

with the consent of the Board of Trade may by order specify ;

other than passenger steamers, troopships, pleasure yachts, fishing vessels and ships not propelled by mechanical means ; except that it applies to ships not registered in Hong Kong only while they are within a port in Hong Kong and are not exempted from the cargo ship construction and survey rules under the following provisions of this Act.

(4) The matters with regard to which fees may be prescribed by regulations under section 33 of the Act of 1949 shall include surveys required by the cargo ship construction and survey rules, and the provisions applied by section 13(2) of that Act (which relate to the delivery of declarations of survey and appeals to the court of survey) shall apply to such surveys whether or not they are made for the purpose of the issue of any certificate.

(5) In relation to surveys required by the cargo ship construction and survey rules which are carried out otherwise than by a Government surveyor appointed under the Hong Kong Merchant Shipping Ordinance 1953 (in this Order referred to as "the Ordinance")—

(a) so much of the said section 33 as requires fees to be paid to the Government of Hong Kong shall not apply ; and

(b) the provisions applied by the said section 13(2) shall apply with such modifications as may be prescribed by the cargo ship construction and survey rules ; and

(c) the definition of "declaration of survey" in section 36 (1) of the Act of 1949 shall not apply.

(6) An order under subsection (3)(b) of this section may be varied or revoked by a subsequent order.

(7) For the purposes of this section and without prejudice to the generality of the powers therein contained the cargo ship construction and survey rules made from time to time by the Board of Trade under the Merchant Shipping Acts shall unless varied by or repugnant to the cargo ship construction and survey rules made under this section be deemed to be cargo ship construction and survey rules made under this section.

Cargo ship safety construction certificates and exemption certificates.

3.—(1) If the Governor or such person as he may authorise for the purpose is satisfied, on receipt of declarations of survey in respect of a ship to which section 2 of this Act applies and which is registered in Hong Kong, that the ship complies with the cargo ship construction and survey rules applicable to the ship and such voyages as she is to be engaged on he shall, on the application of the owner, issue in respect of the ship—

(a) if the ship is of not less than five hundred tons gross tonnage and is to be engaged on international voyages, a certificate in the form prescribed by the Convention ;

(b) in any other case, a certificate showing that she complies with the said rules ;

and any such certificate is in this Act referred to as a cargo ship safety construction certificate.

(2) If the Governor, on receipt of declarations of survey in respect of such a ship, is satisfied that the ship is exempt, by virtue of any exercise by him of a power conferred on him by section 28 of the Act of 1949 or the cargo ship construction and survey rules, from any of the requirements of those rules applicable to the ship and to such voyages as she is to be engaged on, and that she complies with the rest of those requirements, he shall, on the application of the owner, issue in respect of the ship—

(a) if she is of not less than five hundred tons gross tonnage and is to be engaged on international voyages—

(i) an exemption certificate stating which of the requirements of the Convention, being requirements implemented by the rules and applicable as aforesaid, the ship is exempt from and that the exemption is conditional on the ship's plying on the voyages and complying with the other conditions (if any) specified in the certificate ; and

(ii) a certificate showing that the ship complies with the rest of those requirements ;

(b) in any other case, a certificate showing that the ship complies with such of the requirements

of the cargo ship construction and survey rules applicable to the ship and to the voyages she is to be engaged on as she is not exempt from ;

and any certificate issued under paragraph (a)(ii) or paragraph (b) of this subsection is in this Act referred to as a qualified cargo ship safety construction certificate.

(3) A certificate issued under this section, other than an exemption certificate, shall remain in force for five years or such shorter period as may be specified in it, but without prejudice to the Governor's power to cancel it ; and an exemption certificate issued under this section shall remain in force for the same period as the corresponding qualified certificate.

(4) The Governor with the consent of the Board of Trade may by order extend the period for which a certificate under this section may be issued to a period not exceeding six years.

(5) Without prejudice to the power of extension conferred by section 13(5) of the Act of 1949, where a certificate under this section is in force in respect of a ship and the certificate was issued for a shorter period than is allowed under the foregoing provisions of this section, the Governor or any person authorised by him for the purpose may, if satisfied on receipt of declarations of survey in respect of the ship that it is proper to do so, grant an extension of the certificate for a period not exceeding one year, and not exceeding, together with the period for which it was issued and any period by which it has been previously extended under this subsection, the longest period for which it could have been issued under this section.

(6) In relation to a certificate issued or extended under this section by a person authorised by the Governor—

(a) the provisions applied by section 13(8) of the Act of 1949 (which relate to the transmission, cancellation, surrender, posting-up and falsification of certificates issued by the Governor) except section 10(11) of the Hong Kong Merchant Shipping Ordinance 1899 (transmission of certificates) as amended by the Ordinance ; and

(b) section 33 of the Act of 1949 (fees) ;

shall apply as they apply in relation to certificates issued by the Governor, except that so much of the said section 33 as requires fees to be paid to the Government of Hong Kong shall not apply.

(7) An order under subsection (4) of this section may be varied or revoked by a subsequent order.

Notice of alterations and additional surveys.

4.—(1) The duty of the owner or master of a ship under subsection (2) of section 11 of the Act of 1949 to notify alterations and renewals shall extend, in relation to any ship in respect of which a certificate under section 3 of this Act is in force, to the hull, machinery and any equipment other than that mentioned in that subsection, but may, if the certificate was issued by a person authorised under the said section 3, be discharged by notifying him instead of the Governor.

(2) Subsection (4) of the said section 11 (additional survey and cancellation of certificates) shall have effect, in relation to any such ship, as if—

(a) paragraph (a) thereof extended to any alteration or renewal which is notifiable by virtue of this section ; and

(b) paragraph (b) and not paragraph (c) thereof were applicable, notwithstanding that the ship is not a passenger steamer ;

and the power of the Governor under that subsection to cancel such a certificate shall be exercisable also where the ship has not been submitted for survey as required by the cargo ship construction and survey rules.

Prohibition on proceeding to sea without appropriate certificates.

5.—(1) No ship to which section 2 of this Act applies and which is registered in Hong Kong shall proceed to sea unless there is in force in respect of the ship either—

(a) a cargo ship safety construction certificate ; or

(b) a qualified cargo ship safety construction certificate and, if the ship is about to proceed on an international voyage, a corresponding exemption certificate ; or