

政府總部經濟局的信頭

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香港中區昃臣道 8 號  
立法會大樓  
立法會法案委員會秘書  
(請交馬淑霞小姐)

馬小姐：

**《商船（本地船隻）條例草案》委員會**  
**1999 年 5 月 24 日會議**

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多謝您五月二十一日的來信。

梁耀基公証行有限公司對條例草案的查詢，我們的回覆列於附件。

香港特別行政區  
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一九九九年五月二十九日

## Clause 2 Interpretation

“authorized surveyor”（特許驗船師）

特許驗船師的要求資格，將在工作守則內闡明。

The required qualifications will be specified in codes of practice.

“Committee”（委員會）

本地船隻諮詢委員會的設立內及其成員的委任，是根據條例草例第五部所規定。本地船隻諮詢委員的成員將包括本港航運業的各界代表。

The Local Vessels Advisory Committee is set up and appointment of its members are governed by Part V of the Bill. The Committee will comprise representatives of various sectors of the local shipping industry.

“coxswain”（船長）

對於考取本地船長證書的資格要求，是載於本法例下有關考試的規則內。

The qualification required for the issue of certificate of competency for coxswain would be specified in regulations and rules made under the Local Vessels Ordinance.

“dwelling vessel”（住家船隻）

住家船隻是一些主要使用，建造或改裝作住家用途及於香港港水域內停留不動的本地船隻。住家船隻是受“商船（本地船隻）（住家船隻）規例”規管。如任何人仕改裝遊樂船隻作住家用途而未領有住家船隻牌照，即屬違法。

“Dwelling vessels” are vessels used, constructed, or adapted principally for dwelling purpose and which remain stationary in the waters of Hong Kong. Dwelling vessel are governed by the “Merchant Shipping (Local Vessels) (Dwelling Vessels) Regulation”. If any person modifies a pleasure vessel for dwelling purpose without a dwelling vessel licence, he commits an offence under the law.

“dynamically supported craft”（動力承托的航行器）

HSC Code 基本上祇適用於國際航綫高速船隻。因此，在本條例草案中並無引入。

The HSC Code principally is applicable to high speed craft trading on international voyages and therefore not applicable in this Bill.

“engine operator”（輪機操作員）

此名稱是適用於持有操作本地船資格的人仕。以區別持有遠洋船資格者。

Engine operator is a person who possesses an approved qualification for operating the engines fitted on local vessels. This term is used to differentiate it from “engineer” who is qualified to operate ocean going vessels.

“Government surveyor”（政府驗船師）

Government surveyor 為根據商船（安全）法例委任為造船驗船師，輪機檢船師，航海驗船師等人仕。驗船師及驗船督察的權責，將在工作守則內闡明。

Government surveyors are persons appointed as ship surveyors, nautical surveyors, engineer surveyors, under the Merchant Shipping (Safety) Ordinance (Cap. 369). Their responsibilities will be specified in the relevant codes of practice.

“local vessel”（本地船隻）

任何船隻，如符合第(a)至(e)段所述定義，將被界別為本地船隻。

Any vessel which falls into the definition in para. (a) to (e) would be a local vessel.

“passenger”（乘客）

“乘客”是指船上除船員或一週歲以下小童以外的任何人仕。此包括購票及非購票乘客。

“passenger” means any person carried in a vessel other than a member of the crew or a child under 1 year of age. This would include fare paying passengers and non-fare paying passengers.

“pleasure vessel”（遊樂船隻）

任何船隻，如符合法例內關於‘遊樂船隻’定義，可被定級為‘遊樂船隻’。此包括問題所述種類船隻。但處長在發牌給在香港水域內使用的任何船隻前會考慮該船隻的安全及該船隻對其他船隻、港口及環境所可能產生的影響。使用領牌遊樂船隻作非遊樂用途是違法行爲。

Any vessel which falls into the definition would be classified as pleasure vessel, including the types of vessel mentioned. However the Director shall consider the safety of the vessel, and the possible impact caused by the vessel to the safety of other vessels, port and environment before he will license a vessel to be used in the waters of Hong Kong. It is an offence to use a licensed pleasure vessel for purposes other than pleasure purpose.

“pleasure vessel operator”（遊樂船隻操作人）

此名稱適用於持有操作遊樂船隻資格人仕，以區別持有商業船資格的人仕。

This term is used for those persons in charge of pleasure vessels to differentiate from those possessing certificate of competency for operating commercial vessels.

“Power”在本條例而言，指船上全部推進機械的總馬力。

In this Ordinance, “power” refers to the combined horsepower of all propulsion engines onboard.

**Clause 3      Application**

在第 3(5)條中的“任何其他法律”是指任何其他香港法律。

The words “any other law” in section 3(5) refer to any other laws of Hong Kong.

**Clause 10     Application**

法例之第 IV 部不適用於第 10(a)(ii)所述遊樂船隻。但其他部份適用。

Part IV of the Ordinance would not apply to a pleasure vessel mentioned in section 10(a)(ii). Other parts of the Ordinance would apply to such pleasure vessels.

**Clause 16 Local certificate of competency for persons employed as coxswains, etc.**

現行對於考取本地合格証書的方法，已經臨時船隻諮詢委員會討論及通過。考試方式應在考試規則內訂明。

the existing method of granting local certificates of competency had been discussed and accepted by the Provisional Local Vessels Advisory Committee. The detail of examination will be specified in the relevant sub-legislation.

**Clause 29 Assistance to be rendered in event of collision**

船隻在發生碰撞後所需交換的資料是遵照國際的要求所擬定。如果涉及碰撞的船隻沒有海事處發給的證明書和牌照，任何有關人仕可接觸海事處索取有關船隻之入境資料。根據新的《商船（本地船隻）（第三者風險保險）規例》的規定，被申索的人有責任提供有關是否已購有保險的資料。

The information required for exchange after a collision is set in accordance to the international requirement. If vessels involved in the collision are not vessels certificated and licensed by the Marine Department, any person may apply to the Marine Department for the relevant information of the vessels. Under the new Merchant Shipping (Local Vessels) (Third Party Risks Insurance) Regulation, any person against whom a claim is made shall give information whether or not he was insured.

**Clause 30 Unseaworthy vessels**

任何船東，代理或船長容許一艘本地船隻在不適航或不安全的情況下操作，是違法的。如有問題所述的情況，船長應用所有合理行動，把船盡快帶往安全地方。

Any owner, agent or coxswain who permits a local vessel to operate while it is in an unseaworthy or unsafe condition commits an offence. If deficiencies are noted whilst a vessel is under way, the coxswain should take all reasonable steps to bring the vessel to safety as quickly as possible.

**Clause 59 (wrongly quoted as Clause 41) - Compliance by owner, agent or coxswain**

在第(1)段的“控制任何本地船隻的其他人”（如適用）是包括遊樂船隻操作人。

In subsection (1), the clause “other person having control over” includes a pleasure vessel operator, where applicable.

**Clause 85 (wrongly quoted as Clause 64) - Service of Documents**

根據《釋義及通則條例》（第 1 章）第 7(1)條，凡指男性的字及詞句亦包括女性在內。

According to section 7(1) of the Interpretation and General Clauses Ordinance, Chapter 1, words and expressions importing the masculine gender include the feminine gender.

**Clause 86 (wrongly quoted as Clause 65) - Indemnity against damage, etc.**

相似的條例出現在《公安條例》（第 245 章）第 53 條中，對根據該條例行事的人的彌倘作出保障。

Similar provision appears in section 53 of the Public Order Ordinance, Cap. 245, it provides indemnity to persons acting under that Ordinance.