (1) Schedule 5, heading, after “FREEBOARDS”—

Add

“FOR PRE-2005 SHIPS”.

- (2) Schedule 5, paragraph 1—

Repeal the definition of *moulded depth*.

- (3) Schedule 5, paragraph 2(2)—

Repeal

“Assigning Authority with the approval of the Director may determine”

Substitute

“Director may approve”.

- (4) Schedule 5, paragraph 2(3)—

Repeal

“sailing ships;

tugs;

ships of wood or of composite construction or of other materials;

ships with constructional features such as to render freeboards determined as described in subparagraph (1) unreasonable or impracticable; and”.

- (5) Schedule 5, Part III, heading—

Repeal

“Sailing Ships and”.

- (6) Schedule 5—

Repeal paragraphs 19 and 20.

26. Schedule 7 amended (information as to stability of ships)

- (1) Schedule 7, paragraph 2—

Repeal

“Director”

Substitute

“Assigning Authority”.

- (2) Schedule 7, paragraph 4—

Repeal

everything after “assessing such”

Substitute

“weight and centres of gravity—

- (i) passengers and crew must be assumed to be distributed about the ship in the spaces they will normally occupy, including the highest decks to which either or both have access; and
- (ii) for a ship constructed on or after 1 July 2010— the assessment must also be based on the assumptions set out in paragraph 3.1, Chapter 3, Part A of the 2008 IS Code.”.

- (3) Schedule 7, paragraph 5—

Repeal

everything after “being”

Substitute

“—

- (a) taken to be 15% of the weight of the cargo; or
- (b) determined in accordance with the Code of Safe Practice for Ships Carrying Timber Deck Cargoes, 2011.”.

- (4) Schedule 7, paragraph 9(1), after “diagram”—

Add

“or table”.

- (5) Schedule 7, paragraph 9(2)—

Repeal

“efficient trunks as defined in paragraph 10 of Schedule 5 shall be taken into account in deriving such curves.”

Substitute

“the following efficient trunks are to be taken into account in deriving such curves—

- (i) for a pre-2005 ship—efficient trunks as defined in paragraph 10 of Schedule 5;
- (ii) for a post-2005 ship—efficient trunks as defined in Chapter III of Annex I.”.

- (6) Schedule 7, paragraph 9(3)—

Repeal

“Director”

Substitute

“Assigning Authority”.

(7) Schedule 7, paragraph 9(3)—

Repeal

“Director’s”

Substitute

“Assigning Authority’s”.

(8) Schedule 7, paragraph 10(5)—

Repeal

“Director”

Substitute

“Assigning Authority”.

Frank CHAN Fan
Secretary for Transport and
Housing

20 March 2018

Explanatory Note

This Regulation amends the Merchant Shipping (Safety) (Load Line) Regulations (Cap. 369 sub. leg. AD) (*Load Line Regulations*) to implement the resolutions adopted by the International Maritime Organization which amend the International Convention on Load Lines, 1966 as modified by the Protocol of 1988 relating to it (*ICLL*). The amendments are basically to bring the Load Line Regulations in line with Annex I to the ICLL (*Annex I*). Annex I applies to ships constructed on or after 1 January 2005. The Load Line Regulations are amended by the Regulation to regulate both the ships constructed before 1 January 2005 (*pre-2005 ships*) and the ships constructed on or after 1 January 2005 (*post-2005 ships*).

2. Sections 3 and 4 of the Regulation amend certain existing definitions in the Load Line Regulations and also add in new definitions to the Regulations for the interpretation of the Load Line Regulations as amended by the Regulation.
3. Part I of the Load Line Regulations contains requirements relating to the surveys of ships, and the issue of International Load Line Certificates and International Load Line Exemption Certificates. For implementing the updated requirements in Annex I, Part I is amended to provide for different requirements for pre-2005 ships and post-2005 ships. In terms of stability requirements, a ship that is constructed on or after 1 July 2010 is required under Annex I to comply with Part A of the International Code on Intact Stability, 2008 (*2008 IS Code*).

4. Part III of the Load Lines Regulations which sets out the requirements relevant to the assignment of freeboards is amended so as to impose different requirements for pre-2005 ships and post-2005 ships.
5. Part IV of the Load Lines Regulations mainly deal with the determination of freeboards. Apart from the existing requirements that apply to pre-2005 ships, the Regulation adds new requirements for post-2005 ships by reference to certain Regulations in Annex I. In view of resolution MSC.345(91) which is adopted by the International Maritime Organization and entered into force on 1 July 2014, Part IV is amended to introduce different requirements for the determination of freeboards for certain post-2005 ships.
6. Part V of the Load Lines Regulations is amended to provide for an exception to the general requirements relating to the stability information of a ship. In addition, a new regulation 33 is added to that Part to empower the Director of Marine to allow equivalent to be fitted to, or provision to be made in, a ship.
7. As the forms of an International Load Line Certificate and International Load Line Exemption Certificate are prescribed in Annex III of the ICLL, Schedule 1 to the Load Line Regulations is repealed.
8. Schedule 2 to the Load Line Regulations is amended to make direct references to Annex II of the ICLL.
9. Schedule 3 to the Load Line Regulations deals with the forms relating to the record of particulars in respect of the hull, superstructures, fittings and appliances of a ship to which freeboards are assigned. Schedule 3 is amended to remove all

references to Schedule 4, as Schedule 4 is amended by the Regulation to apply to pre-2005 ships while Schedule 3 is now applicable to pre-2005 ships and post-2005 ships.

10. Schedule 4 to the Load Line Regulations is amended to apply to pre-2005 ships. Part of the provision in Part V of that Schedule is being modified and reproduced in the new regulation 33 added by the Regulation.
11. Schedule 5 to the Load Line Regulations covers technical calculations of freeboards. That Schedule is also amended to apply to pre-2005 ships.
12. Schedule 7 to the Load Line Regulations sets out the types of information relating to the stability of a ship which must be provided to the master of the ship. That Schedule is amended to incorporate the updated requirements under—
 - (a) the 2008 IS Code; and
 - (b) the Code of Safe Practice for Ships Carrying Timber Deck Cargoes, 2011.