

政府總部  
經濟發展及勞工局  
香港下亞厘畢道  
中區政府合署



**ECONOMIC DEVELOPMENT AND  
LABOUR BUREAU  
GOVERNMENT SECRETARIAT**

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本函檔號 Our Ref: MA 70/20 Pt.7  
來函檔號 Your Ref:

28 October 2005

Mr. Andy Lau  
Clerk to Bills Committee  
Legislative Council Building  
8 Jackson Road, Central  
Hong Kong

By Fax: 2869 6794 (Total 3+8 Pages)

Dear Mr. Lau,

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

As foreshadowed at the last Bills Committee Meeting held on 20 September 2005, in addition to the Committee Stage Amendments (CSAs) discussed at that meeting, the Administration also proposes to introduce additional CSAs. The purposes of them are set out below to facilitate consideration.

**Clauses 4(b) and 12 – deletion of section 7(6) and the new section 63A(2)**

2. Since detailed requirements regarding vessel survey and inspection will be set out in the Codes of Practice to be issued by the Director under section 8 of the Merchant Shipping (Local Vessels) Ordinance, Cap. 548, there is no need for section 7(6) and the new section 63A(2). We propose to remove them.

**New clauses 25A and 25B – amendment to sections 18 and 20 of Cap. 548D**

3. In sections 18 and 20 of Merchant Shipping (Local Vessels)(Certification and Licensing) Regulation, Cap. 548D, when the Director exercises the power to impose restrictions on a licence, he will take into all relevant considerations, and vessel safety will remain the priority concern. As such, the power of the Director to impose a restriction that a vessel may ply should not be confined to the waters of Hong Kong. This reflects our policy intention as discussed and agreed at the Bills Committee Meeting on 20 September that the Director shall have the power to specify plying limits of local vessels. We therefore propose to amend sections 18 and 20 of Cap. 548D to clarify the extent to which the Director may restrict the plying area of a local vessel to ensure safety of the vessel.

**New clause 38A – amendment to section 39(1) of Cap. 313**

4. We propose to amend section 39(1) of the Shipping and Port Control Ordinance, Cap. 313 to empower the Director and inspectors to require the production of not only any register required to be kept under Part V of Cap. 313, but also those required to be kept under regulations made under section 80 of Cap. 313. This mirrors the arrangements in section 40(1) of Cap. 548.

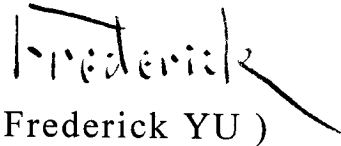
**Way Forward**

5. We should be grateful if you could consult Members of the Bills Committee on the full set of proposed CSAs at Annex. The new CSAs as detailed in paragraphs 2-4 above have been underlined. Subject to Members' agreement, we propose to move them when the Merchant Shipping (Local Vessels and Miscellaneous Amendments) Bill 2005 resumes Second Reading Debate.

6. We would like to take this opportunity to thank Members of the Bills Committee for their guidance and support during the scrutiny of the Bill. We look forward to receiving your

notification of the date of resumption of Second Reading Debate of the Bill.

Yours sincerely,

A handwritten signature in black ink that reads "Frederick YU". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

( Frederick YU )  
for Secretary for Economic Development and Labour

Encl.

c.c.

LegCo (Attn: Ms Anita Ho)

Fax: 2877 5029

MERCHANT SHIPPING (LOCAL VESSELS AND  
MISCELLANEOUS AMENDMENTS) BILL 2005

**COMMITTEE STAGE**

Amendments to be moved by the Secretary for Economic  
Development and Labour

<u>Clause</u>	<u>Amendment proposed</u>
2	(a) By adding before paragraph (a) -  “(aa) in the definition of “lifting gear”,  by repealing “chain sling” and  substituting “chain”;”.
	(b) In paragraph (c) -  (i) in the proposed definition of “保障及  彌償組織”, by deleting “成立” and  substituting “成立、”;
	(ii) in the proposed definition of “起重  機”, by deleting everything after “備  有” and before “裝置;亦” and  substituting “機械設備用以提升和降下負荷  物與用以運輸懸吊中的負荷物的任何”.
<u>4</u>	(a) By adding before paragraph (a) -  “(aa) by adding -

“(1A) In considering the conditions (if any) to be imposed under subsection (1), the Director shall have regard to all relevant considerations, including but not limited to the experience and the competency of the person in carrying out the work of a surveyor for the purposes of this Ordinance.”;

(b) By deleting paragraph (b) and substituting -  
“(b) by repealing subsection (6).”.

