

立法會
Legislative Council

LC Paper No. LS 46/99-00

**Paper for the House Committee Meeting
of the Legislative Council
on 17 December 1999**

**Legal Service Division Further Report on
Merchant Shipping (Safety) (Amendment) Bill 1999**

Members may recall that the Legal Service Division made a report to the House Committee on 3 December 1999 on the Bill (LC Paper No. LS28/99-00). The purpose of the Bill is to amend certain provisions of the Merchant Shipping (Safety) Ordinance (Cap. 369) to give effect to the 1988 Protocol to the International Convention for the Safety of Life at Sea 1974 and the 1988 Protocol to the International Convention on Load Lines 1966. Members agreed to defer deliberation on this Bill pending receipt of the clarification from the Administration on certain drafting queries.

2. The Administration has now replied to the drafting queries. A copy of the reply is at the Annex. It has undertaken to consider making improvement to the Chinese text of section 26(5) when a suitable opportunity arises. We are satisfied that the provision in its present proposed form is legally effective.

3. The Administration has stated that as the provisions of the 2 Protocols would come into effect internationally in February 2000, Hong Kong is obliged to implement the 2 Protocols through domestic legislation at the same time they come into force. Subject to Members' agreement, it would like to request that Second Reading debate of the Bill be resumed in early January 2000.

Encl.

Prepared by

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13 December 1999

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Dear Miss Ho,

Merchant Shipping (Safety) (Amendment) Bill 1999
(the Bill)

Thank you for your letter of 1 December 1999.

Our responses to your queries are as follows :-

Clause 3

The term “the shipborne navigational equipment” is well-known to the shipping trade. The term has also been used in existing provision and is not defined (please refer to Regulation 2 of Cap. 369T). We therefore do not consider it is necessary to define the term in this Bill.

Clauses 8 and 12

As the Merchant Shipping (Local Vessels) Ordinance will commence after the commencement of this Bill as enacted, no amendment to these two clauses is necessary.

Section 11 of Cap. 369

Section 25A of the Bill applies to a ship which complies with the requirements set out in subsection (1)(a), (b), (c) and (d) of that section. On the other hand, Section 11 of the Bill applies to a ship which complies with the requirements set out in subsection (3)(a), (b) or (c). Thus, the extent of application of Section 11 is different from that of Section 25A. It is therefore not appropriate to amend Section 11 in the like manner as Clause 8

of the Bill.

Clause 9

The Chinese version of Section 26(5) reflects clearly our policy intent. However, we will consider making improvement to the Chinese text when a suitable opportunity arises.

As noted in the Legislative Council Brief, the 1998 Protocols to the International Convention for the Safety of Life at Sea, 1974 and the International Convention on Load Lines, 1966 would come into effect internationally in February 2000. As an Associate Member of the International Maritime Organisation, Hong Kong is obliged to implement the provisions of the 1988 Protocols through domestic legislation at the same time they come into force. In view of the aforesaid and subject to Members' agreement, we would like to request that Second Reading of the Bill be resumed in early January 2000.

Yours sincerely,

(Peter KWOK)
for Secretary for Economic Services

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