

**For discussion  
On 27 January 2003**

**Legislative Council Panel on Economic Services  
Miscellaneous Amendment (Local Vessels) Bill 2003**

**INTRODUCTION**

This paper informs Members of proposals in the Miscellaneous Amendment (Local Vessels) Bill 2003.

**BACKGROUND**

2. The port of Hong Kong is served by vessels, some of which come from other parts in the region, operating within Hong Kong waters for various purposes, including the carrying of passengers and cargoes. We refer to them as local vessels to distinguish them from ocean-going vessels engaged in international voyages.

3. The control and regulation of local vessels has been governed by requirements set out in various Ordinances and their subsidiary legislation. This was not user-friendly to owners and operators of local vessels as they often have to refer to different pieces of law.

4. In July 1999, the Legislative Council enacted the Merchant Shipping (Local Vessels) Ordinance, Cap. 548 (“LVO”), which consolidated the provisions previously set out in different Ordinances into one piece of legislation dedicated for local vessels. The implementation of LVO entails the introduction of ten pieces of subsidiary legislation. In the 2001-02 legislative session, we completed the processing of three of them, namely the Merchant Shipping (Local Vessels) (Dwelling Vessels) Regulation, the Merchant Shipping (Local Vessels) (Ferry Terminals) Regulation and the Merchant Shipping (Local Vessels) (Conduct of Inquiries) Rules.

5. At the meetings of the Panel on Economic Services on 25 February and 22 April 2002, we briefed Members on another four

regulations made under LVO, namely the Merchant Shipping (Local Vessels) (Typhoon Shelters) Regulation, the Merchant Shipping (Local Vessels) (Certification and Licensing) Regulation, the Merchant Shipping (Local Vessels) (General) Regulation and the Merchant Shipping (Local Vessels) (Safety Survey) Regulation. Members supported these proposed regulations. They are now being drafted and will be tabled in the Legislative Council in the 2002-03 session. The major proposals in the remaining three regulations, namely the Merchant Shipping (Local Vessels) (Compulsory Third Party Risks Insurance) Regulation, the Merchant Shipping (Local Vessels) (Fees) Regulation and the Merchant Shipping (Local Vessels) (Works) Regulation, will be presented to Members at the meeting of 27 January 2003.

### **Proposals**

6. The Miscellaneous Amendment (Local Vessels) Bill 2003 (MA Bill) seeks to make consequential amendments to primary and subsidiary legislation affected by the enactment of LVO and subsidiary legislation made under it. To ensure consistency in approach, it is desirable to cover all such consequential amendments in one single piece of legislation. A list of Ordinances and subsidiary legislation which require consequential amendments and which will be covered by the MA Bill is at **Annex A**.

7. The amendments can be broadly grouped into the following categories -

*(i) Amending reference to marine-related legislation*

8. LVO has repealed certain provisions in the Merchant Shipping Ordinance (Cap. 281), the Shipping and Port Control Ordinance (Cap. 313), and subsidiary legislation under the Merchant Shipping Ordinance (Cap. 281), the Shipping and Port Control Ordinance (Cap. 313) and the Merchant Shipping (Safety) Ordinance (Cap. 369). It is necessary to amend references to the repealed parts of the above-mentioned legislation which appear in other existing legislation.

*(ii) Express provision for Issue of Permits*

9. Section 89(2) of LVO empowers the Secretary for Economic Development and Labour to make regulations for the Director of Marine to issue a permit to a vessel to enable it to enter or remain in the waters of Hong Kong lawfully. Express provisions in the Shipping and Port Control Ordinance are needed to provide for the permit mechanism.

*(iii) Amendments to the Administrative Appeals Board Ordinance, Cap. 442*

10. The Merchant Shipping (Local Vessels) (Dwelling Vessels) Regulation, the Merchant Shipping (Local Vessels) (Typhoon Shelters) Regulation, the Merchant Shipping (Local Vessels) (Safety Survey) Regulation, the Merchant Shipping (Local Vessels) (Certification and Licensing) Regulation and the Merchant Shipping (Compulsory Third Party Risks Insurance) Regulation contain provisions which permit appeals against certain decisions of D of M to be made to the Administrative Appeals Board. It is necessary to include such decisions in the Schedule to the Administrative Appeals Board Ordinance.

*(iii) Others*

11. We also need to delete obsolete provisions and amend provisions and definition of terms in other legislation to reflect changes arising from the LVO and its subsidiary legislation.

**Consultation**

12. The local industry was consulted extensively in the process of preparing the LVO and its subsidiary legislation. Since the amendments to be covered in the MA Bill are consequential in nature, no separate consultation with the industry was conducted. Relevant bureaux and departments have been consulted on the precise provisions to be covered in the MA Bill. In January 2003, we also consulted the Advisory Council on Environment on the proposed consequential amendment to the Waste Disposal (Charges for Disposal of Chemical Waste) Regulation. Members of the Council supported our proposed amendment.

**Advice sought**

13. Members are invited to give their views and support to the above proposals.

Economic Development and Labour Bureau  
15 January 2003

## **Annex A**

### **Primary legislation affected by LVO and its subsidiary legislation**

1. Insurance Companies Ordinance, Cap. 41
2. Transfer of Businesses (Protection of Creditors) Ordinance, Cap. 49
3. Import and Export Ordinance, Cap. 60
4. Crimes Ordinance, Cap. 200
5. Summary Offences Ordinance, Cap. 228
6. Shipping and Port Control Ordinance, Cap.313
7. Merchant Shipping (Safety) Ordinance, Cap. 369
8. Administrative Appeals Board Ordinance, Cap. 442
9. Environmental Impact Assessment Ordinance, Cap. 499
10. Merchant Shipping (Local Vessels) Ordinance, Cap.548

### **Subsidiary legislation affected by LVO and its subsidiary legislation**

1. Export (Prescribed Articles) Regulations, Cap. 60 sub. leg.
2. Waterworks Regulations, Cap. 102 sub. leg.
3. Telecommunications Regulations, Cap. 106 sub. leg.
4. Dutiable Commodities (Marking and Colouring of Hydrocarbon Oil) Regulations, Cap. 109 sub. leg
5. Merchant Shipping (Trawler Survey) Regulations, Cap. 281 sub. leg.
6. Dangerous Goods (Shipping) Regulations, Cap. 295 sub. leg
7. Shipping and Port Control Regulations, Cap. 313 sub. leg.
8. Waste Disposal (Charges for Disposal of Chemical Waste) Regulation, Cap. 354 sub. leg.
9. Merchant Shipping (Instructions to Surveyors) (Passenger Ships) Regulations, Cap. 369 sub. leg.
10. Hydrofoil Ships (Exemption) Notice, Cap. 369 sub. leg.
11. Sidewall Hovercraft (Exemption) (Consolidation) Notice, Cap. 369 sub. leg.
12. Jetcat Catamarans (Exemption) Notice, Cap. 369 sub. leg.
13. Life Saving Appliances (Exemption) Notice, Cap. 369 sub. leg.
14. Merchant Shipping (Safety) (Means of Access) Regulations, Cap. 369 sub. leg.
15. Merchant Shipping (Safety) (Life-saving Appliances) Regulation, Cap. 369 sub. leg.