

MERCHANT SHIPPING (SAFETY) ORDINANCE (Chapter 369)

GUIDELINES ON THE VERIFICATION OF GROSS MASS OF A CONTAINER
WITH CARGO PACKED IN HONG KONG

Relevant Legislation

Pursuant to section 112A of the Merchant Shipping (Safety) Ordinance (Chapter 369), I hereby notify that the following guidelines are issued under section 3A(7) of the Merchant Shipping (Safety) (Carriage of Cargoes and Oil Fuel) Regulation, (Cap. 369AV) with effect from 8 July 2016 in Hong Kong for the purpose of providing guidance in respect of the safety management of containers carrying cargo.

Verification of Container Mass

2. Methods in Verification of Packed Container Mass

2.1 Shippers may opt for either one of the methods below for mass verification of packed containers:

- Method 1: weighing each packed container by using the approved weighing equipment;
- Method 2: weighing all packages and cargo items, including pallets, dunnage and other securing material to be packed in the container and adding the tare mass of the container to the sum of the single mass using a certified method approved by the Marine Department (MD).

2.2 When using above-mentioned Method 2, shippers must provide details of the container mass verification method for approval by MD in the registration process. For containers of which packing were completed outside of Hong Kong, MD accepts the competent authority of the State in which packing of the container was completed as the approving body.

3. Documentation

The verified gross mass obtained in accordance with paragraph 2 of these Guidelines must be declared in the shipping document. The declaration can be submitted to the carrier as a part of the shipping instruction or an independent document of proof. The declaration must be signed by the shipper's authorized

person. The signature can be in electronic form.

4. Shipper's Declaration

In the shipping document under paragraph 3, the shipper must declare as below:-

4.1 For gross mass obtained by Method 1, the declaration must consist of the following contents:

- (a) shipper's declaration: "The gross mass of the packed container declared in the shipping document was obtained in accordance with Method 1 stipulated in SOLAS Chapter VI Regulation 2."; and
- (b) signature of the shipper.

4.2 For gross mass obtained by Method 2, the declaration must consist of the following contents:

- (a) shipper's declaration: "The gross mass of packed container declared in the shipping document was obtained in accordance with Method 2 stipulated in SOLAS Chapter VI Regulation 2. The procedure of this method has been approved or recognized by MD with registration number GMVXXXXXXXXX"; and
- (b) signature of the shipper.

5. Submission of Information

5.1 The shipper must submit the shipping document with verified gross mass used in the ship stowage plan sufficiently in advance under paragraph 3 of these Guidelines to the carrier and the terminal operator via carrier by means of Electronic Data Interchange (EDI), Electronic Data Processing (EDP) transmission or paper copy for the purpose of formulation of stowage plan.

5.2 When the packed container reaches the terminal's facilities, the carrier must inform the terminal operator the verified gross mass figure for stowage planning.

6 Shipment and Transshipment of Consolidated Container

6.1 If a container is shipped to a terminal without VGM information, that unverified packed container must not be loaded onboard a SOLAS-compliant vessel unless the verified gross mass of the packed container has been obtained in accordance with the verification methods under paragraph 2, or directly weighed by the approved weighing equipment as arranged by the Master or terminal operator for efficient cargo operation.

6.2 Re-verification is not required for container in transshipment.

7 Deviation in Gross Mass Figures

7.1 The verified gross mass figure shall prevail if it is different from the figure declared prior to verification.

7.2 The verified gross mass figure obtained by approved weighing equipment in the terminal shall prevail if it is different from the verified figure obtained before the container reaches terminal.

7.3 The verified gross mass figure obtained by MD at a location where random check takes place shall prevail if it is different from the verified figure obtained by approved weighing equipment in the terminal.

7.4 Tolerance of +/-5% and +/-0.5 ton between the verified gross mass declared by the shipper and the verified gross mass obtained by MD, the carrier or terminal operator shall be acceptable for container's gross mass above 10 tons, and 10 tons or below respectively. There is no obligation for the carriers and terminal operators to verify the verified gross mass unless it is found necessary.

8 Overweight Container

The gross mass of a packed container must not exceed the *maximum operating gross mass* stamped on the container's safety approval plate issued in accordance with the requirements of amended Container Safety Convention (and its corresponding local enactment in section 10 of Freight Containers (Safety) Ordinance, (Cap. 506)). Any overweight container shall not be allowed to be loaded on board.

9 Unverified Container

If the shipper cannot provide the verified gross mass information upon a container's arrival at the terminal, that container shall not be loaded on board until verification of container mass is completed. The shipper may delegate to the Master or his representative and terminal operator in the carrying out of verification in the terminal or other places where approved weighing equipment are provided. The verified gross mass obtained in this way can be used for preparation of stowage plan.

