

LEGISLATIVE COUNCIL BRIEF

The Secretary for Economic Services submits the following note for members' information -

Title of the Note	Date of ExCo	Date of Gazette
Merchant Shipping (Launches and Ferry Vessels) (Amendment) Regulation 1998	16.6.98	3.7.98
Merchant Shipping (Miscellaneous Craft) (Amendment) Regulation 1998	16.6.98	3.7.98

July 1998

Economic Services Bureau

LEGISLATIVE COUNCIL BRIEF

Shipping and Port Control Ordinance (Cap. 313)

MERCHANT SHIPPING (LAUNCHES AND FERRY VESSELS)

(AMENDMENT) REGULATION 1998

MERCHANT SHIPPING (MISCELLANEOUS CRAFT)

(AMENDMENT) REGULATION 1998

INTRODUCTION

At the meeting of the Executive Council on 16 June 1998, the Council ADVISED and the Acting Chief Executive ORDERED that the Merchant Shipping (Launches and Ferry Vessels) (Amendment) Regulation 1998 and the Merchant Shipping (Miscellaneous Craft) (Amendment) Regulation 1998, at the annexes, should be made under Section 33 of the Shipping and Port Control Ordinance.

BACKGROUND AND ARGUMENT

2. At present, the format of most licences and permits for local vessels are prescribed in legislation and may be amended by the Chief Executive in Council. This is unduly rigid and cumbersome to administer. The Marine Department, supported by the Efficiency Unit and in pursuit of the Government's "Helping Business Programme", completed a consultancy study on the review of requirements and procedures for processing licences and permits for local vessels in November 1996.

3. The study recommended that the licensing procedure should be made more user-friendly and the Director of Marine should be authorised to determine the format of the licences administratively. It is also recommended that the requirement to obtain a special permit for Class II Miscellaneous Craft to leave the waters of Hong Kong Special Administrative Region (HKSAR) be waived. The purpose of the special permit is to regulate the safety aspects of the vessel, which are already covered by the issue of a Port Clearance Permit which a vessel is required to obtain before leaving HKSAR waters.

THE REGULATION

4. The Merchant Shipping (Launches and Ferry Vessels) (Amendment) Regulation 1998 amends regulations 4(5), 7 and 8(1) and repeals Forms 1, 2 and 3 of the Second Schedule of the principal Regulations to allow the relevant licence and permit forms to be determined by the Director of Marine.

5. The Merchant Shipping (Miscellaneous Craft) (Amendment) Regulation 1998 amends regulations 3(1) and (6), 4(1) and (2) and 34(1) and repeals the First, Third and Ninth Schedules of the principal Regulations and to allow the relevant licence and permit forms to be determined by the Director of Marine. It also repeals regulations 43 and the Sixth Schedule thereby removing the requirement for Class II Miscellaneous Craft leaving the waters of the HKSAR to obtain a special permit.

HUMAN RIGHTS IMPLICATIONS

6. The Department of Justice advises that the proposed amendments have no human rights implications.

FINANCIAL AND STAFFING IMPLICATIONS

7. There are no financial or staffing implications.

ECONOMIC IMPLICATIONS

8. There are no economic implications.

ENVIRONMENTAL IMPLICATIONS

9. There are no environmental implications.

PUBLIC CONSULTATION

10. The Hong Kong shipping industry has been consulted on these amendments by the consultants. They welcome the Government's initiative to facilitate their business.

PUBLICITY

11. A press release will be issued today. A spokesman will be available to handle press enquiries.

ENQUIRY

12. For enquiry on this brief, please contact Mr. F L Cheuk, Senior Marine Officer/Planning (3) at 28524382 or Mr. M K Chan, Assistant Secretary for Economic Services at 25372864.

Economic Services Bureau

Date: July 1998

**MERCHANT SHIPPING (LAUNCHES AND FERRY VESSELS)
(AMENDMENT) REGULATION 1998**

(Made by the Chief Executive in Council under sections 33
and 35(1) of the Shipping and Port
Control Ordinance (Cap. 313))

1. General provisions relating to licensing

Regulation 4(5) of the Merchant Shipping (Launches and Ferry Vessels) Regulations (Cap. 313 sub. leg.) is repealed and the following substituted -

- “(5) (a) Every licence shall be issued subject to such conditions as the Director may think fit and such conditions shall be specified in the licence.
- (b) Every such licence may from time to time be renewed by endorsement on the licence.”.

