

**L.N. 93 of 2018**

**Merchant Shipping (BCH Code) (Amendment)  
Regulation 2018**

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## **Merchant Shipping (BCH Code) (Amendment) Regulation 2018**

(Made by the Secretary for Transport and Housing under sections 3 and 3A of the Merchant Shipping (Prevention and Control of Pollution) Ordinance (Cap. 413))

### **1. Commencement**

This Regulation comes into operation on 17 July 2018.

### **2. Merchant Shipping (BCH Code) Regulations amended**

The Merchant Shipping (BCH Code) Regulations (Cap. 413 sub. leg. D) are amended as set out in sections 3 to 17.

### **3. Regulation 1 amended (citation and interpretation)**

- (1) Regulation 1(2), definition of *1974 SOLAS Convention*—

#### **Repeal**

everything after “1974,”

#### **Substitute**

“or any convention that replaces that Convention or any successor convention, as amended from time to time and as applicable to Hong Kong;”.

- (2) Regulation 1(2), definition of *BCH Code*—

#### **Repeal**

everything after “Bulk”

#### **Substitute**

“published by the International Maritime Organization, as from time to time revised or amended by any revision or amendment that applies to Hong Kong;”.

- (3) Regulation 1(2), definition of *Cargo Ship Safety Construction Certificate, Cargo Ship Safety Equipment Certificate, Cargo Ship Safety Radiotelegraphy Certificate* and *Cargo Ship Safety Radiotelephony Certificate*—

**Repeal**

“Radiotelegraphy Certificate” (貨船無線電報安全證書) and “Cargo Ship Safety Radiotelephony Certificate” (貨船無線電話)”

**Substitute**

“Radio Certificate” (貨船無線電安全證書) and “Cargo Ship Safety Certificate” (貨船”.

- (4) Regulation 1(2)—

**Repeal the definition of *Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk***

**Substitute**

“*Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk* (散裝運輸危險化學品適裝證書) means—

- (a) a certificate issued under regulation 5;
  - (b) a Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk issued by a recognized organization; or
  - (c) a Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk issued by or under the authority of an Administration;”.
- (5) Regulation 1(2)—

**Repeal the definition of *chemical tanker***

**Substitute**

“*chemical tanker* (化學品液貨船) means a ship constructed or adapted for the carriage in bulk of any liquid substance listed in Chapter 17 of the IBC Code;”.

- (6) Regulation 1(2), definition of *IBC Code*—

**Repeal**

everything after “Bulk”

**Substitute**

“published by the International Maritime Organization, as from time to time revised or amended by any revision or amendment that applies to Hong Kong;”.

- (7) Regulation 1(2)—

(a) definition of *Category A*, *Category B* and *Category C*;

(b) definition of *MARPOL 1973/78*—

**Repeal the definitions.**

- (8) Regulation 1(2)—

**Add in alphabetical order**

“*Administration* (主管機關), in relation to a ship, means the government of any place outside Hong Kong whose flag the ship is entitled to fly;

*anniversary date* (周年日期), in relation to a Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk in force in respect of a ship, means the day and month of each year which corresponds to the date of expiry of the Certificate;

*Category X, Y or Z substance* (X、Y或Z類物質) means a substance that is indicated in the Pollution Category column of the table in Chapter 17 of the IBC Code as falling into Category X, Y or Z;

**Convention** (《公約》) means the International Convention for the Prevention of Pollution from Ships, 1973, including its protocols and appendices, and Annex II (but no other Annex), as from time to time revised or amended by any revision or amendment to any provision of such Convention that applies to Hong Kong;

**Convention country** (公約國) means a country which is a party to the Convention;

**Government surveyor** (政府驗船師) means a person appointed under regulation 2A(1) to be a Government surveyor;

**recognized organization** (認可機構) means an organization recognized under regulation 2AB;

**sea** (海、海域) includes all waters navigable by sea-going ships.”.

(9) Regulation 1(3)(d)—

**Repeal**

“Secretary for Transport and Housing”

**Substitute**

“Director”.

