

**Bills Committee on
Merchant Shipping (Security of Ships and Port Facilities) Bill**

CB(1)2123/03-04(01)

**Checklist on issues which require further consideration/follow-up action
(Position as at 10 June 2004)**

Date of meeting	Issues	Outcome
8.6.2004	<p><u>Marked-up version of the Committee Stage amendments proposed by the Administration to the Bill (CB(1) 2078/03-04(01))</u></p> <p><u>Long Title</u></p> <p>1. The Administration was requested to add "to enhance security of ships and port facilities" after " ... related provisions in the Convention" in the long title.</p> <p><u>Clause 3 - Interpretation</u></p> <p>2. Members noted that both the terms "Code" and "Rules" were translated as "規則". To differentiate the two, the Administration agreed to amend the Chinese translation of the "Code" to read as "國際規則".</p> <p>3. On the definition of "ship/port interface", the Administration was requested to change "provisions" to "provision" to reflect that the interface was where the provision of port services took place.</p> <p><u>Clause 6 - Rules</u></p> <p>4. The Administration was requested to consider putting the phrase "subject to exceptions specified in section 4.3 of part A of the Code" at the beginning or at the end of Rule 6(2)(c).</p> <p>5. The Administration agreed to change the translation of "procedural provision" under Rule 6(d) from "程序條文" to "與程序有關的條文".</p>	<p>Admin to move CSA</p> <p>Admin to move CSA</p> <p>Admin to move CSA</p> <p>Admin to move CSA to put the phrase at the end of Rule 6(2)(c).</p> <p>Admin to move CSA</p>

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	<p>6. The Administration was requested to switch the sequence of Rule 6(f) and (g).</p> <p>7. The Administration agreed to add the article "the" at the appropriate places in Rule 6(k)(i) and (ii).</p> <p>8. Members considered that Rule 6(5) would not give rise to any implication on the legal effect or otherwise of the provisions in the Convention and the Code.</p> <p><u>Clause 9 - Authorized Officers</u></p> <p>9. The Administration agreed to amend Clause 9(2) to provide that an authorized officer might exercise such powers or perform such duties as might be conferred or imposed on him pursuant to this Ordinance, the Convention and the Code.</p> <p><u>Clause 10 - Inspections and control of ships</u></p> <p>10. The Administration proposed and members agreed to amend the first part of Clause 10(f) to read "if a direction made under paragraph (e) is not complied with, to detain the ship until the direction is complied with".</p> <p><u>Clause 13 - Further provisions as to powers of inspection</u></p> <p>11. The Administration agreed to amend Clause 13(5)(b) to provide clearly that if a person produced or gave to an authorized officer any document or information that was false in a material particular, being reckless as to the truth or falsity of such document or information, the person committed an offence.</p> <p><u>Merchant Shipping (Security of Ships and Port Facilities) Rules (CB(1)2078/03-04(02))</u></p> <p><u>Rule 2 - Setting of security levels</u></p> <p>12. The Administration agreed to delete "and promulgate such security levels".</p>	<p>Admin to move CSA</p> <p>Admin to move CSA</p> <p>The Administration subsequently advised that Rule 6(5) would be deleted.</p> <p>Admin to move CSA</p> <p>Admin to move CSA</p> <p>Admin to move CSA</p> <p>Admin to move CSA</p> <p>Admin to follow-up</p>

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	<p><u>Rule 5 - Delcaration of closed area</u></p> <p>13. To improve the drafting, the Administration agreed to reposition the phrase "without reasonable excuse" under Rule 5(2).</p> <p><u>Rule 13 - Certificates for Hong Kong ships</u></p> <p>14. The Administration was requested to amend Rule 13 (2) to provide that the master of a Hong Kong ship shall ensure that the ship had on board either of the certificates referred to in subrule(1) while the ship was engaged on an international voyage.</p> <p><u>Rule 19 - Ships in Hong Kong waters to comply with requirements of security levels</u></p> <p>13. To delineate the liability of the company and the master of a ship, the Administration agreed to re-draft the penal provision to provide that if the company or the master of a ship, without reasonable excuse, failed to comply with subrule (1), the company or the master, as the case may be, committed an offence.</p> <p><u>Rule 27 - Withdrawal of approval of port facility</u></p> <p>14. The Administration was requested to note that "rule 27" under Rule 27(1)(a) should be "rule 26".</p> <p><u>Legislative timetable</u></p> <p>15. Members noted that the Administration would gazette the Bill on 25 June 2004 after its enactment on 23 June 2004 so that the Secretary for Economic Development and Labour (SEDL) could make and publish the Rules in an extraordinary issue of the Gazette before 30 June 2004. The Administration planned to table the Rules at the Council meeting on 30 June 2004.</p>	<p>Admin to follow-up</p> <p>Admin to follow-up</p> <p>Admin to follow-up</p> <p>Admin to follow-up</p> <p>Admin to follow-up</p>

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	<p><u>Other issues</u></p> <p>16. The Administration was requested to make available for reference of members and ALA2 the revised marked-up version of the amendments proposed by the Administration to the Bill by the close of play on 9 June 2004. The Clerk should circulate the revised marked-up version to the Bills Committee and if necessary, the Bills Committee would hold a further meeting to consider the amendments. The CSAs in conventional format should also be sent to the Secretariat in time for appending to the report of the Bills Committee to the House Committee.</p> <p>17. Miss Margaret NG requested that SEDL gave the following undertakings at the Second Reading debate on the Bill:</p> <ul style="list-style-type: none"> (a) that the Rules to be gazetted and tabled at the Council would be the finalized version of the set examined and agreed to by the Bills Committee; and (b) that the need to scrutinize a Bill and draft subsidiary legislation of such complexity in such a tight timeframe should not be taken as a precedent and should not happen again. 	<p>The revised marked-up version of the amendments and CSAs proposed by the Administration to the Bill were issued on 9 and 10 June 2004.</p> <p>Admin to follow-up</p>