
Shipping Legislation (Electronic Certificates and Electronic Documents) (Amendment) Bill 2024

Contents

Clause		Page
Part 1		
Preliminary		
1.	Short title	C1821
2.	Enactments amended	C1821
Part 2		
Amendments to Shipping and Port Control Ordinance (Cap. 313)		
3.	Part VIIIA added	C1823
Part VIIIA		
Documents in Electronic Form		
55A.	Interpretation of Part VIIIA	C1823
55B.	Listed documents may be issued or granted electronically	C1825
55C.	Listed documents may be cancelled or withdrawn electronically	C1825
55D.	Keeping and producing listed documents electronically by making them available for viewing from electronic device on board or at relevant place	C1825

Shipping Legislation (Electronic Certificates and Electronic Documents)
(Amendment) Bill 2024

C1817

Clause	Page
55E.	Power of Secretary for Transport and Logistics to amend Schedule 2 C1829
4.	Section 58 amended (delegation by Director) C1829
5.	Schedule renumbered (provisions specified for the purposes of section 58 in respect of which the Director may delegate power to exempt under section 63) C1829
6.	Schedule 2 added C1829
	Schedule 2 Documents in Electronic Form C1831

Part 3

**Amendments to Merchant Shipping (Prevention and Control of Pollution)
Ordinance (Cap. 413)**

7.	Section 4A amended (interpretation of Part IIA) C1835
8.	Section 4B amended (application) C1835

Part 4

Amendments to Merchant Shipping (Local Vessels) Ordinance (Cap. 548)

9.	Part XIVA added C1837
----	-----------------------------

Part XIVA

Documents in Electronic Form

82A.	Interpretation of Part XIVA C1837
82B.	Listed documents may be issued or granted electronically C1839
82C.	Listed documents may be endorsed electronically C1839

Shipping Legislation (Electronic Certificates and Electronic Documents)
(Amendment) Bill 2024

C1819

Clause	Page
82D.	Validity of listed documents may be suspended electronically C1839
82E.	Validity of listed documents may be restored electronically C1841
82F.	Listed documents may be cancelled, revoked or withdrawn electronically C1841
82G.	Specified plans may be submitted or forwarded electronically C1843
82H.	Keeping and producing listed documents electronically by making them available for viewing from electronic device on board or at relevant place C1845
82I.	Power of Secretary for Transport and Logistics to amend Schedule 1 C1847
10.	Schedule 1 added C1849
Schedule 1	Documents in Electronic Form C1849

A BILL

To

Amend certain shipping legislation to facilitate the use of electronic certificates and electronic documents for certain vessels; to provide for the use of plans in electronic form under the Merchant Shipping (Local Vessels) (Safety and Survey) Regulation; and to provide for related matters.

Enacted by the Legislative Council.

Part 1

Preliminary

1. Short title

This Ordinance may be cited as the Shipping Legislation (Electronic Certificates and Electronic Documents) (Amendment) Ordinance 2024.

2. Enactments amended

The enactments specified in Parts 2, 3 and 4 are amended as set out in those Parts.

Part 2

Amendments to Shipping and Port Control Ordinance (Cap. 313)

3. **Part VIIIA added**
After Part VIII—
Add

“Part VIIIA

Documents in Electronic Form

55A. Interpretation of Part VIIIA

In this Part—

e-document database (電子文件資料庫) means an electronic database that is maintained or managed by or for the Director;

listed document (表列文件) means—

- (a) a document listed in column 2 of the Table in Part 2 of Schedule 2 that is referred to in a provision listed in column 3 of that Table corresponding to the document; or
- (b) a document listed in column 2 of that Table the subject matter of which is referred to in a provision listed in column 3 of that Table corresponding to the document.

55B. Listed documents may be issued or granted electronically

- (1) A listed document that may be issued or granted by the Director under a provision of this Ordinance may be issued or granted by the Director in electronic form.
- (2) The Director must cause a listed document issued or granted by the Director in electronic form under subsection (1) to be kept in the e-document database.

55C. Listed documents may be cancelled or withdrawn electronically

- (1) A listed document that may be cancelled or withdrawn by the Director under a provision of this Ordinance may be cancelled or withdrawn by the Director in electronic form.
- (2) The Director must cause a cancellation or withdrawal made by the Director in electronic form under subsection (1) to be entered in the e-document database with respect to the listed document.

55D. Keeping and producing listed documents electronically by making them available for viewing from electronic device on board or at relevant place

- (1) If the keeping, or production for inspection, of a listed document, or a copy of the document, on board the vessel, or at a relevant place, to which the document relates is required under a provision of this Ordinance, the requirement is also met—
 - (a) by making the document readily accessible for viewing from an electronic device—

- (i) if the provision requires the keeping, or production for inspection, of the document or copy on board the vessel—on board the vessel; or
 - (ii) if the provision requires the keeping, or production for inspection, of the document or copy at the relevant place—at the relevant place; and
- (b) if the device is not functioning properly—by producing a printout of the document in electronic form—
- (i) if the provision requires the keeping, or production for inspection, of the document or copy on board the vessel—on board the vessel; or
 - (ii) if the provision requires the keeping, or production for inspection, of the document or copy at the relevant place—at the relevant place.

