

立法會
Legislative Council

LC Paper No. LS 65/00-01

**Paper for the House Committee Meeting of the
Legislative Council
on 2 March 2001**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 23 February 2001**

Date of Tabling in LegCo : 28 February 2001

Amendment to be made by : 28 March 2001 (or 4 April 2001 if extended by resolution)

**Merchant Shipping (Registration) Ordinance (Cap. 415)
Merchant Shipping (Registration) (Fees and Charges) (Amendment) Regulation
2001 (L.N. 49)**

Section 2(a) of the Amendment Regulation amends item 2 of Part 3 of the Schedule to the Merchant Shipping (Registration) (Fees and Charges) Regulations (Cap. 415 sub. leg.) ("the Principal Regulations") to reduce the percentage of the amount payable in respect of a provisional registered ship from "25%" to "1/12" of the amount payable in respect of a registered ship for each period of "one month" instead of "3 months" of provisional registration. The effect is that the amount payable per month is the same as the average monthly amount payable on three months basis under the existing provision.

Regulation 4(2) of the Principal Regulations provides that the annual tonnage charge shall be payable in respect of each year of registration of the ship commencing on the date of registration and on each anniversary of that date thereafter. Item 3 of Part 3 of the Schedule to the Principal Regulations provides that annual tonnage charge in respect of a ship changing from provisional to full registration is the amount payable for full registration less the sum already paid for the provisional registration. However, the operation of the provisions has produced an unintended effect that the deduction of the amount paid in respect of a provisional registered ship cannot be set off against the annual tonnage charge, which is calculated from the date of commencement of full registration for a period of 12 months, in respect of a ship changing from provisional to full registration. Section 2(b) of the Amendment Regulation amends item 3 of Part 3 of the Schedule to disallow the deduction of the

amount paid for the provisional registration of a ship from the amount payable for the subsequent full registration of the ship. According to LegCo Brief, the amendment brings up-to-date practices currently prevailing.

Members may refer to LegCo Brief File Reference.: MA 100/3(200) of 7 February 2001 from Economic Services Bureau for background information.

The Amendment Regulation will come into operation on a day to be appointed by the Secretary for Economic Services by notice published in the Gazette.

The legal and drafting aspects of the Amendment Regulation are in order.

Prepared by

Lam Ping-man, Stephen
Assistant Legal Adviser
Legislative Council Secretariat
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