

SHIPPING AND PORT CONTROL ORDINANCE 1978

ARRANGEMENT OF SECTIONS

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HONG KONG

No. 76 OF 1978

L.S.

I assent.

MURRAY MACLEHOSE,
Governor.

16th November, 1978.

An Ordinance to provide for the regulation and control of ports and of vessels using the waters of Hong Kong, the regulation and control of repairs and breaking up of vessels, cargo handling on vessels, pollution caused by vessels, and for other matters affecting vessels and navigation in the waters of Hong Kong; and to make consequential amendments to the Merchant Shipping Ordinance.

Ordinance not
disallowed—
see G.N. 3280/78

[29th Dec., 1978]

LW 29/1/78

Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

PART I
PRELIMINARY

1. This Ordinance may be cited as the Shipping and Port Control Ordinance 1978 and shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*, and notices under this section may appoint different dates for different provisions of this Ordinance.

Short title and commencement.

2. In this Ordinance, unless the context otherwise requires—

Interpretation.

“agent” means any person acting in Hong Kong as agent for the owner of a vessel for the purposes of this Ordinance;

“aid to navigation” means a lighthouse, beacon or buoy, and any cables, wires and other forms of communication apparatus connected or used with a lighthouse, beacon or buoy;

“authorized officer” means—

- (a) the Director and any public officer of the Marine Department of or above the rank of Marine Assistant, Class II;
- (b) any police officer of or above the rank of Station Sergeant; and
- (c) any public officer authorized in writing in this behalf by the Director;

"60 of 1978 s. 2"

“beacon” means any light, mark or sign established as an aid to navigation, other than a lighthouse or buoy;

“buoy” means any floating light, mark or sign established as an aid to navigation, other than a lighthouse or beacon;

“cargo” means any goods, ships’ stores, provisions and equipment, mail and passengers’ baggage, carried, or intended to be carried, in or on a vessel;

“cargo handling” means—

- (a) the loading of cargo on, or the unloading of cargo from, a vessel;
- (b) the transfer of cargo within a vessel; or
- (c) the hoisting, lowering, moving and handling of cargo or any other thing in any manner, on or from a vessel;

“dangerous goods” means the substances and articles which are specified in the Schedule to the Dangerous Goods (Classification) Regulations;

(Cap. 295,
sub. leg.)

"dead ship" means any ship exceeding 50 metres in length, other than a laid-up vessel, which—

- (a) is, for any reason, unable to proceed under its own power;
- (b) is, for any reason, unable to manoeuvre with its own steering gear;
- (c) is, for any reason, unable to work its own anchors; or
- (d) has any part of the hull structure removed, or under repair, which may affect the water-tight integrity of the ship;

"Director" means the Director of Marine;

"dynamically supported craft" means a craft that is operable on or above water and the weight of which, or a significant part thereof, is balanced in one mode of operation by other than hydrostatic forces;

"international regulations for preventing collisions at sea" means the international regulations for preventing collisions at sea made under section 418 of the Merchant Shipping Act 1894 (including any amendments thereto), or any regulations replacing those regulations;

1894 c. 60.

"junk" includes any vessel—

- (a) of Chinese or other Asiatic build, construction or rig;
- (b) of Chinese or other Asiatic build and construction but of European rig; or
- (c) of European build and construction, but of Chinese or other Asiatic rig,

whether such vessel is of a sea-going type or not and whether mechanically propelled or not;

"laid-up vessel" means any vessel exceeding 50 metres in length, other than a dead ship, which remains, or is to remain, within the waters of Hong Kong through lack of employment or pending the outcome of any legal proceedings before any court;

"lighthouse" includes a lightship and any floating or other light exhibited for the guidance of ships, other than a beacon or buoy;

"master", in relation to a vessel other than a vessel to which Part IV applies, means the person (except a pilot) having for the time being command or charge of the vessel;

"mooring" includes a mooring dolphin or post, buoy, pontoon, floating pier or other floating structure used for the mooring of vessels or to assist in the embarkation or disembarkation to or from vessels;

"owner"—

(a) in relation to a vessel, means—

(i) the person or persons registered or licensed as the owner of the vessel, or in the absence of registration or licensing, the person or persons owning the vessel, except that in relation to a vessel owned by a State which is operated by a person registered as the vessel's operator, it means the person registered as its operator; or

(ii) a demise charterer of the vessel; and

(b) in relation to cargo, includes—

(i) the consignor, consignee or shipper of the cargo; and

(ii) the agent of the owner of the cargo;

(Cap. 84.)

"pilot" means the person who is a pilot within the meaning of the Pilotage Ordinance;

"place on land" means—

(a) any premises, building or vehicle on land;

- (b) any building, structure or object erected or placed on the bed or shore of the sea; or
- (c) anything afloat (other than a vessel) if it is anchored or attached to the bed or shore of the sea;

"port" means any area of the waters of Hong Kong which is declared to be a port under section 56;

"port dues" means any due, fee or charge payable under this Ordinance in respect of a vessel which enters the waters of Hong Kong or uses any port facility;

"port facility" means any aid to navigation, mooring or signal station;

"river trade limits" means—

- (a) the waters in the vicinity of Hong Kong within the following boundaries—
 - (i) to the East, meridian 114° 30' East;
 - (ii) to the South, parallel 22° 09' North; and
 - (iii) to the West, meridian 113° 31' East; and
- (b) all inland waterways in the provinces of Kwangtung and Kwangsi on the mainland of China to which access can be obtained by water from the area defined in paragraph (a);

"ship" means any vessel used in navigation other than a vessel propelled by oars or a junk;

"signal station" means a signal station so specified by regulations made under this Ordinance;

"tidal water" means any part of the sea or of a river within the ebb and flow of the tide at ordinary spring tides;

"tons" and "tonnage" mean tons and tonnage as calculated according to British measurement of registered tonnage;

"vessel" includes—

- (a) any ship, junk, boat, dynamically supported craft, seaplane, or any other description of vessel used in navigation; and
- (b) any other description of vessel in the waters of Hong Kong not used in navigation or not constructed or adapted for use in navigation;

"waters of Hong Kong" means all tidal waters, navigable or not, within the boundaries of Hong Kong specified in the Second Schedule to the Interpretation and General Clauses Ordinance.

(Cap. 1.)

3. (1) This Ordinance shall, except where otherwise specially provided, apply to all vessels within the waters of Hong Kong, including vessels for the time being used by the Hong Kong Government and all warships and ships for the time being used by Her Majesty's Government or the Government of any State.

Application.

(2) Nothing in this Ordinance shall derogate from the provisions of any other law.

PART II

PORT FACILITIES

4. The Director may lay, place, erect and maintain under his control in the waters of Hong Kong such port facilities as he thinks fit.

Installation of Government port facilities.

5. (1) Subject to any other provision of this Ordinance, no person shall use a port facility otherwise than for the purpose for which it is provided.

Use of port facilities.

(2) Any person who contravenes subsection (1) commits an offence and is liable to a fine of \$5,000.

Restriction on installation of private port facilities, etc.

6. (1) Subject to subsection (2), except with the written permission of the Director, no person shall lay, place, erect or maintain a port facility or any floating or other structure in the waters of Hong Kong.

(2) The Director may, by notice in the *Gazette*, specify any area of the waters of Hong Kong in which any floating or other structure specified in the notice may be laid, placed, erected or maintained without the permission of the Director.

(3) Any person who contravenes subsection (1) commits an offence and is liable to a fine of \$5,000.

(4) Without prejudice to the liability for an offence under subsection (3), the Director may give such directions as he thinks fit for the removal, moving or modification of a port facility or any floating or other structure laid, placed, erected or maintained in contravention of subsection (1).

Damage, etc., to aids to navigation.

7. (1) Any person who wilfully or negligently—

(a) removes, alters, damages, destroys, or interferes with, any aid to navigation or mooring; or

(b) makes fast to any aid to navigation,

commits an offence and is liable to a fine of \$5,000.

(2) If an offence under subsection (1) is committed by a person on or in respect of a vessel, then, in addition to that person, the owner and the master of the vessel commit an offence and each of them is liable to a fine of \$5,000.

Liability for damage to port facilities, etc.

8. (1) Where any damage is caused by a vessel to any port facility, pier, breakwater or other property owned by the Government, the owner and the master of the vessel shall, without prejudice to the liability for an offence under this Ordinance, be jointly and severally liable for any loss arising out of the damage to the extent that such loss is attributable to any fault on the part of the vessel or to any wilful or negligent act of any person on the vessel.

(2) Such loss may be recovered by the Director as a civil debt.

Power to require removal of unauthorized lights and signs.

9. The Director may direct an owner or his agent or the master of any vessel, or any person who appears to him to be the owner or occupier of a place on land, at or from which there is exhibited a light or illuminated sign which, in the opinion of the Director—

(a) obscures, restricts or interferes with, or is likely to obscure, restrict or interfere with, the functions or use of any signal station or aid to navigation;

(b) is likely to be mistaken for a light or signal proceeding from any signal station or aid to navigation; or

(c) in any way interferes with, or is likely to interfere with, the safe navigation of vessels in the waters of Hong Kong,

to remove the light or illuminated sign or to extinguish or screen it in the manner specified in the direction.

PART III

CONTROL OVER VESSELS AND PORTS

Application of the international regulations for preventing collisions at sea.

10. (1) The international regulations for preventing collisions at sea shall apply to all vessels within the waters of Hong Kong, subject to any special provision in or under this Ordinance relating to any requirement contained in such regulations.

[cf. 1894 c. 60, s. 419(2).]

