

淞滬港務局章程草案



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引言

淞滬港務局（此後即稱爲港務局）爲管理及執行淞滬港口規定界限內一切航務泊船所及其他港口便利工程之機關其權限開列于左

第一節 宗旨與責任

第一條 本局以辦理改良淞滬港口與其附近水道工程以期發展航商二業並管理港內航務及公共利便事宜爲宗旨

該局責任如下

- 甲 在近海出入道及黃浦江內備一航道其深度闊度須合港口所需
- 乙 隨時設施加增及保養港內之容積港務之利便及改良等事宜以應需要
- 丙 實行並管理一切便利公共之布置
- 丁 治理航務接管海關理船廳署之責任
- 戊 隨時貢獻計劃並開具工程之預算
- 己 保守現有及將來舉辦之工程及改良事業不使毀壞

上海圖書館藏書



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庚 私家所辦利便港務事業酌量扶助而改良之取值從廉

辛 接收並審度私人請發建築許可狀之陳請如經核准之工程則監察之

壬 每年核造次年之基金及收入預算表

癸 每年將本局舉辦一切事務刊布報告附近進出款項全表

第二節 組織

第二條 淞滬港務局設局員 人

滬海道尹

江蘇特派交涉員

海關監督

稅務司

巡工司

局員之任期隨其本職之久暫而定局員中職權均屬同等所有議案以多數取決之會議時如遇可否之數相等時則由主席加票決定至會議時之法額由局員過半數組成每月會議一次如得局員二人之請



求且可隨時召集之

第三條 辦事職員本局設秘書一人副秘書二人（一司理華文牘一司理洋文牘）領得文憑之會計一人均由本局委任所有賬目每年當由幹練之查賬員稽核並公布之

第四條 本局委任總工程師一人以副總工程師一人相助爲理充本局技術顧問並謹遵本局命令執行一切工程事宜

理船廳長由本局派充管理一切航務依照本局之命令而行

本埠衛生員由本局派充管理本埠衛生事宜依照本局之命令而行

第五條 參事會 本局另組一參事會額定參事十一人由左列各團體推舉

上海中國商業各團體共推舉六人

上海領事團及外國商業各團體共推舉五人

參事會之職務係代表本埠各商業考查港務之進行及各項工程之經營管理並得陳述所視爲正當之意見

爲便于該會執行前項職務港務局應供給關於工程計劃及財政上一切之報告

在港務局委任總工程師之前應先將擬派總工程師之學業經驗諮詢該局參事會每年開會一次此外



各得參事員二人簽名要求會議可以隨時召集之

定參事員六人爲會議時之法額議案以多數取決主席每年由參事會推舉當會議時可否相等時則主席可以加票取決

參事會如對於港務局所執行或規劃之工程財政或所辦各事之方略有不滿意時可聲叙理由請港務局集會考查之倘參事會仍以所陳未得滿意可呈請 國務院核奪
所派秘書兼司參事會事務

第三節 範圍

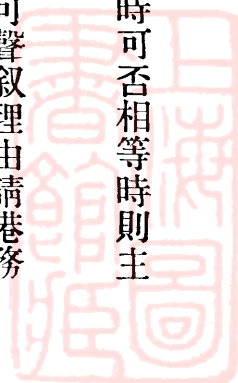
第六條 (一) 本局之轄境範圍起迄如下

甲 在黃浦自揚子江流與黃浦江流相合處起至潮止處並沿河兩旁尋常大汎之高潮所到處在蘇州河自入口起至羅別根路止其尋常大汎之高潮水線訂明高出吳淞水平線十二尺半在此境內凡本局視爲與航行河道有關之工程非本局許可不准興修其沿邊駁岸大小碼頭浮碼頭躉船等亦非由本局許可不得建設

