

L.N. 71 of 1999

Port Control (Cargo Working Areas)

(Amendment) Regulation 1999

(Made by the Chief Executive in Council under section 6 of the

Port Control (Cargo Working Areas) Ordinance (Cap. 81))

1. Commencement

This Regulation shall come into operation on a day to be appointed by the Secretary for Economic Services by notice in the Gazette.

2. Interpretation

Regulation 2 of the Port Control (Cargo Working Areas) Regulations (Cap. 81 sub. leg.) is amended---

(a) by repealing the definitions of "cargo transfer permit", "crane barge", "crane barge permit", "parking area ticket" and "working area ticket";

(b) by adding---

" "operation area permit" (操作區許可證) means an operation area permit issued under regulation 7D;

" "vehicle entry ticket" (車輛通行票證) means a vehicle entry ticket issued under regulation 14;"

3. Entry of vessels

Regulation 5A is amended---

(a) in paragraphs (1) and (2), by repealing "Subject to paragraph (3), the" and substituting "The";

(b) by repealing paragraph (3).

4. Berthing permits

Regulation 5B is amended---

(a) in paragraph (4), by repealing "Subject to paragraph (5), the" and substituting "The";

(b) by repealing paragraph (5).

5. Allocation of cargo working berths

Regulation 5C is amended---

(a) in paragraph (7), by repealing "Subject to paragraph (8), a" and substituting "A";

(b) by repealing paragraph (8).

6. Crane barge permits

Regulation 5D is repealed.

7. Cargo transfer permits

Regulation 6B is repealed.

8. Cargo depositing permits

Regulation 7 is amended---

(a) in paragraph (4)---

(i) by repealing "Any" and substituting "Subject to paragraph (5), any";

(ii) in subparagraph (a), by adding "任何" before "公眾貨物裝卸區";

(b) by adding---

"(5) Paragraph (4) shall not apply to a person who has been issued with an operation area permit which is valid in respect of the public cargo working area or public water-front."

9. Mobile crane permits

Regulation 7A is amended---

(a) in paragraph (2)(b), by repealing "on" and substituting "at the end of";

(b) in paragraph (6)---

(i) by repealing "Any" and substituting "Subject to paragraph (7), any";

(ii) by adding "任何" before "公眾貨物裝卸區";

(c) by adding---

"(7) Paragraph (6) shall not apply to a person who has been issued with an operation area permit which is valid in respect of the public cargo working area or public water-front."

10. Fork lift truck permits

Regulation 7B is amended---

(a) in paragraph (6)---

(i) by repealing "Any" and substituting "Subject to paragraph (7), any";

(ii) by adding "任何" before "公眾貨物裝卸區";

(b) by adding---

"(7) Paragraph (6) shall not apply to a person who has been issued with an operation area permit which is valid in respect of the public cargo working area or public water-front."

11. Mobile office and mobile shelter permits

Regulation 7C is amended---

(a) in paragraph (2)(b), by repealing "on" and substituting "at the end of";

(b) in paragraph (7)---

(i) by repealing "Any" and substituting "Subject to paragraph (7A), any";

(ii) in subparagraph (a), by adding "任何" before "公眾貨物裝卸區";

(c) by adding---

"(7A) Paragraph (7) shall not apply to a person who has been issued with an operation area permit which is valid in respect of the public cargo working area or public water-front."

12. Section added

The following is added---

"7D. Operation area permits

(1) The Director may, upon application and on payment of the fee prescribed in the Schedule by any person, issue to the person an operation area permit to permit him to---

(a) deposit any cargo or cargo container;

(b) operate a mobile crane;

(c) operate a fork lift truck; and

(d) keep a mobile office or mobile shelter,

within the area specified in the permit forming part of a public cargo working area or public water-front.

(2) An operation area permit---

(a) shall be valid only in respect of the public cargo working area or public water-front specified in the permit; and

(b) shall, unless earlier cancelled under regulation 21, be valid for a period not exceeding 1 calendar month, expiring at the end of the last day of the month for which it is issued; and

(c) may from time to time be renewed.

(3) An application for the issue or renewal of an operation area permit shall be made to the Director in such manner as he may specify."

