
Shipping Legislation (Electronic Certificates and Electronic Log-books) (Amendment) Bill 2023

Contents

Clause		Page
Part 1		
Preliminary		
1.	Short title.....	C2079
2.	Enactments amended.....	C2079
Part 2		
Amendments to Merchant Shipping (Safety) Ordinance (Cap. 369)		
3.	Part IIA added.....	C2081
Part IIA		
Certificates and Log-books in Electronic Form		
35A.	Interpretation of Part IIA.....	C2081
35B.	Application.....	C2083
35C.	Listed certificates may be issued electronically.....	C2083
35D.	Listed certificates may be endorsed electronically	C2085
35E.	Validity of listed certificates may be extended electronically	C2085
35F.	Validity of listed certificates may be suspended electronically	C2087

Shipping Legislation (Electronic Certificates and Electronic Log-books)
(Amendment) Bill 2023

C2057

Clause		Page
35G.	Validity of listed certificates may be restored electronically	C2089
35H.	Listed certificates may be cancelled, revoked or withdrawn electronically	C2089
35I.	Exhibiting and keeping of listed certificates electronically by making them available for viewing from electronic device on board	C2091
35J.	Making and keeping of entries and records in listed log-books electronically	C2093
35K.	Power of Secretary to amend Schedule	C2093
4.	Section 113A added	C2093
113A.	Delegation by Director	C2095
5.	Schedule added	C2095
Schedule	Certificates and Log-books in Electronic Form	C2097

Part 3

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

6.	Section 3AA added	C2119
3AA.	Delegation by Director	C2119
7.	Part IIA added	C2119

Clause Page

Part IIA

Certificates and Log-books in Electronic Form

4A.	Interpretation of Part IIA.....	C2121
4B.	Application.....	C2123
4C.	Listed certificates may be issued electronically.....	C2123
4D.	Listed certificates may be endorsed electronically	C2123
4E.	Validity of listed certificates may be extended electronically	C2125
4F.	Validity of listed certificates may be suspended electronically	C2125
4G.	Validity of listed certificates may be restored electronically	C2127
4H.	Listed certificates may be cancelled or withdrawn electronically.....	C2129
4I.	Making and keeping of entries and records in listed log-books electronically	C2131
4J.	Power of Secretary to amend Schedule.....	C2131
8.	Schedule added	C2131
Schedule	Certificates and Log-books in Electronic Form.....	C2133

Clause Page

Part 4

**Amendments to Merchant Shipping (Liability and Compensation for Oil
Pollution) Ordinance (Cap. 414)**

9. Part IIIA added C2153

Part IIIA

Certificate referred to in Section 15(2) in Electronic Form

29B. Interpretation of Part IIIA C2153

29C. Application..... C2153

29D. Insurance certificates may be issued
electronically C2155

29E. Insurance certificates may be cancelled
electronically C2155

29F. Power of Secretary to amend Schedule 3 C2157

10. Section 30A added C2157

30A. Delegation by Director..... C2157

11. Schedule 3 added C2159

Schedule 3 e-cert Guidelines..... C2159

Part 5

Amendments to Merchant Shipping (Registration) Ordinance (Cap. 415)

12. Section 8 amended (inspection, etc. of register) C2161

13. Part IXA added C2161

Clause	Page
--------	------

Part IXA

Certificates in Electronic Form

80A.	Interpretation of Part IXA	C2163
80B.	Application.....	C2165
80C.	Listed certificates may be issued or granted electronically	C2165
80D.	Listed certificates may be cancelled electronically	C2167
80E.	Power of Secretary to amend Schedule 4A	C2167
14.	Section 87 amended (documents, copies and admissibility in evidence)	C2169
15.	Schedule 4A added	C2169
	Schedule 4A Certificates in Electronic Form.....	C2171

Part 6

Amendments to Merchant Shipping (Seafarers) Ordinance (Cap. 478)

16.	Part XIII A added	C2175
-----	-------------------------	-------

Part XIII A

Certificates and Log-books in Electronic Form

Division 1—Preliminary

118A.	Interpretation	C2175
118B.	Application.....	C2177

Clause

Page

**Division 2—Certificates in Electronic Form relating to Maritime
Labour Convention, 2006 and Log-books in Electronic Form**

118C.	Interpretation of Division 2	C2177
118D.	MLC certificates may be issued electronically	C2179
118E.	MLC certificates may be endorsed electronically	C2181
118F.	Validity of MLC certificates may be extended electronically	C2181
118G.	MLC certificates may be cancelled or withdrawn electronically	C2183
118H.	Exhibiting and keeping of MLC certificates electronically by displaying printouts	C2183
118I.	Making and keeping of entries and records in listed log-books electronically	C2185

**Division 3—Electronic Competency Certificates Issued under
Ordinance**

118J.	Interpretation of Division 3	C2185
118K.	Competency certificates may be issued electronically	C2187
118L.	Competency certificates may be endorsed electronically	C2189
118M.	Validity of competency certificates may be suspended electronically	C2189

Clause		Page
118N.	Validity of competency certificates may be restored electronically.....	C2191
118O.	Competency certificates may be cancelled electronically	C2193
Division 4—Miscellaneous Provisions		
118P.	Power of Secretary for Transport and Logistics to amend Schedule 3	C2193
17.	Schedule 3 added	C2195
	Schedule 3 Certificates and Log-books in Electronic Form.....	C2195

Part 7

**Amendments to Merchant Shipping (Security of Ships and Port Facilities)
Ordinance (Cap. 582)**

18.	Part 1 heading added	C2213
-----	----------------------------	-------

Part 1

Preliminary

19.	Part 2 heading added	C2213
-----	----------------------------	-------

Part 2

Application and Rules

20.	Section 6A added.....	C2213
	6A. Delegation by Director.....	C2215
21.	Part 3 heading added	C2215

Clause Page

Part 3

Designated Port Facilities and Recognized Security Organizations

22. Part 4 heading added C2215

Part 4

Inspection and Exemption

23. Part 5 added..... C2217

Part 5

Certificates in Electronic Form

14A. Interpretation of Part 5..... C2217

14B. Application..... C2219

14C. Listed certificates may be issued electronically..... C2219

14D. Listed certificates may be endorsed
electronically C2219

14E. Power of Secretary to amend Schedule..... C2221

24. Part 6 heading added C2221

Part 6

Miscellaneous Provisions

25. Schedule added C2221

Schedule Certificates in Electronic Form..... C2223

Clause Page

Part 8

**Amendments to Bunker Oil Pollution (Liability and Compensation)
Ordinance (Cap. 605)**

26. Part 3A added..... C2227

Part 3A

Insurance Certificates in Electronic Form

17A.	Interpretation of Part 3A.....	C2227
17B.	Application.....	C2229
17C.	Insurance certificates may be issued electronically	C2229
17D.	Insurance certificates may be cancelled electronically	C2229
17E.	Power of Secretary to amend Schedule.....	C2231
27.	Section 33A added	C2231
33A.	Delegation by Director.....	C2231
28.	Schedule added	C2233
Schedule	e-cert Guidelines.....	C2233

Part 9

Consequential and Related Amendments

**Division 1—Amendment to Specification of Public Offices Notice (Cap. 1 sub.
leg. C)**

29. Schedule amended (specification of public offices)..... C2235

Clause	Page
Division 2—Amendments to Merchant Shipping (Safety) (Gas Carriers)	
Regulations (Cap. 369 sub. leg. Z)	
30.	Regulation 6 amended (power of Director in respect of appointments and delegations) C2251
Division 3—Amendment to Merchant Shipping (Safety) (High Speed Craft)	
Regulation (Cap. 369 sub. leg. AW)	
31.	Section 14 repealed (delegation) C2251
Division 4—Amendment to Merchant Shipping (Safety) (Safety Management)	
Regulation (Cap. 369 sub. leg. AX)	
32.	Section 15 repealed (delegation) C2253
Division 5—Amendment to Merchant Shipping (Prevention of Oil Pollution)	
Regulations (Cap. 413 sub. leg. A)	
33.	Regulation 3AA repealed (Director may delegate powers etc.) C2253
Division 6—Amendments to Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) Regulations (Cap. 413 sub. leg. B)	
34.	Regulation 2A amended (power of Director in respect of appointments and delegations) C2253
Division 7—Amendments to Merchant Shipping (BCH Code) Regulations (Cap. 413 sub. leg. D)	
35.	Regulation 2A amended (power of Director in respect of appointments and delegations) C2255

Clause Page

**Division 8—Amendments to Merchant Shipping (IBC Code) Regulations
(Cap. 413 sub. leg. E)**

36. Regulation 2A amended (power of Director in respect of appointments and delegations) C2255

Division 9—Amendment to Merchant Shipping (Security of Ships and Port Facilities) Rules (Cap. 582 sub. leg. A)

37. Rule 3 amended (security instructions) C2255

A BILL

To

Amend certain shipping legislation to facilitate the use of electronic certificates and electronic log-books and record books for ships registered in Hong Kong (*HK ships*), and for seafarers and registered persons (within the meaning of the Merchant Shipping (Seafarers) Ordinance), by enabling the issue, grant, endorsement, cancellation, revocation and withdrawal of certain certificates and documents relating to HK ships, and those seafarers and registered persons, in electronic form, by enabling the validity of such certificates and documents to be extended, suspended and restored in electronic form, by providing for the exhibiting and keeping of such certificates and documents in electronic form, and by enabling the making or keeping of entries or records in certain log-books and record books, and the keeping of certain records, for HK ships in electronic form; to empower the Director of Marine to delegate to any other public officer the performance or exercise of functions, powers and duties imposed or conferred on the Director under certain shipping legislation; 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 Log-books) (Amendment) Ordinance 2023.

2. Enactments amended

The enactments specified in Parts 2 to 9 are amended as set out in those Parts.

Part 2

Amendments to Merchant Shipping (Safety) Ordinance (Cap. 369)

3. Part IIA added

After Part II—

Add

“Part IIA

Certificates and Log-books in Electronic Form

35A. Interpretation of Part IIA

In this Part—

approved organization (獲批准機構) means an organization approved by the Secretary under section 8(1);

certifying authority (核證當局) means—

- (a) the Director; or
- (b) an approved organization;

e-cert database (電子證書資料庫), in relation to a certifying authority, means an electronic database that is maintained or managed by or for the certifying authority in accordance with the e-cert guidelines;

e-cert guidelines (電子證書指引) means the documents listed in Division 1 of Part 3 of the Schedule, as from time to time revised or amended by revisions or amendments to those documents;

e-log guidelines (電子航海日誌指引) means the documents listed in Division 2 of Part 3 of the Schedule, as from time to time revised or amended by revisions or amendments to those documents;

listed certificate (表列證書) means—

- (a) a document listed in column 2 of the Table in Division 1 of Part 2 of the Schedule 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;

listed log-book (表列航海日誌) means a log-book listed in column 2 of the Table in Division 2 of Part 2 of the Schedule that is referred to in a provision listed in column 3 of that Table corresponding to the log-book.

