

C005-e

A BILL

To

Amend the Merchant Shipping (Registration) Ordinance.

Enacted by the Legislative Council.

1. Short title and commencement

(1) This Ordinance may be cited as the Merchant Shipping (Registration) (Amendment) Ordinance 2001.

(2) This Ordinance shall come into operation on a day to be appointed by the Secretary for Economic Services by notice published in the Gazette.

2. Interpretation

Section 2(1) of the Merchant Shipping (Registration) Ordinance (Cap. 415) is amended---

(a) in the definition of "demise charter", by repealing "sole";

(b) by adding---

""sub-demise charter" (再轉管租約) means a sub-charter party by which a ship is sub-chartered or sublet by demise by the demise charterer and under which the sub-demise charterer has the possession of the ship and has control of all matters relating to the navigation and operation of the ship including employment of the master and the crew;".

3. Registrable ships

Section 11(2)(b)(iii) is amended by adding "under a sub-demise charter" after "assigned".

4. Application for registration

Section 19(5)(b)(ii)(B) is amended by repealing "sole".

5. Retention of documents

Section 25(e) is repealed.

6. Application for provisional registration

Section 27 is amended---

(a) in subsection (2), by repealing "The" and substituting "Subject to subsection (2A), the";

(b) by adding---

"(2A) A copy of the builder's certificate or the bill of sale specified in section 21(1)(a)(i) and (3)(a)(i) may be produced in substitution for their originals as required under subsection (2)(a).".

7. Period of provisional registration

Section 29 is amended by repealing "3 months" wherever it appears and substituting

"1 month".

8. Retention of documents on provisional registration

Section 31(e) is repealed.

9. Mortgage of ship

Section 44 is amended by adding---

"(2A) Where a person produces a copy of a document for provisional registration under section 27(2A), he shall also produce a confirmation by the mortgagee to the Registrar.

(2B) The confirmation mentioned in subsection (2A) shall---

(a) be in specified form;

(b) set out that the mortgagee---

(i) has sighted the original document; and

(ii) knows that the original document will not be produced to the Registrar at the time of registration."

Explanatory Memorandum

The objects of this Bill are to---

(a) add the definition of "sub-demise charter" (clause 2);

(b) state that a registered ship ceases to be registrable if the rights of the demise charterer under the demise charter are assigned under a sub-demise charter (clause 3);

(c) provide that a copy of the builder's certificate or the bill of sale may be produced as evidence required to be produced in an application for provisional registration (clause 6);

(d) reduce the period of provisional registration from 3 months to 1 month (clause 7);

(e) provide that where a person produces a copy of a document for provisional registration under new section 27(2A), he shall also produce a confirmation by the mortgagee to the effect that the mortgagee has sighted the original document and knows that the original document will not be produced to the Registrar of Ships at the time of registration (clause 9).