

**Paper for the House Committee Meeting
of the Legislative Council
on 16 April 1999**

**Legal Service Division Report on
Shipping and Port Control (Amendment) Bill 1999**

Objects of the Bill

This Bill makes a number of miscellaneous amendments to the Shipping and Port Control Ordinance (Cap. 313) (the Ordinance). The main purpose of the Bill is to improve the safety protection of workers engaged in marine works.

LegCo Brief Reference

2. LegCo Brief (File Ref.: ECON 4/3231/66 (98) Pt. 16) issued by the Economic Services Bureau dated 16 March 1999.

Date of First Reading

3. 31 March 1999.

Comments

4. Part V of the Ordinance provides for safety protection of persons engaged in cargo handling, ship repairs and ship-breaking work. Clause 7(f) of the Bill proposes to add a new definition of “marine construction” for inclusion into the type of works covered by Part V. As a result, safety protection would also be provided to workers engaged in dredging, drilling, pipe laying, buoy laying, cable laying and caisson construction where vessels are used. Furthermore, clause 8 of the Bill proposes to remove the non-application of Part V to vessels of 50 meters or less in length in relation to vessel repair or breaking up work.

5. Penalties for breach of requirements in Part V of the Ordinance would also be increased, mostly by about twofold (Clauses 9, 10, 11, 12, 13 and 14).

6. Clause 15 adds a new section 44A to the principal Ordinance which empowers the Director of Marine to issue codes of practice as practical guidances in respect of the requirements of Part V or of regulations. Non-compliance with the codes of practice may be admissible as evidence in criminal proceedings to which this proposed new section applies.

7. Clause 16 amends section 80(1) of the principal Ordinance so that the Director of Marine may make regulations for control of works, safety and protection of persons employed in works, and approve any person to provide a safety training course and issue certificates to persons attending the course.

The draft Shipping and Port Control (Cargo Handling) (Amendment) Regulation 1999

8. (a) The draft Regulation is attached as Annex B to the LegCo brief for Members' information. It will be made after the Bill is enacted and will be subject to scrutiny by Legislative Council in the usual manner.
- (b) New provisions on occupational safety will be added. They include:
- (i) A works supervisor, an operator of crane, a person carrying on the process of cargo handling will have to attend safety training courses and hold valid certificates before they can be employed.
 - (ii) Lifting appliances will have to be tested and examined by a competent examiner.
 - (iii) Safe means of access to and from top of the stack of containers will have to be maintained.
- (c) Employers and persons in charge of works will have a duty to provide safety helmets and other protective clothing and equipment to workers. First aid box on every vessel where works are carried out will also have to be provided.
- (d) General duties of care are imposed on employers, persons in charge of works and persons employed. Penalties will be imposed if any of the above provisions is contravened.

Public Consultation

9. According to paragraph 6 of the LegCo brief, the relevant industries and interested parties, including the Labour Advisory Board and the Provisional Local Vessels Advisory Committee have been consulted. They all agreed to the proposed amendment.

Consultation with the LegCo Panel

10. No consultation with any LegCo Panel on the details of the Bill has been carried out.

Conclusion

11. The legal and drafting aspects of the Bill are in order. Should Members wish to examine the policy aspects of the Bill in detail, a Bills Committee may be formed.

Prepared by

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12 April 1999