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Merchant Shipping (Safety) (Ships Carrying Industrial Personnel) Regulation

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Merchant Shipping (Safety) (Ships Carrying Industrial Personnel) Regulation

(Made by the Secretary for Transport and Logistics under sections 99, 101, 107 and 112B of the Merchant Shipping (Safety) Ordinance (Cap. 369))

Part 1

Preliminary

1. Commencement

This Regulation comes into operation on 18 October 2024.

2. Interpretation

In this Regulation—

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

anniversary date (周年日期), in relation to an IP Safety 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;

Cap. 369AW (《第369AW章》) means the Merchant Shipping (Safety) (High Speed Craft) Regulation (Cap. 369 sub. leg. AW);

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) means a certificate issued under section 21(1) of the Ordinance;

Chapter XV (《第XV章》) means Chapter XV of the Annex to the Convention;

constructed (建造)—

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

(i) the keel of the ship is laid; or

(ii) 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; or

(b) in relation to a high speed cargo craft, means the stage at which—

(i) the keel of the craft is laid; or

(ii) construction identifiable with the craft begins, and assembly of the craft has commenced comprising at least 50 tonnes or 3% of the estimated mass of all structural material, whichever is less;

high speed cargo craft (載貨高速船) means a high speed craft other than a passenger craft;

high speed craft (高速船) has the meaning given by section 2(1) of Cap. 369AW;

High Speed Craft Safety Certificate (高速船安全證明書) means a certificate issued under section 6(2) of Cap. 369AW;

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

HSC 2000 Code (《高速船2000年規則》) means the International Code of Safety for High Speed Craft, adopted by the Maritime Safety Committee of the IMO by resolution MSC.97(73), as from time to time revised or amended by any revision or amendment to any provision of such Code that applies to Hong Kong;

IMO means the International Maritime Organization;

Industrial Personnel (工業人員) has the meaning given by regulations 1 and 2.2 of Chapter XV;

Industrial Personnel Safety Certificate (工業人員安全證明書)—

- (a) in relation to a Hong Kong ship—means an IP Safety Certificate; and
- (b) in relation to a non-Hong Kong ship—means a certificate issued in conformity with section 3 of Part I of the IP Code by, or under the authority of, an Administration;

IP Code (《載運工業人員規則》) means the International Code of Safety for Ships Carrying Industrial Personnel, adopted by IMO resolution MSC.527(106), as from time to time revised or amended by any revision or amendment to any provision of such Code that applies to Hong Kong;

IP Safety Certificate (IP 安全證明書) means an IP Safety Certificate issued by the Director under section 14;

non-Hong Kong ship (非香港船舶) means a ship other than a Hong Kong ship;

owner (船東), in relation to a ship, includes a person who—

- (a) has assumed responsibility for the operation of the ship from the owner of the ship; and
- (b) on assuming that responsibility, has agreed to take over all the duties and responsibilities imposed on the owner in respect of the ship by the Convention;

passenger craft (載客高速船) means a high speed craft that carries more than 12 passengers;

specified cargo ship (指明貨船) means a cargo ship that is a non-Hong Kong ship—

- (a) constructed before 1 July 2024; and
- (b) authorized by an Administration before 1 July 2024 to carry more than 12 Industrial Personnel as referred to in regulation 3.2 of Chapter XV (as read with regulation 2.3 of that Chapter);

specified high speed cargo craft (指明載貨高速船) means a high speed cargo craft that is a non-Hong Kong ship—

- (a) constructed before 1 July 2024; and
- (b) authorized by an Administration before 1 July 2024 to carry more than 12 Industrial Personnel as referred to in regulation 3.3 of Chapter XV (as read with regulation 2.3 of that Chapter);

structure (結構), in relation to a ship, includes the equipment, fittings, machinery, arrangements and materials of the ship;

surveyor (驗船師) means a Government surveyor appointed under section 5 of the Ordinance or a surveyor appointed by an organization approved under section 8 of the Ordinance.

3. Application

- (1) Subject to subsection (2), this Regulation applies to—
 - (a) a Hong Kong ship wherever it may be; and
 - (b) a non-Hong Kong ship that is within the waters of Hong Kong.

(2) The ships must be regulated ships that are engaged in international voyages.

