

立法會
Legislative Council

LC Paper No. CB(1)299/13-14

(These minutes have been seen
by the Administration)

Ref : CB1/BC/6/12

**Bills Committee on Merchant Shipping (Seafarers)
(Amendment) Bill 2013**

**Minutes of fourth meeting
held on Tuesday, 16 July 2013, at 10:45 am
in Conference Room 2 of the Legislative Council Complex**

Members present : Hon WONG Kwok-kin, BBS (Chairman)
Hon Alan LEONG Kah-kit, SC
Hon Steven HO Chun-yin
Hon SIN Chung-kai, SBS, JP
Hon POON Siu-ping, BBS, MH
Hon TANG Ka-piu

Members absent : Hon Cyd HO Sau-lan
Hon Frankie YICK Chi-ming

Public officers attending : Agenda Item I
Transport and Housing Bureau
Ms Jenny CHAN
Principal Assistant Secretary (Transport) 10

Marine Department

Mr Y M CHENG
Chief, Marine Accident Investigation & Shipping
Security Policy

Department of Justice

Ms Mabel CHEUNG
Senior Government Counsel

Ms Carmen CHAN
Government Counsel

Clerk in attendance : Mr Derek LO
Chief Council Secretary (1)5

Staff in attendance : Ms Clara TAM
Assistant Legal Adviser 9

Mr Noel SUNG
Senior Council Secretary (1)5

Action

I Meeting with the Administration

(LC Paper No. CB(1)1510/12-13(01) —List of follow-up actions arising from the discussion at the meeting on 2 July 2013

LC Paper No. CB(1)1510/12-13(02) —Administration's response to issues raised at the meeting on 2 July 2013)

Relevant papers previously issued

(LC Paper No. CB(1)1415/12-13(01) —Letter from Assistant Legal Adviser to the Administration dated 27 June 2013

LC Paper No. CB(1)1415/12-13(02) —Administration's response to the letter from Assistant Legal Adviser as set out in LC Paper No. CB(1)1415/12-13(01)

LC Paper No. CB(1)1284/12-13(01) —Letter from Assistant Legal Adviser to the Administration dated 6 June 2013

LC Paper No. CB(1)1284/12-13(02) —Administration's response to the letter from Assistant Legal Adviser as set out in LC Paper No. CB(1)1284/12-13(01)

LC Paper No. CB(3)472/12-13 —The Bill

LC Paper No. CB(1)1033/12-13(01) —Marked-up copy of the Bill prepared by the Legal Service Division)

2. The Bills Committee deliberated (Index of proceedings attached at **Appendix**).

Admin

Follow-up actions to be taken by the Administration

3. The Administration was requested to re-consider the need to amend the existing definition of "passenger" in the Merchant Shipping (Seafarers) Ordinance (Cap. 478) as proposed in the Administration's paper CB(1)1510/12-13(02).

II Any other business

Legislative time-table

4. Members noted that the Administration would propose Committee Stage Amendments and give notice to resume the Second Reading of the Bill in the 2013-2014 legislative session.
5. There being no other business, the meeting was adjourned at 11:32 am.

Council Business Division 1
Legislative Council Secretariat
12 November 2013

**Proceedings of the fourth meeting of
Bills Committee on Merchant Shipping (Seafarers) (Amendment) Bill 2013
on Tuesday, 16 July 2013, at 10:45 am
in Conference Room 2 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
Agenda Item I – Meeting with the Administration			
000104 – 000629	Chairman Administration	Briefing by the Administration regarding LC Paper CB(1)1510/12-13(02)	
000630 – 000718	Chairman Mr POON Siu-ping	Discussion on Administration's proposed amendment to the definition of "seafarer"	
000719 – 001012	Chairman Mr TANG Ka-piu Administration	Discussion on implementation of the Maritime Labour Convention, 2006 (the Convention) in Hong Kong, e.g. the application of the Bill to certain types of ships and the implication of using "must" instead of "shall" in the proposed amendments in the Bill	
001013 – 001453	Chairman Mr POON Siu-ping ALA9 Administration	Discussion on amendment of the definition of "seafarer", e.g. the types of persons working on a ship	
001455 – 004622	ALA9 Administration Mr TANG Ka-piu Chairman	Discussion on the Administration's proposed amendment to the existing definition of "passenger" in the Merchant Shipping (Seafarers) Ordinance (Cap. 478) (principal ordinance) to tally with the proposed definition of "seafarer". ALA observed that the existing definition of "passenger" was consistent with that in other legislation relating to merchant shipping, e.g. the Merchant Shipping Ordinance (Cap. 281), the Merchant Shipping (Safety) Ordinance (Cap. 369) and the Merchant Shipping (Registration) (Tonnage) Regulations (Cap. 415C) and the proposed amendment to the definition may have impact on the interpretation of "passenger" across the related legislation. Given that the purpose and the scope of the definitions of "seafarer" and "passenger" are different, the Administration is requested to re-consider whether it is necessary to amend the existing definition of "passenger" in	The Administration to take action as per paragraph 3 in the minutes

Time marker	Speaker	Subject(s)	Action required
		the principal ordinance as proposed	
004623 – 004757	Chairman Mr TANG Ka-piu Administration	Legislative time-table	

Council Business Division 1
Legislative Council Secretariat
12 November 2013