

**立法會**  
**Legislative Council**

LC Paper No. LS10/06-07

**Paper for the House Committee Meeting  
on 17 November 2006**

**Final Report by Legal Service Division on  
four pieces of Subsidiary Legislation made under  
the Merchant Shipping (Local Vessels) Ordinance (Cap. 548)  
and gazetted on 6 October 2006**

In the further report of the Legal Service Division (LSD) of 2 November 2006 (LC Paper No. LS7/06-07) on the above subsidiary legislation, it was reported that the Administration was considering some drafting points which LSD wished to pursue. The Administration has since agreed that amendments to section 91 of the Merchant Shipping (Local Vessels) (General) Regulation (L.N. 193) and sections 27 and 86 of the Merchant Shipping (Local Vessels) (Safety and Survey) Regulation (L.N. 194) are necessary. The Secretary for Economic Development and Labour proposes to move two motions to amend the Regulations accordingly at the LegCo meeting on 29 November 2006.

2. The amendment to section 91 of L.N. 193 will fully reflect the legislative intent that not only local vessels delivering bunker without permission of the Director of Marine commits an offence, but local vessels receiving bunker from another vessel that has not the requisite permission also commits an offence. Section 27 of L.N. 194 is amended to make clear that the commencement date of the validity period for a new certificate of inspection will be from the expiry of an exiting certificate of inspection which is still in force. The amendments to section 86(2) of L.N. 194 remove doubts as to the date from which the appeal period of 14 days is to be counted. The proposed motions of the Administration are attached as Annex for Members' perusal.

3. Members are recommended to support the above-mentioned proposed motions.

Encl.

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LS/S/1/06-07

INTERPRETATION AND GENERAL CLAUSES  
ORDINANCE

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**RESOLUTION**

(Under section 34(2) of the Interpretation and General Clauses Ordinance  
(Cap. 1))

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MERCHANT SHIPPING (LOCAL VESSELS) (GENERAL)  
REGULATION

RESOLVED that the Merchant Shipping (Local Vessels) (General)  
Regulation, published in the Gazette as Legal Notice No. 193 of  
2006 and laid on the table of the Legislative Council on 11  
October 2006, be amended –

(a) by repealing section 91 and substituting –

**“91. Control over bunkering  
activities**

(1) Except with the permission of the  
Director, no bunker shall be delivered –

(a) from a local vessel to any other  
vessel; or



in charge or command of the vessel; and

- (b) the owner of the vessel to which bunker is delivered, his agent and the coxswain or person in charge or command of the vessel,

commit an offence and each of them is liable on conviction to a fine at level 5 and to imprisonment for 6 months.”;

- (b) in Schedule 4, in section 2, by repealing “91(4)” and substituting “91”.

INTERPRETATION AND GENERAL CLAUSES  
ORDINANCE

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**RESOLUTION**

(Under section 34(2) of the Interpretation and General Clauses  
Ordinance (Cap. 1))

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MERCHANT SHIPPING (LOCAL VESSELS)(SAFETY  
AND SURVEY) REGULATION

RESOLVED that the Merchant Shipping (Local Vessels)(Safety and Survey)  
Regulation, published in the Gazette as Legal Notice No. 194 of  
2006 and laid on the table of the Legislative Council on 11  
October 2006, be amended –

- (a) by repealing section 27(1)(b) and substituting –
  - “(b) if, on the date of completion of the survey, the period of validity of the existing certificate of inspection issued in respect of the local vessel concerned has not expired, the expiry date of such existing certificate,”;
- (b) in section 86(1)(a), in the English text, by repealing “withholding the approval of any plan temporarily” and substituting “temporarily withholding the approval of any plan”;

- (c) in section 86(1)(d), in the English text, by repealing “withholding the issue of a certificate of inspection temporarily” and substituting “temporarily withholding the issue of a certificate of inspection”;
- (d) in section 86(1)(g), in the English text, by repealing “withholding the issue of a certificate of survey temporarily” and substituting “temporarily withholding the issue of a certificate of survey”;
- (e) in section 86(1)(h), in the English text, by repealing “survey” and substituting “survey”);
- (f) in section 86(1)(k), in the English text, by repealing “withholding the issue of a survey record of safety equipment, HKLL certificate, FA certificate or declaration of fitness temporarily” and substituting “temporarily withholding the issue of a survey record of safety equipment, HKLL certificate, FA certificate or declaration of fitness”;
- (g) in section 86(2), by repealing everything after “shall” and substituting –
  - “be made within 14 days after the following date –
    - (a) in the case of a decision referred to in subsection (1)(a), (c), (d), (f), (g), (h), (j), (k) or (l), the date on which the person aggrieved has received notice of the decision; or
    - (b) in the case of a decision referred to in subsection (1)(b), (e) or (i), the date on which the person aggrieved has received the

certificate, survey record or  
declaration concerned.”.