(3) In this section—

Code of Safety for Special Purpose Ships (《特殊用途船舶規則》) means the Code of Safety for Special Purpose Ships, adopted by IMO resolution MSC.266(84);

gross tonnage (總噸位) means the gross tonnage determined in accordance with the Merchant Shipping (Registration) (Tonnage) Regulations (Cap. 415 sub. leg. C);

international voyage (國際航程) means—

- (a) a voyage between Hong Kong and a port outside the People's Republic of China; or
- (b) a voyage between a port in a Convention country and a port outside that country (whether in another Convention country or not);

regulated ship (受規管船舶) means—

- (a) a ship—
 - (i) that is a cargo ship or a high speed cargo craft;
 - (ii) that is of 500 gross tonnage or above;
 - (iii) that is constructed on or after 1 July 2024; and
 - (iv) that carries more than 12 specified persons of whom at least one is an Industrial Personnel; or
- (b) a ship—
 - (i) that is a cargo ship or a high speed cargo craft; and
 - (ii) to which regulation 3.2, 3.3 or 3.4 of Chapter XV applies;

special personnel (特殊人員) has the meaning given by paragraph 1.3 of the Code of Safety for Special Purpose Ships;

specified person (指明人士) means—

- (a) an Industrial Personnel;
 - (b) a passenger; or
 - (c) a special personnel.
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Part 2

Ships to Comply with IP Code

- 4. Duty to comply with certain requirements in Parts IV and V of IP Code in relation to cargo ships and high speed cargo craft**
- (1) A cargo ship must be constructed and equipped in accordance with the applicable requirements specified in regulations 1, 2, 3, 4 and 5 of Part IV of the IP Code.
 - (2) A high speed cargo craft must be constructed and equipped in accordance with the applicable requirements specified in regulations 1, 2, 3 and 4 of Part V of the IP Code.
 - (3) 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 4 and to imprisonment for 2 years.
 - (4) It is a defence for a person charged with an offence under subsection (3) to show that the person had taken all reasonable steps to prevent the commission of the offence.
 - (5) This section does not apply to a specified cargo ship or a specified high speed cargo craft.
- 5. Duty to comply with fire safety requirements**
- (1) A cargo ship must comply with the applicable requirements on fire safety specified in regulation 6 of Part IV of the IP Code.
 - (2) This section is a fire-fighting appliances regulation for the purposes of section 44 of the Ordinance.
 - (3) This section does not apply to a specified cargo ship.

6. Duty to provide life-saving appliances and arrangements

- (1) A cargo ship must comply with the applicable requirements on life-saving appliances and arrangements specified in regulation 7 of Part IV of the IP Code.
- (2) A high speed cargo craft must comply with the applicable requirements on life-saving appliances and arrangements specified in regulation 7 of Part V of the IP Code.
- (3) This section is a life-saving appliances regulation for the purposes of section 44 of the Ordinance.

7. Duty to provide training, instructions, familiarization and safe transfer arrangements and equipment

- (1) The master of a ship must ensure that—
 - (a) all Industrial Personnel carried on board the ship have met the applicable requirements in respect of age, physical fitness and working language specified in regulation 1 of Part III of the IP Code; and
 - (b) documentary proof of such compliance is kept on board the ship.
- (2) The master of a ship must ensure that all Industrial Personnel carried on board the ship—
 - (a) have received training or instructions with respect to personal survival, fire safety, personal safety and social responsibilities before boarding the ship;
 - (b) have received information relating to on board ship-specific safety familiarization before leaving a port or immediately after boarding the ship; and

(c) have received familiarization training in the ship's transfer procedures, arrangements and equipment before transferring to another ship or any offshore facilities,

in accordance with the applicable requirements specified in regulation 1 of Part III of the IP Code.

- (3) The owner and the master of a ship must ensure that—
- (a) all personnel transfer appliances and arrangements required to be provided on board the ship are properly designed, constructed, tested, installed and maintained, permanently marked and regularly inspected;
 - (b) appropriate job safety analysis is carried out;
 - (c) a record of the use and maintenance of the personnel transfer appliances and arrangements is kept on board the ship;
 - (d) procedures are in place to ensure that accurate information of the number and identity of the Industrial Personnel on board the ship is made available;
 - (e) personnel transfer arrangements are supervised and operated; and
 - (f) means of communication, safe and unobstructed passage and lighting are provided,

in accordance with the applicable requirements specified in regulation 2 of Part III of the IP Code.

- (4) Despite subsection (3), if the ship is a specified cargo ship or a specified high speed cargo craft, the owner and the master of the ship are not required to comply with the requirement specified in paragraph 2.1.7 of regulation 2 of Part III of the IP Code.