(2) If a contravention of the international regulations for preventing collisions at sea as applied under subsection (1) is caused within the waters of Hong Kong by the wilful default of the master of a vessel, the master commits an offence and is liable to a fine of \$10,000.

(3) If an injury to a person or damage to property arises within the waters of Hong Kong from a contravention of the international regulations for preventing collisions at sea as applied under subsection (1), the injury or damage shall be deemed to have been caused by the wilful default of the person in charge of the deck of the vessel at the time, unless it is shown to the satisfaction of the court that the circumstances of the case made a departure from the regulations necessary. [cf. 1894 c. 60, s. 419(3).]

11. (1) Notwithstanding any other provision of this Ordinance, the Director may, if he is satisfied that there is reason for doing so, refuse permission for a vessel, or class, type or description of vessel, to enter or leave the waters of Hong Kong. Refusal of permission to enter or leave.

(2) Where a vessel is refused permission under subsection (1) to leave the waters of Hong Kong, the Director shall inform the owner or his agent or the master of the vessel of the grounds on which the permission has been refused.

(3) Where a vessel which is refused permission under subsection (1) to enter or leave the waters of Hong Kong so enters or leaves, as the case may be, the owner and the master of the vessel commit an offence and each of them is liable to a fine of \$20,000 and to imprisonment for one year.

(4) This section does not apply to any warship or other ship for the time being used by Her Majesty's Government other than for commercial purposes.

12. (1) Where—

(a) a vessel is refused permission to leave the waters of Hong Kong under section 11; or

(b) it is provided in this Ordinance that under specified conditions a vessel shall not leave any port or the waters of Hong Kong,

the Director may take such steps as are necessary to detain the vessel in such port or waters. Power to detain vessels.

(2) If the Director incurs any cost in detaining a vessel under subsection (1), he may recover the cost—

(a) as a civil debt from the owner or master of the vessel; or

(b) under section 55 as if the cost represented port dues payable in respect of the vessel.

(3) Where any foreign vessel is detained under subsection (1), notice thereof shall be given to the consular officer for the State to which the vessel belongs, and if there is no such consular officer to the master of the vessel, and such notice shall specify the grounds on which the vessel has been detained.

13. (1) If a vessel which is detained under section 12 proceeds to sea the master, and the owner or his agent if he is party or privy to such action, commit an offence and each of them is liable to a fine of \$50,000 and to imprisonment for 2 years. Penalty for taking detained vessel to sea.

(2) Where a vessel proceeds to sea in contravention of subsection (1) whilst having on board a public officer who is acting in the execution of his duty—

(a) the master and the owner or his agent, in addition to committing an offence under subsection (1), commit an offence under this subsection and each of them is liable to a fine of \$20,000 and to imprisonment for 6 months, and to an additional fine of \$1,000 for each day during the period from the date on which the vessel proceeded to sea until the date on which the officer is returned to Hong Kong or, if he does not return directly to Hong Kong,

would have returned if he had travelled by the quickest practicable route; and

- (b) the master and the owner and his agent shall be jointly and severally liable to pay all expenses incidental to the taking of the officer to sea and to securing his return to Hong Kong, and all such expenses may be recovered in the same manner as a fine.

Director to be allowed to board.

14. (1) When a ship arrives within the waters of Hong Kong, the master of the ship shall allow and assist the Director to board the ship as soon as he comes alongside the ship and shall give to the Director such information as he may be required to give under this Ordinance.

(2) Any master or officer of a ship who—

- (a) fails to allow, or fails to assist, the Director to board the ship; or
(b) delays or impedes the Director from boarding the ship,

commits an offence and is liable to a fine of \$10,000 and to imprisonment for 6 months.

Port clearance to be obtained before departure.

15. (1) Subject to subsection (2), no vessel shall proceed to sea unless there is in relation to the vessel a valid port clearance in writing obtained in the prescribed manner.

(2) Subsection (1) shall not apply—

- (a) to any warship or other ship for the time being used by Her Majesty's Government or the Government of any State for other than commercial purposes;
(b) to any vessel for the time being used by the Hong Kong Government;
(c) to any vessel of a class that is exempted by the Director by notice in the *Gazette* from the operation of this section;
(d) to any vessel that is obliged to leave any port or the waters of Hong Kong due to weather conditions, or other circumstances beyond the control of its master, in the interests of safety of the vessel, its cargo, crew or passengers.

(3) If subsection (1) is contravened, the master commits an offence and is liable to a fine of \$10,000 and to imprisonment for 6 months.

Power to give directions.

16. The Director may give to an owner or his agent or to a master of, or other person who appears to the Director to be in control over, a vessel such directions as he thinks fit in any particular case—

- (a) for controlling the vessel when entering or leaving the waters of Hong Kong;
(b) for controlling the navigation and movement of the vessel in the waters of Hong Kong;
(c) as to the place and manner in which the vessel shall be berthed, moored, anchored or secured;
(d) for the removal of the vessel from any berth, mooring or anchorage to another berth, mooring or anchorage;
(e) prohibiting the berthing, mooring or anchoring of the vessel in any particular place;
(f) for ensuring the safety of, or preventing the outbreak of fire on, the vessel.

17. (1) Subject to subsection (2), no ship or junk shall, except with the permission of the Director, anchor at any place in the waters of Hong Kong other than in a port. Ships to anchor in ports.

(2) Subsection (1) shall not apply where a ship or junk anchors at any place in the waters of Hong Kong, other than in a place in which anchoring is expressly restricted or prohibited under this Ordinance, because of stress of weather or other sufficient cause.

(3) If subsection (1) is contravened, the master commits an offence and is liable to a fine of \$10,000 and to imprisonment for 6 months.

18. (1) No dead ship shall, except with the permission of the Director, enter, or be brought into, the waters of Hong Kong. Dead ships.

(2) Subject to subsection (4), no dead ship shall, except with the written permission of the Director, be berthed, moored or anchored at any place in the waters of Hong Kong.

(3) Subject to subsection (4), no owner, agent or master of a ship which is within the waters of Hong Kong shall, except with the written permission of the Director, carry out, or cause to be carried out, any maintenance or repair work on the ship which will result in the ship becoming a dead ship.

(4) Subsections (2) and (3) do not apply to a dead ship which is drydocked or within the precincts of, or berthed or moored alongside, a dockyard.

(5) Without prejudice to section 64(5), a permission granted under this section may be withdrawn or cancelled by the Director at any time if the dead ship becomes, or is likely to become, a danger to life, other vessels, port facilities or other property.

(6) If without reasonable excuse subsection (1), (2) or (3) is contravened, the owner or his agent and the master commit an offence and each of them is liable to a fine of \$10,000 and to imprisonment for 6 months.

19. (1) Subject to subsection (2), no laid-up vessel shall, except with the written permission of the Director, be berthed, moored or anchored at any place in the waters of Hong Kong. Laid-up vessels.

(2) Subsection (1) does not apply to a laid-up vessel which is dry-docked or within the precincts of, or berthed or moored alongside, a dockyard.

(3) If without reasonable excuse subsection (1) is contravened, the owner or his agent and the master commit an offence and each of them is liable to a fine of \$10,000 and to imprisonment for 6 months.

20. (1) Where a vessel—

(a) is on fire;

(b) has suffered damage by fire, explosion or collision; or

(c) is disabled, stranded or out of control because of damage, bad weather or mechanical failure,

Beaching, etc.
of vessels.

the Director may, if he has reasonable grounds to believe that any of the circumstances specified in subsection (2) prevail, direct the owner or master of the vessel—

- (i) to beach the vessel;
 - (ii) to take the vessel outside the limits of a port; or
 - (iii) to take such other action as the Director thinks fit.
- (2) The circumstances for the purposes of subsection (1) are that the vessel—
- (a) is, or is likely to become, a danger to life, other vessels, aircraft or navigation;
 - (b) is causing, or is likely to cause, pollution of the waters of Hong Kong;
 - (c) is causing, or is likely to cause, damage to port facilities or other property.
- (3) If without reasonable excuse any direction given under subsection (1) is not complied with, the owner or master to whom the direction is given commits an offence and is liable to a fine of \$20,000 and to imprisonment for one year.

Removal, etc.
of stranded,
abandoned
or sunken
vessels.

21. (1) The Director may give to an owner or master of, or other person who claims or appears to the Director to exercise control over, a vessel which is stranded, abandoned or sunk in the waters of Hong Kong such directions as he thinks fit in respect of the removal, movement, anchoring, mooring, securing, raising or destruction of the vessel.

(2) If without reasonable excuse any direction given under subsection (1) is not complied with, the person to whom the direction is given commits an offence and is liable to a fine of \$20,000 and to imprisonment for one year.

(3) The Director may seize and detain a vessel referred to in subsection (1) together with any cargo and other things on board if—

- (a) a direction given under subsection (1) is not complied with;
- (b) after reasonable inquiry he is unable to ascertain the ownership of the vessel or to trace the owner or master of the vessel; or
- (c) no person claims or appears to the Director to exercise control over the vessel.

(4) For the purposes of seizing a vessel, cargo or other things under subsection (3), the Director may take, or cause to be taken, any action that is necessary including the employment of pilots and the use of tugs and equipment to remove, move, anchor, moor, secure or raise the vessel, cargo and other things.

