

立法會

Legislative Council

LC Paper No. LS 165/98-99

**Paper for the House Committee Meeting
of the Legislative Council
on 23 April 1999**

**Legal Service Division Further Report on
Merchant Shipping (Safety) (Carriage of Cargoes) (Amendment) Regulation
1999 (L.N. 85 of 1999)**

At the House Committee meeting held on 16 April 1999, a member queried, in relation to the Amendment Regulation and new section 8A(2), whether or not the Administration had consulted relevant bodies, in particular the Hong Kong Cargo-Vessel Traders' Association Ltd. ("the Association"), other than the 4 bulk cargo terminals mentioned in its letter of 12 April 1999.

2. The Legal Service Division related the member's concern to the Administration. Its response is as follows. The Association is not consulted because the Amendment Regulation and new section 8A(2) deal with safety of sea-going vessels. The Amendment Regulation deals mainly with the requirement for carrying "Cargo Securing Manuals" on board sea-going vessels and loading and discharging sea-going large bulk-carriers. As such, the Administration has only consulted the members of the Hong Kong Shipping Register, Shipping Consultative Committee and the 4 bulk cargo terminals. Nevertheless, according to the Administration, the Director of Marine has spoken with the Chairman of the Association, who initially responded that he would not be interested, if the definition of "terminal" under the captioned legislation is not connected with "public cargo working areas". The term "terminal" is neither defined under the original Regulation nor the Amendment Regulation. Upon further enquiry by the Legal Service Division, the Administration confirms that "terminal" referred to in new section 8A has no connection with "public cargo working area". The Administration further confirms that in practice a "public cargo working area" can handle small quantity of bulk cargoes. But the vessels currently using these "public cargo working areas" are river trade or local vessels, they are small in size (ship's draft limitation of about 4.5 metres) and the quantity of cargo involved is small. The Administration concludes that the current practice in Hong Kong is that, "bulk cargoes" under the Amendment Regulation are all being handled by the 4 bulk cargo terminals.

3. In the light of the Administration's reply, it appears that the bodies in the industry likely to be affected by the Amendment Regulation have been consulted.

4. Copies of the correspondence between the Legal Service Division and

Administration are at the Annex.

Encl

Prepared by

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Legislative Council Secretariat
20 April 1999

Subleg/further/merchat(LS/S/37/98-99)

ECON 7627/45(98)Pt. 15
LS/S/37/98-99
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Mr Summy W S Chu
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Economic Services Bureau
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Hong Kong

20 April 1999

BY FAX
Fax No. : 2523 0030
Total Page(s) : 1

Dear Mr Chu,

**Merchant Shipping (Safety) (Carriage of Cargoes) (Amendment) Regulation
1999 (L.N. 85 of 1999)**

Thank you for your today's letter.

In relation to the reply of the Chairman of the Hong Kong Cargo-Vessel Traders' Association Ltd. ("the Association"), it is noted that the term "terminal" is not defined in the Principal Regulation or Amendment Regulation. It is appreciated that, according to the last paragraph of your letter, in practice "bulk cargoes" are being handled only by the four cargo terminals. But in the light of the Chairman's reply, we should be grateful for your clarification of the following points :

- (1) Is the terminal referred to in new section 8A has any connection with "public cargo working areas"?
- (2) Could a "public cargo working area", in law or practice, handle bulk cargoes?

We should be grateful for your reply, in bilingual versions, by close of play today.

Yours faithfully,

(Stephen Lam)
Assistant Legal Adviser

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Mr Summy W S Chu
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16 April 1999

BY FAX
Fax No. : 2523 0030
Total Page(s) : 1

Dear Mr Chu,

**Merchant Shipping (Safety) (Carriage of Cargoes) (Amendment) Regulation
1999 (L.N. 85 of 1999)**

At today's LegCo House Committee meeting, a member queried whether or not the Administration, in relation to the amendment Regulation and new section 8A(2), had consulted relevant bodies, in particular Hong Kong Cargo-Vessel Traders' Association Ltd., other than the four bulk cargo terminals mentioned in your letter of 12 April 1999. We should be grateful for your confirmation in this respect.

In facilitating us to report on this item to the LegCo House Committee meeting to be held on 23 April 1999, we should be grateful for your reply, in bilingual versions, to reach us by 19 April 1999.

Yours sincerely,

(Stephen Lam)
Assistant Legal Adviser

政府總部經濟局的信頭
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Our Ref: ECON 7627/45(98) Pt.15

Our Tel: 2537 2844

Your Ref:

20 April 1999

Legislative Council Secretariat
Legal Service Division
Legislative Council Building
8 Jackson Road, Central
Hong Kong
Attn.: **Mr Stephen LAM**
(Fax No.: 2877 5029)

Dear Mr. Lam,

***Merchant Shipping (Safety) (Carriage of Cargoes)
(Amendment) Regulation 1999 (L.N. 85 of 1999)***

Thank you for your letter of 16 April 1999 regarding the consultation with relevant bodies under the captioned legislation.

Please be advised that the Hong Kong Cargo-Vessel Traders' Association Ltd. (the Association) was not consulted, since the amendment Regulation and new section 8A(2) dealt with safety of sea-going vessels. It mainly dealt with requirement of carrying "Cargo Securing Manuals" on board sea-going vessels and loading and discharging sea-going large bulk-carriers. As such, the administration had only consulted the members of the Hong Kong Shipping Register, Shipping Consultative Committee and the four bulk cargo terminals as mentioned earlier. Nevertheless, the Director of Marine has spoken with the Chairman of the Association, the Chairman initially responded that he would not be interested, if the definition of "terminal" under the captioned legislation is not connected with "Public Cargo Working Areas".

"Bulk cargoes" could be in different forms, such as cement, coal, etc. The current practice in Hong Kong is that, "bulk cargoes" under the captioned legislation are all being handled by the four bulk cargo terminals.

Yours sincerely,

(Summy W S CHU)
for Secretary for Economic Services

C.C.

D of M

(Attn.: Mr. B B Rao) - 2542 4841

政府總部經濟局的信頭
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Legislative Council Secretariat
Legal Service Division
Legislative Council Building
8 Jackson Road, Central
Hong Kong
Attn.: **Mr Stephen LAM**
(Fax No.: 2877 5029)

Dear Mr. Lam,

***Merchant Shipping (Safety) (Carriage of Cargoes)
(Amendment) Regulation 1999 (L.N. 85 of 1999)***

Thank you for your letter of 20 April 1999.

Regarding your first question, please be advised that the terminal referred to in new section 8A has no connection with “public cargo working area”.

With regards to your second question, in practice, a “public cargo working area” can handle small quantity of bulk cargoes. But the vessels currently using these “public cargo working area” are river trade or local vessels, they are small in size (ship’s draft limitation of about 4.5metres) and the quantity of cargo involved is small.

The intention of the regulation is to take care of stresses on very large bulk carriers which are ocean-going vessels, which do not use “public cargo working areas”.

Yours sincerely,

(Summy W S CHU)
for Secretary for Economic Services

c.c.

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