

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

RESOLUTION

(Under section 34(2) of the Interpretation and General
Clauses Ordinance (Cap. 1))

MERCHANT SHIPPING (LOCAL VESSELS) (CERTIFICATION
AND LICENSING) REGULATION
MERCHANT SHIPPING (LOCAL VESSELS) (TYPHOON SHELTERS) REGULATION

RESOLVED that -

- (a) the Merchant Shipping (Local Vessels)
(Certification and Licensing) Regulation, published
in the Gazette as Legal Notice No. 27 of 2004 and
laid on the table of the Legislative Council on 3
March 2004, be amended -

- (i) in section 2(1), by adding -

"length overall" (總長度), in

relation to a local vessel,

means the distance between the

foreside of the foremost fixed

permanent structure and the
aftside of the aftermost fixed
permanent structure of the
vessel";

- (ii) in section 6(3)(a), by repealing "有效";
- (iii) in section 10(4)(a)(v), by adding "of the
vessel" after "construction";

- (iv) in section 19, by adding -

"(8) If the Director refuses to
issue or renew a temporary licence,
he shall notify the applicant of the
refusal and the reasons therefor.";

- (v) in section 21, by adding -

"(4) A permission for a laid-
up vessel shall be in such form as
the Director may determine.";

- (vi) in section 23 -

- (A) by renumbering subsections (5) and
(6) as subsections (6) and (7)
respectively;

- (B) by adding -

"(5) If the Director
refuses an application under
subsection (2), he shall notify
the applicant of the refusal
and the reasons therefor.";

(C) in subsection (7), by repealing
"(5)" and substituting "(6)";

(vii) in section 26, by adding -

"(5) If the Director refuses an
application under subsection (2), he
shall notify the applicant of the
refusal and the reasons therefor.";

(viii) in section 49(2), by adding "有關" before
"船隻";

(ix) in section 54(1)(a), by adding "書面"
after "作出的";

(x) by repealing section 55 and
substituting -

**"55. Certificate of ownership, etc.
not to be relied on for other
purposes**

(1) A certificate of ownership,
full licence, temporary licence,
permission for a laid-up vessel or
any other document issued, granted,
renewed or endorsed under the
provisions of this Regulation or
section 66 of the Ordinance is
issued, granted, renewed or endorsed
for the purposes of the Ordinance
only.

(2) Despite any information as to ownership of or interest in a local vessel contained in a document referred to in subsection (1) in respect of the vessel, the document shall not be taken as making, for any purpose otherwise than of the Ordinance, a representation as to who owns, or has any interest in, the vessel.

(3) No action shall lie against the Government, the Director or any other officer in respect of any loss or damage suffered by any person as a result of any error or omission in the information as to ownership of or interest in a local vessel contained in a document referred to in subsection (1) in respect of the vessel, if the error or omission was made in good faith and in the ordinary course of the performance of any function relating to the document.";

(b) the Merchant Shipping (Local Vessels) (Typhoon Shelters) Regulation, published in the Gazette as

Legal Notice No. 28 of 2004 and laid on the table of the Legislative Council on 3 March 2004, be amended -

- (i) by renumbering sections 11 and 12 as sections 12 and 13 respectively;
- (ii) by adding -

"11. Appeals

(1) Any person aggrieved by the exercise of the power conferred on the Director under section 4(6), (7) or (8) may appeal to the Administrative Appeals Board.

(2) An appeal under subsection (1) shall be made within 14 days after an endorsement is made or a direction is given by virtue of the exercise of the power under section 4(6), (7) or (8).

(3) An appeal made under subsection (1) shall not affect the operation of the endorsement or the direction prior to the determination of the appeal.";

- (iii) in the Schedule, within the square brackets, by repealing "11" and substituting "12".