(2) In subsection (1)—

printout (打印本) includes a copy of a printout;

production (出示), in relation to a listed document, includes the display or posting up of the document;

relevant place (相關地方), in relation to a listed document that is evidence of any permission granted by the Director for a person to do an act at a place, means the place.

55E. Power of Secretary for Transport and Logistics to amend Schedule 2

- (1) The Secretary for Transport and Logistics may, by notice published in the Gazette, amend Schedule 2.
- (2) A notice published under subsection (1) may contain any incidental, supplementary, consequential, savings or transitional provisions that are necessary or expedient in consequence of the amendments made under that subsection.”.

4. Section 58 amended (delegation by Director)

Section 58(3)(c) and (d) and (4)—

Repeal

“the Schedule”

Substitute

“Schedule 1”.

5. Schedule renumbered (provisions specified for the purposes of section 58 in respect of which the Director may delegate power to exempt under section 63)

The Schedule—

Renumber the Schedule as Schedule 1.

6. Schedule 2 added

After Schedule 1—

Add

“Schedule 2

[ss. 55A & 55E]

Documents in Electronic Form

Part 1

Interpretation

1. Interpretation

In this Schedule—

Cap. 313A (《第313A章》) means the Shipping and Port Control Regulations (Cap. 313 sub. leg. A).

Part 2

Listed Documents

Table

Column 1	Column 2	Column 3
Item	Document	Provision
1.	port clearance	Section 15(1); Regulation 27(2) of Cap. 313A

Shipping Legislation (Electronic Certificates and Electronic Documents)
(Amendment) Bill 2024

Part 2
Clause 6

C1833

Column 1	Column 2	Column 3
Item	Document	Provision
2.	document to evidence the permission for a dead ship	Section 18(1)
3.	document to evidence the written permission for a laid-up vessel	Section 19(1)
4.	document to evidence the exemption from any requirement under this Ordinance	Section 63
5.	document to evidence the permission to do, or cause or permit to be done, restricted acts	Section 64(1)
6.	document to evidence the permission for conducting a seatrial	Regulation 25A(1) of Cap. 313A
7.	licence for the erection and maintenance of a stake net or for the operation of a beach seine net	Regulation 68(3) of Cap. 313A”.

Part 3

Amendments to Merchant Shipping (Prevention and Control of Pollution) Ordinance (Cap. 413)

7. **Section 4A amended (interpretation of Part IIA)**

Section 4A—

Repeal the definition of *e-cert database*

Substitute

“*e-cert database* (電子證書資料庫) means—

- (a) in relation to a listed certificate issued for a ship registered in Hong Kong—an electronic database that is maintained or managed by or for the certifying authority in accordance with the e-cert guidelines; or
- (b) in relation to a listed certificate issued for a vessel required to be certificated under the Merchant Shipping (Local Vessels) Ordinance (Cap. 548)—an electronic database that is maintained or managed by or for the Director;”.

8. **Section 4B amended (application)**

Section 4B—

Repeal

“ship registered in Hong Kong”

Substitute

“Hong Kong ship”.

Part 4

Amendments to Merchant Shipping (Local Vessels) Ordinance (Cap. 548)

9. **Part XIVA added**
After Part XIV—
Add

“Part XIVA

Documents in Electronic Form

82A. Interpretation of Part XIVA

In this Part—

e-document database (電子文件資料庫) means an electronic database that is maintained or managed by or for the Director;

listed document (表列文件) means—

- (a) a document listed in column 2 of the Table in Part 2 of Schedule 1 that is referred to in a provision listed in column 3 of that Table corresponding to the document; or
- (b) a document listed in column 2 of that Table the subject matter of which is referred to in a provision listed in column 3 of that Table corresponding to the document.

82B. Listed documents may be issued or granted electronically

- (1) A listed document that may be issued or granted by a relevant authority under a provision of this Ordinance may be issued or granted by the relevant authority in electronic form.
- (2) A relevant authority must cause a listed document issued or granted by the relevant authority in electronic form under subsection (1) to be kept in the e-document database.
- (3) In this section—
relevant authority (相關當局) means—
 - (a) the Director; or
 - (b) an authorized surveyor.

82C. Listed documents may be endorsed electronically

- (1) A listed document that may be endorsed by the Director under a provision of this Ordinance may be endorsed by the Director in electronic form.
- (2) The Director must cause an endorsement made by the Director in electronic form under subsection (1) to be entered in the e-document database with respect to the listed document.