(5) The Director shall publish in the *Gazette* and in one English language and one Chinese language newspaper circulating in Hong Kong a notice of a seizure effected under subsection (3) and the notice shall specify—

- (a) the names (if known to the Director) of the persons whom the Director believes to be the owner and the master of the vessel;
- (b) the name (if known to the Director) of the person whom the Director believes to be the owner or otherwise entitled to the possession of any cargo or other things on board;
- (c) a description of the vessel and the place at which it was seized;
- (d) a description of the cargo or other things on board; and

(e) a reasonable period within which and the place at which a claim shall be submitted to the Director for the release of the vessel, cargo or other things on board.

(6) If a valid claim to a vessel, cargo or other things seized under subsection (3) is submitted at any time before a notice is published under subsection (5) or within the period specified in a notice published under that subsection, the Director shall, on payment to him of all expenses involved in the seizure and custody of the vessel, cargo or other things, as the case may be, release the vessel, cargo or other things to the claimant.

(7) If the release of a vessel, cargo or other things is not obtained in pursuance of subsection (6), the Director may sell, or otherwise dispose of in such manner as he thinks fit, the vessel, cargo or other things, as the case may be, and in the case of sale the proceeds, after deducting all expenses payable under subsection (6) and any reasonable expense incurred in the sale, shall be paid to the person making a valid claim thereto within one year after the date of sale or forfeited to the Crown if not claimed within that period.

22. (1) Where the owner of a vessel which is stranded, abandoned or sunk in the waters of Hong Kong sells the vessel, or otherwise parts with the ownership of the vessel, he shall forthwith notify the Director in writing of the name and address of the new owner of the vessel.

Notice of change of ownership of stranded, abandoned or sunken vessels.

(2) Any owner who contravenes subsection (1) commits an offence and is liable to a fine of \$10,000.

23. Where—

(a) a foreign vessel is stranded, abandoned or sunk in the waters of Hong Kong; or

(b) a foreign vessel which is stranded, abandoned or sunk near the coast of Hong Kong, or any part of such vessel or cargo or other thing belonging thereto, is brought into Hong Kong,

Foreign vessels, etc.

and the owner or master of the vessel, or the owner of the cargo or other thing, as the case may be, is not in Hong Kong—

(i) the consular officer of the country to which the vessel, or in the case of cargo or other thing to which its owner, may have belonged; or

(ii) the consular officer of that country authorized in that behalf by any treaty or arrangement with that country,

shall be deemed to be the agent of the owner of the vessel, cargo or other thing so far as relates to its custody and disposal.

PART IV

LICENSED VESSELS

24. In this Part, unless the context otherwise requires—

Interpretation.

“certificate of competency” means a certificate of competency issued under this Part;

“crew” means the master and any other person employed or engaged in any capacity on board a vessel on the business of the vessel;

“licence”, in relation to any vessel to which this Part applies, means a licence granted under the regulations made under this Part;

“master” means the person having for the time being command or charge of the vessel; but where there is no such person or the vessel is in command or charge of a person under the age of 16, the person whose name appears as the licensee in the licence granted in respect of that vessel shall be deemed to be the master thereof;

“passenger” means any person carried in a vessel other than the crew.

Application.

25. (1) Without prejudice to any other provision of this Ordinance, and subject to subsection (3) and section 35(3), this Part applies to—

- (a) any vessel regularly employed in trading, or going, within river trade limits;
- (b) any vessel employed in sea fishing;
- (c) any vessel used for pleasure purposes;
- (d) any other description of vessel, whether self-propelled or not, used in navigation solely within the waters of Hong Kong; and
- (e) any other description of vessel in the waters of Hong Kong not used in navigation or not constructed or adapted for use in navigation.

(Cap. 281.)

(2) This Part shall apply to a vessel specified in subsection (1) whether or not the vessel is provided with a certificate of registry or certificate of foreign registry for the purposes of the Merchant Shipping Ordinance.

(3) This Part shall not apply to—

- (a) any trawler to which Part XII of the Merchant Shipping Ordinance applies;
- (b) any vessel which is for the time being used for any purpose by Her Majesty’s Government, the Hong Kong Government or any State; and
- (c) any vessel authorized by virtue of a Passenger and Safety Certificate to carry passengers within river trade limits.

Licensing of vessels.

26. (1) Subject to section 35, every vessel to which this Part applies shall be licensed in accordance with the regulations made under this Part.

(2) If subsection (1) is contravened, the owner and the master commit an offence and each of them is liable to a fine of \$10,000 and to imprisonment for 6 months.

(3) Without prejudice to the liability for an offence under this section, the Director may, in the case of—

- (a) a vessel which is not licensed, require the owner of the vessel to pay, in addition to the prescribed licence fee for the issue of a licence, the prescribed licence fees which would have become payable if the vessel had been licensed from the date the vessel has been in use without a licence;
- (b) a vessel the licence of which is not renewed from the date of expiry of the previous licence, require the owner of the vessel to pay, in addition to the prescribed licence fee for the renewal of the licence, the prescribed licence fees which would have become payable if the licence had been renewed from the date of expiry of the previous licence.

(4) The owner of a vessel may be required to pay the additional licence fees payable under subsection (3) in respect of a period prior to the issue or renewal of a licence whether or not he was the owner of the vessel during that entire period.

(5) The additional licence fees under subsection (3) shall not be payable in respect of—

- (a) any continuous period exceeding 6 months during which the vessel has not been in use if the owner of the vessel produces evidence to that effect to the satisfaction of the Director; or
- (b) any period during which the licence of the vessel was terminated by notice to the Director.

27. (1) No unlicensed vessel shall carry any passenger.

Offences in relation to the carrying of passengers.

(2) No licensed vessel shall carry any passenger unless the conditions of its licence permit the carriage of passengers.

(3) No licensed vessel shall carry more passengers and crew than may lawfully be carried under the conditions of its licence.

(4) If without reasonable excuse subsection (1) or (2) is contravened, the owner or his agent and the master commit an offence and each of them is liable to a fine of \$50,000 and to imprisonment for 2 years, and to an additional fine of \$5,000 in respect of each passenger carried on the vessel in contravention of the subsection.

(5) If without reasonable excuse subsection (3) is contravened, the owner or his agent and the master commit an offence and each of them is liable to a fine of \$20,000 and to imprisonment for one year, and to an additional fine of \$2,000 in respect of each person carried in excess of the number that may lawfully be carried.

28. (1) Any person who places on any safety valve of a vessel a pressure greater than that allowed under the conditions of its licence, or would have been allowed if the vessel had been licensed, commits an offence and is liable to a fine of \$50,000 and to imprisonment for 2 years.

Offences in respect of vessels.

(2) Any owner or master of a vessel who permits the vessel to operate while in an unseaworthy or unsafe condition, whether by reason of overloading or from any other cause whatsoever, commits an offence and is liable to a fine of \$50,000 and to imprisonment for 2 years.

(3) Without prejudice to any other penalty, the owner or master who commits a breach of any condition of the licence commits an offence and is liable to a fine of \$10,000 and to imprisonment for 6 months.

29. (1) The Director shall cause examinations to be conducted for the grant of certificates of competency required to be held by persons employed as masters or deck or engineering crew on vessels, and shall appoint examiners for that purpose.

Certificates of competency for persons employed as masters, etc.

(2) The Director may make rules prescribing or providing for—

- (a) the standards of competency to be attained and other conditions to be satisfied (subject to any exceptions allowed by or under the rules) by candidates for any examination conducted under subsection (1);
- (b) the procedure for and the method of conducting any such examination;
- (c) the subjects to be taken at any such examination, or the manner in which those subjects are to be specified;

- (d) fees and forms in relation to any such examination;
- (e) the issue of certificates of competency to successful candidates at any such examination and the issue of copies of such certificates.

(3) The Director may publish any rules made under subsection (2) in such manner as he thinks fit, and shall, on payment of such charge as the Director may determine, provide a copy of the rules to any person.

(4) The Director may grant a certificate of competency as a master or deck or engineering crew to a person without requiring him to undergo the appropriate examination prescribed in the rules made under subsection (2) if the person produces to the Director suitable documentary evidence of competence for the grant of such a certificate of competency.

30. (1) The Director may cancel, or suspend for any period, any certificate of competency, if it is proved to his satisfaction after due inquiry that the holder of the certificate has been guilty of incompetence, misconduct or negligence in the performance of his duties.

(2) A person aggrieved by a decision of the Director under subsection (1) may, within 14 days after being informed of the decision, by notice in writing delivered to the Registrar of the Supreme Court, appeal to such judge, District Judge, or magistrate as the Chief Justice may nominate; and on hearing the appeal the judge, District Judge, or magistrate may make such order confirming, varying, or setting aside the decision of the Director as he considers just.

(3) A copy of the notice of appeal delivered under subsection (2) shall be served on the Director who shall be entitled to be heard as respondent at the hearing of the appeal.

31. (1) Any person who—

- (a) makes, assists in making or procures to be made any false representation for the purpose of procuring, either for himself or for any other person, a certificate of competency;
- (b) fraudulently uses a certificate of competency or copy of a certificate of competency which has been forged, altered, cancelled or suspended or to which he is not entitled; or
- (c) fraudulently lends his certificate of competency or allows it to be used by any other person,

commits an offence and is liable to a fine of \$10,000 and to imprisonment for 6 months.

(2) Where a person is convicted of an offence under subsection (1) the Director may cancel, or suspend for any period, the certificate of competency in respect of which the offence is committed.

32. If, on the cancellation or suspension of a certificate of competency under section 30 or 31, the holder of the certificate, or any person in possession of it, without reasonable excuse fails to deliver it to the Director on being required by him to do so, he commits an offence and is liable to a fine of \$5,000.