35B. Application

This Part and the Schedule apply to a ship registered in Hong Kong.

35C. Listed certificates may be issued electronically

- (1) This section applies to a listed certificate that may be issued by a certifying authority under a provision of this Ordinance.
- (2) A listed certificate may be issued by a certifying authority in electronic form.

- (3) A listed certificate is considered as issued in electronic form only if it is issued in accordance with the applicable requirements set out in the e-cert guidelines.
- (4) A certifying authority must cause a listed certificate issued by it in accordance with this section to be kept in the e-cert database.

35D. Listed certificates may be endorsed electronically

- (1) This section applies to a listed certificate that may be endorsed by a certifying authority under a provision of this Ordinance.
- (2) A listed certificate may be endorsed by a certifying authority in electronic form.
- (3) A listed certificate is considered as endorsed in electronic form only if the endorsement is made in accordance with the applicable requirements set out in the e-cert guidelines.
- (4) A certifying authority must cause an endorsement made by it in accordance with this section to be entered in the e-cert database with respect to the listed certificate.

35E. Validity of listed certificates may be extended electronically

- (1) This section applies to a listed certificate the validity of which may be extended by a certifying authority under a provision of this Ordinance.
- (2) The validity of a listed certificate may be extended by a certifying authority in electronic form.

- (3) The validity of a listed certificate is considered as extended in electronic form only if the extension is made in accordance with the applicable requirements set out in the e-cert guidelines.
- (4) A certifying authority must cause an extension made by it in accordance with this section to be entered in the e-cert database with respect to the listed certificate.

35F. Validity of listed certificates may be suspended electronically

- (1) This section applies to a listed certificate the validity of which may be suspended by a certifying authority under a provision of this Ordinance.
- (2) The validity of a listed certificate may be suspended by a certifying authority in electronic form.
- (3) The validity of a listed certificate is considered as suspended in electronic form only if the suspension is made in accordance with the applicable requirements set out in the e-cert guidelines.
- (4) If the validity of a listed certificate is suspended in electronic form, the requirement under any provision of this Ordinance for delivering up the certificate on the suspension of its validity is regarded as having been met and physical delivery of the certificate is no longer required.
- (5) A certifying authority must cause a suspension made by it in accordance with this section to be entered in the e-cert database with respect to the listed certificate.

35G. Validity of listed certificates may be restored electronically

- (1) This section applies to a listed certificate the validity of which may be restored by a certifying authority under a provision of this Ordinance.
- (2) The validity of a listed certificate may be restored by a certifying authority in electronic form.
- (3) The validity of a listed certificate is considered as restored in electronic form only if the restoration is made in accordance with the applicable requirements set out in the e-cert guidelines.
- (4) If the validity of a listed certificate is restored in electronic form, the requirement under any provision of this Ordinance for returning the certificate on the restoration of its validity is regarded as having been met and physical return of the certificate is no longer required.
- (5) A certifying authority must cause a restoration made by it in accordance with this section to be entered in the e-cert database with respect to the listed certificate.

35H. Listed certificates may be cancelled, revoked or withdrawn electronically

- (1) This section applies to a listed certificate that may be cancelled, revoked or withdrawn by a certifying authority under a provision of this Ordinance.
- (2) A listed certificate may be cancelled, revoked or withdrawn by a certifying authority in electronic form.

- (3) A listed certificate is considered as cancelled, revoked or withdrawn in electronic form only if the cancellation, revocation or withdrawal is made in accordance with the applicable requirements set out in the e-cert guidelines.
- (4) If a listed certificate is cancelled, revoked or withdrawn in electronic form, the requirement under any provision of this Ordinance for delivering up the certificate on its cancellation, revocation or withdrawal is regarded as having been met and physical delivery of the certificate is no longer required.
- (5) A certifying authority must cause a cancellation, revocation or withdrawal made by it in accordance with this section to be entered in the e-cert database with respect to the listed certificate.

35I. Exhibiting and keeping of listed certificates electronically by making them available for viewing from electronic device on board

- (1) If the exhibiting or keeping of a listed certificate, or a copy of the certificate, on board the ship to which the certificate relates is required under a provision of this Ordinance, the requirement is also met—
 - (a) by making the certificate readily accessible for viewing from an electronic device on board the ship; and
 - (b) if the device is not functioning properly—by producing a printout of the certificate on board the ship.
- (2) In subsection (1)—

exhibiting (陳示), in relation to a document, includes the display or posting up of the document;

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

35J. Making and keeping of entries and records in listed log-books electronically

If an entry or record is required to be made or kept in a listed log-book under a provision of this Ordinance, the requirement is also met by making or keeping the entry or record in the log-book in electronic form—

- (a) in an electronic device on board the ship to which the log-book relates; and
- (b) in accordance with the applicable requirements set out in the e-log guidelines.

35K. Power of Secretary to amend Schedule

- (1) The Secretary may, by notice published in the Gazette, amend the Schedule.
- (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 113A added

After section 113—

Add

“113A. Delegation by Director

- (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 the Director’s behalf of any of the functions imposed or conferred on the Director under this Ordinance.
- (2) If any function imposed or conferred on the Director under this Ordinance is performed or exercised by any other public officer, the Director is, unless the contrary is proved, regarded as having delegated to the public officer under subsection (1) the performance or exercise of the function.
- (3) No delegation under subsection (1) is to be made of any power under this Ordinance to make subsidiary legislation.
- (4) In this section—
functions (職能) includes powers and duties.”.

5. Schedule added

At the end of the Ordinance—

Add

“Schedule

[ss. 35A, 35B &
35K]

Certificates and Log-books in Electronic Form

Part 1

Interpretation

1. Interpretation

In this Schedule—

Cap. 369AA (《第369AA章》) means the Merchant Shipping (Safety) (Grain) Regulations (Cap. 369 sub. leg. AA);

Cap. 369AD (《第369AD章》) means the Merchant Shipping (Safety) (Load Line) Regulations (Cap. 369 sub. leg. AD);

Cap. 369AG (《第369AG章》) means the Merchant Shipping (Safety) (Load Lines) (Particulars of Depth of Loading) Regulations (Cap. 369 sub. leg. AG);

Cap. 369AH (《第369AH章》) means the Merchant Shipping (Safety) (Means of Access) Regulations (Cap. 369 sub. leg. AH);

Cap. 369AL (《第369AL章》) means the Merchant Shipping (Safety) (Passenger Ship Construction) (Ships Built Before 1 September 1984) Regulations (Cap. 369 sub. leg. AL);

- Cap. 369AM** (《第369AM章》) means the Merchant Shipping (Safety) (Passenger Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations (Cap. 369 sub. leg. AM);
- Cap. 369AO** (《第369AO章》) means the Merchant Shipping (Safety) (Protective Clothing and Equipment) Regulations (Cap. 369 sub. leg. AO);
- Cap. 369AS** (《第369AS章》) means the Merchant Shipping (Safety) (Ship's Manning) Regulation (Cap. 369 sub. leg. AS);
- Cap. 369AT** (《第369AT章》) means the Merchant Shipping (Safety) (Subdivision and Damage Stability of Cargo Ships) Regulation (Cap. 369 sub. leg. AT);
- Cap. 369AV** (《第369AV章》) means the Merchant Shipping (Safety) (Carriage of Cargoes and Oil Fuel) Regulation (Cap. 369 sub. leg. AV);
- Cap. 369AW** (《第369AW章》) means the Merchant Shipping (Safety) (High Speed Craft) Regulation (Cap. 369 sub. leg. AW);
- Cap. 369AX** (《第369AX章》) means the Merchant Shipping (Safety) (Safety Management) Regulation (Cap. 369 sub. leg. AX);
- Cap. 369AY** (《第369AY章》) means the Merchant Shipping (Safety) (Life-Saving Appliances and Arrangements, Musters and Training) Regulation (Cap. 369 sub. leg. AY);
- Cap. 369AZ** (《第369AZ章》) means the Merchant Shipping (Safety) (IMSBC Code) Regulation (Cap. 369 sub. leg. AZ);

- Cap. 369BA** (《第369BA章》) means the Merchant Shipping (Safety) (Navigational Equipment and Safety of Navigation) Regulation (Cap. 369 sub. leg. BA);
- Cap. 369BB** (《第369BB章》) means the Merchant Shipping (Safety) (Radiocommunications) Regulation (Cap. 369 sub. leg. BB);
- Cap. 369BC** (《第369BC章》) means the Merchant Shipping (Safety) (INF Cargo) Regulation (Cap. 369 sub. leg. BC);
- Cap. 369BD** (《第369BD章》) means the Merchant Shipping (Safety) (Construction and Survey) Regulation (Cap. 369 sub. leg. BD);
- Cap. 369BF** (《第369BF章》) means the Merchant Shipping (Safety) (Ships Operating in Polar Waters) Regulation (Cap. 369 sub. leg. BF);
- Cap. 369C** (《第369C章》) means the Merchant Shipping (Instructions to Surveyors) (Passenger Ships) Regulations (Cap. 369 sub. leg. C);
- Cap. 369U** (《第369U章》) means the Merchant Shipping (Safety) (Closing of Openings in Hulls and in Watertight Bulkheads) Regulations (Cap. 369 sub. leg. U);
- Cap. 369Z** (《第369Z章》) means the Merchant Shipping (Safety) (Gas Carriers) Regulations (Cap. 369 sub. leg. Z);
- Document of Compliance** (符合證明) has the meaning given by section 1 of Cap. 369AX;
- High Speed Craft Safety Certificate** (安全證明書) has the meaning given by section 2(1) of Cap. 369AW;

INF Cargo Certificate (輻照核燃料貨物證書) has the meaning given by section 2 of Cap. 369BC;

Minimum Safe Manning Certificate (最低安全人手編配證明書) has the meaning given by section 1 of Cap. 369AS;

Permit to Operate High Speed Craft (營運許可證) has the meaning given by section 2(1) of Cap. 369AW;

Polar Ship Certificate (極地船舶證書) has the meaning given by section 2 of Cap. 369BF;

Safety Management Certificate (安全管理證書) has the meaning given by section 1 of Cap. 369AX;

the Grain Code (《穀物規則》) has the meaning given by regulation 2 of Cap. 369AA.

