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Part 1

Preliminary

1. **Commencement**

   This Regulation comes into operation on 31 May 2019.

2. **Interpretation**

   In this Regulation—

   - *anniversary date* (周年日期), in relation to a Polar Ship Certificate that is 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;

   - *cargo ship* (貨船) means a ship other than a passenger ship;

   - *Cargo Ship Safety Certificate* (貨船安全證明書) means a certificate issued under section 21A of the Ordinance;

   - *Cargo Ship Safety Construction Certificate* (貨船構造安全證明書), except in section 16(2)(b), means a certificate issued under section 21(1) of the Ordinance;

   - *Cargo Ship Safety Equipment Certificate* (貨船設備安全證明書) means a certificate issued under section 17(1) of the Ordinance;

   - *Cargo Ship Safety Radio Certificate* (貨船無線電安全證明書) means a certificate issued under section 18(1) of the Ordinance;
Part 1

Section 2

Merchant Shipping (Safety) (Ships Operating in Polar Waters) Regulation

Convention (《公約》) means the International Convention for the Safety of Life at Sea 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;

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

Government surveyor (政府驗船師) means a Government surveyor appointed under section 5 of the Ordinance;

Hong Kong ship (香港船) means a ship registered in Hong Kong;

owner (船東), in relation to a ship, means—

(a) the owner of the ship; or

(b) a person who—

(i) has assumed responsibility for the operation of the ship from the owner; and

(ii) on assuming the responsibility, has agreed to take over all the duties and responsibilities imposed in respect of the ship by the Convention;

Passenger Ship Safety Certificate (客船安全證明書), except in section 16(2)(a), means a certificate issued under section 15(1) of the Ordinance;

Polar Code (《極地規則》) means the International Code for Ships Operating in Polar Waters, adopted by International Maritime Organization Resolutions MSC.385(94) and MEPC.264(68), as from time to time revised or amended by any revision or amendment to any provision of such Code that applies to Hong Kong;

Polar Ship Certificate (極地船舶證書) means—
3. 適用範圍

(1) 除第(2)款及第5條另有規定外，本規例適用於在香港營運的香港船舶。

(2) 本規例不適用於——

(a) 總噸位（按照《商船（註冊）（噸位）規例》（第415章，附屬法例C）測定者）少於500的貨船；

(b) 並非以機械方式推動的船舶；

(c) 構造簡單的木船；

(d) 用於捕捉魚類、鯨、海豹、海象或其他海洋生物資源的船舶；

(e) 符合以下說明的船隻（客船除外）——

(i) 主要用於運動或康樂；及

(ii) 並非從事業務；或

(f) 由特區政府擁有或營運的，僅用於政府的非商業服務的船舶。

4. 處長可要求公約國就香港船舶發出極地船舶證書等

(1) 處長可要求某公約國的政府——
(a) to cause a Hong Kong ship within the waters of that country to be surveyed; and 

(b) to—

(i) issue a Polar Ship Certificate in accordance with Chapter 1 of Part I-A of the Polar Code in respect of the ship, or authorize the issue of such a Certificate in respect of the ship; or

(ii) make, in accordance with Chapter I of the Annex to the Convention, an endorsement on a Polar Ship Certificate issued in respect of the ship, or authorize such an endorsement.

(2) For the purposes of section 18(3) or 20(d)(i), (ii) or (iii), an endorsement made or authorized at a request made under subsection (1) has effect as if it were an endorsement made under section 18(2), 31(2), 32(2) or 33(3).

5. **Director may at Convention countries’ requests issue certificates etc. in respect of non-Hong Kong ships**

(1) This section applies in relation to a ship that—

(a) is not a Hong Kong ship;

(b) is registered in a Convention country; and

(c) is within the waters of Hong Kong.

(2) The Director may, at the request of the government of the country in which a ship is registered—

(a) cause the ship to be surveyed; and
(b) If the Director is satisfied that the structure, equipment, fittings, machinery, arrangements and materials of, and the documented procedures in respect of, the ship comply with the applicable requirements specified in Part I-A of the Polar Code—

(i) issue a certificate in accordance with Chapter 1 of Part I-A of the Polar Code in respect of the ship, or authorize the issue of such a certificate in respect of the ship; or

(ii) make, in accordance with Chapter I of the Annex to the Convention, an endorsement on a certificate issued in accordance with Chapter 1 of Part I-A of the Polar Code in respect of the ship, or authorize such an endorsement.
Part 2

Ships Operating in Polar Waters: Duties

6. Duty to have voyage plans
(1) The master of a ship must have in place a voyage plan for each voyage in polar waters in compliance with Chapter 11 of Part I-A of the Polar Code when the ship enters polar waters.
(2) A master who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 2 years.