5

In the proposed section 7A -

- (a) in subsection (1), by adding “of” before “this Ordinance”;
- (b) by adding -

“(1A) In considering the conditions (if any) to be imposed under subsection (1), the Director shall have regard to all relevant considerations, including but not limited to the experience and the competency of the government authority in carrying out the surveys and approving the plans of the local vessel.”.

- 9
- (a) In the proposed section 23F(4), by deleting “(3)” and substituting “(1)”.
  - (b) In the proposed section 23G(2)(b)(i), by deleting “person in whose favour the policy was issued” and substituting “policy holder”.
  - (c) In the proposed section 23G(2)(b)(ii), by deleting “person in whose favour the policy was issued” and substituting “policy holder”.
  - (d) In the proposed section 23I(2)(e), by deleting “數” and substituting “價”.

- (e) By deleting the proposed section 23K and substituting -

**"23K. Requirements as to production of policy of insurance**

(1) This section applies to a local vessel to which this Part applies which is being used in the waters of Hong Kong.

(2) Upon a requirement made by an authorized officer, the owner, charterer or coxswain of a vessel shall -

(a) produce for inspection a policy of insurance that complies with this Part;

or

(b) within 5 days after the date on which the requirement was made, produce in person at a place specified by the officer -

(i) the relevant policy of insurance; or

(ii) satisfactory evidence that such policy of insurance had been in effect on that date, to an authorized officer for inspection.

(3) If the owner, charterer or coxswain contravenes subsection (2), he commits an offence and is liable to a fine at level 2 and to imprisonment for 3 months."

12 By deleting the proposed section 63A(2).

17 (a) In paragraph (a) in the proposed section 89(1)(i), by adding "specifying the" before "general".

(b) In paragraph (b), in the proposed section 89(2), by adding ", renewal or revocation" after "grant".



New

By adding after clause 25 -

**"25A. Conditions and restrictions  
attached to full licence**

Section 18(1)(b) is amended by repealing

"of the waters of Hong Kong".

**25B. Conditions and restrictions  
attached to temporary  
licence**

Section 20(1)(b) is amended by repealing

"of the waters of Hong Kong".

New

By adding after clause 27 -

**"27A. Suspension of full licence  
or temporary licence after  
damage of vessel**

Section 33 is amended -

- (a) in subsection (4), by  
repealing "and on payment of  
the prescribed fee";
- (b) in subsection (5), by adding  
", on payment of the  
prescribed fee," before  
"terminate".".

31

In the proposed section 94(1)(k), by adding  
"specifying the" before "general".

- 37(b) (a) In the proposed definition of "lifting gear", by deleting "chain sling" and substituting "chain".
- (b) In the proposed definition of "起重機", by deleting everything after "備有" and before "裝置；亦" and substituting "機械設備用以提升和降下負荷物與用以運輸懸吊中的負荷物的任何".

New

By adding after clause 38 -

**"38A. Powers of Directors  
and inspectors**

Section 39(1) is amended -

- (a) in paragraph (f), by  
repealing "this Part" and  
substituting "regulations  
made under section 80";
- (b) in paragraph (g), by  
repealing "this Part" and  
substituting "regulations  
made under section 80".

- Schedule (a) In section 3(a), in the proposed paragraph (b), by adding "and any regulation made under section 89 of the Ordinance" after "(Cap. 548)".
- (b) In section 3(b), in the proposed item C, by adding "*and any regulation made under section 89 of the Ordinance*" after "(Cap. 548)".