Part 2

Division 1—Listed Certificates

Table

Column 1	Column 2	Column 3
Item	Document	Provision
1.	passenger certificate	Section 14
2.	general safety certificate	Section 15(1) or 20
3.	exemption certificate	Section 15(2)(i)
4.	qualified safety certificate	Section 15(2)(ii)

Shipping Legislation (Electronic Certificates and Electronic Log-books)
(Amendment) Bill 2023

Part 2
Clause 5

C2105

Column 1	Column 2	Column 3
Item	Document	Provision
5.	qualified short voyage safety certificate	Section 15(2)(ii)
6.	cargo ship safety equipment certificate	Section 17(1)
7.	exemption certificate	Section 17(2)(i)
8.	qualified cargo ship safety equipment certificate	Section 17(2)(ii)
9.	cargo ship safety radio certificate	Section 18(1) or 20
10.	exemption certificate	Section 18(2)(i)
11.	qualified cargo ship safety radio certificate	Section 18(2)(ii)
12.	cargo ship safety construction certificate	Section 21(1)
13.	exemption certificate	Section 21(3)(a)(i)
14.	qualified cargo ship safety construction certificate	Section 21(3)(a)(ii)
15.	cargo ship safety certificate	Section 21A(1)

Shipping Legislation (Electronic Certificates and Electronic Log-books)
(Amendment) Bill 2023

Part 2
Clause 5

C2107

Column 1	Column 2	Column 3
Item	Document	Provision
16.	International Load Line Certificate	Section 51(1); Regulation 6 of Cap. 369AD
17.	International Load Line Exemption Certificate	Section 63(1)
18.	International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk	Regulation 7(1) of Cap. 369Z
19.	document of authorization	Regulation 5 of Cap. 369AA
20.	document relating to the proposed loading condition of a ship	Regulation 7(1)(a) of Cap. 369AA
21.	document to evidence the exemption from the requirements of A11 to A18 of the Grain Code	Regulation 8(1) of Cap. 369AA
22.	document to evidence the exemption from any of the requirements of Cap. 369AA	Regulation 8(2) of Cap. 369AA

Shipping Legislation (Electronic Certificates and Electronic Log-books)
(Amendment) Bill 2023

Part 2
Clause 5

C2109

Column 1	Column 2	Column 3
Item	Document	Provision
23.	document to evidence the exemption from all or any of the provisions of Cap. 369AH	Regulation 3(3) of Cap. 369AH
24.	Passenger Ship Safety Certificate	Regulation 83(1) of Cap. 369AM
25.	Exemption Certificate	Regulation 83(2) of Cap. 369AM
26.	document to evidence the exemption from all or any of the provisions of Cap. 369AO	Regulation 3(4) of Cap. 369AO
27.	Minimum Safe Manning Certificate	Section 4(1) of Cap. 369AS
28.	document to evidence the exemption from any specified provision of Cap. 369AT	Section 3 of Cap. 369AT
29.	document to evidence the exemption from all or any of the provisions of Cap. 369AV	Section 2(3)(a) of Cap. 369AV

Shipping Legislation (Electronic Certificates and Electronic Log-books)
(Amendment) Bill 2023

Part 2
Clause 5

C2111

Column 1	Column 2	Column 3
Item	Document	Provision
30.	High Speed Craft Safety Certificate	Section 6(2) of Cap. 369AW
31.	Permit to Operate High Speed Craft	Section 8(2) of Cap. 369AW
32.	Document of Compliance	Section 3(2) of Cap. 369AX
33.	Safety Management Certificate	Section 4(3) of Cap. 369AX
34.	document to evidence the exemption from all or any of the provisions of Cap. 369AY	Section 7(2) of Cap. 369AY
35.	document to evidence the exemption from any of the requirements of Cap. 369AY	Section 7(3) of Cap. 369AY
36.	INF Cargo Certificate	Section 8(3) of Cap. 369BC
37.	Polar Ship Certificate	Section 12(4), 13(4) or 14(4) of Cap. 369BF

Division 2—Listed Log-books

Table

Column 1	Column 2	Column 3
Item	Log-book	Provision
1.	official log-book or official log book	Section 45(1), 55(1)(b) or (2)(a), 79(1), 84(6) or (7), 95(1)(d) or 122(1); Paragraph 41(3) or (5)(c) or 43(5) of Cap. 369C; Regulation 10 of, or paragraph 6(c) of Schedule 3 to, Cap. 369U; Note 2 to the Schedule to Cap. 369AG; Regulation 9E(2), 9F(4) or 9G of Cap. 369AL; Regulation 9E(2), 9F(4) or 9G of Cap. 369AM; Section 4B(5)(c)(ii) of Cap. 369AY

Shipping Legislation (Electronic Certificates and Electronic Log-books)
(Amendment) Bill 2023

Part 2
Clause 5

C2115

Column 1	Column 2	Column 3
Item	Log-book	Provision
2.	radio log-book	Section 97(3)(a); Section 16 of Cap. 369BB
3.	engine room log-book or engine-room log	Section 122(1); Paragraph 255 of Cap. 369C
4.	ship's log-book or ship's log book	Section 122(1); Section 8(3)(b) or (c) or 9(3) of Cap. 369AS; Section 6(7)(b) of Cap. 369AZ; Section 15(3)(b) or 21(1)(b) of Cap. 369BA
5.	log-book or log book	Section 122(1); Regulation 131DA(3) of Cap. 369AL; Regulation 15A(10)(d), (11)(b) or (12) or 80EA(3) of Cap. 369AM; Section 6(4) of Cap. 369AT;

Column 1	Column 2	Column 3
Item	Log-book	Provision
6.	cargo log-book	Section 23, 24 or 25(2) of Cap. 369BD Section 8B(4)(c) of Cap. 369AV

Part 3

Guidelines

Division 1—e-cert Guidelines

Guidelines for the Use of Electronic Certificates (FAL.5/Circ.39/Rev.2 dated 20 April 2016) approved by the Facilitation Committee of the International Maritime Organization

Division 2—e-log Guidelines

1. Guidelines for the Recording of Events Related to Navigation adopted by the International Maritime Organization by resolution A.916(22) on 29 November 2001
 2. Electronic Record Books for Ships—Technical Specifications and Operational Requirements (ISO 21745) published by the International Organization for Standardization on 3 September 2019”.
-

Part 3

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

6. **Section 3AA added**

After section 3—

Add

“3AA. Delegation by Director

- (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 the Director’s behalf of any of the functions imposed or conferred on the Director under this Ordinance.
- (2) If any function imposed or conferred on the Director under this Ordinance is performed or exercised by any other public officer, the Director is, unless the contrary is proved, regarded as having delegated to the public officer under subsection (1) the performance or exercise of the function.
- (3) No delegation under subsection (1) is to be made of any power under this Ordinance to make subsidiary legislation.
- (4) In this section—
functions (職能) includes powers and duties.”.

7. **Part IIA added**

After Part II—

Add

“Part IIA

Certificates and Log-books in Electronic Form

4A. Interpretation of Part IIA

In this Part—

certifying authority (核證當局) means—

- (a) the Director; or
- (b) a recognized organization;

e-cert database (電子證書資料庫), in relation to a certifying authority, means an electronic database that is maintained or managed by or for the certifying authority in accordance with the e-cert guidelines;

e-cert guidelines (電子證書指引) means the documents listed in Division 1 of Part 3 of the Schedule, as from time to time revised or amended by revisions or amendments to those documents;

e-log guidelines (電子航海日誌指引) means the documents listed in Division 2 of Part 3 of the Schedule, as from time to time revised or amended by revisions or amendments to those documents;

listed certificate (表列證書) means—

- (a) a document listed in column 2 of the Table in Division 1 of Part 2 of the Schedule 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;

listed log-book (表列航海日誌) means a document listed in column 2 of the Table in Division 2 of Part 2 of the Schedule that is referred to in a provision listed in column 3 of that Table corresponding to the document;

recognized organization (認可機構) means an organization listed in Part 4 of the Schedule;

Secretary (局長) means the Secretary for Transport and Logistics.

4B. Application

This Part and the Schedule apply to a ship registered in Hong Kong.

4C. Listed certificates may be issued electronically

- (1) This section applies to a listed certificate that may be issued by a certifying authority under a provision of this Ordinance.
- (2) A listed certificate may be issued by a certifying authority in electronic form.
- (3) A listed certificate is considered as issued in electronic form only if it is issued in accordance with the applicable requirements set out in the e-cert guidelines.
- (4) A certifying authority must cause a listed certificate issued by it in accordance with this section to be kept in the e-cert database.

4D. Listed certificates may be endorsed electronically

- (1) This section applies to a listed certificate that may be endorsed by a certifying authority under a provision of this Ordinance.

- (2) A listed certificate may be endorsed by a certifying authority in electronic form.
- (3) A listed certificate is considered as endorsed in electronic form only if the endorsement is made in accordance with the applicable requirements set out in the e-cert guidelines.
- (4) A certifying authority must cause an endorsement made by it in accordance with this section to be entered in the e-cert database with respect to the listed certificate.

4E. Validity of listed certificates may be extended electronically

- (1) This section applies to a listed certificate the validity of which may be extended by a certifying authority under a provision of this Ordinance.
- (2) The validity of a listed certificate may be extended by a certifying authority in electronic form.
- (3) The validity of a listed certificate is considered as extended in electronic form only if the extension is made in accordance with the applicable requirements set out in the e-cert guidelines.
- (4) A certifying authority must cause an extension made by it in accordance with this section to be entered in the e-cert database with respect to the listed certificate.

4F. Validity of listed certificates may be suspended electronically

- (1) This section applies to a listed certificate the validity of which may be suspended by a certifying authority under a provision of this Ordinance.

- (2) The validity of a listed certificate may be suspended by a certifying authority in electronic form.
- (3) The validity of a listed certificate is considered as suspended in electronic form only if the suspension is made in accordance with the applicable requirements set out in the e-cert guidelines.
- (4) If the validity of a listed certificate is suspended in electronic form, the requirement under any provision of this Ordinance for delivering up the certificate on the suspension of its validity is regarded as having been met and physical delivery of the certificate is no longer required.
- (5) A certifying authority must cause a suspension made by it in accordance with this section to be entered in the e-cert database with respect to the listed certificate.

4G. Validity of listed certificates may be restored electronically

- (1) This section applies to a listed certificate the validity of which may be restored by a certifying authority under a provision of this Ordinance.
- (2) The validity of a listed certificate may be restored by a certifying authority in electronic form.
- (3) The validity of a listed certificate is considered as restored in electronic form only if the restoration is made in accordance with the applicable requirements set out in the e-cert guidelines.
- (4) If the validity of a listed certificate is restored in electronic form, the requirement under any provision of this Ordinance for returning the certificate on the restoration of its validity is regarded as having been

met and physical return of the certificate is no longer required.

- (5) A certifying authority must cause a restoration made by it in accordance with this section to be entered in the e-cert database with respect to the listed certificate.