7. Duty to comply with certain requirements in Polar Code
(1) A ship must comply with the applicable requirements specified in Chapters 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 of Part I-A of the Polar Code when it is operating in polar waters.
(2) If subsection (1) is contravened in respect of a ship, the owner and the master of the ship each commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 2 years.

8. Duty to have Polar Ship Certificates
(1) A ship must have a Polar Ship Certificate in force in respect of it when it is operating in polar waters.
(2) If subsection (1) is contravened in respect of a ship, the owner and the master of the ship each commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 2 years.
9. **Duty to keep Polar Ship Certificates on board**

(1) The owner and the master of a ship must ensure that the Polar Ship Certificate in force in respect of the ship—

(a) is kept on board the ship; and

(b) is available for inspection by a Government surveyor at all reasonable times.

(2) If subsection (1) is contravened in respect of a ship, the owner and the master of the ship each commits an offence and is liable on conviction to a fine at level 2.

10. **Duty to maintain conditions of ships**

(1) The owner and the master of a ship in respect of which a Polar Ship Certificate is in force must maintain the condition of the structure, equipment, fittings, machinery, arrangements and materials of the ship in compliance with the applicable requirements specified in Part I-A of the Polar Code.

(2) No change may be made to the structure, equipment, fittings, machinery, arrangements or materials of a ship in respect of which a Polar Ship Certificate is in force, except with the approval of the Director.

(3) Subsection (2) does not prohibit a replacement of a part by another part of a type approved by the Director.

(4) If subsection (1) or (2) is contravened in respect of a ship, the owner and the master of the ship each commits an offence and is liable on conviction to a fine at level 3.

11. **Duty to report certain accidents or defects**

(1) If a reportable incident happens to a ship, the owner or the master of the ship must, as soon as practicable, report the incident to—
Part 2
Section 11

Merchant Shipping (Safety) (Ships Operating in Polar Waters) Regulation

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(a) the Director; and
(b) if the ship is in a port of a Convention country—the government of the country.

(2) After receiving a report made under subsection (1)(a), the Director may require the ship to be subject to an additional survey if the Director considers the survey is necessary.

(3) A ship that is required to be subject to an additional survey must not operate in polar waters until the Director is satisfied by the result of the survey that the structure, equipment, fittings, machinery, arrangements and materials of the ship comply with the applicable requirements specified in Part I-A of the Polar Code.

(4) If subsection (1) or (3) is contravened in respect of a ship, the owner and the master of the ship each commits an offence and is liable on conviction to a fine at level 3.

(5) In this section—

**reportable incident (須報告事故)**, in relation to a ship, means the occurrence of an accident that affects the following matter, or the discovery of a defect in the ship that affects the following matter—

(a) the safety of the ship in polar waters;
(b) the safety of the persons on board when the ship is operating in polar waters; or
(c) the efficiency or completeness of the structure, equipment, fittings, machinery, arrangements or materials of the ship for operation in polar waters.
Part 3——Division 1

Division 1—Issue and Form of Polar Ship Certificates

12. Issue of Polar Ship Certificates—general

(1) This section applies to a ship—

(a) to which Division 1 or 2 of Part 4 applies; and

(b) to which section 13 or 14 does not apply.

(2) The owner of a ship may apply to the Director for a Polar
Ship Certificate in respect of the ship.

(3) The application must be accompanied by the prescribed
fee.

(4) The Director may issue a Polar Ship Certificate in respect
of a ship if—

(a) satisfied that—

(i) if a Polar Ship Certificate has never been issued
in respect of the ship—an initial survey of the
ship has been carried out under—

(A) for a ship to which Division 1 of Part
4 applies—section 25; or

(B) for a ship to which Division 2 of Part
4 applies—section 29; or

(ii) if a Polar Ship Certificate has been issued in
respect of the ship—a renewal survey of the
ship has been carried out under—

(A) for a ship to which Division 1 of Part
4 applies—section 26; or
13. Issue of Polar Ship Certificates—Category C ships

(1) This section applies to a cargo ship if—
   (a) it is a Category C ship within the meaning of section 2 of the Introduction of the Polar Code;
   (b) an application for a Polar Ship Certificate has never been made to the Director in respect of it; and
   (c) it is a ship to which section 14 does not apply.