乙 在附近出入海道自六華山至澚浦下之睢鳩嘴止(在格林納治天文台東第一百廿一子午綫)其權限以水面測量改良及保存附近出入海道爲限

丙 港務所需之地段

(二) 港口範圍自龍華上游楊思橋浜之上或長橋東港起作一直線與江成丁方自該線起至黃浦



江口止在此界內及蘇州河由河口起至羅別根路止一切公共碼頭本局所備公用之地點及吳淞口外揚子江輪船拋錨處均在本港範圍之內

第四節 款項

第七條 (一) 關於港務一切經濟事宜均有本局主持條列如下

- 甲 本局當接管滄浦局及海關理船廳署一切款項產業資財並應盡義務
 - 乙 本局得收領一切捐稅進項如後第二段所列者
 - 丙 對於管理及施行職務所需款項本局有權酌定支付以慣常手續保存款銀並應令經手支出銀錢之職員取具保證
 - 丁 賬目當作相當之登載並定期查核
- 如遇借債該局可發長期債票惟當另儲償債金以便收回債款如工程債款其償還期限不得逾三十年如係購地借款期限不得過六十年
- (一) 本局應有權令人征收下列各稅(稅率每歲決定)惟實行六月之前須登廣告俾衆周知
 - 甲 滄浦稅依關稅計不得過關稅總數百分之十其免稅之貨不得過物價百分之零五
 - 乙 上海港務處及本埠衛生處向來所得按照現行稅率抽撥之款項均歸本局收受
 - (三) 上項稅款由江海關稅務司代征按期于一定日期劃付本局賬內
 - (四) 本局當隨時定一價目表列明需用一切便利之賃值如公共碼頭堆棧等及雇用一切任務之



收費

第五節 權力

第八條 港務局有權辦理下列各端

- 甲 辦理及改善航務港內及附近出入海道一切便利公共之事業
- 乙 按照政府土地收用法購置港務需用地畝
- 丙 舉辦公共港口工程並設施其他所需便利之公共港務事業
- 丁 實行管理所布置之利便及公共港務工程編訂及施行關於港務工程及利便港務之一切條律並在所管業及利用面積之內担任監察看守之責
- 戊 編定港口章程並接受江海關理船廳署之職務及管理水巡防疫諸事
- 己 收支上述各項款銀並可借款舉辦以上諸事

關於港務需要工程之設施地方當局應相助為理

第九條 在清光緒卅二年高潮線外港務需用土地及關於港務應用之私有物（如浮標等）或向業主商購或照土地收用法收用照時值公平定價如遇價值有相爭之處當設一公斷委員會會員由業主及本局各舉一人再有所舉之二人公同推舉一人會同決定公平之價

第十條 一切公共商船碼頭郵船碼頭等（即民十技術委員會計劃書中所獻議者）由港務局建設其確寔地位亦由港務局審定之此等碼頭應以營業性質組織庶可輔助現有地位之不足惟本局不可以經



濟扶助之免至與私家碼頭爲不公平之競爭也

第十一條 在清光緒卅二年高潮線內兩岸漲灘公產本局得留作港務之用港務局成立之日卽行表示何處地畝應當劃留至于漲灘公產不合乎治河及港務之用者其繳價升科事項均由地方主管機關辦理惟該面積正式升科圖樣應由本局繪就將沿岸業主之權利完全保守其法將現已漲成之灘地升至與濬浦線成爲正角也至于光緒三十二年高潮線外灘地如無本局之升科圖樣其所發業契不生効力

第十二條 所有進行事務本局呈報中央 及江蘇省政府備查

第十三條 概略（一）本局有權委任約束並免除辦事職員（二）本局對於工程上定購材料機器租借公共利益之設施以及售賣舊機器及材料等按照定章公告招人投標擇其條件最有利者爲合格

第十四條 本局成立後濬浦局所辦工程所有銀錢案卷挖泥機船工廠及一切用具並有未到期合同租約機械之保養保險以及局中職員等等均歸港務局承接管理

第六節 附則

第十五條 本章程自核准日施行其各項辦事細則均歸本局從速規定地方當局對於本局收爲港務之用之土地與會丈升科及其他關於本局之工程應相助爲理此項章程得大總統核准後仍由其令飭各部院江蘇省政府及上海與寶山各機關遵照

第十六條 此項章程如須加入列國條約之內仍可酌量修改

- (f) to maintain the existing and future works and improvements in effective condition ;
- (g) to co-operate at their discretion in the improvement of private harbour facilities, charging reasonable rates for services rendered ;
- (h) to receive and consider applications for permits for private works, and to supervise the execution of such works as may be authorized ;
- (i) to prepare in advance a budget dealing with both capital and revenue for the forthcoming year ; and
- (j) to publish a report annually of all operations of the Authority together with full statements of receipts and expenditures.