- (5) If subsection (1), (2) 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 4 and to imprisonment for 2 years.
- (6) It is a defence for a person charged with an offence under subsection (5) to show that the person had taken all reasonable steps to prevent the commission of the offence.

8. Duty to comply with certain requirements in Parts IV and V of IP Code in relation to Industrial Personnel

- (1) An Industrial Personnel carried on board a ship may only bring and carry on board the ship any dangerous goods with the prior written consent of the master of the ship, and such dangerous goods must be transported in accordance with the applicable requirements specified in—
 - (a) for a cargo ship—regulation 8 of Part IV of the IP Code; or
 - (b) for a high speed cargo craft—regulation 8 of Part V of the IP Code.
- (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.
- (3) It is a defence for a person charged with an offence under subsection (2) to show that the person had taken all reasonable steps to prevent the commission of the offence.

9. Duty to have Industrial Personnel Safety Certificates

- (1) A ship must have an Industrial Personnel Safety Certificate in force in respect of the ship.

- (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.
- (3) It is a defence for a person charged with an offence under subsection (2) to show that the person had taken all reasonable steps to prevent the commission of the offence.

10. Duty to keep Industrial Personnel Safety Certificates on board

- (1) The owner and the master of a ship must ensure that the Industrial Personnel Safety Certificate in force in respect of the ship—
 - (a) is kept on board the ship; and
 - (b) is available for inspection by a 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.
- (3) It is a defence for a person charged with an offence under subsection (2) to show that the person had taken all reasonable steps to prevent the commission of the offence.

11. Duty to maintain condition of ships

- (1) The owner and the master of a ship in respect of which an Industrial Personnel Safety Certificate is in force must maintain the condition of the structure of the ship in accordance with the applicable requirements specified in Parts III, IV and V of the IP Code.
- (2) Despite subsection (1), the owner and the master of a specified cargo ship in respect of which an Industrial Personnel Safety Certificate is in force must maintain the condition of the structure of the ship in accordance with

the applicable requirements specified in regulations 1 and 2 (other than paragraph 2.1.7) of Part III, and regulations 7 and 8 of Part IV, of the IP Code.

- (3) Despite subsection (1), the owner and the master of a specified high speed cargo craft in respect of which an Industrial Personnel Safety Certificate is in force must maintain the condition of the structure of the craft in accordance with the applicable requirements specified in regulations 1 and 2 (other than paragraph 2.1.7) of Part III, and regulations 7 and 8 of Part V, of the IP Code.
- (4) No change may be made to the structure of a Hong Kong ship in respect of which an IP Safety Certificate is in force, except with the approval of the Director.
- (5) Subsection (4) does not prohibit a replacement of a part of a ship by another part of a type approved by the Director.
- (6) If subsection (1), (2), (3) or (4) 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.
- (7) It is a defence for a person charged with an offence under subsection (6) to show that the person had taken all reasonable steps to prevent the commission of the offence.

12. Duty to report certain accidents or defects

- (1) If a reportable incident happens to a Hong Kong ship, the owner or the master of the ship must, as soon as practicable, report the incident to—
 - (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 that the survey is necessary.
- (3) A ship required to be subject to an additional survey must not carry any Industrial Personnel on board until the Director is satisfied by the result of the survey that the structure of the ship complies with the applicable requirements specified in Parts III, IV and V of the IP 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) It is a defence for a person charged with an offence under subsection (4) to show that the person had taken all reasonable steps to prevent the commission of the offence.
- (6) In this section—

offshore industrial activities (離岸工業活動) has the meaning given by regulation 1 of Chapter XV;

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

- (a) the safety of the ship in carrying out offshore industrial activities;
 - (b) the safety of the persons carried on board the ship;
 - (c) the efficiency or completeness of the structure of the ship for carrying Industrial Personnel.
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Part 3

IP Safety Certificates

Division 1—Application of Part 3

13. Application of Part 3

This Part applies to a Hong Kong ship that is—

- (a) a cargo ship; or
- (b) a high speed cargo craft.