(2) The owner of a ship may apply to the Director for a Polar Ship Certificate in respect of the ship.

(B) for a ship to which Division 2 of Part 4 applies—section 30; and

(b) satisfied on the basis of a declaration of survey provided under—
   (i) for a ship to which Division 1 of Part 4 applies and in respect of which a Polar Ship Certificate has never been issued—section 25(2);
   (ii) for a ship to which Division 1 of Part 4 applies and in respect of which a Polar Ship Certificate has been issued—section 26(3);
   (iii) for a ship to which Division 2 of Part 4 applies and in respect of which a Polar Ship Certificate has never been issued—section 29(2); or
   (iv) for a ship to which Division 2 of Part 4 applies and in respect of which a Polar Ship Certificate has been issued—section 30(3),

that the structure, equipment, fittings, machinery, arrangements and materials of, and the documented procedures in respect of, the ship comply with the applicable requirements specified in Part I-A of the Polar Code.
（3）The application must be accompanied by the prescribed fee.

（4）The Director may issue a Polar Ship Certificate in respect of a ship if satisfied—

(a) that an assessment of the ship and its equipment has been undertaken by its owner in accordance with paragraph 1.5 of Chapter 1 of Part I-A of the Polar Code;

(b) that the result of the assessment is that the ship requires no additional equipment or structural modification to comply with the Polar Code; and

(c) on the basis of documented verification that the structure, equipment, fittings, machinery, arrangements and materials of, and the documented procedures in respect of, the ship comply with the applicable requirements specified in Part I-A of the Polar Code.

14. Issue of Polar Ship Certificates—ships transferred from other Convention countries’ registries

（1）This section applies to a ship if—

(a) the ship ceased to be registered in a Convention country (previous country) and is registered in Hong Kong instead; and

(b) no survey of the ship has been carried out for the issue of a Polar Ship Certificate in respect of the ship.

（2）The owner of a ship may apply to the Director for a Polar Ship Certificate in respect of the ship.

（3）The application must be accompanied by the prescribed fee.
(4) The Director may issue a Polar Ship Certificate in respect of a ship if satisfied that—

(a) a certificate (non-local certificate) was issued in respect of the ship in accordance with paragraph 1.3.2 or 1.3.3 of Chapter 1 of Part I-A of the Polar Code by, or under the authority of, the government of the previous country;

(b) the non-local certificate would, but for the change in the place of registration of the ship, have remained valid;

(c) since the day on which the non-local certificate was issued, no change (other than the replacement of a part by another part of a type approved by the government of the previous country or the Director) has been made to the structure, equipment, fittings, machinery, arrangements or materials of the ship, except with the approval of that government or the Director; and

(d) the condition of the structure, equipment, fittings, machinery, arrangements and materials of the ship has been maintained in compliance with the applicable requirements specified in Part I-A of the Polar Code.

(5) A Polar Ship Certificate issued in respect of a ship under this section is valid until the expiry of the date specified by the Director in the Certificate, which must be a date not later than the expiry date of the non-local certificate of the ship.

15. Form of Polar Ship Certificates

A Polar Ship Certificate must be in the form specified in Appendix 1 to the Polar Code.
Division 2—Duration of Polar Ship Certificates

16. Duration of Polar Ship Certificates issued after initial surveys or verifications

(1) Subject to this Division and Division 3—
   (a) a Polar Ship Certificate issued in respect of a passenger ship under section 12 as a result of an initial survey of the ship is valid until the expiry of the date specified by the Director in the Certificate, which must be a date within 1 year beginning on the date of completion of the initial survey;
   (b) a Polar Ship Certificate issued in respect of a cargo ship under section 12 as a result of an initial survey of the ship is valid until the expiry of the date specified by the Director in the Certificate, which must be a date within 5 years beginning on the date of completion of the initial survey; and
   (c) a Polar Ship Certificate issued in respect of a cargo ship under section 13 is valid until the expiry of the date specified by the Director in the Certificate, which must be a date within 5 years beginning on the date of completion of the verification mentioned in section 13(4)(c) of the ship.