Procedures for Adopting Method 1

10 Weighing Equipment

Verification of gross mass by way of Method 1 is to be done by the approved weighing equipment accepted by MD and listed in MD's web-page. To be acceptable, weighing equipment operators are required to submit weighing equipment annual calibration report in respect of the weighing equipment. For a container weighed by the approved weighing equipment, the shipper is required to have a weighing document showing the weighing equipment's approval number, the name of weighing equipment operator, the date of weighing, the container number and the seal number together with the signature of the weighing equipment operating staff and company stamp.

11 Application for the Acceptance of Weighing Equipment under section 3A(3)(a)(ii) of Cap.369AV

The weighing equipment operator in Hong Kong who is interested in obtaining MD's acceptance must submit the required application materials as follows:-

- (i) the name of weighing equipment operator, contact details including phone numbers, fax number, email address and details of Person-In-Charge (both in English and Chinese);
- (ii) relevant weighing experience of weighing equipment operator;
- (iii) address where the packed container weighing is to be conducted by the weighing equipment operator (both in English and Chinese);
- (iv) copy of Hong Kong Business Registration (BR) Certificate of weighing equipment operator;
- (v) details of weighing equipment including:
 - Maker
 - Model
 - Serial number
 - Type (such as side loader, reach stacker or weighbridge, etc)
 - Year of manufacture
 - Maximum capacity
 - Accuracy
 - Photos of the weighing equipment;
- (vi) calibration proof of the weighing equipment for the calibration done within the past 12 calendar months (including tolerance report). The testing weight applied should be progressively increased from 0 kg to 50,000 kg. The proof should be issued by Registered Professional

- Engineer (Mechanical or Marine and Naval Architecture discipline);
- (vii) list out auxiliary mechanism such as side loader, reach stacker or derrick.

Procedures for Adopting Method 2

12 Shipper's Registration

- 12.1 Shipper that adopts Method 2 to obtain the verified container mass is required to submit its procedure for approval by MD. Shipper is solely responsible for the practicality of the procedure, the accuracy of the calculated mass, the record of the verification process, and the maintenance of the records. Shipper is solely responsible for updating any change in their procedure and equipment.
- 12.2 Shippers within Hong Kong shall submit application of shipper's registration to MD before adopting Method 2, regardless of whether packing of the container is completed within Hong Kong or not.
- 12.3 Shippers outside of Hong Kong shall submit application of shipper's registration to MD before adopting Method 2 if packing of the container is completed within Hong Kong.

13 Application of Registration of Approved Method under section 3A(3)(b)(ii)(B) of Cap.369AV

- 13.1 Companies using method 1 do not require registration.
- 13.2 Shipper adopting Method 2 must provide the following information during their applications of shipper's registration to MD:-
- (i) The name of shipper and contact details including phone numbers, fax numbers, email addresses and details of Person-In-Charge (Both in English and Chinese);
 - (ii) Post title(s) of staff authorized to sign the shipper's declaration;
 - (iii) Post title(s) of staff of internal auditing (if applicable);
 - (iv) The location of carrying out the mass verification (in particular, if it differs from the address on BR Certificate);
 - (v) Name and relevant details of the outsourced entity carrying out verification of a container carrying cargo (if applicable);
 - (vi) Procedures of container mass verification;
 - (vii) Copy of Hong Kong BR Certificate (for a corporation registered outside Hong Kong, it must submit the equivalent document or Certificate of

- Incorporation issued by the authority of the country with which the company is registered.); and
- (viii) Training certificates and/or details received by the persons engaged in the container mass verification (optional).

14 Completing the Registration

- 14.1 After receiving the application of a shipper, MD will scrutinize the documents and perform a preliminary assessment of the practicality of the submitted container mass verification procedures. If the submission is found to be in order, MD will issue a confirmation of registration together with the registration number to the shipper.
- 14.2 MD has the right to inspect and witness the shipper's conduct of the procedures before granting the registration.

Supervision and Inspection

15 Supervision and Inspection

MD may exercise the power to:-

- (i) enter the companies' premises to check the documents or records confirming their compliance with either Method 1 or Method 2 under paragraph 2; and
- (ii) weigh packed containers by making use of approved weighing equipment if deemed necessary.

16 Document and Record Keeping

The stakeholders, including but not limited to shippers, the weighing equipment operators, carriers and terminal operators must retain all the documents and records related to verification of gross mass of all packed containers for a period not less than 1 calendar year.