Division 2—Issue and Form of IP Safety Certificates

14. Issue of IP Safety Certificates

- (1) The owner of a ship may apply to the Director for an IP Safety Certificate in respect of the ship.
- (2) The application must be accompanied by the prescribed fee for the Certificate.
- (3) The Director may issue an IP Safety Certificate in respect of a ship only if the Director is satisfied—
 - (a) that—
 - (i) if an IP Safety Certificate has never been issued in respect of the ship—an initial survey of the ship has been carried out under section 25 or 31; or
 - (ii) if an IP Safety Certificate has been issued in respect of the ship—a renewal survey of the ship has been carried out under section 26 or 32; and

- (b) that, on the evidence of a declaration of survey provided to the Director under section 25(2), 26(3), 31(2) or 32(3), the structure of, and the documented procedures in respect of, the ship comply with the applicable requirements specified in the IP Code.

15. Form of IP Safety Certificates

An IP Safety Certificate must be in the form specified in the Appendix to the IP Code.

Division 3—Duration of IP Safety Certificates

16. Duration of IP Safety Certificates issued after initial surveys

Subject to this Division and Division 4, an IP Safety Certificate issued in respect of a ship 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.

17. Duration of IP Safety Certificates issued after renewal surveys

Subject to this Division and Division 4, an IP Safety Certificate issued in respect of a ship 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—

- (a) for a cargo ship—regulation 14 of Chapter I of the Annex to the Convention; or
- (b) for a high speed cargo craft—regulation 8 of Chapter I of the HSC 2000 Code.

18. Duration of IP Safety Certificates after early completion of certain surveys of cargo ships and high speed cargo craft

- (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 27;
 - (b) an annual survey of a cargo ship is completed before the period within which the survey is required to be carried out under section 28; or
 - (c) a periodical survey of a high speed cargo craft 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 or a high speed cargo craft is completed as described in subsection (1), the existing IP Safety Certificate issued in respect of the ship or the craft must be endorsed to show a date described in the endorsement as the “new anniversary date” (新周年日期) (*new anniversary date*), which must be a date within 3 months from the date of completion of the survey.
- (3) The period within which—
 - (a) an intermediate survey of a cargo ship must be carried out under section 27;
 - (b) an annual survey of a cargo ship must be carried out under section 28; or
 - (c) a periodical survey of a high speed cargo craft must be carried out under section 33,after the endorsement is to be determined by reference to the new anniversary date.
- (4) The validity period of the existing IP Safety Certificate issued in respect of a cargo ship or a high speed cargo craft may be varied by the Director in accordance with—
 - (a) for a cargo ship—regulation 14 of Chapter I of the Annex to the Convention; or

- (b) for a high speed cargo craft—regulation 8 of Chapter I of the HSC 2000 Code.

19. Extend duration of IP Safety Certificates

The Director may extend the validity period of an existing IP Safety 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 is—
 - (i) a cargo ship and the validity period is shorter than 5 years; or
 - (ii) a high speed cargo craft and the validity period is shorter than 5 years;
- (b) after a renewal survey of the ship has been completed, a new IP Safety 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 of the existing Certificate has not been extended in the situation specified in paragraph (a), (b) or (c).

Division 4—Cessation and Cancellation of IP Safety Certificates

20. IP Safety Certificates cease to be valid

- (1) An IP Safety Certificate of a ship ceases to be valid if—

- (a) a survey of the ship is not carried out in accordance with—
 - (i) for a cargo ship—Division 1 of Part 4; or
 - (ii) for a high speed cargo craft—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 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;
 - (ii) for a high speed cargo craft—a High Speed Craft Safety Certificate;
- (c) for a cargo ship—
 - (i) no endorsement is made on the IP Safety Certificate under section 27(2) after an intermediate survey of the ship is carried out;
 - (ii) no endorsement is made on the IP Safety Certificate under section 28(3) after an annual survey of the ship is carried out; or
 - (iii) no declaration of survey is provided to the Director under section 29(4) after an additional survey of the ship is carried out;
- (d) for a high speed cargo craft—
 - (i) no endorsement is made on the IP Safety Certificate under section 33(2) after a periodical survey of the craft is carried out; or

(ii) no declaration of survey is provided to the Director under section 34(4) after an additional survey of the craft is carried out; or

(e) the ship ceases to be registered in Hong Kong.

(2) In this section—

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.

21. Cancellation of IP Safety Certificates

- (1) The Director may, by written notice to the owner and the master of a ship, cancel an IP Safety 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 cancelling the Certificate 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 5—Alteration and Certified True Copies of IP Safety Certificates

22. Alteration of IP Safety Certificates

- (1) The Director may, at the request of the owner of a ship in respect of which an IP Safety Certificate has been issued, 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 IP Safety Certificates

- (1) The Director may, on application by the owner of a ship in respect of which an IP Safety Certificate has been issued, issue a certified true copy of the Certificate.
 - (2) The application must be accompanied by the prescribed fee.
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Part 4

Surveys

Division 1—Surveys for Cargo Ships

24. Application of Division 1 of Part 4

This Division applies to a Hong Kong ship that is a cargo ship.