(2) For the purposes of this Division—
   (a) a Polar Ship Certificate issued in respect of a passenger ship is regarded as a Passenger Ship Safety Certificate mentioned in Regulation 14 of Chapter I of the Annex to the Convention; and
   (b) a Polar Ship Certificate issued in respect of a cargo ship is regarded as a Cargo Ship Safety Construction Certificate mentioned in Regulation 14 of Chapter I of the Annex to the Convention.
17. Duration of Polar Ship Certificates issued after renewal surveys

A Polar Ship Certificate issued in respect of a ship under section 12 as a result of a renewal survey of the ship is valid until the expiry of the date specified by the Director in the Certificate in accordance with Regulation 14 of Chapter I of the Annex to the Convention.

18. Duration of Polar Ship Certificates after early completion of certain surveys of cargo ships

(1) This section applies if—

(a) an intermediate survey of a cargo ship is completed before the period within which the survey is required to be carried out under section 31;

(b) a periodical survey of a cargo ship is completed before the period within which the survey is required to be carried out under section 32; or

(c) an annual survey of a cargo ship is completed before the period within which the survey is required to be carried out under section 33.

(2) After a survey of a cargo ship is completed as described in subsection (1), the existing Polar Ship Certificate issued in respect of the ship must be endorsed to show a date described in 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) The period within which an intermediate survey, periodical survey or annual survey of the ship must be carried out under section 31, 32 or 33 after the endorsement is to be determined by reference to the new anniversary date.
19. **Extend duration of Polar Ship Certificates**

The Director may extend the validity period of an existing Polar Ship Certificate (existing Certificate) issued in respect of a ship in accordance with Regulation 14 of Chapter I of the Annex to the Convention if—

(a) the ship—

(i) is a passenger ship and the validity period is shorter than 1 year; or

(ii) is a cargo ship and the validity period is shorter than 5 years;

(b) after a renewal survey of the ship has been completed, a new Polar Ship Certificate cannot be issued or placed on board the ship before the expiry of the existing Certificate;

(c) the ship is not in the port in which it is to be surveyed when the existing Certificate expires; or

(d) the ship is engaged in short voyages and the validity period has not been extended in the situation specified in paragraph (a), (b) or (c).

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20. **Polar Ship Certificates cease to be valid**

A Polar Ship Certificate of a ship ceases to be valid if—
(a) a survey of the ship is not carried out in compliance with—
   (i) for a passenger ship—Division 1 of Part 4; or
   (ii) for a cargo ship—Division 2 of Part 4, before the expiry of the period specified for the
   survey in that Division;

(b) the following certificate of the ship ceases to be valid—
   (i) for a passenger ship—a Passenger Ship Safety Certificate; or
   (ii) for a cargo ship—a Cargo Ship Safety Certificate, a Cargo Ship Safety Construction
   Certificate, a Cargo Ship Safety Equipment Certificate or a Cargo Ship Safety Radio
   Certificate;

(c) for a passenger ship—no declaration of survey is provided to the Director under section 27(4) after an
   additional survey of the ship is carried out;

(d) for a cargo ship—
   (i) no endorsement is made under section 31(2) on the Polar Ship Certificate after an intermediate
   survey of the ship is carried out;
   (ii) no endorsement is made under section 32(2) on the Polar Ship Certificate after a periodical
   survey of the ship is carried out;
   (iii) no endorsement is made under section 33(3) on the Polar Ship Certificate after an annual survey
   of the ship is carried out; or
(iv) 在該船舶進行附加檢驗後，並無根據第34(4)條向處長提供檢驗聲明；或
(e) 該船舶不再在香港註冊。

21. 取消極地船舶證書

(1) 如處長有合理理由相信，船舶的極地船舶證書或其上的任何批註，是基於虛假或錯誤的資料而發出或作出的，則處長可藉向該船舶的船東及船長發出書面通知，取消該證書。
(2) 處長須在有關通知中，給予取消有關證書的理由。
(3) 在收到有關通知後，有關船舶的船東或船長須將有關證書交付處長。

第 4 分部——極地船舶證書的更改及經核證真實副本

22. 極地船舶證書的更改

(1) 凡某船舶獲處長發出極地船舶證書，則處長可應該船舶的船東的要求，更改該證書所載的任何詳情。
(2) 處長如認為，有關更改屬事關重要的更改，可拒絕作出該項更改。
(3) 除非訂明費用已繳付予處長，否則不得作出任何更改。

(iv) no declaration of survey is provided to the Director under section 34(4) after an additional survey of the ship is carried out; or
(e) the ship ceases to be registered in Hong Kong.