33. (1) Without prejudice to the power to make regulations under section 80, and without prejudice to the application of regulations made under that section (except so far as they are inconsistent with regulations made under this section), the Governor in Council may make regulations in respect of vessels to which this Part applies for all or any of the following matters—

- (a) the regulation, control and use of vessels;

Cancellation or suspension of certificates of competency on grounds of incompetency, etc.

Offences relating to certificates of competency.

Surrender of certificates of competency.

Regulations.

- (b) the licensing of vessels and the renewal of licences, and in the case of vessels that have, contrary to the regulations made under this section, not been licensed for any period, for the payment of licence fees or penalty in respect of the period during which the vessels were not licensed;
- (c) the cancellation or suspension of licences;
- (d) the design and construction of vessels, the equipment required to be carried on board vessels and matters incidental thereto;
- (e) the accommodation for passengers and crew, and means for their safety and escape;
- (f) the life-saving appliances and fire-fighting apparatus to be provided on vessels, and the training of the crew in the use of such appliances or apparatus;
- (g) the survey or inspection of vessels and the issue (and cancellation) of certificates of survey or inspection;
- (h) the classification of vessels;
- (i) the application of the international regulations for preventing collisions at sea;
- (j) the employment on vessels of a master and deck and engineering crew who possess certificates of competency;
- (k) the number and grade of crew to be employed on vessels;
- (l) the engagement and discharge of crew, their conditions of employment, and their hours of work and rest periods;
- (m) the duties of owners and crew;
- (n) regulating the noise, vibration and smoke which may be caused by vessels;
- (o) regulating the hiring of vessels, the carriage of passengers and the plying limits;
- (p) empowering the Director to provide anchorages and mooring areas for vessels, and to control and regulate their use;
- (q) the use of piers and the embarkation and disembarkation of persons;
- (r) the inquiry into charges of incompetency, misconduct or negligence of or by masters or deck or engineering crew and prescribing the procedure at such inquiries;
- (s) the registration of persons dwelling in any specified type or class of vessels;
- (t) the fees and charges payable under the regulations;
- (u) empowering the Director to amend any Schedule to the regulations;
- (v) generally for the better carrying out of the provisions and purposes of this Part.

(2) Any regulations made under this section may provide that a contravention of specified provisions thereof is an offence and may prescribe penalties therefor not exceeding a fine of \$20,000 and imprisonment for one year.

34. (1) Where an owner or master of a vessel who is convicted of an offence under this Part or under regulations made under section 33 fails to pay any fine imposed in respect of the offence, the Director may sell the vessel in respect of which the offence was committed and apply

Recovery of
penalty by
sale of vessels.

the proceeds in payment of the fine, and the balance (if any), after deducting any reasonable expense incurred in the sale, shall be paid to the owner of the vessel if claimed within 6 months after the date of the sale or forfeited to the Crown if not claimed within that period.

(2) Not less than 14 days before a vessel is sold under subsection (1), the Director shall give to the owner of the vessel notice in writing of the intended sale, but notice under this subsection shall not be necessary where there is no such owner or the Director is unable to find the owner.

(3) Any vessel sold under this section shall be transferred to the purchaser thereof, at the expense of the purchaser, by a bill of sale from the Director which shall confer upon such purchaser an absolute title to such vessel.

Saving of certain regulations.
(Cap. 281.)

35. (1) For the avoidance of doubt, it is hereby declared that, notwithstanding the repeal, under section 81, of Parts XIII and XIV of the Merchant Shipping Ordinance, the following regulations (hereinafter referred to as the specified regulations)—

(Cap. 281.
sub. leg.)

(a) the Merchant Shipping (Launches and Ferry Vessels) Regulations;

(Cap. 281.
sub. leg.)

(b) the Merchant Shipping (Miscellaneous Craft) Regulations; and

(Cap. 281.
sub. leg.)

(c) the Merchant Shipping (Pleasure Vessels) Regulations,

shall, save in so far as they are inconsistent with any of the provisions of this Ordinance or any regulations made thereunder and subject to any amendment thereof made by section 81, continue in operation until such time as they are replaced by regulations made under section 33 which are expressed to be in substitution of the specified regulations, and shall be deemed for all purposes to have been made under section 33 and to be liable to amendment thereby or thereunder.

(Cap. 281.
sub. leg.)

(2) The Governor in Council may by regulation amend those provisions of the Merchant Shipping (Fees) Regulations which relate to launches, ferry vessels, miscellaneous craft and pleasure vessels.

(3) For the purposes of this section, the vessels to which this Part applies include launches, ferry vessels, miscellaneous craft and pleasure vessels to which the specified regulations apply.

PART V

REPAIRS OR BREAKING UP OF VESSELS AND CARGO HANDLING

Interpretation.

36. In this Part, unless the context otherwise requires—

“inspector” means a person appointed under section 38 to be an inspector;

“lifting appliance” means a crane, winch, hoist, derrick boom, sheer legs, fork lift truck or other self-propelled machine, and any other description of lifting appliance, derrick and mast bands, goose-necks, eyebolts, and all other permanent attachments to a derrick, mast or deck, used on a vessel for the purposes of hoisting or lowering in connexion with cargo handling;

“lifting gear” includes a chain sling, rope sling, canvas sling, net, tray, board, box, bull rope, snotter, can hook or other means of supporting cargo and attachments thereto including a ring, link, hook, plate, clamp, shackle, swivel, eyebolt, bridle, beam, spreader, rope and wire, used on a vessel in connexion with cargo handling;

“machinery, equipment or appliance”, in the case of—

- (a) repairs to a vessel, means any machinery, equipment or appliance provided or used for that purpose;
- (b) the breaking up of a vessel, means any machinery, equipment or appliance provided or used for that purpose; and
- (c) cargo handling, means any lifting appliance or lifting gear provided or used for that purpose;

“person in charge of works” means—

- (a) the owner or master of, or other person having control over, the vessel on or to which any works are to be, or are being, carried out; or
- (b) a principal contractor or sub-contractor, if any, who contracts to carry out, or who carries out, any works;

“principal contractor” means a person who enters into a contract directly with the owner or master of, or other person having control over, the vessel to carry out any works;

“repairs”, in relation to—

- (a) any vessel, means any repairs, alterations or maintenance works on or to the vessel carried out by any person other than a member of the crew or master of the vessel or that involve or are likely to involve the safety of any person other than a member of the crew or the master; and
- (b) any vessel carrying dangerous goods, means any repairs, alterations or maintenance works on or to the vessel capable of providing an ignition source, including those that involve welding, burning or the use of blow lamps, braziers or other devices using combustible materials;

“sub-contractor” means—

- (a) any person who enters into a contract, express or implied, with a principal contractor to perform all or any part of the works which the principal contractor has contracted to perform; and
- (b) any other person who enters into a contract, express or implied, to perform all or any part of the works which a sub-contractor within the meaning of paragraph (a) has contracted to perform;

“works” means—

- (a) repairs to any vessel;
- (b) the breaking up of a vessel; or
- (c) cargo handling on a vessel.

37. (1) Subject to subsection (2), this Part shall not apply to repairs Application.
to, or the breaking up of, a vessel which is—

- (a) 50 metres or less in length;
- (b) in a dock other than a floating dock; or
- (c) on a slip or mechanical lift.

(2) The Director may, in the case of any vessel referred to in subsection (1)(a), give written notification to the person in charge of works that this Part applies to that vessel.

38. The Director shall appoint such persons as he thinks fit to be Appointment
of inspectors.
inspectors for the purposes of this Part.

Powers of
Director and
inspectors.

39. (1) The Director and an inspector shall have power—
- (a) at any reasonable time (or, in a situation which in the opinion of the Director or an inspector is or may be dangerous, at any time) to board any vessel within the waters of Hong Kong which he has reason to believe it is necessary to board for the purposes of this Part, and for the purpose of boarding any such vessel which is floating alongside any premises at a seawall or pier, to enter such premises;
 - (b) to take with him such persons as may be necessary to assist him in the exercise of his powers, or performance of his duties, under this Part;
 - (c) to inspect and examine any vessel on or to which any works are being carried out;
 - (d) to make such examination and inquiry as may be necessary to ascertain that safe working conditions obtain and that the provisions of this Part are complied with;
 - (e) to investigate any accident involving any works or injury to any person arising out of or in the course of carrying out any works;
 - (f) to require the production of any register, certificate or other document required to be kept in pursuance of this Part and to inspect and copy any of them or any entry in them; and
 - (g) to require the posting of any notice in pursuance of this Part or any notice related to works, machinery, equipment or appliances, or the safety of persons employed in carrying out any works.

(2) An owner or master of, or other person having control over, a vessel shall furnish such safe means required by the Director or an inspector as are necessary for the purposes of boarding, inspection, examination, investigation, or otherwise for the exercise of his powers under this Part.

(3) Any person who—

- (a) without reasonable excuse fails to comply with any requirement of the Director or an inspector in pursuance of this section;
- (b) without reasonable excuse fails to produce any register, certificate or other document which he is required in pursuance of this Part to produce;
- (c) without reasonable excuse withholds any information as to who is the owner or master of, or person having control over, the vessel, or the owner of any machinery, equipment or appliance provided or used for the carrying out of any works,

commits an offence and is liable to a fine of \$10,000 and to imprisonment for 6 months.

40. (1) Subject to subsection (2), no owner or master of, or other person having control over, a vessel shall, except with the written permission of the Director, carry out, or cause to be carried out, any repairs to, or break up, the vessel.

(2) The Director may by notice in the *Gazette* specify any type of repairs to a vessel in respect of which permission under subsection (1) is not required.

(3) Any person who without reasonable excuse contravenes subsection (1) commits an offence and is liable to a fine of \$50,000 and to imprisonment for 2 years.