2. Issue of permits

Regulation 7 is amended by repealing everything after “fit” and substituting “and upon payment of the prescribed fee, issue to the master of the vessel a temporary permit allowing the vessel to remain in the waters of Hong Kong for any one period not exceeding one week.”.

3. Licences and permits to be carried

The proviso to regulation 8(1) is amended by repealing “certificate in Form 3 of the forms prescribed in the Second Schedule, and such certificate” and substituting “temporary operating permit allowing the vessel in question to be operated

during the period when such licence or permit is so withdrawn or deposited, and such temporary operating permit”.

4. Second Schedule amended

The Second Schedule is amended by repealing Forms 1, 2 and 3.

3.

Clerk to the Executive Council

COUNCIL CHAMBER

16 June 1998

Explanatory Note

This Regulation amends the Merchant Shipping (Launches and Ferry Vessels) Regulations (Cap. 313 sub. leg.) by repealing various prescribed forms currently in use for issue of licences or permits. The form of the licences or permits concerned and the conditions upon which they are issued shall be determined by the Director of Marine.

**MERCHANT SHIPPING (MISCELLANEOUS CRAFT)
(AMENDMENT) REGULATION 1998**

(Made by the Chief Executive in Council under sections 33
and 35(1) of the Shipping and Port Control
Ordinance (Cap. 313))

1. Licences and voyage permits

Regulation 3 of the Merchant Shipping (Miscellaneous Craft) Regulations (Cap. 313
sub. leg.) is amended -

(a) by repealing paragraph (1) and substituting -

“(1) (a) The Director is hereby authorized to issue
licences under these regulations for use and
operation of vessels according to their appropriate
classification as in regulation 2.

(b) All licences shall be subject to such conditions as
the Director may think fit and such conditions
shall be specified in the respective licences.

(c) Upon payment of the appropriate prescribed fee,
the Director may further issue licence discs to the
applicants.”;

(b) in paragraph (6) -

(i) by adding “and upon payment of the prescribed fee” after
“on application”;

- (ii) in subparagraph (a), by adding “allowing the vessel to remain in the waters of Hong Kong for any one period not exceeding 7 days” after “permit”;
- (iii) in subparagraph (b) -
 - (A) by adding “allowing the vessel to proceed on a single voyage from Hong Kong to a specified port for a specified purpose” after “permit”;
 - (B) by repealing the comma at the end and substituting a full stop;
- (iv) by repealing everything after subparagraph (b).

2. Obligation to obtain licence

Regulation 4 is amended -

- (a) in paragraph (1) -
 - (i) by repealing “in the form prescribed by these regulations”;
 - (ii) by adding “under these regulations” after “Director”;
- (b) in paragraph (2), by repealing “in the prescribed form”.

3. Prohibition of dangerous goods

Regulation 34(1) is repealed and the following substituted -

“(1) No master, owner or agent of any vessel shall receive or have on board the vessel, and no person shall place on board any vessel, any dangerous goods unless -

(a) in the case of petroleum products carried in bulk, a declaration in the form prescribed in the Eighth Schedule to the effect that the vessel is fit to carry such products in bulk; or

(b) in the case of any other dangerous goods, a permit for the carriage of those goods,

has been issued in respect of the vessel by the Director.”.

4. Restriction on leaving Hong Kong

Regulation 43 is repealed.

5. Schedules repealed

The First, Third, Sixth and Ninth Schedules are repealed.

Clerk to the Executive Council

COUNCIL CHAMBER

16 June 1998

Explanatory Note

This Regulation amends the Merchant Shipping (Miscellaneous Craft) Regulations (Cap. 313 sub. leg.) (“principal Regulations”) by repealing various prescribed forms currently in use for issue of licences or permits. The form of the licences or permits

concerned and the conditions upon which they are issued shall be determined by the Director of Marine. It also removes the requirement for Class II vessels leaving Hong Kong to obtain a special permit by repealing regulation 43 and the Sixth Schedule of the principal Regulations.