(10) Regulation 1(3)(d)—

**Repeal**

“Kong, be references to the Director;”

**Substitute**

“Kong, be references to the Director; and”.

(11) Regulation 1(3)(e)—

**Repeal the semicolon**

**Substitute a full stop.**

- (12) Regulation 1(3)—  
**Repeal subparagraph (f).**

**4. Regulation 2 amended (application)**

- (1) Regulation 2(1)—  
**Repeal**  
“carrying Category A, Category B or Category C”  
**Substitute**  
“engaged in the carriage of Category X, Y or Z”.

- (2) Regulation 2(2), proviso—  
**Repeal**  
“State which is not a party to MARPOL 1973/78”  
**Substitute**  
“country that is not a Convention country”.

- (3) After regulation 2(3)—  
**Add**  
“(4) These regulations do not apply to—  
(a) a warship;  
(b) a naval auxiliary; or  
(c) any other ship owned or operated by a government and used only on government non-commercial service.”.

**5. Regulation 2A amended (power of Director in respect of appointments and delegations)**

Regulation 2A(1), after “be”—

**Add**  
“Government”.



**6. Regulations 2AB, 2AC and 2AD added**

After regulation 2A—

**Add**

**“2AB. Director may recognize organizations to survey ships and issue Certificates of Fitness etc.**

The Director may recognize an organization for—

- (a) carrying out surveys of Hong Kong ships;
- (b) issuing Certificates of Fitness for the Carriage of Dangerous Chemicals in Bulk in respect of Hong Kong ships;
- (c) making endorsements on the Certificates of Fitness for the Carriage of Dangerous Chemicals in Bulk issued by the organization;
- (d) with the prior written consent of the Director, granting extensions of the validity periods of the Certificates of Fitness for the Carriage of Dangerous Chemicals in Bulk issued by the organization;
- (e) altering any particulars contained in the Certificates of Fitness for the Carriage of Dangerous Chemicals in Bulk issued by the organization;
- (f) issuing certified true copies of the Certificates of Fitness for the Carriage of Dangerous Chemicals in Bulk issued by the organization; and
- (g) specifying any corrective actions which the organization considers necessary to be taken in respect of Hong Kong ships.

**2AC. Director may request Convention countries to survey Hong Kong ships and issue or endorse Certificates of Fitness**

The Director may request any Convention country—

- (a) to carry out a survey of a Hong Kong ship on behalf of the Director in conformity with Chapter I of the BCH Code; and
- (b) to do the following—
  - (i) issue a Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk in respect of the ship in conformity with Chapter I of the BCH Code; or
  - (ii) endorse on a Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk issued in respect of the ship in conformity with Chapter I of the BCH Code.

**2AD. Director may at request of Convention countries survey non-Hong Kong ships and issue or endorse Certificates of Fitness**

The Director may, at the request of any Convention country—

- (a) cause a non-Hong Kong ship that is within the waters of Hong Kong to be surveyed under regulation 4 as if the ship were a Hong Kong ship; and
- (b) do the following—
  - (i) issue a Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk in respect of the ship under regulation 5 as if the ship were a Hong Kong ship; or

- (ii) endorse on a Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk issued in respect of the ship in conformity with Chapter I of the BCH Code.”.

**7. Regulation 2B amended (fees)**

- (1) Regulation 2B—

**Repeal**

everything after “provided” and before “shall be determined”

**Substitute**

“by the Director or a Government surveyor under these regulations and”.

- (2) Regulation 2B—

**Repeal**

“(Fees) Regulations (Cap. 281 sub. leg.)”

**Substitute**

“(Prevention and Control of Pollution) (Fees) Regulation (Cap. 413 sub. leg. L)”.

- (3) Regulation 2B, English text—

**Repeal**

“those regulations”

**Substitute**

“the Regulation”.

**8. Regulation 2C repealed (transitional)**

Regulation 2C—

**Repeal the regulation.**

**9. Regulation 3 amended (compliance with Code)**

- (1) Regulation 3(2)(b), English text—

**Repeal**

“tons”.

- (2) Regulation 3(3), English text—

**Repeal**

“tons”.