4H. Listed certificates may be cancelled or withdrawn electronically

- (1) This section applies to a listed certificate that may be cancelled or withdrawn by a certifying authority under a provision of this Ordinance.
- (2) A listed certificate may be cancelled or withdrawn by a certifying authority in electronic form.
- (3) A listed certificate is considered as cancelled or withdrawn in electronic form only if the cancellation or withdrawal is made in accordance with the applicable requirements set out in the e-cert guidelines.
- (4) If a listed certificate is cancelled or withdrawn in electronic form, the requirement under any provision of this Ordinance for delivering up the certificate on its cancellation or withdrawal is regarded as having been met and physical delivery of the certificate is no longer required.
- (5) A certifying authority must cause a cancellation or withdrawal made by it in accordance with this section to be entered in the e-cert database with respect to the listed certificate.

4I. Making and keeping of entries and records in listed log-books electronically

If an entry or record is required to be made or kept in a listed log-book under a provision of this Ordinance, the requirement is also met by making or keeping the entry or record in the log-book in electronic form—

- (a) in an electronic device on board the ship to which the log-book relates; and
- (b) in accordance with the applicable requirements set out in the e-log guidelines.

4J. Power of Secretary to amend Schedule

- (1) The Secretary may, by notice published in the Gazette, amend the Schedule.
- (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.”.

8. Schedule added

At the end of the Ordinance—

Add

“Schedule

[ss. 4A, 4B & 4J]

Certificates and Log-books in Electronic Form

Part 1

Interpretation

1. Interpretation

In this Schedule—

Annex VI (《附則VI》) has the meaning given by section 2(1) of Cap. 413P;

BCH Code (散化規則) has the meaning given by regulation 1(2) of Cap. 413D;

Cap. 413A (《第413A章》) means the Merchant Shipping (Prevention of Oil Pollution) Regulations (Cap. 413 sub. leg. A);

Cap. 413B (《第413B章》) means the Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) Regulations (Cap. 413 sub. leg. B);

Cap. 413D (《第413D章》) means the Merchant Shipping (BCH Code) Regulations (Cap. 413 sub. leg. D);

Cap. 413E (《第413E章》) means the Merchant Shipping (IBC Code) Regulations (Cap. 413 sub. leg. E);

Cap. 413H (《第413H章》) means the Merchant Shipping (Safety) (Dangerous Goods and Marine Pollutants) Regulation (Cap. 413 sub. leg. H);

- Cap. 413K** (《第413K章》) means the Merchant Shipping (Prevention of Pollution by Sewage) Regulation (Cap. 413 sub. leg. K);
- Cap. 413N** (《第413N章》) means the Merchant Shipping (Control of Harmful Anti-Fouling Systems on Ships) Regulation (Cap. 413 sub. leg. N);
- Cap. 413O** (《第413O章》) means the Merchant Shipping (Prevention of Pollution by Garbage) Regulation (Cap. 413 sub. leg. O);
- Cap. 413P** (《第413P章》) means the Merchant Shipping (Prevention of Air Pollution) Regulation (Cap. 413 sub. leg. P);
- Cap. 413Q** (《第413Q章》) means the Merchant Shipping (Control of Ballast Water and Sediments) Regulation (Cap. 413 sub. leg. Q);
- HKAPP Certificate** (HKAPP證書) means the Hong Kong Air Pollution Prevention Certificate as defined by section 2(1) of Cap. 413P;
- HKNLS Certificate** (HKNLS證書) means the Hong Kong Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk as defined by regulation 1(2) of Cap. 413B;
- HKOPP Certificate** (HKOPP證書) means the Hong Kong Oil Pollution Prevention Certificate as defined by regulation 1(2) of Cap. 413A;
- IAFS Certificate** (IAFS證書) means the International Anti-Fouling System Certificate as defined by section 2(1) of Cap. 413N;
- IAPP Certificate** (IAPP證書) means the International Air Pollution Prevention Certificate as defined by section 2(1) of Cap. 413P;

- IAPPE Certificate*** (IAPPE證書) means the International Air Pollution Prevention Exemption Certificate for Unmanned Non-self-propelled (UNSP) Barges as defined by section 2(1) of Cap. 413P;
- IBC Code*** (國際散化規則) has the meaning given by regulation 1(2) of Cap. 413E;
- IBWM Certificate*** (IBWM證書) means the International Ballast Water Management Certificate as defined by section 2 of Cap. 413Q;
- IEE Certificate*** (IEE證書) means the International Energy Efficiency Certificate as defined by section 2(1) of Cap. 413P;
- INLS Certificate*** (INLS證書) means the International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk as defined by regulation 1(2) of Cap. 413B;
- IOPP Certificate*** (IOPP證書) means the International Oil Pollution Prevention Certificate as defined by regulation 1(2) of Cap. 413A;
- IOPPE Certificate*** (IOPPE證書) means the International Oil Pollution Prevention Exemption Certificate as defined by regulation 1(2) of Cap. 413A;
- ISPP Certificate*** (國際防污水證書) has the meaning given by section 2(1) of Cap. 413K;
- ISPPE Certificate*** (國際防污水免除證書) has the meaning given by section 2(1) of Cap. 413K.

Part 2

Division 1—Listed Certificates

Table

Column 1	Column 2	Column 3
Item	Document	Provision
1.	IOPP Certificate	Regulation 7(1)(a) of Cap. 413A
2.	HKOPP Certificate	Regulation 7(1A) of Cap. 413A
3.	IOPPE Certificate	Regulation 7EB(3) of Cap. 413A
4.	statement of compliance	Regulation 16G(1) or (2) of Cap. 413A
5.	document to evidence the exemption from all or any of the provisions of Cap. 413A	Regulation 2(5) of Cap. 413A
6.	HKNLS Certificate	Regulation 24(1)(a) or (5) or 24J(3) of Cap. 413B

Shipping Legislation (Electronic Certificates and Electronic Log-books)
(Amendment) Bill 2023

Part 3
Clause 8

C2141

Column 1	Column 2	Column 3
Item	Document	Provision
7.	INLS Certificate	Regulation 24(1)(b) or (5) or 24J(3) of Cap. 413B
8.	document to evidence the exemption from any of the requirements of Cap. 413B	Regulation 27 of Cap. 413B
9.	Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk	Regulation 5(1) or (4) or 5J(3) of Cap. 413D
10.	document to evidence the exemption from any of the requirements of Cap. 413D or of the BCH Code	Regulation 8 of Cap. 413D
11.	International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk	Regulation 5(1) or (4) or 5J(3) of Cap. 413E
12.	document to evidence the exemption from any of the requirements of Cap. 413E or of the IBC Code	Regulation 8 of Cap. 413E
13.	document of compliance	Section 16(1) or (1A) or 19B of Cap. 413H

Shipping Legislation (Electronic Certificates and Electronic Log-books)
(Amendment) Bill 2023

Part 3
Clause 8

C2143

Column 1	Column 2	Column 3
Item	Document	Provision
14.	document to evidence the exemption from all or any of the provisions of Cap. 413H	Section 1(4) of Cap. 413H
15.	ISPP Certificate	Section 9(2) or 20(3) of Cap. 413K
16.	ISPPE Certificate	Section 18A(3) of Cap. 413K
17.	document to evidence the exemption from any of the requirements of Cap. 413K	Section 3(4) of Cap. 413K
18.	IAFS Certificate	Section 7(3) or (4) or 18(2) of Cap. 413N
19.	IAPP Certificate	Section 58(3) or 71(3) of Cap. 413P
20.	IAPPE Certificate	Section 58A(3) or 71(3) of Cap. 413P
21.	HKAPP Certificate	Section 59(3) or 71(3) of Cap. 413P

Shipping Legislation (Electronic Certificates and Electronic Log-books)
(Amendment) Bill 2023

Part 3
Clause 8

C2145

Column 1	Column 2	Column 3
Item	Document	Provision
22.	IEE Certificate	Section 60(3) or 71(3) of Cap. 413P
23.	Statement of Compliance	Section 60A(3), (3A), (4) or (5) or 71(3) of Cap. 413P
24.	document to evidence the exemption from any of the requirements of Cap. 413P	Section 99 of Cap. 413P
25.	IBWM Certificate	Section 13(3), 14(1) or 22(3) of Cap. 413Q
26.	document to evidence the exemption from any of the requirements of Cap. 413Q	Section 40 of Cap. 413Q

Division 2—Listed Log-books

Table

Column 1	Column 2	Column 3
Item	Document	Provision
1.	Oil Record Book	Regulation 10(1) of Cap. 413A

Shipping Legislation (Electronic Certificates and Electronic Log-books)
(Amendment) Bill 2023

Part 3
Clause 8

C2147

Column 1	Column 2	Column 3
Item	Document	Provision
2.	official log book	Regulation 10(1) of Cap. 413A; Section 12(2) or 17(1)(b) of Cap. 413O
3.	engine room log book	Regulation 10(1) of Cap. 413A
4.	Cargo Record Book	Regulation 20 of Cap. 413B
5.	Garbage Record Book	Section 11(1) or (3A) of Cap. 413O
6.	Ozone Depleting Substances Record Book	Section 11(1) or (2) of Cap. 413P
7.	record showing the information required in relation to a marine diesel engine by Regulation 13.5.3 of Annex VI	Section 14A(2) or (2A) of Cap. 413P
8.	record showing the information referred to in section 18(5) of Cap. 413P	Section 18(4) or (4A) of Cap. 413P
9.	Ballast Water Record Book	Section 8 of Cap. 413Q

Part 3

Guidelines

Division 1—e-cert Guidelines

Guidelines for the Use of Electronic Certificates (FAL.5/Circ.39/Rev.2 dated 20 April 2016) approved by the Facilitation Committee of the International Maritime Organization

Division 2—e-log Guidelines

1. Guidelines for the Use of Electronic Record Books under MARPOL adopted by the Marine Environment Protection Committee of the International Maritime Organization by resolution MEPC.312(74) on 17 May 2019
2. Electronic Record Books for Ships—Technical Specifications and Operational Requirements (ISO 21745) published by the International Organization for Standardization on 3 September 2019

Part 4

Recognized Organizations

1. A recognized organization as defined by regulation 1(2) of Cap. 413A
2. A recognized organization as defined by regulation 1(2) of Cap. 413B

Shipping Legislation (Electronic Certificates and Electronic Log-books)
(Amendment) Bill 2023

Part 3
Clause 8

C2151

3. A recognized organization as defined by regulation 1(2) of Cap. 413D
 4. A recognized organization as defined by regulation 1(2) of Cap. 413E
 5. A recognized organization as defined by section 2(1) of Cap. 413K
 6. A recognized organization as defined by section 2(1) of Cap. 413N
 7. An organization recognized under section 15A(1) of Cap. 413O
 8. A recognized organization as defined by section 2(1) of Cap. 413P
 9. An organization recognized under section 37 of Cap. 413Q”.
-

Part 4

Amendments to Merchant Shipping (Liability and Compensation for Oil Pollution) Ordinance (Cap. 414)

9. Part IIIA added

After Part III—

Add

“Part IIIA

Certificate referred to in Section 15(2) in Electronic Form

29B. Interpretation of Part IIIA

In this Part—

e-cert database (電子證書資料庫) means an electronic database that is maintained or managed by or for the Director in accordance with the e-cert guidelines;

e-cert guidelines (電子證書指引) means the documents listed in Schedule 3, as from time to time revised or amended by revisions or amendments to those documents;

insurance certificate (保險證明書) means a certificate referred to in section 15(2);

Secretary (局長) means the Secretary for Transport and Logistics.

