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Secretary for Economic Development and Labour
(Attention: Ms Alice LAU, PAS)
Economic Development and Labour Bureau
3801 Two Exchange Square
Connaught Place
Central
Hong Kong

24 June 2005

BY FAX
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Dear Ms Lau,

**Merchant Shipping
(Local Vessels and Miscellaneous Amendments) Bill 2005**

I refer to the above Bill and would like to seek your clarification on the following drafting points -

Clause 2(c)

2. The definition of “protection and indemnity association (保障及彌償組織)” appears in Merchant Shipping Ordinance (Cap. 281). The Chinese version reads as:

“指由船舶船東成立的組織，就海上冒險附帶引起的損失及法律責任向會員提供相互彌償。”

In this Bill, the English version is the same but changes are made to the Chinese version which reads as follows:

“指由船舶船東成立以就帶風險的海上作業所附帶的損失及法律責任向會員提供相互彌償的組織。”

3. It seems that the Chinese version in this Bill is not as readable as the one in Cap. 281. The same applies to the Chinese version of the definition of “crane” which is a definition moved from existing section 37 of the Merchant Shipping (Local Vessels) Ordinance (Cap. 548). Is there any special reason for making the changes in the Chinese version?

Clause 9

4. On new section 23G(2)(b), please clarify the meaning of “the person in whose favour the policy was issued” which is rendered in Chinese as “該保險單惠及的人”. Is the person the policy holder or a beneficiary?
5. On new section 23I(2)(e), should the rendition for “value” be “數值” or “價值”?

Clause 17

6. On new section 89(1)(i), “the measures to be taken for the control and prevention of fire and protection of life and property, including requirements relating to the life-saving appliance to be provided on vessels”. Are “requirements” one of the “measures to be taken”?
7. On new section 89(1)(zg)(i)(A), is there any need to add the word “approved” before the word “insurers” to differentiate from “authorized insurer”?
8. On new section 89(1)(zg)(i)(C), the Director is empowered to specify the amount of insurance to be covered by any policy of insurance. Will the amount be specified by notice in the Gazette and is that notice a piece of subsidiary legislation?
9. It is appreciated if you could reply in both Chinese and English at your earliest convenience, before the date of first meeting, i.e. 28 June 2005, if possible.

Yours sincerely,

(Anita HO)
Assistant Legal Adviser

c.c.: DoJ (Attn: Ms Marie SIU, SGC and Miss Amy CHAN, GC)
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