- (3) Regulation 3(3)—

**Repeal**

“Chapters V and VA”

**Substitute**

“Chapter V”.

**10. Regulation 4 amended (survey requirements)**

- (1) Regulation 4(1)—

**Repeal**

“, Cargo Ship Safety Radiotelegraphy Certificate or Cargo Ship Safety Radiotelephony”

**Substitute**

“and Cargo Ship Safety Radio Certificate or Cargo Ship Safety”.

- (2) Regulation 4(1)(a)—

**Repeal**

everything before “; an”

**Substitute**

“(a) an initial survey before the ship is put in service or before the Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk is issued in respect of the ship for the first time”.

(3) Regulation 4(1)(b)—

**Repeal**

“periodical”

**Substitute**

“renewal”.

(4) Regulation 4(1)(b), after “materials”—

**Add**

“fully”.

(5) Regulation 4(1)(c)—

**Repeal**

everything before “; intermediate”

**Substitute**

“(c) an intermediate survey within the period commencing 3 months before and ending 3 months after the second anniversary date of the Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk issued in respect of the ship or within the period commencing 3 months before and ending 3 months after the third anniversary date of the Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk issued in respect of the ship”.

(6) Regulation 4(1)(c)—

**Repeal**

“comply with the relevant provisions of the BCH Code and are in good working order and condition”

**Substitute**

“fully comply with the relevant provisions of the BCH Code and are in good working order”.

- (7) Regulation 4(1)(c), Chinese text—

**Repeal**

“驗船師在散裝運輸危險化學品適裝證書上批註”

**Substitute**

“有關驗船師在散裝運輸危險化學品適裝證書上簽註”。

- (8) Regulation 4(1)(d)—

**Repeal**

everything after “within” and before “satisfactory”

**Substitute**

“the period commencing 3 months before and ending 3 months after each anniversary date of the Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk issued in respect of the ship which is to include a general inspection of the structure, equipment, fittings, arrangements and materials referred to in subparagraph (a) to ensure that they have been maintained in accordance with regulation 6 and that they remain”.

- (9) Regulation 4(1)(d), Chinese text—

**Repeal**

“驗船師在散裝運輸危險化學品適裝證書上批註”

**Substitute**

“有關驗船師在散裝運輸危險化學品適裝證書上簽註”。

- (10) Regulation 4(1)(e)—

**Repeal**

everything after “board”

**Substitute**

“or without presenting any unreasonable threat of harm to the marine environment.”.

- (11) Regulation 4—

**Repeal paragraph (2)**

**Substitute**

“(2) If an intermediate survey of the ship has been carried out 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 amended (issue of Certificate of Fitness)**

- (1) Regulation 5(1)—

**Repeal**

“of an initial or periodical survey under regulation 4 of these regulations and under regulation 19”

**Substitute**

“by a Government surveyor of an initial or renewal survey under regulation 4 of these regulations and under regulation 23”.

- (2) Regulation 5(1)—

**Repeal**

everything after “and of”

**Substitute**

“Annex II to the Convention a Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk.”.

- (3) Regulation 5—

**Repeal paragraphs (2) and (3)**

**Substitute**

“(2) The Certificate is valid for the period specified by the Director in the Certificate.

(3) The period specified by the Director must not exceed 5 years from the date of issue stated in the Certificate.”.

(4) Regulation 5(4)—

**Repeal**

“another State”

**Substitute**

“another Convention country”.

(5) Regulation 5(4)—

**Repeal**

“were not carried out by a surveyor appointed as required by regulation 4(2)”

**Substitute**

“referred to in regulation 4 were not carried out by a Government surveyor”.

(6) Regulation 5(4)(a)—

**Repeal**

“already been subjected to a satisfactory initial or periodical”

**Substitute**

“, in conformity with Chapter I of the BCH Code, already been subjected to an initial or renewal”.

(7) Regulation 5(4)(b)—

**Repeal**



“government of that other State with a certificate of fitness”

**Substitute**

“Convention country concerned with a Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk”.

- (8) Regulation 5(4)(d)—

**Repeal**

“government of that other State”

**Substitute**

“Convention country concerned”.

