

L.N. 8 of 2005**MERCHANT SHIPPING (PREVENTION AND CONTROL OF
POLLUTION) (FEES) REGULATION****CONTENTS**

Section	Page
1. Commencement	B65
2. Interpretation	B65
3. Fees for services within Hong Kong	B65
4. Fees for services outside Hong Kong	B65
5. Fees for services within and outside Hong Kong	B67
6. Additional fees for services outside office hours	B67
7. Fees for issue of certificates, etc.	B69
8. Fees where services not completed	B69
9. Fees payable in advance	B69
10. Services required for certain official purposes	B71
Schedule 1 Specified services	B71
Schedule 2 Specified certificates	B71

MERCHANT SHIPPING (PREVENTION AND CONTROL OF POLLUTION) (FEES) REGULATION

(Made by the Chief Executive in Council under section 3(2A) of the Merchant Shipping (Prevention and Control of Pollution) Ordinance (Cap. 413))

1. Commencement

This Regulation shall come into operation on the day appointed for the commencement of the Merchant Shipping (Prevention of Pollution by Sewage) Regulation (L.N. 7 of 2005).

2. Interpretation

In this Regulation, unless the context otherwise requires—

“Government surveyor” (政府驗船師) means the person appointed by the Director to be a Government surveyor under section 4 of the Merchant Shipping (Prevention of Pollution by Sewage) Regulation (L.N. 7 of 2005);

“office hours” (辦公時間) means the hours between 9 a.m. and 5 p.m. on Monday to Friday inclusive and between 9 a.m. and noon on Saturday (excluding general holidays).

3. Fees for services within Hong Kong

Where a service specified in Schedule 1 is carried out within Hong Kong by a Government surveyor, there shall be payable in respect of the service by each Government surveyor a fee of—

(a) \$3,270 for the first hour or part hour; and

(b) \$1,115 for each subsequent hour or part hour,

during which the service by the surveyor continues.

4. Fees for services outside Hong Kong

(1) Where a service specified in Schedule 1 is carried out outside Hong Kong by a Government surveyor sent from Hong Kong, there shall be payable in respect of the service by each Government surveyor—

(a) a fee of \$7,645 for each period of 24 hours or part of it during which the surveyor is absent from Hong Kong on account of the service; and

- (b) a fee of such amount that is, in the opinion of the Director, equivalent to the travelling and subsistence expenses of the surveyor during the period the surveyor is so absent.

(2) The duration of a Government surveyor's absence from Hong Kong is calculated with reference to the time of departure from and arrival at Hong Kong.

5. Fees for services within and outside Hong Kong

If part of a service specified in Schedule 1 is carried out within Hong Kong by a Government surveyor, and part of the service is carried out outside Hong Kong by a Government surveyor sent from Hong Kong, the fee payable in respect of the service is the aggregate of—

- (a) the fee payable in respect of the part of the service carried out within Hong Kong by each Government surveyor, calculated in accordance with section 3; and
- (b) the fee payable in respect of the part of the service carried out outside Hong Kong by each Government surveyor, calculated in accordance with section 4.

6. Additional fees for services outside office hours

(1) Where a service specified in Schedule 1, or part of it, is carried out (whether within Hong Kong or not) by a Government surveyor outside office hours on any date, there shall be payable, in addition to the appropriate fees payable under section 3, 4 or 5, in respect of the service, or the part of the service, by each Government surveyor outside office hours—

- (a) subject to paragraph (d), if that date is a weekday (other than a Saturday), a fee of—
 - (i) \$1,115 for each hour or part of it between 7 a.m. and 9 a.m. or between 5 p.m. and 7 p.m. during which the service, or the part of the service, by the surveyor continues; and
 - (ii) \$2,215 for each hour or part of it before 7 a.m. or after 7 p.m. during which the service, or the part of the service, by the surveyor continues;
- (b) subject to paragraph (d), if that date is a Saturday, a fee of—
 - (i) \$1,115 for each hour or part of it between 7 a.m. and 9 a.m. during which the service, or the part of the service, by the surveyor continues;
 - (ii) \$2,215 for each hour or part of it before 7 a.m. during which the service, or the part of the service, by the surveyor continues; and