29C. Application

This Part and Schedule 3 apply to a Hong Kong ship.

29D. Insurance certificates may be issued electronically

- (1) This section applies to an insurance certificate that may be issued by the Director under a provision of this Ordinance.
- (2) An insurance certificate may be issued by the Director in electronic form.
- (3) An insurance certificate is considered as issued in electronic form only if it is issued in accordance with the applicable requirements set out in the e-cert guidelines.
- (4) The Director must cause an insurance certificate issued by the Director in accordance with this section to be kept in the e-cert database.

29E. Insurance certificates may be cancelled electronically

- (1) This section applies to an insurance certificate that may be cancelled by the Director under a provision of this Ordinance.
- (2) An insurance certificate may be cancelled by the Director in electronic form.
- (3) An insurance certificate is considered as cancelled in electronic form only if the cancellation is made in accordance with the applicable requirements set out in the e-cert guidelines.
- (4) If an insurance certificate is cancelled in electronic form, the requirement under any provision of this Ordinance for delivering up the certificate on its cancellation is regarded as having been met and physical delivery of the certificate is no longer required.

- (5) The Director must cause a cancellation made by the Director in accordance with this section to be entered in the e-cert database with respect to the insurance certificate.

29F. Power of Secretary to amend Schedule 3

- (1) The Secretary may, by notice published in the Gazette, amend Schedule 3.
- (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. Section 30A added

After section 30—

Add

“30A. Delegation by Director

- (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 the Director’s behalf of any of the functions imposed or conferred on the Director under this Ordinance.
- (2) If any function imposed or conferred on the Director under this Ordinance is performed or exercised by any other public officer, the Director is, unless the contrary is proved, regarded as having delegated to the public officer under subsection (1) the performance or exercise of the function.

- (3) No delegation under subsection (1) is to be made of any power under this Ordinance to make subsidiary legislation.
- (4) In this section—
functions (職能) includes powers and duties.”.

11. Schedule 3 added

At the end of the Ordinance—

Add

“Schedule 3

[ss. 29B, 29C &
29F]

e-cert Guidelines

Guidelines for the Use of Electronic Certificates (FAL.5/Circ.39/Rev.2 dated 20 April 2016) approved by the Facilitation Committee of the International Maritime Organization”.

Part 5

Amendments to Merchant Shipping (Registration) Ordinance (Cap. 415)

12. Section 8 amended (inspection, etc. of register)

(1) Section 8—

Renumber the section as section 8(1).

(2) After section 8(1)—

Add

“(2) A certification under subsection (1)(c) in relation to any entry in the register relating to a listed certificate issued or granted in electronic form under Part IXA may be made in electronic form.

(3) In this section, for the purposes of an entry relating to a listed certificate issued or granted in electronic form under Part IXA—

copy (副本) includes a copy of the entry in electronic form;

extract (摘錄) includes an extract from the entry in electronic form;

listed certificate (表列證書) has the meaning given by section 80A.”.

13. Part IXA added

After Part IX—

Add

“Part IXA

Certificates in Electronic Form

80A. Interpretation of Part IXA

In this Part—

Cap. 415C (《第415C章》) means the Merchant Shipping (Registration) (Tonnage) Regulations (Cap. 415 sub. leg. C);

certifying authority (核證當局)—

- (a) for an International Tonnage Certificate (1969)—means a Certifying Authority referred to in regulation 2A of Cap. 415C;
- (b) for any other listed certificate—means the Director or the Registrar;

e-cert database (電子證書資料庫), in relation to a certifying authority, means an electronic database that is maintained or managed by or for the certifying authority in accordance with the e-cert guidelines;

e-cert guidelines (電子證書指引) means the documents listed in Part 3 of Schedule 4A, as from time to time revised or amended by revisions or amendments to those documents;

International Tonnage Certificate (1969) (1969年國際噸位證明書) means an International Tonnage Certificate (1969) referred to in regulation 9 of Cap. 415C;

listed certificate (表列證書) means—

- (a) a document listed in column 2 of the Table in Part 2 of Schedule 4A 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;

Secretary (局長) means the Secretary for Transport and Logistics.

80B. Application

This Part and Schedule 4A apply to a ship registered in Hong Kong.

80C. Listed certificates may be issued or granted electronically

- (1) This section applies to a listed certificate that may be issued or granted by a certifying authority under a provision of this Ordinance.
- (2) A listed certificate may be issued or granted by a certifying authority in electronic form.
- (3) A listed certificate is considered as issued or granted in electronic form only if it is issued or granted in accordance with the applicable requirements set out in the e-cert guidelines.
- (4) A certifying authority must cause a listed certificate issued or granted by it in accordance with this section to be kept in the e-cert database.

80D. Listed certificates may be cancelled electronically

- (1) This section applies to a listed certificate that may be cancelled by a certifying authority under a provision of this Ordinance.
- (2) A listed certificate may be cancelled by a certifying authority in electronic form.
- (3) A listed certificate is considered as cancelled in electronic form only if the cancellation is made in accordance with the applicable requirements set out in the e-cert guidelines.
- (4) If a listed certificate is cancelled in electronic form, the requirement under any provision of this Ordinance for delivering up the certificate on its cancellation is regarded as having been met and physical delivery of the certificate is no longer required.
- (5) A certifying authority must cause a cancellation made by it in accordance with this section to be entered in the e-cert database with respect to the listed certificate.

80E. Power of Secretary to amend Schedule 4A

- (1) The Secretary may, by notice published in the Gazette, amend Schedule 4A.
- (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.”.

14. Section 87 amended (documents, copies and admissibility in evidence)

After section 87(3)—

Add

- “(4) A certification under subsection (3) relating to a copy of or extract from a listed certificate issued or granted in electronic form under Part IXA may be made in electronic form.
- (5) If a listed certificate is issued or granted in electronic form under Part IXA—
- (a) a document referred to in subsection (1)(a) includes a printout of, and an electronic copy of, the listed certificate; and
 - (b) in case of a certification relating to a copy of or extract from the listed certificate made under subsections (3) and (4)—a document referred to in subsection (1)(b)(ii) includes a printout of, and an electronic copy of, a copy of or extract from the listed certificate that is so certified.
- (6) If a certification relating to the register is made under section 8(2), a document referred to in subsection (1)(b)(i) includes a printout of, and an electronic copy of, a copy of or extract from the register that is so certified.
- (7) In subsections (4), (5) and (6)—
- listed certificate* (表列證書) has the meaning given by section 80A;
- printout* (打印本) includes a copy of a printout.”.

15. Schedule 4A added

After Schedule 4—

Add

“Schedule 4A

[ss. 80A, 80B &
80E]

Certificates in Electronic Form

Part 1

Interpretation

1. Interpretation

In this Schedule—

Cap. 415C (《第415C章》) means the Merchant Shipping (Registration) (Tonnage) Regulations (Cap. 415 sub. leg. C).

Part 2

Listed Certificates

Table

Column 1	Column 2	Column 3
Item	Document	Provision
1.	certificate of registry	Section 24, 77 or 83

Shipping Legislation (Electronic Certificates and Electronic Log-books)
(Amendment) Bill 2023

Part 5
Clause 15

C2173

Column 1	Column 2	Column 3
Item	Document	Provision
2.	certificate of provisional registry	Section 30
3.	certificate of deletion	Section 65
4.	International Tonnage Certificate (1969)	Regulation 9 or 11 of Cap. 415C

Part 3

e-cert Guidelines

Guidelines for the Use of Electronic Certificates (FAL.5/Circ.39/Rev.2 dated 20 April 2016) approved by the Facilitation Committee of the International Maritime Organization”.

Part 6

Amendments to Merchant Shipping (Seafarers) Ordinance (Cap. 478)

16. **Part XIII A added**

After Part XIII—

Add

“Part XIII A

Certificates and Log-books in Electronic Form

Division 1—Preliminary

118A. **Interpretation**

In this Part—

certifying authority (核證當局) means—

- (a) the Authority; or
- (b) a recognized organization;

e-cert database (電子證書資料庫), in relation to a certifying authority, means an electronic database that is maintained or managed by or for the certifying authority in accordance with the e-cert guidelines;

e-cert guidelines (電子證書指引) means the documents listed in Division 1 of Part 3 of Schedule 3, as from time to time revised or amended by revisions or amendments to those documents;

recognized organization (認可機構) means an organization recognized by the Authority under section 111(1) of the Merchant Shipping (Seafarers) (Working and Living Conditions) Regulation (Cap. 478 sub. leg. AF).

118B. Application

This Part and Schedule 3 apply in relation to—

- (a) a seafarer as defined by section 2A(1) who works on board a ship; or
- (b) a registered person.

Division 2—Certificates in Electronic Form relating to Maritime Labour Convention, 2006 and Log-books in Electronic Form

118C. Interpretation of Division 2

In this Division—

e-log guidelines (電子航海日誌指引) means the documents listed in Division 2 of Part 3 of Schedule 3, as from time to time revised or amended by revisions or amendments to those documents;

listed log-book (表列航海日誌) means a log-book listed in column 2 of the Table in Division 2 of Part 2 of Schedule 3 that is referred to in a provision listed in column 3 of that Table corresponding to the log-book;

MLC (《海勞公約》) means the Maritime Labour Convention, 2006, adopted by the International Labour Conference of the International Labour Organization on 23 February 2006, as from time to time revised or amended by any revision or amendment to any provision of the Convention that applies to Hong Kong;

MLC certificate (《海勞公約》證書) means—

- (a) a document listed in column 2 of the Table in Division 1 of Part 2 of Schedule 3 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.

118D. MLC certificates may be issued electronically

- (1) This section applies to an MLC certificate that may be issued by a certifying authority under a provision of this Ordinance.
- (2) An MLC certificate may be issued by a certifying authority in electronic form.
- (3) An MLC certificate is considered as issued in electronic form only if it is issued in accordance with the applicable requirements set out in the e-cert guidelines.
- (4) A certifying authority must cause an MLC certificate issued by it in accordance with this section to be kept in the e-cert database.

118E. MLC certificates may be endorsed electronically

- (1) This section applies to an MLC certificate that may be endorsed by a certifying authority under a provision of this Ordinance.
- (2) An MLC certificate may be endorsed by a certifying authority in electronic form.
- (3) An MLC certificate is considered as endorsed in electronic form only if the endorsement is made in accordance with the applicable requirements set out in the e-cert guidelines.
- (4) A certifying authority must cause an endorsement made by it in accordance with this section to be entered in the e-cert database with respect to the MLC certificate.