- (9) Regulation 5(4)—

**Repeal**

everything after “ship a Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk”.

**Substitute a full stop.**

- (10) Regulation 5—

**Repeal paragraph (5)**

**Substitute**

“(5) The Certificate issued under paragraph (4) must not expire after the expiry date of the Certificate mentioned in subparagraph (b) of that paragraph.”.

- (11) Regulation 5—

**Repeal paragraphs (6), (7) and (8).**

**12. Regulations 5A to 5K added**

After regulation 5—

**Add**

**“5A. Keeping and inspection of Certificate of Fitness**

A Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk must be kept on board the ship and must be readily available for inspection at all reasonable times.

**5B. Duration of Certificate of Fitness issued after renewal survey**

A new Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk issued in respect of a ship as a result of a renewal survey under regulation 4 is valid for such period as may be specified by the Director in the Certificate in accordance with paragraph 1.6.6 of Chapter I of the BCH Code.

**5C. Duration of 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 4(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 4(1)(d).
- (2) After a survey in respect of a ship is completed as described in paragraph (1), the existing Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk issued in respect of the ship must be endorsed to show a date described on the endorsement as the “new anniversary date”, which must be a date that is

within 3 months from the date of completion of the survey (*new anniversary date*).

- (3) For the purposes of any intermediate survey or annual survey to be carried out in respect of the ship under regulation 4(1)(c) or (d) in any year subsequent to the endorsement, the period within which the survey must be carried out is to be ascertained by reference to the new anniversary date.
- (4) The duration of an existing Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk issued in respect of the ship may be varied by the Director in accordance with paragraph 1.6.6 of Chapter I of the BCH Code.

**5D. Extension of validity period of Certificate of Fitness in certain circumstances**

The Director may extend the validity period of an existing Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk issued in respect of a ship in accordance with paragraph 1.6.6 of Chapter I of the BCH Code if—

- (a) the Certificate is valid for a period of less than 5 years;
- (b) a new Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk 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.

**5E. Certificate of Fitness ceases to be valid**

- (1) A Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk issued in respect of a Hong Kong ship ceases to be valid if—
  - (a) after a survey, without the sanction of the Director, a material change has been made to the structure, equipment, fittings, arrangements or materials covered by the survey, other than the direct replacement of them;
  - (b) a survey referred to in regulation 4(1)(b), (c) or (d) is not carried out within the period specified for the survey in that regulation;
  - (c) an additional survey referred to in regulation 4(1)(e) is not carried out within such reasonable time as the Government surveyor or recognized organization may specify;
  - (d) the Certificate is not endorsed under regulation 4(1)(c) or under Chapter I of the BCH Code, after an intermediate survey of the ship is carried out;
  - (e) the Certificate is not endorsed under regulation 4(1)(d) or under Chapter I of the BCH Code, after an annual survey of the ship is carried out; or
  - (f) the ship is transferred to the registry of a place outside Hong Kong.
- (2) In any of the cases specified in paragraph (1)(b), (c), (d) or (e), the owner of the ship must deliver the Certificate to the Director on demand.

**5F. Certificates of Fitness issued under regulation 5 regarded as Certificates of Fitness in Chapter I of BCH Code**

For the purposes of regulations 5B, 5C and 5D, a certificate issued under regulation 5 is to be regarded as a Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk referred to in paragraph 1.6 of Chapter I of the BCH Code.

**5G. Withdrawal of Certificate of Fitness**

- (1) A Government surveyor may, by written notice, require the owner or master of a Hong Kong ship in respect of which a Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk has been issued to take such corrective action which the surveyor considers necessary if on a survey (other than an initial survey) of the ship referred to in regulation 4, the surveyor determines that the condition of the ship or its equipment does not correspond substantially with the particulars in the Certificate.
- (2) The surveyor must, on giving notice under paragraph (1), inform the Director.
- (3) If the corrective action is not taken within the period specified by the surveyor, the surveyor must inform the Director and the Director may, by written notice to the owner and master of the ship, withdraw the Certificate.
- (4) On receiving a notice under paragraph (3), the owner and master of the ship must deliver the Certificate to the Director immediately.