- (iii) \$3,270 for each hour or part of it between the hours from noon to midnight during which the service, or the part of the service, by the surveyor continues;
- (c) subject to paragraph (d), if that date is a Sunday, a fee of \$3,270 for each hour or part of it during which the service, or the part of the service, by the surveyor continues;
- (d) if that date falls on a calendar day that is a general holiday in Hong Kong, a fee of \$3,270 for each hour or part of it during which the service, or the part of the service, by the surveyor continues.

(2) For the purposes of subsection (1), where a service, or part of it, is carried out in a place outside Hong Kong, a reference to any time or date in that subsection (except the reference to general holiday in subsection (1)(d)) is a reference to the time or date according to the local time in the place.

(3) Subsection (1) does not apply if 3 days' notice of the requirement for the service has been given to the Director by the person requesting the service, but the Director has caused the service to be carried out outside office hours.

7. Fees for issue of certificates, etc.

(1) The fee for the issue of a certificate specified in Schedule 2 is \$565.

(2) The fee for the issue of a certified true copy of a certificate specified in Schedule 2 is \$565.

(3) The fee for the making of any alteration to a certificate specified in Schedule 2 is \$565.

8. Fees where services not completed

(1) Where—

(a) at the request of any person, a service specified in Schedule 1 is carried out by a Government surveyor; and

(b) in consequence of the act of the person, the service is abandoned before it is completed,

the fee payable in respect of the service under this Regulation may be reduced at the discretion of the Director.

(2) In exercising the discretion under subsection (1), the Director shall have regard to the nature and extent of the work involved in the service.

9. Fees payable in advance

(1) Subject to subsection (2), a fee payable in respect of a service specified in Schedule 1, or a certificate specified in Schedule 2, under this Regulation shall be paid to the Director before the service is carried out or the certificate (or the certified true copy of the certificate) is issued or the certificate is altered.

(2) The Director may, in any particular case, permit the whole, or any part, of any fee payable under this Regulation to be paid in arrears, subject to such conditions as to security or time for payment as the Director thinks fit.

10. Services required for certain official purposes

(1) Notwithstanding sections 3, 4 and 6, no fee shall be payable in respect of any service specified in Schedule 1 that is carried out at the request of—

- (a) the Central People's Government; or
- (b) any department of the Government of Hong Kong,

for official purposes.

(2) Notwithstanding section 7(2), no fee shall be payable in respect of the issue of a certified true copy of a certificate specified in Schedule 2 that is issued at the request of—

- (a) the Central People's Government;
- (b) any department of the Government of Hong Kong; or
- (c) the representative of a government other than the Government of Hong Kong,

when the copy is required for official purposes.

SCHEDULE 1

[ss. 3, 4, 5, 6,
8, 9 & 10]

SPECIFIED SERVICES

1. An initial survey, renewal survey or additional survey within the meaning of the Merchant Shipping (Prevention of Pollution by Sewage) Regulation (L.N. 7 of 2005).

SCHEDULE 2

[ss. 7, 9 & 10]

SPECIFIED CERTIFICATES

1. An International Sewage Pollution Prevention Certificate issued by the Director under the Merchant Shipping (Prevention of Pollution by Sewage) Regulation (L.N. 7 of 2005).

LAM Chik-ting, Tony
Clerk to the Executive Council

COUNCIL CHAMBER
4 January 2005

Explanatory Note

The main purpose of this Regulation is to provide for the payment of fees in respect of—

- (a) surveys carried out under the Merchant Shipping (Prevention of Pollution by Sewage) Regulation (L.N. 7 of 2005) (sections 3, 4, 5 and 6); and
- (b) the issue of International Sewage Pollution Prevention Certificates by the Director of Marine under the Merchant Shipping (Prevention of Pollution by Sewage) Regulation (L.N. 7 of 2005) (section 7).