SECTION 2.—CONSTITUTION.

ARTICLE 2.—The Port of Shanghai Authority shall consist of members, as follows :—

The Taoyin.

The Kiangsu Special Commissioner of Foreign Affairs.

The Superintendent of Customs.

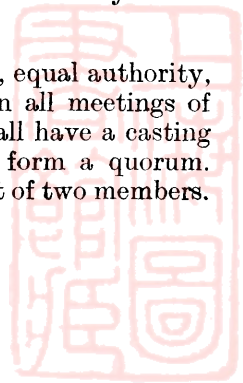
The Commissioner of the Maritime Customs at Shanghai.

The Coast Inspector of the Maritime Customs.

.....

The members shall hold office as long as they fill the positions by virtue of which they serve as members of the Authority.

The several members of the Authority shall have as such, equal authority, and the opinion of the majority is to be determinative. In all meetings of the Authority, if votes are equally divided, the Chairman shall have a casting vote. A majority of the whole number of members shall form a quorum. Meetings shall be held monthly and also at any time by request of two members.



STAFF.

ARTICLE 3.—A Secretary with two Assistant Secretaries, one for Chinese correspondence and one for foreign correspondence and a Chartered Accountant, shall be appointed by the Authority, to take charge of the correspondence and accounts. Accounts shall be audited by highly qualified public auditors and be published annually.

ARTICLE 4.—A Chief Engineer, assisted by a Deputy Chief Engineer, shall be appointed by the Authority, to be the Authority's Technical Advisor and to attend to all executive work under the orders of the Authority.

The Harbour Master shall be appointed by the Authority to control all shipping under the orders of the Authority.

The Health Office for the Port shall be appointed by the Authority to control the Sanitary conditions in the Port under the orders of the Authority.

ARTICLE 5.—*Advisory Board.*—There shall be also an Advisory Board made up of eleven members, nominated as follows :—

Six members, nominated by the Chinese Commercial bodies in Shanghai.

Five members, nominated by the Consular Body and the Foreign Commercial bodies in Shanghai.

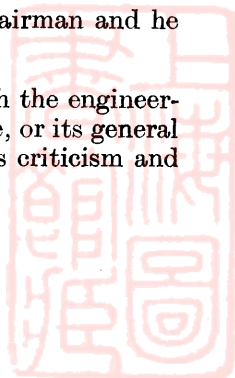
The duty of the Advisory Board shall be to watch, on behalf of the commercial interests of the port, the progress of harbour affairs and the carrying out and control of the various engineering works. It may also put forward any views it thinks right.

To facilitate the carrying out of the foregoing duties by the Advisory Board, all information about plans for engineering works and finance shall be supplied to it by the Port of Shanghai Authority.

Before the Authority appoints the Chief Engineer, it shall refer the qualifications and experience of the candidate to the Advisory Board for consideration.

The Advisory Board shall hold annual meetings and in addition it shall be convened at any time, if a request for a meeting is signed by two members. Six shall form a quorum. The opinion of the majority shall be decisive. The Advisory Board shall each year appoint one of its members chairman and he shall have a casting vote.

In the event of the Advisory Board not being satisfied with the engineering works carried out or planned by the Authority, or its finance, or its general policy, the Advisory Board may put forward a statement of its criticism and request the Authority to call a meeting to look into the matter.



If the Advisory Board still considers its representations are not being attended to, it may refer the matter to the Cabinet of the Central Government.

The Secretaries will serve both the Authority and the Advisory Board.