21. Cancellation of Polar Ship Certificates

(1) The Director may, by written notice to the owner and the master of a ship, cancel a Polar Ship Certificate of the ship if the Director has reasonable grounds to believe that the Certificate was issued, or any endorsement on the Certificate was made, on the basis of false or erroneous information.
(2) The Director must give reasons for the cancellation in the notice.
(3) On receiving the notice, the Certificate must be delivered to the Director by the owner or the master of the ship.

Division 4—Alteration and Certified True Copies of Polar Ship Certificates

22. Alteration of Polar Ship Certificates

(1) The Director may, at the request of the owner of a ship in respect of which a Polar Ship Certificate has been issued by the Director, 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) No alteration may be made unless the prescribed fee is paid to the Director.
23. Certified true copies of Polar Ship Certificates

(1) The Director may, on application by the owner of a ship in respect of which a Polar Ship Certificate has been issued by the Director, issue a certified true copy of the Certificate.

(2) The application must be accompanied by the prescribed fee.
第4部
检验

第1分部——客船的检验

24. 第1分部的適用範圍
本分部適用於客船。

25. 客船的初次檢驗
(1) 船船的初次檢驗，須由政府驗船師——
   (a) 在該船船投入服務前進行；或
   (b) 在極地船舶證書首次就該船船發出前進行。
(2) 政府驗船師對有關船舶進行初次檢驗後，如信納該船舶
    的結構、設備、附件、機械、布置及材料，以及就該船
    船而訂的以文件記錄的程序，均符合《極地規則》第I-A
    部分指明的適用規定，則須作出一份表明其信納該事的
    檢驗聲明，並向處長提供該聲明。

26. 客船的換證檢驗
(1) 除第(2)款另有規定外，船舶的換證檢驗，須由政府驗
    船師在以下期間內進行——
   (a) 自該船舶初次檢驗的完成日期起計的1年；或

Part 4
Surveys

Division 1—Surveys for Passenger Ships

24. Application of Division 1
This Division applies to a passenger ship.

25. Initial surveys for passenger ships
(1) An initial survey of a ship is to be carried out by a
    Government surveyor—
   (a) before the ship is put into service; or
   (b) before a Polar Ship Certificate is issued for the first
       time in respect of the ship.
(2) If, after having carried out an initial survey of the ship,
    the Government surveyor is satisfied that the structure,
    equipment, fittings, machinery, arrangements and materials of,
    and the documented procedures in respect of,
    the ship comply with the applicable requirements specified
    in Part I-A of the Polar Code, the surveyor must make a
    declaration of survey to that effect and provide the
    Director with the declaration.

26. Renewal surveys for passenger ships
(1) Subject to subsection (2), a renewal survey of a ship is to
    be carried out by a Government surveyor within 1 year—
   (a) from the date of completion of the initial survey of
       the ship; or
(b) if a renewal survey of the ship has been carried out—from the date of completion of the preceding renewal survey.

(2) If the validity period of a Polar Ship Certificate issued in respect of the ship has been extended under section 19(c) or (d), the period of 1 year mentioned in subsection (1) is to be extended by the period for which the Certificate is extended.

(3) If, after having carried out a renewal survey of the ship, the Government surveyor is satisfied that the structure, equipment, fittings, machinery, arrangements and materials of, and the documented procedures in respect of, the ship comply with the applicable requirements specified in Part I-A of the Polar Code, the surveyor must make a declaration of survey to that effect and provide the Director with the declaration.

27. **Additional surveys for passenger ships**

(1) The Director may, by written notice to the owner and the master of a ship, require an additional survey (whether general or partial) of the ship to be carried out by a Government surveyor within a reasonable period specified in the notice.

