

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 | <p>(a) By adding before paragraph (a) -</p> <p>“(aa) in the definition of “lifting gear”,
by repealing “chain sling” and
substituting “chain”;</p> <p>(b) In paragraph (c) -</p> <p>(i) in the proposed definition of “保障及
彌償組織”, in the Chinese text, by
deleting “成立” and substituting “成
立、”;</p> <p>(ii) in the proposed definition of “起重
機”, in the Chinese text, 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”.</p> |
| 4 | <p>(a) By adding before paragraph (a) -</p> |

ALL PASSED

"(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), in the English text,
by adding "of" before "this Ordinance";

(b) by adding -

ALL PASSED

"(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), in the Chinese text, by deleting "數" and substituting "價".

ALL PASSED

- (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

ALL PASSED

(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".

ALL PASSED

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".

ALL PASSED

- 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", in the Chinese text, 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".".

ALL PASSED

- 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)".

ALL PASSED