82D. Validity of listed documents may be suspended electronically

- (1) A listed document the validity of which may be suspended by the Director under a provision of this Ordinance may be suspended by the Director in electronic form.
- (2) If the validity of a listed document is suspended in electronic form, the requirement under any provision of this Ordinance for delivering up or returning the

document on the suspension of its validity is regarded as having been met and physical delivery or return of the document is no longer required.

- (3) The Director must cause a suspension made by the Director in electronic form under subsection (1) to be entered in the e-document database with respect to the listed document.

82E. Validity of listed documents may be restored electronically

- (1) A listed document the validity of which may be restored by the Director under a provision of this Ordinance may be restored by the Director in electronic form.
- (2) If the validity of a listed document is restored in electronic form, the requirement under any provision of this Ordinance for returning the document on the restoration of its validity is regarded as having been met and physical return of the document is no longer required.
- (3) The Director must cause a restoration made by the Director in electronic form under subsection (1) to be entered in the e-document database with respect to the listed document.

82F. Listed documents may be cancelled, revoked or withdrawn electronically

- (1) A listed document that may be cancelled, revoked or withdrawn by the Director under a provision of this Ordinance may be cancelled, revoked or withdrawn by the Director in electronic form.
- (2) If a listed document is cancelled, revoked or withdrawn in electronic form, the requirement under

any provision of this Ordinance for delivering up or returning the document on its cancellation, revocation or withdrawal is regarded as having been met and physical delivery or return of the document is no longer required.

- (3) The Director must cause a cancellation, revocation or withdrawal made by the Director in electronic form under subsection (1) to be entered in the e-document database with respect to the listed document.

82G. Specified plans may be submitted or forwarded electronically

- (1) This section applies to a specified plan that is required to be submitted to a relevant authority, or forwarded by a relevant authority to a specified applicant, under a provision of this Ordinance.
- (2) A specified plan may be submitted to a relevant authority in electronic form in a manner the Director specifies.
- (3) A specified plan may be forwarded by a relevant authority to a specified applicant in electronic form.
- (4) If 1 copy of a specified plan is submitted or forwarded in electronic form under this section, the requirement under any provision of this Ordinance for submitting or forwarding more than one copy of the plan is regarded as having been met and the submission or forwarding of more than one copy of the plan is no longer required.
- (5) In this section—

Cap. 548G (《第548G章》) means the Merchant Shipping (Local Vessels) (Safety and Survey) Regulation (Cap. 548 sub. leg. G);

relevant authority (相關當局) means—

- (a) the Director; or
- (b) a competent surveyor as defined by section 2 of Cap. 548G;

specified applicant (指明申請人) means an applicant of an application under section 8(1) of Cap. 548G;

specified plan (指明圖則)—

- (a) means a plan referred to in section 9(1) of Cap. 548G; and
- (b) includes any booklet that is included in the plan;

submit (呈交) includes resubmit.

82H. Keeping and producing listed documents electronically by making them available for viewing from electronic device on board or at relevant place

- (1) If the keeping, or production for inspection, of a listed document, or a copy of the document, on board the local vessel, or at a relevant place, to which the document relates is required under a provision of this Ordinance, the requirement is also met—
 - (a) by making the document readily accessible for viewing from an electronic device—
 - (i) if the provision requires the keeping, or production for inspection, of the document or copy on board the vessel—on board the vessel; or
 - (ii) if the provision requires the keeping, or production for inspection, of the document or copy at the relevant place—at the relevant place;

- (b) (for a listed document other than a local certificate of competency) if the device is not functioning properly—by producing a printout of the document in electronic form—
 - (i) if the provision requires the keeping, or production for inspection, of the document or copy on board the vessel—on board the vessel; or
 - (ii) if the provision requires the keeping, or production for inspection, of the document or copy at the relevant place—at the relevant place; and
- (c) (for a listed document that is a local certificate of competency) if the device is not functioning properly or if the device is not available—by producing a printout of the document in electronic form on board the vessel.

(2) In subsection (1)—

printout (打印本) includes a copy of a printout;

production (出示), in relation to a listed document, includes the display or posting up of the document;

relevant place (相關地方), in relation to a listed document that is evidence of any permission granted by the Director for a person to do an act at a place, means the place.

82I. Power of Secretary for Transport and Logistics to amend Schedule 1

- (1) The Secretary for Transport and Logistics may, by notice published in the Gazette, amend Schedule 1.

- (2) A notice published under subsection (1) may contain any incidental, supplementary, consequential, savings or transitional provisions that are necessary or expedient in consequence of the amendments made under that subsection.”.

