

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

**Follow-up to the meeting held on 16 July 2013**

**Definition of “Passenger”**

At the last meeting held on 16 July 2013, we noted the LegCo Legal Adviser’s view that there was no need to align the wordings of the definition of “passenger” with that of the “seafarer”, given their different purposes. After consideration, we agree that the definition of “passenger” could remain unchanged since the present legislative amendment exercise does not deal with or affect passenger related matters and relevant provisions. We, however, propose to amend the Chinese text of the definition of “passenger”, so that it can accurately reflect the English text, as follows –

***English text (to remain unchanged)***

**“passenger”** (乘客) means any person carried in a ship except -

- (a) a person employed or engaged in any capacity on board the ship on the business of the ship;
- (b) a person on board the ship pursuant to the obligation laid upon the master of the ship to carry shipwrecked, distressed or other persons, or by reason of any circumstances that neither the master nor the owner of the ship could have prevented or forestalled; or
- (c) a child under 1 year of age.

***Proposed changes to the Chinese text***

**“乘客”** (passenger) 指任何由船舶運載的人，但不包括以下人士—

- (a) ~~因擔任各種職位以處理船上事務而受僱在船上工作或任事的人~~ 受僱或受聘在該船上擔任任何職務以處理該船上的事務的人；
- (b) 依據船長所負的運載海難船舶上的人、遇險的人或其他人的責任，或由於船長及船東均不能阻止或預防的情況，得以置身船上的人；或
- (c) 未滿1歲的嬰兒。

**Committee Stage Amendments (“CSAs”)**

2. The proposed CSAs to incorporate the amendments in paragraph 1 above, as well as the proposed changes to the definition of “seafarer” and the

correction of a typo in Clause 11 of the Bill as previously noted by Members are enclosed at Annex for Members' information.

3. As mentioned at the last meeting on 16 July 2013, we plan to resume Second Reading Debate of the Bill after the summer recess.

**Transport and Housing Bureau**  
**Department of Justice**  
**Marine Department**  
**July 2013**

Merchant Shipping (Seafarers) (Amendment) Bill 2013

**Committee Stage**

Amendments to be moved by the Secretary for Transport and Housing

<u>Clause</u>	<u>Amendment Proposed</u>
3	<p>By adding—</p> <p>“(8A) Section 2(1), Chinese text, definition of <del>乘客</del>—</p> <p><b>Repeal paragraph (a)</b></p> <p><b>Substitute</b></p> <p>“(a) 受僱或受聘在該船上擔任任何職務以處理該船上的事務的人；”.</p>
4	<p>In the proposed section 2A(1), in the definition of <i>seafarer</i>, by adding “on the business of the ship” after “any capacity”.</p>
11	<p>In the proposed section 12(2)(a), by deleting “section 15(3)” and substituting “section 15”.</p>