Restriction
on carrying
out repairs or
breaking up
of vessels.

41. (1) Where a vessel is being repaired or broken up, the person in charge of works shall not— Safe atmosphere.

- (a) provide or use, or cause to be provided or used, any machinery, equipment or appliance that is capable of providing an ignition source; or
- (b) carry out, or cause to be carried out, any works that involve welding or burning, the use of blow lamps, braziers or other devices using combustible materials,

in an atmosphere containing flammable vapours, flammable gases or explosive dusts.

(2) A person in charge of works who contravenes subsection (1) commits an offence and is liable to a fine of \$20,000 and to imprisonment for one year.

42. (1) The Director may direct any person who, in the opinion of the Director, is the owner or master of a vessel, or who claims or appears to the Director to exercise control over a vessel, that is to be repaired or broken up or is being repaired or broken up, or who is in charge of the repairs or the breaking up of a vessel— Directions regarding repairs or breaking up of vessels.

- (a) to remove the vessel to a position or place within the waters of Hong Kong specified by the Director;
- (b) to comply with such safety requirements as may be specified by the Director generally or in any particular case;
- (c) to comply with any other requirements which may be specified by the Director in respect of the manner in which the vessel may be repaired or broken up;
- (d) in the case of the breaking up of a vessel, to give security, in cash or otherwise, in such amount as the Director may consider necessary to ensure the effective breaking up and complete removal of the vessel.

(2) Any person who fails to comply with any direction given to him under subsection (1) commits an offence and is liable to a fine of \$10,000 and to imprisonment for 6 months, and to an additional fine of \$1,000 for each day during which such failure to comply continues after notice requiring compliance with the direction has been served by the Director on such person.

43. (1) A person in charge of works shall not provide or use, or cause to be provided or used, any machinery, equipment or appliance for the carrying out of the works if the machinery, equipment or appliance is in such a condition or so constructed that it cannot be used without unnecessary risk of accident or bodily injury. Prohibition against use of dangerous equipment, etc.

(2) If the Director or an inspector has reasonable grounds to believe that any machinery, equipment or appliance provided or used for the carrying out of any works is in such a condition or so constructed that it cannot be used without unnecessary risk of accident or bodily injury, the Director or inspector may give directions to the person in charge of works—

- (a) prohibiting the use of the machinery, equipment or appliance, or if it is capable of repair or alteration, prohibiting its use until it is repaired or altered as specified in the directions; or
- (b) requiring him to take such other steps as may be specified in the directions for remedying the unnecessary risk of accident or bodily injury.

(3) A person in charge of works who—

- (a) contravenes subsection (1) commits an offence and is liable to a fine of \$20,000 and to imprisonment for one year;
- (b) fails to comply with any direction given to him under subsection (2) commits an offence and is liable to a fine of \$10,000 and to imprisonment for 6 months, and to an additional fine of \$1,000 for each day during which such failure to comply continues after notice requiring compliance with the direction has been served by the Director or an inspector on such person.

Prohibition against carrying out works in dangerous conditions.

44. (1) A person in charge of works shall not carry out, or cause to be carried out, any works in a condition or manner that does not provide adequately against unnecessary risk of accident or bodily injury.

(2) If the Director or an inspector has reasonable grounds to believe that any works are being carried out in a condition or manner that does not provide adequately against unnecessary risk of accident or bodily injury, the Director or inspector may give directions to the person in charge of the works requiring him to take such steps as may be specified in the directions for remedying the unnecessary risk of accident or bodily injury.

(3) A person in charge of works who—

- (a) contravenes subsection (1) commits an offence and is liable to a fine of \$20,000 and to imprisonment for one year;
- (b) fails to comply with any direction given to him under subsection (2) commits an offence and is liable to a fine of \$10,000 and to imprisonment for 6 months, and to an additional fine of \$1,000 for each day during which such failure to comply continues after notice requiring compliance with the direction has been served by the Director or an inspector on such person.

PART VI

POLLUTION OF WATER

Interpretation.

[cf. 1971 c. 60, s. 29.]

45. (1) In this Part—

“mixture containing oil” means any mixture of oil with water or with any other substance, and any waste consisting of or arising from oil;

“occupier”, in relation to—

- (a) a place on land, if it has no occupier, means the owner thereof; and
- (b) a vehicle, means the person in charge of the vehicle and not the occupier of the land on which the vehicle stands;

“oil” means oil of any description, spirit produced from oil of any description and coal tar.

Discharge of oil into the waters of Hong Kong.

[cf. 1971 c. 60, s. 2.]

46. (1) If any oil or mixture containing oil is discharged into the waters of Hong Kong, then the following commit an offence—

- (a) the person by whom the oil or mixture containing oil is so discharged or caused to be discharged; and
- (b) whether or not the person referred to in paragraph (a) has been charged with an offence—

- (i) if the discharge is from a vessel, the owner and the master of the vessel, unless the owner or master, as the case may be,

proves that the discharge took place and was caused as mentioned in sub-paragraph (ii);

(ii) if the discharge is from a vessel but takes place in the course of a transfer of oil to or from another vessel or a place on land and is caused by the act or omission of any person in charge of any apparatus in that other vessel or that place, the owner and the master of that other vessel or, as the case may be, the occupier of that place;

(iii) if the discharge is from a place on land, the occupier of that place, unless he proves that the discharge was caused by the act of a person who is in that place without the permission (express or implied) of the occupier;

(iv) if the discharge takes place otherwise than as mentioned in sub-paragraph (i), (ii) or (iii) and is the result of any operations for the exploration of the seabed and subsoil or the exploration of their natural resources, the person carrying on the operations.

(2) Reference in subsection (1) to the discharge of oil or mixture containing oil, or to its being discharged, from a vessel or place on land includes a reference to the escape of the oil or mixture containing oil, or (as the case may be) to its escaping, from that vessel or place on land. [cf. 1971 c. 60, s. 29(3).]

(3) Any person who commits an offence under this section is liable to a fine of \$200,000.

47. (1) Where a person is charged with an offence under section 46 as the owner or master of a vessel it shall be a defence to prove that the oil or mixture containing oil was discharged for the purpose of— Defences under section 46. 1971 c. 60, s. 5.

- (a) securing the safety of the vessel;
- (b) preventing damage to the vessel or its cargo; or
- (c) saving life,

unless the court is satisfied that the discharge of the oil or mixture containing oil was not necessary for that purpose or was not a reasonable step to take in the circumstances.

(2) Where a person is charged as mentioned in subsection (1) it shall also be a defence to prove—

- (a) that the oil or mixture containing oil escaped in consequence of damage to the vessel and that as soon as practicable after the damage occurred all reasonable steps were taken for preventing, or (if it could not be prevented) for stopping or reducing, the escape of the oil or mixture containing oil; or
- (b) that the oil or mixture containing oil escaped by reason of leakage, that neither the leakage nor any delay in discovering it was due to want of reasonable care, and that as soon as practicable after the escape was discovered all reasonable steps were taken for stopping or reducing it.

48. (1) If any oil or mixture containing oil—

- (a) is discharged from a vessel into the waters of Hong Kong;
- (b) is found to be escaping or to have escaped from a vessel into any such waters; or
- (c) is found to be escaping or to have escaped into any such waters from a place on land,

Duty to report discharge of oil into Hong Kong waters. 1971 c. 60, s. 11.

the owner or master of the vessel, or the occupier of the place on land, as the case may be, shall forthwith report the occurrence to the Director.

(2) A report made under subsection (1) by the owner or master of the vessel shall state whether the occurrence falls within paragraph (a) or (b) of that subsection.

(3) Any person who fails to make a report as required by this section commits an offence and is liable to a fine of \$5,000.

PART VII

POLLUTION OF AIR

Interpretation.

49. In this Part, unless the context otherwise requires—

“smoke” includes soot, ash, grit and gritty particles emitted in smoke or steam.

Emission of smoke from vessels.

50. (1) Subject to subsection (2), no vessel in the waters of Hong Kong shall emit smoke in such quantity as to be a nuisance.

(2) Subsection (1) shall not apply to the emission of smoke in circumstances affecting the safety of life or of the vessel.

(3) If subsection (1) is contravened, the owner and master of the vessel commit an offence and each of them is liable for a first offence to a fine of \$10,000 and for a second or subsequent offence to a fine of \$20,000.

Regulations.

51. (1) The Governor in Council may make regulations for all or any of the following purposes—

- (a) specifying periods during which emission of smoke from vessels may be permitted in any class of case and subject to limitations;
- (b) the adoption of precautions against the emission of smoke from vessels;
- (c) generally for effectively controlling the emission of smoke from vessels.

(2) Any regulations made under this section may provide that a contravention of specified provisions thereof is an offence and may prescribe penalties therefor not exceeding a fine of \$5,000.

PART VIII

PORT DUES

Port dues and remissions.

52. (1) Subject to subsection (2), the owner, his agent and the master of every vessel which enters any port or other part of the waters of Hong Kong, or which uses any port facility, shall be jointly and severally liable to pay in respect of the vessel such port dues as may be prescribed.

(2) Subsection (1) shall not apply to any vessel for the time being used by the Hong Kong Government or to any warship or ship for the time being used by Her Majesty's Government or the Government of any State for other than commercial purposes.

(3) The Director, Deputy Director of Marine or an Assistant Director of Marine may refund or waive the payment of, in whole or in part, any port dues in respect of any vessel, or class, type or description of vessel, used for other than commercial purposes.

53. (1) Port dues shall be paid to the Director on demand made by him. Payment of port dues.

