

LN279-E

L.N. 279 of 1999

Port Control (Cargo Working Areas)

(Amendment) (No. 2) 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 definition of "operating hours" and substituting---

""operating hours" (操作時間) means the hours specified by the Director under regulation 4A(1);";

(b) by adding---

""vanning and devanning permit" (貨櫃裝箱拆箱許可證) means a vanning and devanning permit issued under regulation 7E(1);".

3. Operating hours

Regulation 4A is amended by adding---

"(3) A person shall not without the permission in writing of the Director load or unload cargo or cargo containers outside the operating hours within a public cargo working area or public water-front, or any part thereof, specified in a notice under paragraph (1).

(4) The Director may, upon application by any person and on payment of the prescribed fee, permit that person in writing to load or unload cargo or cargo containers outside the operating hours.

(5) The permission under subsection (4) is valid---

(a) only for the public cargo working area or public water-front specified in the permission; and

(b) for the period specified in the permission.

(6) Any person who contravenes paragraph (3) is guilty of an offence and is liable on conviction to a fine of \$10,000 and to imprisonment for 6 months."

4. Loading and unloading of cargo

Regulation 6 is amended---

(a) by repealing paragraph (2);

(b) in paragraph (4) by repealing "or (2)".

5. Regulation added

The following is added after regulation 6---

"6AA. Director may permit carrying
out of activity prohibited
under regulation 6

(1) The Director may, upon application by any person and on payment of the prescribed fee, permit that person in writing to carry out any activity prohibited under regulation 6 within a public cargo working area or public water-front specified in the permission.

(2) The permission under subsection (1) is valid---

(a) only for the public cargo working area or public water-front specified in the permission; and

(b) for the period specified in the permission.

(3) This regulation shall not apply to any thing or activity for which provision is made elsewhere in these regulations."

6. Operation area permits

Regulation 7D(1) is amended---

(a) in subparagraph (c) by repealing "and";

(b) in subparagraph (d) by repealing the comma and substituting "; and";

(c) by adding---

"(e) van or devan a cargo container not across a seawall,".

7. Regulation added

The following is added---

"7E. Vanning and devanning permits

(1) The supervisor may, upon application by any person and on payment of the prescribed fee, issue to that person a vanning and devanning permit to van or devan not across a seawall a cargo container specified in the permit, within a public cargo working area or public water-front specified in the permit.

(2) A vanning and devanning permit is valid---

(a) only for the public cargo working area or public water-front specified in the permit; and

(b) until the vanning or devanning of the container specified in the permit is completed.

(3) Subject to paragraph (4), any person who vans or devans a container within a public cargo working area or public water-front without a valid vanning and devanning permit is guilty of an offence and is liable on conviction to a fine of \$5,000.

(4) Paragraph (3) does 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."

8. Regulation added

The following is added---

"21A. Right of appeal

Any person aggrieved by a decision made in respect of him by the Director or the supervisor under regulation 4A(4), 5B, 6AA, 7, 7A, 7B, 7C, 7D, 7E, 13 or 21 may appeal to the Administrative Appeals Board."

9. Fees and charges

The Schedule is amended---

(a) in item 5 by repealing "機" and substituting "車";

(b) in item 11 by repealing "not otherwise specified" and substituting "under regulation 6AA";

(c) in item 13 by repealing "permit for working cargo" and substituting "permission for loading or unloading cargo or cargo containers";

(d) by repealing item 14 and substituting---

"14. Vanning and Devanning

Permit per cargo container

per operation per day 365".

Mable CHAN

Clerk to the Executive Council

Council Chamber

9 November 1999

Explanatory Note

This Regulation amends the Port Control (Cargo Working Areas) Regulations (Cap. 81 sub. leg.) to---

(a) prohibit the loading and unloading of cargo or cargo containers within a public cargo working area or public water-front outside operating hours except with permission of the Director of Marine (section 3);

(b) repeal the restriction on the way cargo or cargo containers may be loaded or unloaded (section 4);

(c) enable the Director to permit the carrying out of activity in the public cargo working area and public water-front which is otherwise prohibited under regulation 6 (new regulation 6AA in section 5);

(d) extend the scope of activities covered by the operation area permit (section 6);

(e) regulate the issue of vanning and devanning permit (new regulation 7E in section 7);

(f) provide for appeal to the Administrative Appeals Board in respect of certain decisions made by the Director or the supervisor (new regulation 21A in section 8).