118F. Validity of MLC certificates may be extended electronically

- (1) This section applies to an MLC certificate the validity of which may be extended by a certifying authority under a provision of this Ordinance.
- (2) The validity of an MLC certificate may be extended by a certifying authority in electronic form.
- (3) The validity of an MLC certificate is considered as extended in electronic form only if the extension is made in accordance with the applicable requirements set out in the e-cert guidelines.
- (4) A certifying authority must cause an extension made by it in accordance with this section to be entered in the e-cert database with respect to the MLC certificate.

118G. MLC certificates may be cancelled or withdrawn electronically

- (1) This section applies to an MLC certificate that may be cancelled or withdrawn by a certifying authority under a provision of this Ordinance.
- (2) An MLC certificate may be cancelled or withdrawn by a certifying authority in electronic form.
- (3) An MLC certificate is considered as cancelled or withdrawn in electronic form only if the cancellation or withdrawal is made in accordance with the applicable requirements set out in the e-cert guidelines.
- (4) If an MLC certificate is cancelled or withdrawn in electronic form, the requirement under any provision of this Ordinance for delivering up the certificate on its cancellation or withdrawal is regarded as having been met and physical delivery of the certificate is no longer required.
- (5) A certifying authority must cause a cancellation or withdrawal made by it in accordance with this section to be entered in the e-cert database with respect to the MLC certificate.

118H. Exhibiting and keeping of MLC certificates electronically by displaying printouts

- (1) For a ship in respect of which an MLC certificate is issued, if the exhibiting or keeping of the certificate, or a copy of the certificate, on board the ship is required under a provision of this Ordinance, the requirement is also met by displaying on board the ship a printout of the certificate in electronic form.
- (2) In subsection (1)—

exhibiting (陳示), in relation to a document, includes the display or posting up of the document;

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

118I. Making and keeping of entries and records in listed log-books electronically

If an entry or record is required to be made or kept in a listed log-book under a provision of this Ordinance, the requirement is also met by making or keeping the entry or record in the log-book in electronic form—

- (a) in an electronic device on board the ship to which the log-book relates; and
- (b) in accordance with the applicable requirements set out in the e-log guidelines.

**Division 3—Electronic Competency Certificates
Issued under Ordinance**

118J. Interpretation of Division 3

In this Division—

competency certificate (適任證書) means an STCW Code certificate or a High Speed Craft Code certificate;

High Speed Craft Code (《高速船規則》) means—

- (a) the 1994 Code (as defined by section 2(1) of the Merchant Shipping (Safety) (High Speed Craft) Regulation (Cap. 369 sub. leg. AW)); or
- (b) the 2000 Code (as defined by that section);

High Speed Craft Code certificate (《高速船規則》證書) means—

- (a) a document listed in column 2 of the Table in Subdivision 2 of Division 3 of Part 2 of Schedule 3 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;

STCW Code (《培訓規則》) has the meaning given by section 2 of the Merchant Shipping (Seafarers) (Certification and Watchkeeping) Regulation (Cap. 478 sub. leg. T);

STCW Code certificate (《培訓規則》證書) means—

- (a) a document listed in column 2 of the Table in Subdivision 1 of Division 3 of Part 2 of Schedule 3 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.

118K. Competency certificates may be issued electronically

- (1) This section applies to a competency certificate that may be issued by the Authority under a provision of this Ordinance.
- (2) A competency certificate may be issued by the Authority in electronic form.

- (3) A competency certificate is considered as issued in electronic form only if it is issued in accordance with the applicable requirements set out in the e-cert guidelines.
- (4) The Authority must cause a competency certificate issued by the Authority in accordance with this section to be kept in the e-cert database.

118L. Competency certificates may be endorsed electronically

- (1) This section applies to a competency certificate that may be endorsed by the Authority under a provision of this Ordinance.
- (2) A competency certificate may be endorsed by the Authority in electronic form.
- (3) A competency certificate is considered as endorsed in electronic form only if the endorsement is made in accordance with the applicable requirements set out in the e-cert guidelines.
- (4) The Authority must cause an endorsement made by the Authority in accordance with this section to be entered in the e-cert database with respect to the competency certificate.

118M. Validity of competency certificates may be suspended electronically

- (1) This section applies to a competency certificate the validity of which may be suspended by the Authority under a provision of this Ordinance.
- (2) The validity of a competency certificate may be suspended by the Authority in electronic form.

- (3) The validity of a competency certificate is considered as suspended in electronic form only if the suspension is made in accordance with the applicable requirements set out in the e-cert guidelines.
- (4) If the validity of a competency certificate is suspended in electronic form, the requirement under any provision of this Ordinance for delivering up the certificate on the suspension of its validity is regarded as having been met and physical delivery of the certificate is no longer required.
- (5) The Authority must cause a suspension made by the Authority in accordance with this section to be entered in the e-cert database with respect to the competency certificate.

118N. Validity of competency certificates may be restored electronically

- (1) This section applies to a competency certificate the validity of which may be restored by the Authority under a provision of this Ordinance.
- (2) The validity of a competency certificate may be restored by the Authority in electronic form.
- (3) The validity of a competency certificate is considered as restored in electronic form only if the restoration is made in accordance with the applicable requirements set out in the e-cert guidelines.
- (4) If the validity of a competency certificate is restored in electronic form, the requirement under any provision of this Ordinance for returning the certificate on the restoration of its validity is regarded as having been met and physical return of the certificate is no longer required.

- (5) The Authority must cause a restoration made by the Authority in accordance with this section to be entered in the e-cert database with respect to the competency certificate.

118O. Competency certificates may be cancelled electronically

- (1) This section applies to a competency certificate that may be cancelled by the Authority under a provision of this Ordinance.
- (2) A competency certificate may be cancelled by the Authority in electronic form.
- (3) A competency certificate is considered as cancelled in electronic form only if the cancellation is made in accordance with the applicable requirements set out in the e-cert guidelines.
- (4) If a competency certificate is cancelled in electronic form, the requirement under any provision of this Ordinance for delivering up the certificate on its cancellation is regarded as having been met and physical delivery of the certificate is no longer required.
- (5) The Authority must cause a cancellation made by the Authority in accordance with this section to be entered in the e-cert database with respect to the competency certificate.

Division 4—Miscellaneous Provisions

118P. Power of Secretary for Transport and Logistics to amend Schedule 3

- (1) The Secretary for Transport and Logistics may, by notice published in the Gazette, amend Schedule 3.

- (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.”.

17. Schedule 3 added

At the end of the Ordinance—

Add

“Schedule 3

[ss. 118A, 118B, 118C,
118J & 118P]

Certificates and Log-books in Electronic Form

Part 1

Interpretation

1. Interpretation

In this Schedule—

Cap. 478AF (《第478AF章》) means the Merchant Shipping (Seafarers) (Working and Living Conditions) Regulation (Cap. 478 sub. leg. AF);

Cap. 478AG (《第478AG章》) means the Merchant Shipping (Seafarers) (Tankers) Regulation (Cap. 478 sub. leg. AG);

- Cap. 478AH** (《第478AH章》) means the Merchant Shipping (Seafarers) (Navigational Watch) Regulation (Cap. 478 sub. leg. AH);
- Cap. 478AI** (《第478AI章》) means the Merchant Shipping (Seafarers) (Certificates of Proficiency for Able Seafarers) Regulation (Cap. 478 sub. leg. AI);
- Cap. 478AJ** (《第478AJ章》) means the Merchant Shipping (Seafarers) (Safety, Security and Designated Duties Training) Regulation (Cap. 478 sub. leg. AJ);
- Cap. 478AK** (《第478AK章》) means the Merchant Shipping (Seafarers) (Ships Using Low-flashpoint Fuels) Regulation (Cap. 478 sub. leg. AK);
- Cap. 478AL** (《第478AL章》) means the Merchant Shipping (Seafarers) (Ships Operating in Polar Waters) Regulation (Cap. 478 sub. leg. AL);
- Cap. 478B** (《第478B章》) means the Merchant Shipping (Seafarers) (Entry into Dangerous Spaces) Regulation (Cap. 478 sub. leg. B);
- Cap. 478D** (《第478D章》) means the Merchant Shipping (Seafarers) (Hours of Rest) Regulation (Cap. 478 sub. leg. D);
- Cap. 478I** (《第478I章》) means the Merchant Shipping (Seafarers) (Crew Accommodation) Regulation (Cap. 478 sub. leg. I);
- Cap. 478J** (《第478J章》) means the Merchant Shipping (Seafarers) (Certification of Officers) Regulation (Cap. 478 sub. leg. J);
- Cap. 478L** (《第478L章》) means the Merchant Shipping (Seafarers) (Crew Agreements, Lists of Crew and Discharge of Seafarers) Regulation (Cap. 478 sub. leg. L);

- Cap. 478N** (《第478N章》) means the Merchant Shipping (Seafarers) (Disciplinary Offences on Board Ships) Regulation (Cap. 478 sub. leg. N);
- Cap. 478P** (《第478P章》) means the Merchant Shipping (Seafarers) (Official Log Books) Regulation (Cap. 478 sub. leg. P);
- Cap. 478Q** (《第478Q章》) means the Merchant Shipping (Seafarers) (Repatriation) Regulation (Cap. 478 sub. leg. Q);
- Cap. 478R** (《第478R章》) means the Merchant Shipping (Seafarers) (Safety Officials and Reporting of Accidents, Dangerous Occurrences and Occupational Diseases) Regulation (Cap. 478 sub. leg. R);
- Cap. 478V** (《第478V章》) means the Merchant Shipping (Seafarers) (Engine Room Watch Ratings and Electro-technical Ratings) Regulation (Cap. 478 sub. leg. V);
- Part 2 requirement** (第2部規定) has the meaning given by section 2(1) of Cap. 478AF.

