

LCQ: Motion for Amendments to Merchant Shipping Regulations

Following is the speech by the Secretary for Economic Development and Labour, Mr Stephen Ip, today (April 23) at the Legislative Council moving the Motion for Amendments to Merchant Shipping (Local Vessels) Certification and Licensing) Regulation and Merchant Shipping (Local Vessels) (Typhoon Shelters) Regulation:

Madam President,

I move the motion to amend two regulations under the Merchant Shipping (Local Vessels) Ordinance, namely the Merchant Shipping (Local Vessels) (Certification and Licensing) Regulation (Certification and Licensing Regulation) and the Merchant Shipping (Local Vessels) (Typhoon Shelters) Regulation (Typhoon Shelters Regulation). The proposed amendments have been set out in the agenda.

First of all, I would like to thank the Honourable Miriam Lau, Chairman of the Subcommittee on Subsidiary Legislation and its members the Honourable Wong Yung-kan and the Honourable Sin Chung-kai. They have given us constructive views on the two draft Regulations. On their suggestion, we have made amendments to the Regulations. The amendments as set out in the resolution are also supported by the Subcommittee.

The Certification and Licensing Regulation provides for a documentation system for local vessels and sets out matters relating to the certificate of ownership, full licence, temporary licence and permission for laid-up vessels. The Typhoon Shelters Regulation aims at ensuring the effective management of typhoon shelters. It sets out requirements for using typhoon shelters, including the types of vessels permitted to enter typhoon shelters and vessel anchoring positions, etc.

Certification and Licensing Regulation

In respect of the Certification and Licensing Regulation, we propose to amend section 55 to define more clearly the scope of its applicability. According to the existing section 55 of the Regulation, the Government and public officers will be given immunity from liability in respect of any loss or damage suffered by any person as a result of any error or omission made in good faith and in the ordinary course of performing any function under the Regulation. In examining the Regulation, the Subcommittee considered that the scope of this section was too wide. We therefore propose to revise section 55 to limit its applicability only to errors or omissions in the information as to ownership of or interests

in a local vessel made in good faith in the ordinary performance of functions relating to vessel documents. These vessel documents include the certificate of ownership, full licence, temporary licence, and permission for a laid-up vessel. The provision also states clearly that these documents are issued, granted, renewed or endorsed for the purposes of the Merchant Shipping (Local Vessels) Ordinance only. Except for the purposes of the Ordinance, the information in the document shall not be taken as making representation as to who owns, or has any interest in the vessel.

In addition, the resolution will also amend sections 19, 23 and 26 of the Certification and Licensing Regulation. The Director of Marine will be expressly required to notify applicants of the reasons for his actions under these sections so as to enhance transparency. The Resolution will also make a few technical amendments to enhance clarity and consistency between the Chinese and English versions of the Regulation.

Typhoon Shelters Regulation

As regards the Typhoon Shelters Regulation, the resolution will add an appeal provision in section 4(6) to (8) to enable aggrieved persons to appeal to the Administrative Appeals Board.

The above amendments reflect the discussion and consensus reached at the Subcommittee. I invite Members to support the above amendments.

Thank you, Madam President and members for listening to me at this early hours of 12.25am.

Ends/Friday, April 23, 2004