

L.N. 200 of 2005**MERCHANT SHIPPING (REGISTRATION) (FEES AND CHARGES)
(AMENDMENT) REGULATION 2005**

(Made by the Chief Executive in Council under section 90(1) of the Merchant Shipping (Registration) Ordinance (Cap. 415))

1. Commencement

This Regulation shall come into operation on 1 February 2006.

2. Annual tonnage charges

Regulation 4 of the Merchant Shipping (Registration) (Fees and Charges) Regulations (Cap. 415 sub. leg. A) is amended—

- (a) in subregulation (1), by repealing everything after “, the” and substituting “annual tonnage charge as provided under subregulation (2), (2A) or (2C).”;
- (b) in subregulation (2), by repealing “The annual tonnage charge” and substituting “Subject to subregulation (2A), the annual tonnage charge specified in Part 3 of the Schedule”;
- (c) by adding—
 - “(2A) Subject to subregulations (2B) and (2C), if—
 - (a) the ship is a registered ship for 2 consecutive years immediately before an anniversary of the date of registration;
 - (b) the ship has not been detained at any time during those 2 years; and
 - (c) the specified annual tonnage charge is payable in respect of the year of registration of the ship immediately before the anniversary,the specified annual tonnage charge, as reduced by half, shall be payable in respect of the year of registration of the ship commencing on the anniversary.
 - (2B) Subregulation (2A) does not apply if—
 - (a) the ship is a registered ship before 1 February 2006; and
 - (b) the anniversary is the first or second anniversary of the date of registration after 1 February 2006.
 - (2C) If—

- (a) a ship is a registered ship before 1 February 2006; and
- (b) the ship has not been detained at any time during the period that begins on 1 February 2006 and expires at the end of the date immediately before the second anniversary of the date of registration after 1 February 2006,

the specified annual tonnage charge, as reduced by an amount equal to such percentage of the charge as calculated in accordance with subregulation (2D), shall be payable in respect of the year of registration commencing on that second anniversary.

(2D) The percentage is calculated by using the following formula, with the result rounded up to the nearest percentage—

$$\frac{(365 + D)}{365 \times 2} \times \frac{1}{2} \times 100$$

where D represents the number of days within the period that begins on 1 February 2006 and expires at the end of the date immediately before the first anniversary of the date of registration after 1 February 2006.

(2E) For the purposes of subregulations (2A)(b) and (2C)(b), if the International Maritime Organization is informed, pursuant to paragraph 5.2.1 of International Maritime Organization Assembly Resolution A. 787(19), of any remedial action taken in respect of the detention of a ship that takes place at a particular time, the ship is detained at that particular time.”;

- (d) in subregulation (3), by repealing everything after “regulation 3,” and substituting “1/12 of the specified annual tonnage charge in respect of a registered ship.”;
- (e) by repealing subregulation (4) and substituting—

“(4) The tonnage charge payable under subregulation (3) is payable in respect of each period of 1 month of provisional registration, commencing on the date of provisional registration.”;
- (f) by adding—

“(6) In this regulation—
“specified annual tonnage charge” (指明噸位年費) means the annual tonnage charge specified in item 1 of Part 3 of the Schedule.”.

3. Schedule amended

The Schedule is amended, in Part 3, by repealing item 2.

LAM Chik-ting, Tony
Clerk to the Executive Council

COUNCIL CHAMBER
8 November 2005

Explanatory Note

This Regulation amends the Merchant Shipping (Registration) (Fees and Charges) Regulations (Cap. 415 sub. leg. A) to reduce the annual tonnage charge payable in respect of certain ships registered under the Merchant Shipping (Registration) Ordinance (Cap. 415).