Part 2

Division 1—MLC Certificates

Table

Column 1	Column 2	Column 3
Item	Document	Provision
1.	maritime labour certificate	Section 69 or 70 of Cap. 478AF
2.	interim maritime labour certificate	Section 78 of Cap. 478AF
3.	declaration of maritime labour compliance	Section 82(1) or (3) or 93(1) or (3) of Cap. 478AF
4.	compliance report	Section 91(1) of Cap. 478AF
5.	document to evidence the exemption from complying with any Part 2 requirement	Section 114 of Cap. 478AF

Division 2—Listed Log-books

Table

Column 1	Column 2	Column 3
Item	Log-book	Provision
1.	official log book	Section 34(6), (7), (8) or (9), 119, 120(b) or 129(1); Section 6 of Cap. 478B; Section 5(1) of Cap. 478D; Section 38(2) of, or section 31(2) of Schedule 6 to, Cap. 478I; Paragraph (b) or (c) of the proviso to section 14 of Cap. 478J; Section 24(1)(c)(i) or (2) of Cap. 478L; Section 6(3), 8, 9(2) or (3), 11 or 12 of Cap. 478N; Section 4 of Cap. 478P;

Shipping Legislation (Electronic Certificates and Electronic Log-books)
(Amendment) Bill 2023

Part 6
Clause 17

C2205

Column 1	Column 2	Column 3
Item	Log-book	Provision
		Section 5(3), 10(1) or 15(3)(b) of Cap. 478Q; Section 4(5) of Cap. 478R; Section 28(4)(a), 34(4)(a) or 39(3) of Cap. 478AF

Division 3—Competency Certificates

Subdivision 1—STCW Code Certificates

Table

Column 1	Column 2	Column 3
Item	Document	Provision
1.	certificate	Section 118
2.	licence	Section 118; Section 9 of Cap. 478J
3.	certificate of competency	Section 4, 6, 7A or 11 of Cap. 478J

Shipping Legislation (Electronic Certificates and Electronic Log-books)
(Amendment) Bill 2023

Part 6
Clause 17

C2207

Column 1	Column 2	Column 3
Item	Document	Provision
4.	certificates equivalent to certificates of competency or service	Section 5 or 7 of Cap. 478J
5.	certificate of proficiency	Section 4A of Cap. 478V; Section 6 of Cap. 478AH; Section 8 of Cap. 478AI; Section 9 of Cap. 478AJ; Section 6 of Cap. 478AK; Section 6 of Cap. 478AL
6.	certificate of proficiency or an endorsement on a certificate of competency, certificate of service or licence	Section 4 or 6 of Cap. 478AG

Subdivision 2—High Speed Craft Code Certificates

Table

Column 1	Column 2	Column 3
Item	Document	Provision
1.	river trade certificate of competency	Section 4(4) or 6(4) of Cap. 478J
2.	Type Rating Certificate	Section 4(6)(a)(i) or 6(6)(a)(i) of Cap. 478J

Part 3

Guidelines

Division 1—e-cert Guidelines

Guidelines for the Use of Electronic Certificates (FAL.5/Circ.39/Rev.2 dated 20 April 2016) approved by the Facilitation Committee of the International Maritime Organization

Division 2—e-log Guidelines

1. Guidelines for the Recording of Events Related to Navigation adopted by the International Maritime Organization by resolution A.916(22) on 29 November 2001

Shipping Legislation (Electronic Certificates and Electronic Log-books)
(Amendment) Bill 2023

Part 6

Clause 17

C2211

2. Electronic Record Books for Ships—Technical Specifications and Operational Requirements (ISO 21745) published by the International Organization for Standardization on 3 September 2019”.
-

Part 7

Amendments to Merchant Shipping (Security of Ships and Port Facilities) Ordinance (Cap. 582)

18. Part 1 heading added

Before section 1—

Add

“Part 1

Preliminary”.

19. Part 2 heading added

Before section 4—

Add

“Part 2

Application and Rules”.

20. Section 6A added

After section 6—

Add

“6A. Delegation by Director

- (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 the Director’s behalf of any of the functions imposed or conferred on the Director under this Ordinance.
- (2) If any function imposed or conferred on the Director under this Ordinance is performed or exercised by any other public officer, the Director is, unless the contrary is proved, regarded as having delegated to the public officer under subsection (1) the performance or exercise of the function.
- (3) No delegation under subsection (1) is to be made of any power under this Ordinance to make subsidiary legislation.
- (4) In this section—
functions (職能) includes powers and duties.”.

21. Part 3 heading added

Before section 7—

Add

“Part 3

**Designated Port Facilities and Recognized
Security Organizations”.**

22. Part 4 heading added

Before section 9—

Add

“Part 4 Inspection and Exemption”.

23. Part 5 added

After section 14—

Add

“Part 5 Certificates in Electronic Form

14A. Interpretation of Part 5

In this Part—

certifying authority (核證當局) means—

- (a) the Director; or
- (b) a recognized security organization;

e-cert database (電子證書資料庫), in relation to a certifying authority, means an electronic database that is maintained or managed by or for the certifying authority in accordance with the e-cert guidelines;

e-cert guidelines (電子證書指引) means the documents listed in Part 3 of the Schedule, as from time to time revised or amended by revisions or amendments to those documents;

listed certificate (表列證書) means—

- (a) a document listed in column 2 of the Table in Part 2 of the Schedule 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.

14B. Application

This Part and the Schedule apply to a Hong Kong ship.

14C. Listed certificates may be issued electronically

- (1) This section applies to a listed certificate that may be issued by a certifying authority under a provision of this Ordinance.
- (2) A listed certificate may be issued by a certifying authority in electronic form.
- (3) A listed certificate is considered as issued in electronic form only if it is issued in accordance with the applicable requirements set out in the e-cert guidelines.
- (4) A certifying authority must cause a listed certificate issued by it in accordance with this section to be kept in the e-cert database.

14D. Listed certificates may be endorsed electronically

- (1) This section applies to a listed certificate that may be endorsed by a certifying authority under a provision of this Ordinance.

- (2) A listed certificate may be endorsed by a certifying authority in electronic form.
- (3) A listed certificate is considered as endorsed in electronic form only if the endorsement is made in accordance with the applicable requirements set out in the e-cert guidelines.
- (4) A certifying authority must cause an endorsement made by it in accordance with this section to be entered in the e-cert database with respect to the listed certificate.

14E. Power of Secretary to amend Schedule

- (1) The Secretary may, by notice published in the Gazette, amend the Schedule.
- (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.”.

24. Part 6 heading added

Before section 15—

Add

“Part 6

Miscellaneous Provisions”.

25. Schedule added

At the end of the Ordinance—

Add

“Schedule

[ss. 14A, 14B &
14E]

Certificates in Electronic Form

Part 1

Interpretation

1. Interpretation

In this Schedule—

Cap. 582A (《第582A章》) means the Merchant Shipping (Security of Ships and Port Facilities) Rules (Cap. 582 sub. leg. A).

Part 2

Listed Certificates

Table

Column 1	Column 2	Column 3
Item	Document	Provision
1.	International Ship Security Certificate	Rule 14 of Cap. 582A
2.	Interim International Ship Security Certificate	Rule 16 of Cap. 582A

Part 3

e-cert Guidelines

Guidelines for the Use of Electronic Certificates
FAL.5/Circ.39/Rev.2 dated 20 April 2016) approved by the
Facilitation Committee of the International Maritime
Organization”.

Part 8

Amendments to Bunker Oil Pollution (Liability and Compensation) Ordinance (Cap. 605)

26. Part 3A added

After Part 3—

Add

“Part 3A

Insurance Certificates in Electronic Form

17A. Interpretation of Part 3A

In this Part—

e-cert database (電子證書資料庫), in relation to an issuing authority, means an electronic database that is maintained or managed by or for the issuing authority in accordance with the e-cert guidelines;

e-cert guidelines (電子證書指引) means the documents listed in the Schedule, as from time to time revised or amended by revisions or amendments to those documents;

issuing authority (發證當局) means—

- (a) the Director; or
- (b) an authorized person;

Secretary (局長) means the Secretary for Transport and Logistics.

17B. Application

This Part and the Schedule apply to a ship registered in Hong Kong.

17C. Insurance certificates may be issued electronically

- (1) This section applies to an insurance certificate that may be issued by an issuing authority under a provision of this Ordinance.
- (2) An insurance certificate may be issued by an issuing authority in electronic form.
- (3) An insurance certificate is considered as issued in electronic form only if it is issued in accordance with the applicable requirements set out in the e-cert guidelines.
- (4) An issuing authority must cause an insurance certificate issued by it in accordance with this section to be kept in the e-cert database.

17D. Insurance certificates may be cancelled electronically

- (1) This section applies to an insurance certificate that may be cancelled by an issuing authority under a provision of this Ordinance.
- (2) An insurance certificate may be cancelled by an issuing authority in electronic form.
- (3) An insurance certificate is considered as cancelled in electronic form only if the cancellation is made in accordance with the applicable requirements set out in the e-cert guidelines.

- (4) If an insurance certificate is cancelled in electronic form, the requirement under any provision of this Ordinance for delivering up the certificate on its cancellation is regarded as having been met and physical delivery of the certificate is no longer required.
- (5) An issuing authority must cause a cancellation made by it in accordance with this section to be entered in the e-cert database with respect to the insurance certificate.

17E. Power of Secretary to amend Schedule

- (1) The Secretary may, by notice published in the Gazette, amend the Schedule.
- (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.”.

27. Section 33A added

After section 33—

Add

“33A. Delegation by Director

- (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 the Director’s behalf of any of the functions imposed or conferred on the Director under this Ordinance.

- (2) If any function imposed or conferred on the Director under this Ordinance is performed or exercised by any other public officer, the Director is, unless the contrary is proved, regarded as having delegated to the public officer under subsection (1) the performance or exercise of the function.
- (3) No delegation under subsection (1) is to be made of any power under this Ordinance to make subsidiary legislation.
- (4) In this section—
functions (職能) includes powers and duties.”.

28. Schedule added

At the end of the Ordinance—

Add

“Schedule

[ss. 17A, 17B &
17E]

e-cert Guidelines

Guidelines for the Use of Electronic Certificates (FAL.5/Circ.39/Rev.2 dated 20 April 2016) approved by the Facilitation Committee of the International Maritime Organization”.

Part 9

Consequential and Related Amendments

Division 1—Amendment to Specification of Public Offices Notice (Cap. 1 sub. leg. C)

29. Schedule amended (specification of public offices)

The Schedule—

Repeal

“Director of Marine

Merchant Shipping (Safety)
Ordinance (Cap. 369),
sections 15(2)(i), 17(2)(i),
18(2)(i), 21(2), 31, 38(4),
51(2) and (3), 57(2), 62, 63
and 114(1).

Director of Marine

Merchant Shipping (Minimum
Passenger Space) Regulations
(Cap. 369 sub. leg. E),
regulations 16(5), 23(1) and
(2), 30(10) and 43.

Director of Marine

Merchant Shipping (Safety)
(Anchors and Chain Cables)
Regulations (Cap. 369 sub.
leg. Q), regulation 11.