10. Schedule 1 added

After section 91—

Add

“Schedule 1

[ss. 82A & 82I]

Documents in Electronic Form

Part 1

Interpretation

1. Interpretation

In this Schedule—

Cap. 548D (《第548D章》) means the Merchant Shipping (Local Vessels) (Certification and Licensing) Regulation (Cap. 548 sub. leg. D);

Cap. 548F (《第548F章》) means the Merchant Shipping (Local Vessels) (General) Regulation (Cap. 548 sub. leg. F);

Cap. 548G (《第548G章》) means the Merchant Shipping (Local Vessels) (Safety and Survey) Regulation (Cap. 548 sub. leg. G).

Part 2

Listed Documents

Table

Column 1	Column 2	Column 3
Item	Document	Provision
1.	local certificate of competency	Section 16(1) or (4)
2.	port clearance	Section 28(1); Section 6(4)(b) of Cap. 548F
3.	document to evidence the permission for a dead vessel	Section 65(1)
4.	document to evidence the written permission for a laid-up vessel	Section 66(2)
5.	notice in writing to evidence the exemption from any requirement under this Ordinance	Section 69(1)

Shipping Legislation (Electronic Certificates and Electronic Documents)
(Amendment) Bill 2024

Part 4
Clause 10

C1853

Column 1	Column 2	Column 3
Item	Document	Provision
6.	document to evidence the permission to do, or cause or permit to be done, restricted acts	Section 70(1)
7.	certificate of ownership	Section 10(1) of Cap. 548D
8.	full licence	Section 15(1) of Cap. 548D
9.	temporary licence	Section 19(1) of Cap. 548D
10.	arrival clearance	Section 5(1)(b) of Cap. 548F
11.	permit to remain	Section 41(3) of Cap. 548F
12.	document to evidence the permission for conducting a seatrial	Section 86(2) of Cap. 548F
13.	certificate of inspection	Section 19(2) of Cap. 548G
14.	certificate of survey	Section 24(1) of Cap. 548G

Shipping Legislation (Electronic Certificates and Electronic Documents)
(Amendment) Bill 2024

Part 4
Clause 10

C1855

Column 1	Column 2	Column 3
Item	Document	Provision
15.	survey record of safety equipment	Section 39 of Cap. 548G
16.	Hong Kong load line certificate	Section 46 of Cap. 548G
17.	freeboard assignment certificate	Section 46 of Cap. 548G
18.	declaration of fitness for the carriage of dangerous goods	Section 54 of Cap. 548G”.

Explanatory Memorandum

This Bill amends certain shipping legislation—

- (a) to facilitate the use of electronic certificates and electronic documents for certain vessels; and
- (b) to provide for the use of plans in electronic form under the Merchant Shipping (Local Vessels) (Safety and Survey) Regulation (Cap. 548 sub. leg. G).

2. The Bill is divided into 4 Parts.

Part 1—Preliminary (Clauses 1 and 2)

3. Clause 1 sets out the short title.

Part 2—Amendments to Shipping and Port Control Ordinance (Cap. 313) (Clauses 3 to 6)

4. Part 2 amends the Shipping and Port Control Ordinance (Cap. 313) (*Cap. 313*) to—

- (a) add a new Part VIIIA to provide for the recognition of electronic documents by giving the relevant definitions and by stipulating that certain actions under Cap. 313 and its subsidiary legislation in relation to a document listed in Part 2 of the new Schedule 2 to Cap. 313 added by clause 6 may be done in electronic form; and
- (b) introduce textual amendments consequential to the addition of the new Schedule 2.

Part 3—Amendments to Merchant Shipping (Prevention and Control of Pollution) Ordinance (Cap. 413) (Clauses 7 and 8)

5. Part 3 amends the Merchant Shipping (Prevention and Control of Pollution) Ordinance (Cap. 413) (*Cap. 413*) to—
 - (a) amend the definition of *e-cert database* in section 4A of Cap. 413 so that an electronic certificate for a vessel required to be certificated under the Merchant Shipping (Local Vessels) Ordinance (Cap. 548) (*local vessel*) would use an electronic database that is maintained or managed by or for the Director of Marine; and
 - (b) amend section 4B of Cap. 413 so that Part IIA of, and the Schedule to, Cap. 413 will also apply to a local vessel.

Part 4—Amendments to Merchant Shipping (Local Vessels) Ordinance (Cap. 548) (Clauses 9 and 10)

6. Part 4 amends the Merchant Shipping (Local Vessels) Ordinance (Cap. 548) (*Cap. 548*) to add a new Part XIVA to—
 - (a) provide for the recognition of electronic documents by giving the relevant definitions and by stipulating that certain actions under Cap. 548 and its subsidiary legislation in relation to a document listed in Part 2 of the new Schedule 1 to Cap. 548 added by clause 10 may be done in electronic form; and
 - (b) provide for the submission and forwarding of plans referred to in section 9 of the Merchant Shipping (Local Vessels) (Safety and Survey) Regulation (Cap. 548 sub. leg. G) in electronic form.