

(c) such certificate or certificates as would be required if she were a passenger steamer, applicable to the ship and to the voyage on which she is about to proceed.

(2) If any ship proceeds, or attempts to proceed, to sea in contravention of this section the owner or master of the ship shall be liable to a fine not exceeding \$2,000.

(3) The master of every ship to which section 2 of this Act applies and which is registered in Hong Kong shall produce to the Director of Marine from whom a clearance for the ship is demanded the certificate or certificates required by the foregoing provisions of this section; and the clearance shall not be granted, and the ship may be detained, until the said certificate or certificates are so produced.

Exemption of ships holding appropriate certificates

6. Where there is produced in respect of a ship not registered in Hong Kong—

(a) an accepted Safety Convention certificate equivalent to a cargo ship safety construction certificate; or

(b) accepted Safety Convention certificates equivalent respectively to a qualified cargo ship safety construction certificate and to a corresponding exemption certificate;

the ship shall be exempt from the cargo ship construction and survey rules.

Penalty for non-compliance with rules and power to detain

7.—(1) If the cargo ship construction and survey rules are contravened in any respect in relation to a ship, the owner or master of the ship shall be liable on conviction on indictment to a fine not exceeding \$10,000 or on summary conviction to a fine not exceeding \$2,000.

(2) A Government Surveyor may inspect any ship for the purpose of seeing that she complies with the provisions of the cargo ship construction and survey rules (other than those relating to survey) and for that purpose shall have all the powers of a Board of Trade inspector under the Merchant Shipping Acts; and if he finds that the ship fails to comply with those provisions he shall give to the owner or master notice in writing stating in what respect she fails to comply with them and what in his opinion is requisite to remedy the failure.

(3) Every notice under subsection (2) of this section shall be communicated in manner directed by the Governor to the Director of Marine; and the ship shall be detained until a certificate under the hand of a Government surveyor is produced to the effect that the failure has been remedied.

Damage control and life-saving appliances

Damage control plans and stability information for passenger steamers

8. Construction rules (that is to say, rules made under section 1 of the Act of 1949 relating to the hull, equipment and machinery of British passenger steamers registered in Hong Kong) may require the provision in such ships—

(a) of plans exhibited as provided by or under the rules, and of other information, relating to the boundaries of watertight compartments, the openings therein, the means of closing such openings and the arrangements for correcting any list due to flooding; and

(b) of information necessary for the guidance of the master in maintaining sufficient stability to enable the ship to withstand damage.

Radio installations and certificates

Requirements for portable radio apparatus carried in survival craft

10.—(1) Radio rules may prescribe requirements for such portable radio apparatus as boats or life rafts may be required to carry by the rules for life-saving appliances.

(2) Subsections (7) and (8) of section 3 of the Act of 1949 (which relate to the inspection and detention of ships to ensure conformity with the radio rules) shall apply in relation to the portable radio apparatus so required to be carried by the boats or life rafts on any ship as they apply in relation to the radio installation of the ship.

Radio installations

11. For subsection (4) of section 3 of the Act of 1949 (which specifies the radio installations to be required under the radio rules) there shall be substituted the following subsection:

“(4) The radio installation required under the said rules to be provided—

(a) for a passenger steamer of whatever tonnage, or for any ship of sixteen hundred tons gross tonnage or upwards which is neither a passenger steamer nor a fishing vessel, shall be radiotelegraph installation; and

(b) for any other ship shall be either a radio telephone installation or a radiotelegraph installation, at the option of the owner.”

Renewal of radio certificates for small cargo ships

12. Where a radio certificate or qualified radio certificate is in force in respect of a ship of less than five hundred tons gross tonnage, other than a passenger steamer, and the ship is surveyed by a Government surveyor at a time not earlier than two months before the end of the period for which the certificate is in force, then, if on receipt of the declaration of survey a new certificate is issued before the end of that period—

(a) the current certificate may be cancelled; and

(b) the new certificate may, notwithstanding anything in section 13(3) of the Act of 1949, be issued for a period ending not later than twelve months after the end of the first-mentioned period.

Miscellaneous

Issue of exemption certificates where Convention country issues corresponding qualified certificates

13. Where the Governor, under section 13 (9) of the Act of 1949, requests the government of a country to which the Convention applies to issue in respect of a ship such certificates as he is authorised to issue under subsection (2) of section 7, 8 or 9 of that Act or under paragraph (a) of section 3(2) of this Act, and that government is willing to issue, in pursuance of that request, a qualified certificate thereunder but is not willing to issue the corresponding exemption certificate, the Governor may issue that exemption certificate in respect of the ship.

Information about ship's stability

14.—(1) The following provisions of this section shall have effect with respect to the information about a ship's stability which is required to be supplied under section 18 of the Act of 1949.

(2) Except as provided by the following subsection, the information shall, when first supplied, be based on the determination of the ship's stability by means of an inclining test and shall be replaced by fresh information whenever its accuracy is materially affected by alterations made to the ship; and in any such case the Governor may require a fresh inclining test.

(3) The Governor may—

(a) in the case of any ship, allow the information to be based on the determination, by means of an inclining test, of the stability of a sister ship;

(b) in the case of a ship specially designed for the carriage of liquids or ore in bulk, or of any class of such ships, dispense with an inclining test if satisfied from the information available in respect of similar ships that the ship's proportions and arrangements are such as to ensure more than sufficient stability in all probable loading conditions.

Modification of section 29 of Act of 1949

15. Subsection (1) of section 29 of the Act of 1949 (which exempts certain ships from certain provisions) shall not prevent the application—

(a) to any ship of three hundred tons gross tonnage or upwards, of so much of the provisions mentioned in paragraphs (a) and (b) of that subsection as relates to certificates issued under section 9 of that Act or equivalent accepted Safety Convention certificates;

(b) to any ship to which section 2 of this Act applies and which is registered in Hong Kong, of so much of the provisions mentioned in paragraph (a) of that subsection as relates to certificates issued under section 3 of this Act; by reason only that she is of less than five hundred tons gross tonnage.