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本局檔號 Our Ref.

MA 120/6

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CB2/H/1

13 January 2017

Ms Angel WONG
Subcommittee Secretary
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Ms Wong,

**Merchant Shipping (Local Vessels) (General) (Amendment)
Regulation 2016 (L.N. 186)
and Merchant Shipping (Local Vessels) (Safety and Survey) (Amendment)
Regulation 2016 (L.N. 187)**

At the meeting of the subcommittee on 5 January 2017 to scrutinise the captioned amendment regulations, Members discussed the definition of “specified information” under the new section 80A(8) of Cap. 548G. We undertook to provide information on the form of words used in similar provision by another jurisdiction as well as the enforcement criteria for this provision.

The definition for AIS is modelled on Regulation 19.2.4.5 in Chapter V of the International Convention for the Safety of Life at Sea (SOLAS), at **Annex A**. All AISs produced for use in vessels conform with this and similar international navigation requirements. They typically cover a wide range of information, including the items spelt out in the definition of “specified information” under the new section 80A(8) of Cap. 548G. These items of information are essential for marine safety. For the purpose of enforcement, an AIS capable of providing and receiving the information spelt out in the definition is taken to have fulfilled the requirements under the Merchant Shipping (Local Vessels) (Safety and Survey) (Amendment) Regulation 2016.

Similar non-exhaustive approach in defining “specified information” is also adopted in similar legislation in other common law jurisdictions, e.g. section 65(4) of the Navigation Safety Regulations of Canada. A copy of the Canadian provision is at **Annex B** for your reference.

Please contact me at 3509 8161 or joeylam@thb.gov.hk if you require further information. Thank you.

Yours sincerely,



(Joey LAM)
for Secretary for Transport and Housing

c.c.

Department of Justice

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Marine Department

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Title	SOLAS 2001-2003 Amend / Chapter V (Reg.1~35) / Reg. 19.2.4
Effective Date	7/1/2004
For Ships Constructed	On or after 5/25/1980
Note	Retroactive requirements of AIS to existing ships were amended here
Reference Materials	automatic identification system

(5) AIS shall:

- (a)** provide automatically to appropriately equipped shore stations, other ships and aircraft information, including the ship's identity, type, position, course, speed, navigational status and other safety-related information;
- (b)** receive automatically such information from similarly fitted ships;

Navigation Safety Regulations (Section 65(4))

(4) The AIS shall

- (a)** automatically provide information, including the ship's identity, type, position, course, speed, navigational status and other safety-related information, to appropriately equipped shore stations, other ships and aircraft;
- (b)** automatically receive such information from similarly fitted ships;
- (c)** monitor and track ships; and
- (d)** exchange data with shore-based facilities.