25. Initial surveys for cargo ships

- (1) An initial survey of a cargo ship is to be carried out by a surveyor—
 - (a) before the ship is put into service; or
 - (b) before an IP Safety 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 surveyor is satisfied that the structure of, and the documented procedures in respect of, the ship comply with the applicable requirements specified in Parts II, III and IV of the IP Code, the surveyor must—
 - (a) make a declaration of survey to that effect; and
 - (b) provide the Director with the declaration.

26. Renewal surveys for cargo ships

- (1) Subject to subsection (2), a renewal survey of a cargo ship is to be carried out by a surveyor within 5 years—
 - (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 an IP Safety 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 surveyor is satisfied that the structure of, and the documented procedures in respect of, the ship comply with the applicable requirements specified in Parts II, III and IV of the IP Code, the surveyor must—
 - (a) make a declaration of survey to that effect; and
 - (b) provide the Director with the declaration.

27. Intermediate surveys for cargo ships

- (1) An intermediate survey of a cargo ship in respect of which an IP Safety Certificate is in force, is to be carried out by a surveyor—
 - (a) within the period commencing 3 months before, and ending 3 months after, the second anniversary date of the IP Safety Certificate; or
 - (b) within the period commencing 3 months before, and ending 3 months after, the third anniversary date of the IP Safety Certificate.
- (2) If, after having carried out an intermediate survey of the ship, the surveyor is satisfied that the structure of, and the documented procedures in respect of, the ship comply with the applicable requirements specified in Parts II, III and IV of the IP Code, the surveyor must make an endorsement to that effect on the IP Safety Certificate.

28. Annual surveys for cargo ships

- (1) Subject to subsection (2), an annual survey of a cargo ship is to be carried out by a surveyor within the period commencing 3 months before, and ending 3 months after, each anniversary date of the IP Safety Certificate issued in respect of the ship.
- (2) If an intermediate survey of the ship has been carried out under section 27 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.
- (3) If, after having carried out an annual survey of the ship, the surveyor is satisfied that the structure of, and the documented procedures in respect of, the ship remain satisfactory to the surveyor for the service for which the ship is intended, the surveyor must make an endorsement to that effect on the IP Safety Certificate.

29. Additional surveys for cargo ships

- (1) The Director may, by written notice to the owner and the master of a cargo ship, require an additional survey (whether general or partial) of the ship to be carried out by a surveyor within a reasonable period specified in the notice.
- (2) The Director may exercise the power under subsection (1) if—
 - (a) after an IP Safety Certificate has been issued or endorsed in respect of the ship, significant alterations, replacements or repairs have been made to the structure of the ship covered by the survey leading to the issue or endorsement of the Certificate (*relevant survey*);

- (b) the Director has reasonable grounds to believe that the condition of the structure of the ship covered by the relevant survey is not maintained in accordance with the applicable requirements specified in Parts II, III and IV of the IP Code; or
 - (c) the Director considers that an additional survey of the ship is necessary under section 12(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 surveyor is satisfied that—
 - (a) the structure of the ship complies with the applicable requirements specified in Parts II, III and IV of the IP 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 to the surveyor,
- the surveyor must make a declaration of survey to that effect and provide the Director with the declaration.

Division 2—Surveys for High Speed Cargo Craft

30. Application of Division 2 of Part 4

This Division applies to a Hong Kong ship that is a high speed cargo craft.

31. Initial surveys for high speed cargo craft

- (1) An initial survey of a high speed cargo craft is to be carried out by a surveyor—
 - (a) before the craft is put into service; or
 - (b) before an IP Safety Certificate is issued for the first time in respect of the craft.
- (2) If, after having carried out an initial survey of the craft, the surveyor is satisfied that the structure of, and the documented procedures in respect of, the craft comply with the applicable requirements specified in Parts II, III and V of the IP Code, the surveyor must—
 - (a) make a declaration of survey to that effect; and
 - (b) provide the Director with the declaration.