(2) The Director may exercise the power under subsection (1) if—

(a) after a Polar Ship Certificate has been issued in respect of the ship, significant alterations, replacements or repairs have been made to the structure, equipment, fittings, machinery, arrangements or materials of the ship covered by the survey leading to the issue of the Certificate (relevant survey);
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(b) the Director has reasonable grounds to believe that the condition of the structure, equipment, fittings, machinery, arrangements or materials of the ship covered by the relevant survey is not maintained in compliance with the applicable requirements specified in Part I-A of the Polar Code; or

(c) the Director considers that an additional survey of the ship is necessary under section 11(2).

(3) On receiving a notice under subsection (1), the owner and the master of the ship must comply with the notice.

(4) If, after having carried out an additional survey of the ship, the Government surveyor is satisfied that—

(a) the structure, equipment, fittings, machinery, arrangements and materials of the ship comply with the applicable requirements specified in Part I-A of the Polar Code; and

(b) if the additional survey is required to be carried out on the ground described in subsection (2)(a)—

(i) the alterations, replacements or repairs have been effectively made; and

(ii) the materials used in, and the workmanship of, the alterations, replacements or repairs are in all respects satisfactory,

the surveyor must make a declaration of survey to that effect and provide the Director with the declaration.

Division 2—Surveys for Cargo Ships

28. Application of Division 2

This Division applies to a cargo ship.
29. Initial surveys for cargo ships

(1) An initial survey of a ship is to be carried out by a Government surveyor—
   (a) before the ship is put into service; or
   (b) before a Polar Ship Certificate is issued under section 12 for the first time in respect of the ship.

(2) If, after having carried out an initial survey of the ship, the Government surveyor is satisfied that the structure, equipment, fittings, machinery, arrangements and materials of, and the documented procedures in respect of, the ship comply with the applicable requirements specified in Part I-A of the Polar Code, the surveyor must make a declaration of survey to that effect and provide the Director with the declaration.

30. Renewal surveys for cargo ships

(1) Subject to subsection (2), a renewal survey of a ship is to be carried out by a Government surveyor within 5 years—
   (a) from the date of completion of the initial survey of the ship;
   (b) if the Polar Ship Certificate in force in respect of the ship was issued under section 13—from the date of completion of the verification mentioned in section 13(4)(c) of the ship; or
   (c) if a renewal survey of the ship has been carried out—from the date of completion of the preceding renewal survey.
(2) If the validity period of a Polar Ship Certificate issued in respect of the ship has been extended under section 19(c) or (d), the period of 5 years mentioned in subsection (1) is to be extended by the period for which the Certificate is extended.

(3) If, after having carried out a renewal survey of the ship, the Government surveyor is satisfied that the structure, equipment, fittings, machinery, arrangements and materials of, and the documented procedures in respect of, the ship comply with the applicable requirements specified in Part I-A of the Polar Code, the surveyor must make a declaration of survey to that effect and provide the Director with the declaration.

31. Intermediate surveys for cargo ships

(1) An intermediate survey of a ship in respect of which a Polar Ship Certificate is in force, and in respect of which a Cargo Ship Safety Certificate or a Cargo Ship Safety Construction Certificate is also in force, is to be carried out by a Government surveyor—

(a) within the period commencing 3 months before, and ending 3 months after, the second anniversary date of the Polar Ship Certificate; or

(b) within the period commencing 3 months before, and ending 3 months after, the third anniversary date of the Polar Ship Certificate.

(2) If, after having carried out an intermediate survey of the ship, the Government surveyor is satisfied that the structure, equipment, fittings, machinery, arrangements and materials of, and the documented procedures in respect of, the ship comply with the applicable requirements specified in Chapters 1, 2, 4, 5, 6, 11 and
32. Periodical surveys for cargo ships

(1) A periodical survey of a ship in respect of which a Polar Ship Certificate is in force, and in respect of which a Cargo Ship Safety Certificate, a Cargo Ship Safety Equipment Certificate or a Cargo Ship Safety Radio Certificate is also in force, is to be carried out by a Government surveyor—

(a) within the period commencing 3 months before, and ending 3 months after, the second anniversary date of the Polar Ship Certificate; or

(b) within the period commencing 3 months before, and ending 3 months after, the third anniversary date of the Polar Ship Certificate.