- (5) The owner or master of the ship may, after the corrective action in respect of the ship has been taken, apply to the Director for the return of the Certificate.
- (6) On receiving an application under paragraph (5), if the Director is satisfied that the corrective action in respect of the ship has been taken, the Director must, by written notice to the owner or master of the ship, return the Certificate to the owner or master.

#### **5H. Cancellation of Certificate of Fitness**

- (1) The Director may, by written notice to the owner and master of a Hong Kong ship, cancel a Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk issued in respect of the ship in the circumstances set out in paragraph (2).
- (2) The circumstances are that the Director has reasonable grounds to believe that the Certificate was issued, or any endorsement on it was made, on the basis of false or erroneous information.
- (3) The Director must give reasons for cancelling the Certificate in the notice under paragraph (1).
- (4) On receiving a notice under paragraph (1), the owner and master of the ship must deliver the Certificate to the Director immediately.

#### **5I. Form of Certificate of Fitness**

The Director may specify the form of a Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk.

**5J. Alteration of Certificate of Fitness**

- (1) The owner of a ship in respect of which a Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk has been issued by the Director may request the Director to alter any of the particulars contained in the Certificate.
- (2) The Director may refuse to make the alteration if the Director considers it to be a material alteration.
- (3) If the Director agrees to make the alteration, the Director must, on payment of the prescribed fee, alter the Certificate.

**5K. Certified true copies of Certificate of Fitness**

- (1) The owner of a ship in respect of which a Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk has been issued by the Director may apply to the Director for the issue of a certified true copy of the Certificate.
- (2) The application must be accompanied by the prescribed fee for the certified true copy.”.

**13. Regulation 6 amended (maintenance of conditions after survey)**

- (1) Regulation 6(2)—

**Repeal**

“of the ship under regulation 4 has been completed”

**Substitute**

“referred to in regulation 4 has been completed in respect of a Hong Kong ship”.

- (2) Regulation 6(3)—

**Repeal**

everything after “affects the safety” and before “, the master”

**Substitute**

“of the ship or the efficiency or completeness of its life-saving appliances or other equipment covered by the BCH Code”.

- (3) Regulation 6(3), after “who shall”—

**Add**

“, in the case of a Hong Kong ship, cause investigations to be initiated to”.

- (4) Regulation 6(3)—

**Repeal**

“of another State”

**Substitute**

“other than a port in Hong Kong.”.

**14. Regulations 8A and 8B added**

After regulation 8—

**Add**

**“8A. General power of Government surveyors to inspect, examine etc. ships**

- (1) Any of the powers conferred by this regulation may be exercised for ascertaining whether these regulations have been or are being complied with.
- (2) A Government surveyor may, at any reasonable time—
  - (a) board a ship that is within the waters of Hong Kong; and



- 
- (b) take with the surveyor any other person and any equipment or materials required to assist the surveyor.
- (3) After boarding the ship, the surveyor may—
- (a) inspect the ship;
  - (b) make any examination and investigation as the surveyor considers necessary;
  - (c) take samples of any article or substance found on the ship that the surveyor may reasonably require for the inspection, examination or investigation;
  - (d) inspect, seize and remove from the ship any article or substance in respect of which the surveyor suspects on reasonable grounds that an offence under these regulations has been committed;
  - (e) detain the article or substance for so long as is necessary—
    - (i) for the inspection, examination or investigation; and
    - (ii) to ensure that it is available for use as evidence in any proceedings for an offence under these regulations;
  - (f) take any measurements and photographs and make any recordings that the surveyor may reasonably require for the inspection, examination or investigation;

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- (g) require that the ship, or any part of the ship, or anything on the ship, is to be left undisturbed (whether generally or in particular respects) for so long as is necessary for the inspection, examination or investigation;
  - (h) require any person who the surveyor reasonably believes is able to give any information relevant to the inspection, examination or investigation—
    - (i) to attend at a place and time specified by the surveyor;
    - (ii) to answer the questions that the surveyor thinks fit to ask; and
    - (iii) to sign a declaration of the truth of the person's answers;
  - (i) require the production of, and inspect and take copies of or of any entry in—
    - (i) any certificates, books or documents that are required to be kept under these regulations; and
    - (ii) any other certificates, books or documents that the surveyor considers necessary for the inspection, examination or investigation; and
  - (j) require any person to afford the surveyor such facilities and assistance with respect to any matters or things within that person's control or in relation to which that person has responsibilities as the surveyor considers necessary to enable the surveyor to exercise any power conferred by this regulation.