32. Renewal surveys for high speed cargo craft

- (1) Subject to subsection (2), a renewal survey of a high speed cargo craft is to be carried out by a surveyor within 5 years—
 - (a) from the date of completion of the initial survey of the craft; or
 - (b) if a renewal survey of the craft has been carried out—from the date of completion of the preceding renewal survey.
- (2) If the validity period of an IP Safety Certificate issued in respect of the craft 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 craft, the surveyor is satisfied that the structure of, and the documented procedures in respect of, the craft comply with the applicable requirements specified in Parts II, III and V of the IP Code, the surveyor must—
 - (a) make a declaration of survey to that effect; and
 - (b) provide the Director with the declaration.

33. Periodical surveys for high speed cargo craft

- (1) A periodical survey of a high speed cargo craft in respect of which an IP Safety Certificate is in force, is to be carried out by a surveyor within the period commencing 3 months before, and ending 3 months after, each anniversary date of the IP Safety Certificate.
- (2) If, after having carried out a periodical survey of the craft, the surveyor is satisfied that the structure of, and the documented procedures in respect of, the craft comply with the applicable requirements specified in Parts II, III and V of the IP Code, the surveyor must make an endorsement to that effect on the IP Safety Certificate.

34. Additional surveys for high speed cargo craft

- (1) The Director may, by written notice to the owner and the master of a high speed cargo craft, require an additional survey (whether general or partial) of the craft to be carried out by a surveyor within a reasonable period specified in the notice.
- (2) The Director may exercise the power under subsection (1) if—

- (a) after an IP Safety Certificate has been issued or endorsed in respect of the craft, significant alterations, replacements or repairs have been made to the structure of the craft covered by the survey leading to the issue or endorsement of the Certificate (*relevant survey*);
 - (b) the Director has reasonable grounds to believe that the condition of the structure of the craft covered by the relevant survey is not maintained in accordance with the applicable requirements specified in Parts II, III and V of the IP Code; or
 - (c) the Director considers that an additional survey of the craft is necessary under section 12(2).
- (3) On receiving a notice under subsection (1), the owner and the master of the craft must comply with the notice.
- (4) If, after having carried out an additional survey of the craft, the surveyor is satisfied that—
- (a) the structure of the craft complies with the applicable requirements specified in Parts II, III and V of the IP 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 to the surveyor,
- the surveyor must make a declaration of survey to that effect and provide the Director with the declaration.
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Part 5

Miscellaneous Provisions

35. Transitional provisions applicable to certain non-Hong Kong ships

- (1) Sections 6, 7, 8, 9, 10 and 11 do not apply to a specified cargo ship until the expiry of the earlier of the following dates—
 - (a) the last day of the period within which the first intermediate survey of the ship after 1 July 2024 as referred to in regulation 3.2 of Chapter XV is required to be carried out;
 - (b) the last day of the period within which the first renewal survey of the ship after 1 July 2024 as referred to in regulation 3.2 of Chapter XV is required to be carried out.
- (2) Sections 6, 7, 8, 9, 10 and 11 do not apply to a specified high speed cargo craft until the expiry of the earlier of the following dates—
 - (a) the last day of the period within which the third periodical survey of the craft after 1 July 2024 as referred to in regulation 3.3 of Chapter XV is required to be carried out;
 - (b) the last day of the period within which the first renewal survey of the craft after 1 July 2024 as referred to in regulation 3.3 of Chapter XV is required to be carried out.

Merchant Shipping (Safety) (Ships Carrying Industrial Personnel) Regulation

L.N. 102 of 2024

B1601

LAM Sai-hung
Secretary for Transport and
Logistics

18 June 2024

Explanatory Note

This Regulation implements the International Code of Safety for Ships Carrying Industrial Personnel (*IP Code*), which is adopted by the International Maritime Organization by resolution MSC.527(106), and made mandatory under Chapter XV of the Annex to the International Convention for the Safety of Life at Sea. Certain cargo ships or high speed cargo craft that carry industrial personnel (*regulated ships*) must comply with applicable requirements of the IP Code and have an Industrial Personnel Safety Certificate.

2. Part 1 provides for the commencement, interpretation of certain terms and application of this Regulation.
3. Part 2 provides for the duties required in respect of regulated ships.
4. Part 3 governs the issue of an IP Safety Certificate by the Director of Marine and the form, duration, cessation, cancellation and alteration of, and issue of certified true copies of, the Certificate.
5. Part 4 sets out the various types of surveys that are required to be carried out for regulated ships that are registered in Hong Kong.
6. Part 5 sets out the transitional provisions.