SECTION 3.—JURISDICTION.

ARTICLE 6 (1).—The general jurisdiction of the Authority shall extend :

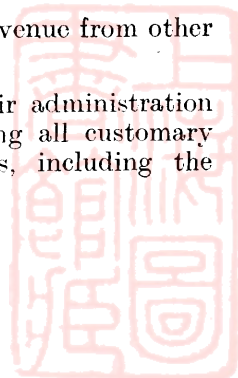
- (a) in the Whangpoo, from its junction with the Yangtze to the tidal limit and laterally between the high water lines of ordinary spring tides and in the Soochow Creek from its mouth up to the Rubicon Road. Highwater of ordinary spring tides is defined as twelve and one half feet above Woosung datum. Within these limits no operation which in the opinion of the Authority may affect the regimen or navigability of the river shall be undertaken without the Authority's consent, nor without such consent shall bunding, wharves, jetties, pontoons, hulks, etc., be established ;
- (b) in the approaches, from Saddle Island to Plover Point (the 121st meridian east of Greenwich), insofar as concerns the work of hydrographic survey and the improvement and maintenance of the approach channel ;
- (c) over such areas as may be acquired for harbour purposes.

(2).—The Harbour shall consist of the Whangpoo River, from a line drawn square to the river from the upper side of the entrance of the Yang Shih Chiao (or alternately Chang Chia Tung Chiang) above Lunghua, down to the mouth of the river, including all public wharves and areas devoted to public purposes and provided by the Authority, and of the Soochow Creek from its mouth to Rubicon Road and also of the Woosung Anchorage in the Yangtze River.

SECTION 4.—FUNDS.

ARTICLE 7 (1).—The Authority shall have entire charge of the finance connected with harbour matters. In this connection :

- (a) they shall receive and take charge of all the funds, properties, assets and obligations of the Customs Harbour Department and of the Whangpoo Conservancy Board ;
- (b) they shall receive all taxes, dues, grants and revenue from other sources, as specified under Clause 2 ;
- (c) they shall disburse the funds required for their administration and executive work at their discretion, taking all customary measures for the safeguarding of their funds, including the requirement of security by disbursing officials ;



- (d) proper accounts shall be kept and audited at regular intervals ;
- (e) in case of taking up loans they may issue long term public bonds, in which case the Authority shall inaugurate a sinking fund to redeem the loan in a period not exceeding 30 years in the case of works and 60 years in the case of lands.

(2).—The Authority shall be empowered to cause to be levied the following taxes at rates to be fixed annually, and advertized six months before they come into effect :

- (a) a Conservancy Tax of not exceeding ten per cent. of the gross Customs duties and in the case of duty free goods not more than one-half of one per cent. ad valorem ;
- (b) in addition the Authority shall receive that proportion of the present Customs Revenue which up to now has been allocated to the Shanghai Harbour Department and Port Health Office.

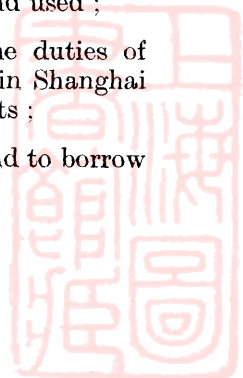
(3).—These taxes shall be collected by the Shanghai Commissioner of Customs and shall periodically on fixed dates be paid to the Port of Shanghai Authority's account.

(4).—The Authority shall frame from time to time a scale of charges for the use of facilities provided such as public wharves, storage places, etc., etc. and for services rendered.

SECTION 5.—AUTHORITY AND POWERS.

ARTICLE 8.—The Port of Shanghai Authority is empowered :

- (a) to deal with and improve the navigation and harbour facilities of the Port and its approaches ;
- (b) to acquire land utilities necessary for harbour purposes, under Government rules of expropriation ;
- (c) to construct all public harbour works and provide other public harbour facilities as needed ;
- (d) to operate and administer public harbour works and utilities so provided, to frame and enforce bye-laws as to such harbour works and utilities, and the Authority shall undertake watch and ward within the limits of all areas so occupied and used ;
- (e) to frame Harbour Regulations and to take over the duties of the Harbour Department of the Maritime Customs in Shanghai and to control River Police and sanitary arrangements ;
- (f) to receive and expend funds for the above purposes and to borrow money for the same.