(2) The Director may require the payment of port dues in advance in the case of any specified vessel, or specified class, type or description of vessel.

(3) The Director may in any particular case or class of case permit the port dues to be paid in arrear, subject to such conditions as to security or time for payment as he thinks fit.

54. (1) If any port dues are not paid on demand—

Failure to pay port dues.

(a) where payment is required to be made in advance under section 53(2), the Director may refuse permission for the vessel to enter the waters of Hong Kong;

(b) where payment is required to be made before a vessel leaves the waters of Hong Kong, the Director may refuse permission for the vessel to leave the waters of Hong Kong;

(c) the port dues payable may be recovered as a civil debt from the owner, his agent and the master of the vessel either jointly or severally.

(2) Without prejudice to subsection (1)(c), a master of a vessel who leaves any port or other part of the waters of Hong Kong without paying any port dues which he is required by the Director to pay commits an offence and is liable to a fine of \$5,000.

(3) Notwithstanding anything in the Magistrates Ordinance, proceedings in respect of an offence under this section may be brought at any time within 2 years next after the commission of the offence. (Cap. 227.)

55. (1) If the owner or his agent or the master of a vessel fails on demand to pay any port dues payable in respect of the vessel, the Director may, without prejudice to section 54, board the vessel and seize the goods, tackle, or any thing belonging to, or on board, the vessel, and detain such goods, tackle or thing until the port dues are paid. Recovery of port dues by seizure.

(2) If payment of the port dues is not made within the 3 days following the seizure, the Director may, at any time during the continuance of the non-payment, cause the goods, tackle or thing seized to be appraised by 2 persons (other than public officers) appointed for that purpose by the Director, and thereupon sell the same and apply the proceeds in payment of the port dues and all reasonable expenses incurred by him under this section, and pay the balance (if any) on demand to the owner or master of the vessel.

PART IX

MISCELLANEOUS PROVISIONS

56. The Governor may, by order published in the *Gazette*, declare any area of the waters of Hong Kong to be a port. Power to declare ports.

57. (1) The Governor may give to the Director and to any public officer such directions as he thinks fit, either generally or in any particular case, with respect to the performance or exercise of their respective duties or powers under this Ordinance. Power of Governor to give directions.

(2) A person to whom a direction is given by the Governor under subsection (1) shall, in the performance or exercise of his duties or powers under this Ordinance, comply with that direction.

Delegation
by Director.

58. (1) Subject to subsection (3), the Director may, either generally or in any particular case, delegate to any other public officer the performance or exercise on his behalf of any of the functions, duties or powers imposed or conferred upon him under this Ordinance.

(2) Where any function, duty or power imposed or conferred on the Director under this Ordinance is performed or exercised by any other public officer, the Director shall, unless the contrary is proved, be deemed to have delegated to the public officer under subsection (1) the performance or exercise of the function, duty or power.

(3) No delegation under subsection (1) shall be made of powers under sections 52(3) and 63 and of any power to amend a Schedule to the regulations made under this Ordinance.

Powers of
authorized
officers.

59. (1) Without prejudice to any other provision of this Ordinance, an authorized officer may, at any time of day or night, stop and board any vessel in the waters of Hong Kong, other than a warship, for the purpose of—

- (a) inspecting or searching the vessel or any part thereof;
- (b) investigating any occurrence specified in section 67(1), whether or not such occurrence has been reported to the Director under that section;
- (c) making such examination and investigation as may be necessary where any provision of this Ordinance or any other enactment has been contravened in respect of the vessel or by any person on board the vessel, or where an authorized officer has reasonable grounds for suspecting that such contravention has taken place;
- (d) directing the conduct of any other authorized officer who may be on board the vessel;
- (e) observing, inspecting or searching any person—
 - (i) for the time being on board the vessel;
 - (ii) employed, engaged or dwelling on board the vessel; or
 - (iii) employed or engaged in loading or unloading the vessel; or
- (f) taking any action which he considers necessary—
 - (i) to provide against fire or accident on board the vessel;
 - (ii) to preserve peace and good order on board the vessel; or
 - (iii) to prevent or detect any offence under this Ordinance or any other enactment in respect of the vessel or by any person on board the vessel.

"60 of 1979 S.3"

- (2) Any police officer of or above the rank of ~~Station~~ Sergeant may—
- (a) take into custody and remove from any vessel in the waters of Hong Kong, other than a warship, any person who he suspects on reasonable grounds of—
 - (i) having committed an offence under this Ordinance or any other enactment; or
 - (ii) having boarded, or remained on board, the vessel without the permission of the owner or his agent or of the master of the vessel; or
 - (b) direct a vessel to which Part IV applies, in respect of which he suspects on reasonable grounds that an offence under this Ordinance or any other enactment has been committed, to proceed together with any persons on board to the nearest Marine Police Base or Marine Licensing Station.

(3) An authorized officer boarding a vessel under subsection (1) may take with him such persons as may be necessary to assist him for the purposes of this section.

(4) The master of a vessel, when required to stop the vessel by an authorized officer in the exercise of his powers under subsection (1), shall stop the vessel and permit the authorized officer to board the vessel.

(5) Any master who without reasonable excuse—

- (a) fails to comply with a direction given under subsection (2)(b); or
- (b) contravenes subsection (4),

commits an offence and is liable to a fine of \$5,000.

60. (1) Subject to subsection (3), for the purpose of any investigation by an inspector under section 39 or by an authorized officer under section 59, an inspector or authorized officer may—

Powers of
investigating
officers.

[cf. 1974 c. 37,
s. 20.]

- (a) require that the vessel which he has boarded or any part of it, or anything therein, shall be left undisturbed (whether generally or in particular respects) for so long as is necessary to carry out the investigation;
- (b) take such measurements and photographs and make such recordings as he considers necessary;
- (c) inspect, seize and remove from the vessel any article or substance in respect of which he suspects on reasonable grounds that an offence under this Ordinance or any other enactment has been committed;
- (d) in the case of any article or substance removed under paragraph (c), detain it for so long as is necessary—
 - (i) to examine it and to cause it to be subjected to any process or test;
 - (ii) to ensure that it is not tampered with before the examination of it is completed;
 - (iii) to ensure that it is available for use as evidence in any proceedings for an offence under this Ordinance or any other enactment;
- (e) require any person whom he has reasonable cause to believe to be able to give any information relevant to the investigation to answer (in the absence of persons other than a person nominated by him to be present and any persons whom the inspector or authorized officer may allow to be present) such questions as the inspector or authorized officer thinks fit to ask and to sign a declaration of the truth of his answers;
- (f) require the production of, inspect, and take copies of any entry in, the log book of the vessel or any document which it is necessary for him to see for the purposes of the investigation.

(2) No answer given by a person in pursuance of a requirement imposed under subsection (1)(e) shall be admissible in evidence against that person or the husband or wife of that person in any proceedings.

(3) For the purpose of an investigation under section 39, the powers of an inspector shall be limited to matters to which Part V relates or to offences under that Part.

(4) Any person who—

- (a) contravenes any requirement imposed by an inspector or authorized officer under subsection (1);

- (b) prevents any other person from appearing before an inspector or authorized officer or from answering any question to which an inspector or authorized officer may by virtue of subsection (1)(e) require an answer,

commits an offence and is liable to a fine of \$5,000 and to imprisonment for 6 months.

Giving of directions and offence of non-compliance.

61. (1) A direction given under this Ordinance may be given orally or in writing, or by means of signals.

(2) If requested by any person who is given a direction orally or by means of signals the person giving the direction shall confirm the direction in writing.

(3) A direction given under this Ordinance shall be complied with—

(a) forthwith; or

(b) where a time limit for compliance is specified in the direction, within such time limit,

notwithstanding that the direction has not been confirmed under subsection (2).

(4) Where under this Ordinance a direction may be given to a master of a vessel it shall be sufficient if the direction is given to a person on board the vessel who is on duty to accept any direction on behalf of the master, and if there is no such master or such master cannot be traced, the direction may be given to the owner of the vessel or his agent or to any other person who appears to the person giving the direction to be in control of the vessel at that time.

(5) The giving of a direction under this Ordinance shall not diminish or in any way affect the responsibility of the master in relation to his vessel, persons on board, its cargo or any other person or property.

(6) Without prejudice to any other express penalty for failure to comply with a direction, any person who without reasonable excuse fails to comply with a direction given to him under this Ordinance commits an offence and is liable to a fine of \$10,000 and to imprisonment for 6 months.

Director may give effect to directions in certain cases.

62. (1) Where a person who is given a direction under this Ordinance fails to comply with it, the Director may, whether or not the person is or will be prosecuted for an offence under this Ordinance, take or cause to be taken such action as may be necessary to give effect to the direction.

(2) Where no person to whom a direction under this Ordinance may be given exists or can be found, the Director may take or cause to be taken such action as he would have directed to be taken if such person existed or could be found.

(3) In a case of emergency affecting the safety of life or property the Director may take or cause to be taken such action as he would have directed to be taken under this Ordinance.

(4) For the purpose of taking any action under this section in respect of any vessel or property, the Director may board the vessel or enter the property without the permission of the owner or his agent or of the master of the vessel, or the owner or occupier of the property, as the case may be, and take with him such persons as may be necessary to assist him for that purpose.