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- (4) If an inspection of a ship under paragraph (3) reveals a deficiency, the Director may give a direction to the master of the ship requiring the master to cause the ship not to proceed to sea until the deficiency is rectified.
  - (5) A master to whom a direction is given under paragraph (4) must—
    - (a) comply with the direction;
    - (b) take steps to rectify the deficiency; and
    - (c) inform the Director once the deficiency is rectified.
  - (6) If the ship is a Hong Kong ship and the deficiency is not rectified within the period specified by the Director, the Director may, by written notice to the owner and master of the ship, require the surrender of the Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk issued in respect of the ship to the Director.
  - (7) On receiving a notice under paragraph (6), the owner and master of the ship must deliver the Certificate to the Director immediately.
  - (8) The owner or master of the ship may, after the deficiency in respect of the ship has been rectified, apply to the Director for the return of the Certificate.
  - (9) On receiving an application under paragraph (8), if the Director is satisfied that the deficiency in respect of the ship has been rectified, the Director must, by written notice to the applicant, return the Certificate to the applicant.

**8B. Obstruction and non-compliance with requirements**

- (1) A person must not—
  - (a) wilfully obstruct a Government surveyor in the exercise of any power conferred by regulation 8A; or
  - (b) make a statement or sign a declaration that the person knows is false, or recklessly make a statement or sign a declaration that is false, in purported compliance with a requirement under regulation 8A(3)(h).
- (2) A person must comply with a requirement imposed on the person under regulation 8A(3).”.

**15. Regulation 9 amended (loading and carriage in bulk of listed chemicals)**

- (1) Regulation 9—

**Repeal**

“A, Category B or Category C”

**Substitute**

“X, Y or Z”.

- (2) Regulation 9(b)—

**Repeal**

“the government of a State party to MARPOL 1973/78”

**Substitute**

“an Administration”.

**16. Regulation 10 amended (penalties)**

- (1) Regulation 10(1)—

**Repeal**

“5(8), 6”

**Substitute**

“5A, 5G(4), 5H(4), 6, 8A(5) and (7), 8B”.

(2) Regulation 10—

**Repeal paragraph (1A).**

(3) After regulation 10(2)—

**Add**

“(3) If an offence under this regulation is committed or would, but for the operation of paragraph (2), have been committed by the owner or master of a ship due to the act or omission of some other person, that other person also commits the offence and may be charged with and convicted of the offence whether or not proceedings are taken against the owner or master.”.

**17. Schedule repealed (tables of corresponding regulations)**

The Schedule—

**Repeal the Schedule.**

Frank CHAN Fan  
Secretary for Transport and  
Housing

10 May 2018

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## Explanatory Note

This Regulation amends the Merchant Shipping (BCH Code) Regulations (Cap. 413 sub. leg. D) (*principal Regulations*) to give effect to certain changes made to the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (*BCH Code*).

2. Certain provisions of the principal Regulations impose requirements on ships in relation to surveys and related matters. The Regulation amends those provisions to reflect the latest requirements of the BCH Code.
3. New provisions have been introduced to provide for—
  - (a) the meaning of various new terms used in the principal Regulations;
  - (b) the power of the Director of Marine (*Director*) to recognize organizations to perform certain functions;
  - (c) the power of the Director to specify the form in relation to certain certificates; and
  - (d) the general power of Government surveyors to inspect or examine ships within the waters of Hong Kong.
4. The Regulation removes from the principal Regulations certain provisions that are obsolete or outdated, including some definitions and the Schedule.