13. Prohibition of certain vehicles at public water-fronts

Regulation 10(1A) is repealed and the following substituted---

"(1A) Paragraph (1) shall not apply to a mobile crane or fork lift truck."

14. Movement of vessels or vehicles

Regulation 11(1) is amended---

(a) by repealing "在以不損害本規例的任何其他條文為原則下，";

(b) by adding "。本款並不損害本規例的任何其他條文的效力" after "別處".

15. Removal of vessels

Regulation 11A(1) is amended---

(a) by repealing "在以不損害本規例的任何其他條文為原則下，";

(b) by adding "。本款並不損害本規例的任何其他條文的效力" after "移走".

16. Entry of vehicles, etc.

Regulation 13 is amended---

(a) in paragraph (1), by repealing "either a valid working area ticket or a valid parking area ticket issued in respect of the vehicle under regulation 14" and substituting "a valid vehicle entry ticket issued in respect of the vehicle";

(b) by repealing paragraph (2A) and substituting---

"(2A) Paragraph (2) shall not apply to a mobile crane or fork lift truck.";

(c) in paragraph (3), by repealing "working area ticket" and substituting "vehicle entry ticket".

17. Vehicle entry tickets

Regulation 14 is amended---

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

"(1) Subject to paragraph (2), a supervisor in a public cargo working area may issue to the driver of a goods vehicle a vehicle entry ticket entitling the driver, subject to these regulations---

(a) to use the vehicle in the loading or unloading of cargo or cargo containers; and

(b) to keep the vehicle parked or waiting in parking and waiting facilities, in the public cargo working area.";

(b) in paragraph (2), by repealing "parking area ticket" and substituting "vehicle entry ticket";

(c) by repealing paragraph (3) and substituting---

"(3) A vehicle entry ticket shall be endorsed with the date and time of issue.";

(d) by repealing paragraph (4);

(e) in paragraph (5), by repealing "working area ticket or parking area ticket issued in respect of the vehicle and not previously presented under paragraph (4)" and substituting "vehicle entry ticket issued in respect of the vehicle";

(f) in paragraph (8), by repealing "working area ticket or parking area ticket" and substituting "vehicle entry ticket";

(g) in paragraph (10), by repealing "working area ticket and any parking area ticket" and substituting "vehicle entry ticket".

18. Form, conditions and cancellation of permits, etc.

Regulation 21 is amended---

(a) in paragraph (3)---

(i) by repealing "在以不損害第 (2) 款為原則下，";

(ii) by adding "。本款並不損害第 (2) 款的效力" after "取消有關許可證";

(b) by adding---

"(4) Without prejudice to paragraph (2), the Director may at any time, where in his opinion a condition of an operation area permit is contravened, by notice in writing

to the person to whom the permit is issued, cancel the permit.".

19. Fees and charges

Regulation 22(3)(c) is amended by repealing "a crane barge permit" and substituting "an operation area permit".

20. Fees and charges

The Schedule is amended---

(a) by repealing "[regs. 5C & 22]" and substituting "[regs. 5C, 7D & 22]";

(b) in item 1---

(i) in paragraph (a)(i) and (b)(i), by repealing "or secured alongside a crane barge";

(ii) in paragraph (a)(ii) and (b)(ii), by repealing "or secured end on to a crane barge";

(c) by repealing items 2, 8 and 9;

(d) by adding---

"15. Vehicle Entry Ticket---

(a) for each hour during the period from
8.00 a.m. to 6.00 p.m. 33

(b) for each hour during the period from
6.00 p.m. to 8.00 a.m. 33

but each ticket is subject to a maximum
of 85

16. Operation Area Permit

per m² of area per month 10".

Mable CHAN

Clerk to the Executive Council

Council Chamber

9 March 1999

Explanatory Note

The main purposes of this Regulation are to---

(a) introduce the operation area permit system, under which the holder of an operation area permit is entitled to carry out certain activities in a public cargo working area or public water-front without the need to make separate applications for a permit for each of the activities;

(b) replace working area tickets and parking area tickets by vehicle entry tickets; and

(c) delete references to "cargo transfer permit", "crane barge" and "crane barge permit", which have become obsolete.