(5) The Director may recover the cost of any action taken or caused to be taken under this section—

- (a) as a civil debt from the person to whom the direction (if any) was given, or the owner of the vessel or property in respect of which the action was taken;
- (b) where the cost is incurred in respect of a vessel, under section 55 as if the cost represented port dues payable in respect of the vessel; or
- (c) where the cost incurred in respect of a vessel to which Part IV applies cannot for any reason be recovered under paragraph (a) or (b) or where there is no owner of the vessel, by sale of the vessel and applying the proceeds in payment of the cost and the balance (if any), after deducting any reasonable expense incurred in the sale, shall be paid to the person who satisfies the Director that he is entitled to the balance.

(6) For the purposes of subsection (5), the cost of any action taken or caused to be taken under this section shall include all disbursements and other expenses incurred thereby by the Director.

63. The Director may, on application made to him in such manner as he may determine or on his own initiative, exempt any person or any vessel or any type, class or description of vessel from any requirement under this Ordinance, subject to such terms and conditions as the Director may specify.

Director's
general power
of exemption.

64. (1) Where it is provided under this Ordinance that no person shall do, or cause or permit to be done, any specified act without the permission of the Director, the Director may—

Director's
permission to
do restricted
acts.

(a) on application made to him in such manner as he may determine; and

(b) on payment to him of the prescribed fee (if any),

permit the specified act to be done subject to such terms and conditions as he may specify generally or in any particular case.

(2) Except where this Ordinance provides for a written permission, a permission under this Ordinance may be granted orally or by means of signals.

(3) A written permission granted under this Ordinance shall be—

(a) kept on the vessel or at the place in which the act in respect of which the permission is required is being done; and

(b) produced for inspection by the Director, an authorized officer, or by any other officer appointed for the purposes of this Ordinance, on demand or within such time and at such place as the Director or such officer may specify.

(4) If any person to whom a written permission is granted under this Ordinance without reasonable excuse fails to comply with subsection (3)(a) or to produce it under subsection (3)(b), he commits an offence and is liable to a fine of \$2,000.

(5) A permission granted under this Ordinance may be withdrawn or cancelled by the Director—

(a) if any term or condition of the permission is not complied with; or

(b) if the Director considers it necessary to do so for any other reason.

(6) Without prejudice to subsection (5), where a person without reasonable excuse fails to comply with any term or condition of a permission granted under this Ordinance, he commits an offence and is liable to a fine of \$10,000.

Compliance by
master or
owner.

65. Where by or under this Ordinance—

- (a) any obligation or duty is placed on an owner or his agent or on a master of a vessel;
- (b) any direction is given to an owner or his agent or to a master of a vessel; or
- (c) an owner or his agent or a master of a vessel is required to comply with any requirement,

it shall, except where it is otherwise expressly provided, be sufficient if such obligation, duty, direction or requirement is met or complied with either by the owner or his agent or the master of the vessel.

Appeals.

66. (1) If any person is aggrieved by a direction, decision or act of the Director, or any other person, performing or exercising any function, duty or power under this Ordinance (other than a decision of the Director under section 30(1)), he may within 14 days after—

- (a) the date on which the direction, decision or act was given, made or done; or
 - (b) the date on which he was notified of the direction, decision or act,
- appeal to the Governor against the direction, decision or act by lodging the grounds of the appeal in writing with the Chief Secretary.

(2) On considering an appeal under subsection (1), the Governor may confirm, vary or reverse the direction, decision or act appealed against and make such order as he thinks fit.

(3) A decision of the Governor under subsection (2) shall be final.

Duty to report
collisions, etc.

67. (1) Where, within the waters of Hong Kong—

- (a) a vessel is involved in a collision with another vessel, a port facility or other property;
- (b) a vessel sinks or becomes stranded or disabled;
- (c) a person is killed or seriously injured on board a vessel as a result of an accident;
- (d) an explosion or fire occurs on board a vessel;
- (e) damage is caused by a vessel to a port facility or other property; or

(f) a person, cargo or equipment is lost overboard from a vessel, the owner or his agent or the master of the vessel shall report the occurrence forthwith to the Director orally, by means of signals, or in writing and shall furnish to the Director in writing full particulars thereof within 24 hours after the occurrence.

(2) An owner, agent or master of a vessel who—

- (a) without reasonable excuse fails to comply with subsection (1); or
- (b) makes a report or furnishes any particulars under subsection (1) which he knows to be false in any material particular,

commits an offence and is liable to a fine of \$10,000.

(3) For the purposes of subsection (1)(c) a person shall be deemed to be seriously injured if he is admitted to a hospital immediately after he sustains the injury for observation or treatment.

68. (1) Where a vessel which—

- (a) has been involved in a collision or has suffered damage which may affect the inherent stability of the vessel; or
(b) has been or is on fire,

Notification prior to arrival of damaged vessels, etc.

is expected to arrive in the waters of Hong Kong, the owner or his agent or the master of the vessel shall notify the Director of such expected arrival not less than 24 hours before the arrival of the vessel, or, if that is not practicable, as early as practicable before the arrival of the vessel.

(2) Where a vessel enters the waters of Hong Kong in contravention of subsection (1), the owner or his agent and the master commit an offence and each of them is liable to a fine of \$10,000.

69. (1) Where—

- (a) a fire occurs on board a vessel within the waters of Hong Kong; or
(b) a vessel which is on fire arrives within the waters of Hong Kong;

Duty to report fires on vessels.

the owner or his agent or the master of the vessel shall report such occurrence or arrival forthwith to the Director of Fire Services.

(2) The Director of Fire Services and any member of the Fire Services Department of or above the rank of Principal Fireman may, at any time of day or night, board any vessel in the waters of Hong Kong, other than a warship, for the purpose of extinguishing a fire on board the vessel whether or not the fire has been reported to the Director of Fire Services, and may take with him such persons as may be necessary to assist him for such purpose.

(3) An owner, agent or master who without reasonable excuse fails to comply with subsection (1) commits an offence and is liable to a fine of \$10,000.

70. (1) No person, other than a member of Her Majesty's forces in uniform and on duty or a person duly authorized by law for the purpose, shall without the permission of the owner or his agent or the master of a ship go on board the ship.

Boarding ships without authority.

(2) A master of a ship may take into custody any person who contravenes subsection (1) and shall deliver such person forthwith to a police officer.

(3) Any person who contravenes subsection (1) commits an offence and is liable to a fine of \$5,000 and to imprisonment for 6 months.

71. Any person, other than the Director or a person authorized by him, who without lawful excuse cuts a mooring or fastening of a vessel commits an offence and is liable to a fine of \$5,000.

Cutting of moorings.

72. Any person who by any unlawful act, or in any manner whatsoever without reasonable excuse, endangers or causes to be endangered the safety of any person conveyed in or being in or upon any vessel or in the sea commits an offence and is liable to a fine of \$50,000 and to imprisonment for 2 years. * is liable ...

Endangering the safety of others.

Discharge,
storage, etc.
of logs and
other timber.

73. Except in pursuance of the regulations made under this Ordinance, no person shall—

- (a) load or discharge logs or other timber at any public waterfront or public seawall within any port;
- (b) discharge logs or other timber from a vessel into the waters of Hong Kong; or
- (c) tow or store logs or other timber in the waters of Hong Kong.

Obstruction.

74. (1) Any person who obstructs the Director, or any other person, performing or exercising any function, duty or power under this Ordinance commits an offence and, subject to subsection (2), is liable to a fine of \$10,000 and to imprisonment for 6 months.

(2) An owner, agent or master of a vessel who commits an offence under subsection (1) is liable to a fine of \$50,000 and to imprisonment for 2 years.

False
information.

75. (1) Any person who, being required to give any information to the Director or any other person under this Ordinance, fails without reasonable excuse to give such information or gives any information, whether in writing, orally or otherwise, which he knows to be false or misleading as to a material particular commits an offence and is liable to a fine of \$5,000 and to imprisonment for 6 months.

(Cap. 227.)

(2) Notwithstanding anything in the Magistrates Ordinance, proceedings in respect of an offence against this section may be brought at any time within 2 years next after the commission of the offence or within 6 months after the first discovery thereof by the prosecutor, whichever period expires first.

Use of official
log book in
evidence.

76. (1) In any legal proceedings for a contravention of this Ordinance, any entry in the official log book of a vessel, deck log book, engine room log book or other similar document, or a document purporting to be a copy of any such entry and to be certified as a true copy by any person specified in subsection (2), shall, until the contrary is proved—

- (a) be admitted in evidence and be sufficient evidence of the matters stated therein; and
- (b) in the case of such a copy, be presumed that it is so certified.

(2) For the purposes of subsection (1), the persons who may certify copies of entries in an official log book, deck log book, engine room log book or other similar document are—

- (a) the Director or any person authorized by him in writing in that behalf;
- (b) a magistrate;
- (c) a justice of the peace;
- (d) a notary public, as defined in the Legal Practitioners Ordinance;
- (e) a consular officer.

(Cap. 159.)

Notice to
appear before
a magistrate
in respect of
offences.

(Cap. 227.)

77. (1) Notwithstanding section 8 of the Magistrates Ordinance, if an officer of the Marine Department of the rank of Marine Assistant Class II or above reasonably suspects that an offence under this Ordinance has been committed by a master of a vessel such officer may serve on the master personally or by handing the same personally to the senior officer on board the vessel or to the person appearing to be in charge or command of the vessel at the time of such service a notice requiring the master to appear before a magistrate to be dealt with according to law.

(2) A notice under subsection (1)—

(a) shall be in the prescribed form;

(b) shall be signed by the officer by whom it is served; and

(c) shall state—

(i) the name of the master upon whom it is served and the name of the vessel of which he is the master;

(ii) the offence which is alleged to have been committed with sufficient particulars thereof;

(iii) the time and place at which the offence is alleged to have been committed; and

(iv) the time and place at which the master on whom the notice is served is required to appear.