The territorial and local authorities concerned shall assist the Authority in the execution of all necessary works, that come within the scope of harbour matters.

ARTICLE 9.—All lands lying shoreward of the 1906 high water lines and needed for harbour purposes and private property (such as buoys) shall be purchased by agreement from the owner, or expropriated under the rights of Eminent Domain. The price paid for their expropriation shall be their equitable market value at the time.

In the case of dispute as to value, a committee of arbitration, consisting of one member appointed by the owner, one by the Port of Shanghai Authority, and one by the other two arbitrators, shall decide as to the equitable market value.

ARTICLE 10.—All public merchant shipping wharves, mail steamer wharves, etc., as recommended in general principle in the 1921 Report by the Committee of Consulting Engineers shall be constructed by the Port of Shanghai Authority. The actual places of such wharves shall be further considered and decided by the Authority. Such wharves are to be organized on a commercial basis to supplement existing accommodation and shall not be subsidized out of the Authority's funds in order to compete on an unfair basis with private wharves.

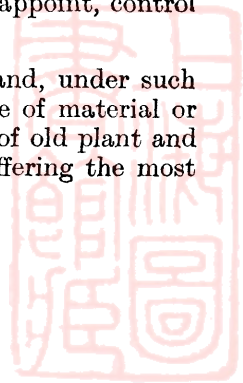
ARTICLE 11.—In respect to any accreted public foreshore on either bank situated within the high water lines of 1906 the Authority may reserve same for harbour purposes and shall immediately on its inauguration indicate what areas be so reserved. In regard to the areas which the Authority will not require for conservancy or harbour purposes, all matters relating to the purchase and payment of shengko fees shall be dealt with by the proper local authorities except that the official plans for the areas so shengkoed shall be made by the Authority with full safeguarding or riparian rights and on the principle of projecting perpendicularly the existing frontage on the Normal Line. No title for foreshore outside the 1906 High Water line shall be valid without the Authority's shengko plan.

ARTICLE 12.—The Authority shall report on the progress of its undertakings to the.....
of the Central Government and for information also to the office of the Civil Government of Kiangsu.

GENERAL.

ARTICLE 13 (1).—The Authority shall, at their discretion, appoint, control and discharge the staff.

(2).—For all contracts in connection with the works and, under such regulations as the Authority may determine, for the purchase of material or machinery, for the leasing of public utilities and the disposal of old plant and stores, etc., public tenders shall be invited and the tender offering the most advantageous conditions shall be accepted.



ARTICLE 14.—After the formation of the Port of Shanghai Authority all the works being carried out by the Whangpoo Conservancy Board, together with the moneys, archives, dredgers, workshops and all kinds of utensils belonging to that Board shall be transferred to and be taken over by the Port of Shanghai Authority, as well as its obligations in respect to current contracts, leases, plant maintenance and plant insurance schemes, staff, etc.

SECTION 6.—SUPPLEMENTARY.

ARTICLE 15.—These regulations shall come into force from the date on which they are sanctioned. Detailed rules of all kinds shall be drawn up by the Authority as soon as possible. The local authorities shall co-operate with the Authority in respect to expropriation of land required for harbour purposes, measurement of foreshore lands for shengko purposes and all works and matters connected with the Authority's work. Presidential mandate by which these regulations are sanctioned shall affirm the obligation of all the Ministries, the Provincial Government of Kiangsu and the Shanghai and Paoshan district officers to conform with these regulations.

ARTICLE 16.—If this is embodied in a diplomatic agreement, a mechanism should be prescribed for possible revision.



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DRAFT
FOR
FURTHER CONSIDERATION
OF
REGULATIONS
OF THE
“PORT OF SHANGHAI
AUTHORITY”