(2) If, after having carried out a periodical survey of the ship, the Government surveyor is satisfied that the structure, equipment, fittings, machinery, arrangements and materials of, and the documented procedures in respect of, the ship comply with the applicable requirements specified in Chapters 1, 2, 4, 7, 8, 9, 10, 11 and 12 of Part I-A of the Polar Code, the surveyor must make an endorsement to that effect on the Polar Ship Certificate.

33. Annual surveys for cargo ships

(1) Subject to subsection (2), an annual survey of a ship is to be carried out by a Government surveyor within the period commencing 3 months before, and ending 3 months after, each anniversary date of the Polar Ship Certificate issued in respect of the ship.
34. Additional surveys for cargo ships

(1) The Director may, by written notice to the owner and the master of a ship, require an additional survey (whether general or partial) of the ship to be carried out by a Government surveyor within a reasonable period specified in the notice.

(2) The Director may exercise the power under subsection (1) if—

(a) after a Polar Ship Certificate has been issued or endorsed in respect of the ship, significant alterations, replacements or repairs have been made to the structure, equipment, fittings, machinery, arrangements or materials of the ship covered by the survey leading to the issue or endorsement of the Certificate (relevant survey);
(b) 處長有合理理由相信，有關檢驗所涵蓋的該船舶的結構、設備、附件、機械、布置或材料的狀況，並無在遵照《極地規則》第 I-A 部分指明的適用規定下，予以保持；或
(c) 處長根據第 11(2) 條，認為需要進行有關船舶的附加檢查。
(3) 有關船舶的船東及船長須在收到第 (1) 款所指的通知後，遵從該通知。
(4) 政府驗船師對船舶進行附加檢查後，如信納——
(a) 該船舶的結構、設備、附件、機械、布置及材料，均符合《極地規則》第 I-A 部分指明的適用規定；及
(b) 如屬基於第 (2)(a) 款的理由而規定進行附加檢查的情況——
   (i) 有關更改、更換或修理，已有效地作出；及
   (ii) 用於該項更改、更換或修理的材料，以及該項更改、更換或修理的工藝水平，在各方面均令人滿意，
則須作出一份表明其信納該事的檢驗聲明，並向處長提供該聲明。

(b) the Director has reasonable grounds to believe that the condition of the structure, equipment, fittings, machinery, arrangements or materials of the ship covered by the relevant survey is not maintained in compliance with the applicable requirements specified in Part I-A of the Polar Code; or
(c) the Director considers that an additional survey of the ship is necessary under section 11(2).
(3) On receiving a notice under subsection (1), the owner and the master of the ship must comply with the notice.
(4) If, after having carried out an additional survey of the ship, the Government surveyor is satisfied that—
(a) the structure, equipment, fittings, machinery, arrangements and materials of the ship comply with the applicable requirements specified in Part I-A of the Polar Code; and
(b) if the additional survey is required to be carried out on the ground described in subsection (2)(a)—
   (i) the alterations, replacements or repairs have been effectively made; and
   (ii) the materials used in, and the workmanship of, the alterations, replacements or repairs are in all respects satisfactory,
the surveyor must make a declaration of survey to that effect and provide the Director with the declaration.
第 5 部

 Miscellaneous Provisions

35. 防護

被控犯第 6(2)、7(2)、8(2)、9(2)、10(4) 或 11(4) 條所訂罪行的人，如證明本身已採取所有合理步驟，防止犯有關罪行，即為免責辯護。

36. 過渡條文

(1) 如根據本條例第 9(1) 條，任何指明客船的下次検驗須在某期間內完成，而該段期間的最後一日是 2019 年 5 月 31 日之後的某日期，則直至該日期完結為止，就該船舶而言，第 2 部並不適用。

(2) 就任何指明貨船而言，直至以下日期完結為止（三者以最早者為準），第 2 部並不適用：

(a) 2021 年 3 月 31 日；

(b) 如根據換證檢驗條文，該船舶的下次換證檢驗須在某期間內完成，而該段期間的最後一日是 2019 年 5 月 31 日之後的某日期——該日期；

(c) 如根據中期檢驗條文，該船舶的下次中期檢驗須在某期間內完成，而該段期間的最後一日是 2019 年 5 月 31 日之後的某日期——該日期。

(3) 在本條中——

中期檢驗條文 (intermediate survey provision)——

(a) 就於 1984 年 9 月 1 日之前建造的船舶而言——指《商船 (安全) (貨船構造及檢驗) (1984 年 9 月 1 日之前建造的船舶) 規例》(第 369 章，附屬法例 R) 第 74C 條；

Part 5

35. Defence

It is a defence for a person charged with an offence under section 6(2), 7(2), 8(2), 9(2), 10(4) or 11(4) to show that the person had taken all reasonable steps to prevent the commission of the offence.