(3) If a master upon whom a notice under subsection (1) has been duly served fails to appear before a magistrate at the time and place mentioned in the notice, and it is made to appear to the magistrate by oath that the notice was served on the master personally or was handed personally to the senior officer or the person in charge or command of the vessel in accordance with subsection (1), the magistrate may issue his warrant for the apprehension of the master and to bring the master before him or another magistrate to be dealt with according to law duly endorsed as to the amount of bail, if any, upon which the master may be released in the meantime.

(4) If a master upon whom a notice under subsection (1) has been duly served appears before a magistrate in accordance with the notice, or is brought before a magistrate by a warrant issued under subsection (3), the magistrate may hear and determine the offence alleged in the notice as if a complaint had been made or an information had been laid against the master in respect of the offence and for such purposes, the provisions of the Magistrates Ordinance relating to the hearing of a complaint or information and the proceedings thereon shall apply *mutatis mutandis*.

(5) If a master upon whom a notice under subsection (1) has been served is brought before a magistrate by a warrant issued under subsection (3), the magistrate may, in addition to any other penalty, order the master to pay costs, of not more than \$400, solely in respect of the warrant.

(6) Any costs ordered to be paid under subsection (5) shall be recoverable under section 69(2) of the Magistrates Ordinance in the same manner as costs awarded under section 69(1) of that Ordinance.

(7) Notwithstanding anything to the contrary in the Magistrates Ordinance, a magistrate may permit a representative to appear on behalf of a master upon whom a notice under subsection (1) has been served where such representative satisfies the magistrate that—

(a) the master has left Hong Kong;

(b) he is authorized to enter a plea of guilty on behalf of the master; and

(c) he is himself authorized and financially able to pay any fine imposed within 7 days or such longer time as the magistrate may allow.

78. (1) Where for the purposes of this Ordinance any document is to be served on a person, that document may be served by any officer of the Marine Department of the rank of Marine Assistant Class II or above—

(a) in any case by delivering the document personally to the person to be served, or by leaving it for him at his last known place of business or residence;

Service of documents.

- (b) if the document is to be served on the master of a vessel, where there is one, by leaving it for him on board the vessel with the person being or appearing to be in charge or command of the vessel or a member of the crew of the vessel;
- (c) if the document is to be served on a person belonging to a vessel, by leaving it for him on board the vessel with the master of the vessel or with a person being or appearing to be in charge or command of the vessel;
- (d) if the document is to be served on the master of a vessel, where there is no master and the vessel is in Hong Kong—
- (i) on the owner of the vessel or his agent residing in Hong Kong; or
 - (ii) where no such owner or his agent is known or can be found, by affixing the document to the mast or other prominent part of the vessel;
- (e) if the document is to be served on the owner of a vessel or his agent—
- (i) by leaving the document for him on board the vessel with some person being or appearing to be in charge or command of the vessel or a member of the crew of the vessel;
 - (ii) by leaving the document for him at the office of the owner or his agent, as the case may be, with some person being or appearing to be in charge of the office; or
 - (iii) if the vessel is a vessel to which Part IV applies, by leaving it for him at the address of the owner which is endorsed on the licence issued in respect of the vessel or at the address of the agent of the owner (if any).

(2) Any document referred to in subsection (1) which is to be served on the owner or master of a vessel may be addressed to the owner or master of the vessel without specifying the name of the owner or master.

Indemnity
against damage,
etc.

79. No action in respect of any damage to property or injury to person shall lie against the Director or any other officer performing or exercising any function, duty or power under section 20, 21 or 62.

Regulations.

80. (1) The Governor in Council may make regulations for all or any of the following matters—

- (a) the provision of port facilities and control over their use;
- (b) the procedure to be followed, and the provisions to be complied with, by vessels entering or leaving the waters of Hong Kong;
- (c) the control of vessels within the waters of Hong Kong generally and in particular—
 - (i) the navigation of vessels and the prevention of collisions;
 - (ii) the speed of vessels;
 - (iii) the anchoring, mooring and berthing of vessels;
 - (iv) the manning of ships;
 - (v) the lights and signals to be exhibited by vessels;
- (d) the radiotelephone equipment to be carried and operated on vessels;
- (e) the aids to navigation to be laid or erected in respect of vessels which are disabled, stranded, abandoned or sunk in the waters of Hong Kong or in respect of construction or other works in the waters of Hong Kong;

- (f) the control of the laying of private port facilities, or any floating or other structure, in the waters of Hong Kong and prescribing fees therefor;
- (g) the prevention of hazards to navigation and the removal and disposal of objects which are a hazard to navigation;
- (h) the control of dead ships, laid-up vessels, or vessels stranded, abandoned or sunk in the waters of Hong Kong, and the supply of information in relation thereto;
- (i) the control of repairs to vessels, salvaging or breaking up of vessels and the safety and protection against accidents of persons employed in such operations;
- (j) the control of cargo handling, the control and use of lifting appliances and lifting gear, the safety and protection against accidents of persons employed in cargo handling, the provision of safe workplaces on vessels, the operation, use and maintenance of hatches and hatch coverings on vessels in connexion with cargo handling; and regulations made for the purposes of this paragraph may empower the Director to make exemptions from the application of the regulations where he is satisfied that the regulations have been substantially complied with or where compliance therewith is unnecessary having regard to the circumstances;
- (k) the prevention and control of pollution of the waters of Hong Kong;
- (l) the control of the loading, discharge, storage and movement of logs and other timber in the waters of Hong Kong, and of the loading or discharge of logs and other timber at any public waterfront or public seawall within the waters of Hong Kong;
- (m) the establishment of typhoon shelters and typhoon anchorages and the control of their use and the vessels therein;
- (n) the prohibition or control of fishing within specified areas of the waters of Hong Kong, the control of fishing by the use of bright lights, and the control of the erection and working of fishing stakes;
- (o) the licensing of marine hawkers, tallyclerks and stevedores and the general control of persons engaged in the trade of, or acting as, marine hawkers, tallyclerks and stevedores;
- (p) the port dues, fees and charges payable in respect of vessels and port facilities, any other fees or charges payable under this Ordinance, and the recovery of such port dues, fees and charges;
- (q) empowering the Director, in order to calculate any port dues, to require the production of documents in respect of a vessel and to require the survey of a vessel at the cost of the owner or master of the vessel;
- (r) the notification of accidents involving vessels and injuries to persons on vessels within the waters of Hong Kong, and the investigation and inquiry into such accidents and injuries;
- (s) prohibiting, restricting or regulating the embarkation or disembarkation of persons, the loading and unloading of cargo and goods, and the conveyance and disposal of cargo and goods unlawfully obtained;
- (t) empowering the Director to control and regulate water sports, races, regattas or other similar activities in the waters of Hong Kong and providing for the safety of persons taking part in, or affected by, such activities;

- (u) establishing piers and terminals and controlling their use;
- (v) empowering the Director to give directions in any particular case in relation to such matters as may be specified;
- (w) empowering the Director to amend any Schedule to such regulations;
- (x) prescribing any other matter which is to be or may be prescribed under this Ordinance;
- (y) providing generally for the better carrying out of the provisions and purposes of this Ordinance.

(2) Any regulations made under this section may provide that a contravention of specified provisions thereof is an offence and may prescribe penalties therefor not exceeding a fine of \$50,000 and imprisonment for 6 months.

Amendments of
the Merchant
Shipping
Ordinance and
regulations
made there-
under.
(Cap. 281.)

81. (1) The Merchant Shipping Ordinance is amended—

(a) by repealing Parts IX, X, XI, XIII and XIV;

(b) in section 2—

(i) by deleting the following definitions—

“dangerous goods”;

“explosive”; and

“Government Explosives Depot”;

(ii) in the definition of “passenger”, by deleting “except for the purposes of Parts XIII and XIV,”; and

(iii) in the definitions of “port of the Colony” and “port”, by deleting “section 61” and substituting the following—

“the Shipping and Port Control Ordinance 1978”;

(c) in section 3(1), by deleting “section 97 or 105” and substituting the following—

“Part IV of the Shipping and Port Control Ordinance 1978”;

(d) in section 5, by deleting subsection (2);

(e) in section 52(2), by deleting “(excluding a local certificate of competency issued under Part XIII)”;

(f) by repealing section 116; and

(g) in section 118(2) by deleting “nor shall it apply except so far as regards Parts IX, X, XIII, XIV, XV and XVI to pleasure yachts, nor to the owners, masters and crews thereof”.

(2) The Merchant Shipping (Launches and Ferry Vessels) Regulations are amended, in regulation 3—

(a) by the insertion after the definition of “fee” the following new definitions—

““ferry vessel” means any steam or motor vessel which plies regularly for the conveyance of persons and things between 2 or more points within the waters of the Colony;

“launch” means any mechanically propelled vessel of European type not exceeding 300 tons which is designed or used for—

(a) the conveyance of persons or things;

(b) towing or pushing; or

(c) any other purpose,

(Cap. 281,
sub. leg.)

and does not carry passengers beyond the waters of Hong Kong;"; and

(b) by the insertion after the definition of "owner" the following new definition—

““passenger” means any person carried in a vessel other than—

(a) a person employed or engaged in any capacity on board the vessel on the business of the vessel; and

(b) a child under the age of one year;”.

Passed by the Hong Kong Legislative Council this 15th day of November, 1978.

STEPHEN S. P. TAM,

Clerk to the Legislative Council.

This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.

STEPHEN S. P. TAM,

Clerk to the Legislative Council.