



立法會秘書處 法律事務部
LEGAL SERVICE DIVISION
LEGISLATIVE COUNCIL SECRETARIAT

來函檔號 YOUR REF : PML CR 8/10/150/8
本函檔號 OUR REF : LS/B/13/12-13
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By Fax (2523 0030)

27 June 2013

Ms Jenny CHAN
Principal Assistant Secretary (Transport) 10
Transport and Housing Bureau
21/F, East Wing
Central Government Offices
2 Tim Mei Avenue
Tamar, Hong Kong

Dear Ms CHAN,

Merchant Shipping (Seafarers) (Amendment) Bill 2013

We are scrutinizing the drafting aspect of the subject Bill. We would be most grateful if you could clarify the following matters:-

It is noted that on numerous occasions the word "shall" is proposed to be amended to "must" (e.g. clauses 42(3) and 46(1), (10), (11) and (12) of the Bill). Please consider whether the word "shall" in the provisions of the Merchant Shipping (Seafarers) Ordinance (Cap. 478) (as listed in the table below) should likewise be amended to "must" for the sake of consistency:

Section number of Cap. 478	Clause number of the Bill
28(4) and (6)	21(6) and (13)
29(4)	22(7)
30(3) and (5)	23(3) and (7)
37(1)	26(2)
42(2), (3) and (4)	28(6), (7) and (16)
53(1) and (4)	34(1) and (5)
55	36
56(2)	37(12)
58(1) and (2)	39(1)

It is also noted that on numerous occasions the word "forthwith" is proposed to be amended to "without delay" (e.g. clauses 18(14), 22(7), 24(3), 30(6), 39(2) and 41(12) of the Bill). Please consider whether the words "shall forthwith" in section 15(1) of the Merchant Shipping (Seafarers) (Employment Registration Books) Regulation (Cap. 478 sub. leg. U) (which is proposed to be amended by clause 76) should be amended to "must without delay".

We should be most grateful if you would let us have the Administration's response as soon as possible.

Yours sincerely,



(Timothy TSO)
Assistant Legal Adviser

c.c. DoJ (Attn.: Ms Mabel CHEUNG, Sr Govt Counsel
Ms Carmen CHAN, Govt Counsel (By Fax: 2845 2215))