36. Transitional provisions

(1) Part 2 does not apply in relation to a specified passenger ship until the expiry of the last day of the period within which the next survey of the ship must be completed under section 9(1) of the Ordinance, which must be after 31 May 2019.

(2) Part 2 does not apply in relation to a specified cargo ship until the expiry of the earliest of the following dates—

(a) 31 March 2021;

(b) the last day of the period within which the next renewal survey of the ship must be completed under the renewal survey provision, which must be after 31 May 2019;

(c) the last day of the period within which the next intermediate survey of the ship must be completed under the intermediate survey provision, which must be after 31 May 2019.

(3) In this section——

constructed (建造), in relation to a ship, means the stage at which——

(a) the keel of the ship is laid; or
(b) 就於 1984年9月1日或之後而在2002年7月1日之前建造的船舶而言——指《商船 (安全) (貨船構造及檢驗) (1984年9月1日或之後建造的船舶) 規例》(第369章, 附屬法例 S) 第58條；或
(c) 就於2002年7月1日或之後建造的船舶而言——指《商船 (安全) (構造及檢驗) 規例》(第369章, 附屬法例 BD)第70條；

建造 (constructed) 就某船舶而言，指處於以下階段——
(a) 安放該船舶的龍骨；或
(b) 能識別為該船舶的建造開始及該船舶的裝配已開始，而配備量至少為50公噸或所有結構材料估計重量的1%，以較少者為準；

指明客船 (specified passenger ship) 指符合以下所有條件的客船——
(a) 在極地水域操作；
(b) 在2017年1月1日之前建造；
(c) 就該船舶已發出客船安全證明書，而在2019年5月30日當日，該證明書正有效；

指明貨船 (specified cargo ship) 指符合以下所有條件的貨船——
(a) 在極地水域操作；
(b) 在2017年1月1日之前建造；
(c) 就該船舶已發出貨船安全證明書或貨船構造安全證明書，而在2019年5月30日當日，該證明書正有效；
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(c) for a ship constructed on or after 1 July 2002—
section 69 of the Merchant Shipping (Safety)
(Construction and Survey) Regulation (Cap. 369 sub.
leg. BD);

specified cargo ship (指明貨船) means a cargo ship—
(a) that operates in polar waters;
(b) that is constructed before 1 January 2017; and
(c) in respect of which a Cargo Ship Safety Certificate
or a Cargo Ship Safety Construction Certificate is in
force on 30 May 2019;

specified passenger ship (指明客船) means a passenger ship—
(a) that operates in polar waters;
(b) that is constructed before 1 January 2017; and
(c) in respect of which a Passenger Ship Safety
Certificate is in force on 30 May 2019.

Frank CHAN Fan
Secretary for Transport and
Housing

26 March 2019
Explanatory Note

This Regulation implements Part I-A of the International Code for Ships Operating in Polar Waters (Polar Code), which is adopted by International Maritime Organization Resolutions MSC.385(94) and MEPC.264(68), and made mandatory under Chapter XIV of the Annex to the International Convention for the Safety of Life at Sea (Convention). A Hong Kong ship operating in polar waters must comply with Part I-A of the Polar Code and have a Polar Ship Certificate.

2. Part 1 provides for the commencement, interpretation of certain terms and application of this Regulation. That Part also provides that the Director of Marine may request the government of a country that is a party to the Convention to survey a Hong Kong ship within the waters of that country and to issue a Polar Ship Certificate in respect of the ship, to endorse a Polar Ship Certificate of the ship or to authorize such an issuance or endorsement.

3. Part 2 provides for the duties required in respect of a Hong Kong ship operating in polar waters.

4. Part 3 governs the issue, form, duration, cessation, cancellation and alteration of, and issue of certified true copies of, a Polar Ship Certificate.

5. Part 4 sets out the various types of surveys that are required to be carried out for a passenger ship and a cargo ship.

6. The defence and transitional provisions are set out in Part 5.