Director of Marine

Merchant Shipping (Safety)
(Cargo Ship Construction
and Survey) (Ships Built
Before 1 September 1984)

Shipping Legislation (Electronic Certificates and Electronic Log-books)
(Amendment) Bill 2023

Part 9—Division 1
Clause 29

C2237

	Regulations (Cap. 369 sub. leg. R), regulations 1(7), 10(4) and 36(2).
Director of Marine	Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations (Cap. 369 sub. leg. S), regulation 1(4).
Director of Marine	Merchant Shipping (Safety) (Fire Protection) (Ships Built Before 25 May 1980) Regulations (Cap. 369 sub. leg. W), regulations 3(4), 6(2), 31(2), 48(2) and 74(2).
Director of Marine	Merchant Shipping (Safety) (Fire Appliances) (Ships Built On or After 25 May 1980 but Before 1 September 1984) Regulations (Cap. 369 sub. leg. X), regulations 5(2), 11(4), 33(3), 56(2), 60(2) and 62(2).
Director of Marine	Merchant Shipping (Safety) (Fire Protection) (Ships Built On or After 1 September 1984) Regulations (Cap. 369 sub. leg. Y), regulations 5(1)(b), 10(4), 31(2)(b), 44(2), 46(2), 58(3),

Shipping Legislation (Electronic Certificates and Electronic Log-books)
(Amendment) Bill 2023

Part 9—Division 1
Clause 29

C2239

	85(2)(b), 86(2), 101(2)(b), 102(2) and 145.
Director of Marine	Merchant Shipping (Safety) (Grain) Regulations (Cap. 369 sub. leg. AA), regulation 8.
Director of Marine	Merchant Shipping (Safety) (Means of Access) Regulations (Cap. 369 sub. leg. AH), regulation 3(3).
Director of Marine	Merchant Shipping (Safety) (Passenger Ship Construction) (Ships Built Before 1 September 1984) Regulations (Cap. 369 sub. leg. AL), regulations 2, 8(4) and (6), 62(2)(b), 63(2), 78(2)(b), 79(2), 114(2), 128(7)(a) and 131(2)(g).
Director of Marine	Merchant Shipping (Safety) (Passenger Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations (Cap. 369 sub. leg. AM), regulations 2 and 8(2) and (5).

Shipping Legislation (Electronic Certificates and Electronic Log-books)
(Amendment) Bill 2023

Part 9—Division 1

Clause 29

C2241

Director of Marine	Merchant Shipping (Safety) (Protective Clothing and Equipment) Regulations (Cap. 369 sub. leg. AO), regulation 3(4).
Director of Marine	Merchant Shipping (Safety) (Radio Installations Survey) Regulations (Cap. 369 sub. leg. AQ), regulation 3(2).
Director of Marine	Merchant Shipping (Safety) (Ship's Manning) Regulation (Cap. 369 sub. leg. AS), section 3.
Director of Marine	Merchant Shipping (Safety) (Subdivision and Damage Stability of Cargo Ships) Regulation (Cap. 369 sub. leg. AT), section 3.
Director of Marine	Merchant Shipping (Safety) (Carriage of Cargoes and Oil Fuel) Regulation (Cap. 369 sub. leg. AV), section 2(3).
Director of Marine	Merchant Shipping (Safety) (High Speed Craft) Regulation (Cap. 369 sub. leg. AW), section 12.

Shipping Legislation (Electronic Certificates and Electronic Log-books)
(Amendment) Bill 2023

Part 9—Division 1
Clause 29

C2243

Director of Marine	Merchant Shipping (Safety) (Life-Saving Appliances and Arrangements, Musters and Training) Regulation (Cap. 369 sub. leg. AY), section 7(2) and (3).
Director of Marine	Merchant Shipping (Safety) (Dangerous Goods and Marine Pollutants) Regulation (Cap. 413 sub. leg. H), section 1(4).
Director of Marine	Merchant Shipping (Prevention and Control of Pollution) (Charges for Discharge of Polluting Waste) Regulation (Cap. 413 sub. leg. I), section 3(3).
Director of Marine	Merchant Shipping (Prevention of Pollution by Sewage) Regulation (Cap. 413 sub. leg. K), section 3(4).
Director of Marine	Merchant Shipping (Prevention of Pollution by Garbage) Regulation (Cap. 413 sub. leg. O), section 14.
Director of Marine	Merchant Shipping (Prevention of Air Pollution) Regulation (Cap. 413 sub. leg. P), section 99.

Shipping Legislation (Electronic Certificates and Electronic Log-books)
(Amendment) Bill 2023

Part 9—Division 1
Clause 29

C2245

Director of Marine	Merchant Shipping (Control of Ballast Water and Sediments) Regulation (Cap. 413 sub. leg. Q), section 40.
Director of Marine	Merchant Shipping (Seafarers) (Health and Safety: General Duties) Regulation (Cap. 478 sub. leg. C), section 7A.
Director of Marine	Merchant Shipping (Seafarers) (Hours of Rest) Regulation (Cap. 478 sub. leg. D), section 3(2).
Director of Marine	Merchant Shipping (Seafarers) (Safe Movement on Board Ship) Regulation (Cap. 478 sub. leg. G), section 3(3).
Director of Marine	Merchant Shipping (Seafarers) (Certification of Officers) Regulation (Cap. 478 sub. leg. J), section 3(2).
Director of Marine	Merchant Shipping (Seafarers) (Code of Safe Working Practices) Regulation (Cap. 478 sub. leg. M), section 3(2).

Shipping Legislation (Electronic Certificates and Electronic Log-books)
(Amendment) Bill 2023

Part 9—Division 1
Clause 29

C2247

Director of Marine	Merchant Shipping (Seafarers) (Medical Examination) Regulation (Cap. 478 sub. leg. O), section 3(3).
Director of Marine	Merchant Shipping (Seafarers) (Safety Officials and Reporting of Accidents, Dangerous Occurrences and Occupational Diseases) Regulation (Cap. 478 sub. leg. R), section 3(3).
Director of Marine	Merchant Shipping (Seafarers) (Certification and Watchkeeping) Regulation (Cap. 478 sub. leg. T), section 3(3).
Director of Marine	Merchant Shipping (Seafarers) (Engine Room Watch Ratings and Electro-technical Ratings) Regulation (Cap. 478 sub. leg. V), section 3(2).
Director of Marine	Merchant Shipping (Seafarers) (Medical Stores) Regulation (Cap. 478 sub. leg. X), section 3(2).
Director of Marine	Merchant Shipping (Seafarers) (Passenger Ships—Training) Regulation (Cap. 478 sub. leg. AD), section 2(2).

Shipping Legislation (Electronic Certificates and Electronic Log-books)
(Amendment) Bill 2023

Part 9—Division 1
Clause 29

C2249

Director of Marine	Merchant Shipping (Seafarers) (Working and Living Conditions) Regulation (Cap. 478 sub. leg. AF), section 114.
Director of Marine	Merchant Shipping (Seafarers) (Tankers) Regulation (Cap. 478 sub. leg. AG), section 13.
Director of Marine	Merchant Shipping (Seafarers) (Navigational Watch) Regulation (Cap. 478 sub. leg. AH), section 12.
Director of Marine	Merchant Shipping (Seafarers) (Certificates of Proficiency for Able Seafarers) Regulation (Cap. 478 sub. leg. AI), section 14.
Director of Marine	Merchant Shipping (Seafarers) (Safety, Security and Designated Duties Training) Regulation (Cap. 478 sub. leg. AJ), section 16.
Director of Marine	Merchant Shipping (Seafarers) (Ships Using Low-flashpoint Fuels) Regulation (Cap. 478 sub. leg. AK), section 13.

Director of Marine	Merchant Shipping (Seafarers) (Ships Operating in Polar Waters) Regulation (Cap. 478 sub. leg. AL), section 13.
Director of Marine	Merchant Shipping (Security of Ships and Port Facilities) Ordinance (Cap. 582), section 14.”.

**Division 2—Amendments to Merchant Shipping (Safety)
(Gas Carriers) Regulations (Cap. 369 sub. leg. Z)**

30. **Regulation 6 amended (power of Director in respect of appointments and delegations)**
- (1) Regulation 6, heading—
Repeal
“and delegations”.
- (2) Regulation 6—
Repeal subregulations (3) and (4).

**Division 3—Amendment to Merchant Shipping (Safety)
(High Speed Craft) Regulation (Cap. 369 sub. leg. AW)**

31. **Section 14 repealed (delegation)**
- Section 14—
Repeal the section.

**Division 4—Amendment to Merchant Shipping (Safety)
(Safety Management) Regulation (Cap. 369 sub. leg. AX)**

32. Section 15 repealed (delegation)

Section 15—

Repeal the section.

**Division 5—Amendment to Merchant Shipping (Prevention
of Oil Pollution) Regulations (Cap. 413 sub. leg. A)**

33. Regulation 3AA repealed (Director may delegate powers etc.)

Regulation 3AA—

Repeal the regulation.

**Division 6—Amendments to Merchant Shipping (Control of
Pollution by Noxious Liquid Substances in Bulk)
Regulations (Cap. 413 sub. leg. B)**

**34. Regulation 2A amended (power of Director in respect of
appointments and delegations)**

(1) Regulation 2A, heading—

Repeal

“and delegations”.

(2) Regulation 2A—

Repeal paragraphs (3) and (4).

Division 7—Amendments to Merchant Shipping (BCH Code) Regulations (Cap. 413 sub. leg. D)

35. **Regulation 2A amended (power of Director in respect of appointments and delegations)**
- (1) Regulation 2A, heading—
Repeal
“and delegations”.
 - (2) Regulation 2A—
Repeal paragraphs (2) and (3).

Division 8—Amendments to Merchant Shipping (IBC Code) Regulations (Cap. 413 sub. leg. E)

36. **Regulation 2A amended (power of Director in respect of appointments and delegations)**
- (1) Regulation 2A, heading—
Repeal
“and delegations”.
 - (2) Regulation 2A—
Repeal paragraphs (2) and (3).

Division 9—Amendment to Merchant Shipping (Security of Ships and Port Facilities) Rules (Cap. 582 sub. leg. A)

37. **Rule 3 amended (security instructions)**
- Rule 3—
Repeal subrule (3).
-

Explanatory Memorandum

This Bill amends various shipping legislation—

- (a) to facilitate the use of electronic certificates and electronic log-books and record books for ships registered in Hong Kong, and for seafarers and registered persons (within the meaning of the Merchant Shipping (Seafarers) Ordinance (Cap. 478)); and
- (b) to provide that the Director of Marine (*Director*) may delegate the Director's functions under certain shipping legislation to other public officers.

2. The Bill is divided into 9 Parts.

Part 1—Preliminary (Clauses 1 and 2)

3. Clause 1 sets out the short title.

Part 2—Amendments to Merchant Shipping (Safety) Ordinance (Cap. 369) (Clauses 3, 4 and 5)

4. Part 2 amends the Merchant Shipping (Safety) Ordinance (Cap. 369) (*Cap. 369*) in order to—

- (a) add a new Part IIA to provide for the recognition of electronic certificates and electronic log-books by providing for the relevant definitions and by stipulating that certain actions under Cap. 369 and its subsidiary legislation in relation to a document listed in Division 1 of Part 2 of the new Schedule to Cap. 369 (*Cap. 369 Schedule*) added by clause 5 (*Cap. 369 listed certificate*) or a log-book listed in Division

2 of Part 2 of the Cap. 369 Schedule (**Cap. 369 listed log-book**) may be done in electronic form if the actions are done—

- (i) in the case of a Cap. 369 listed certificate—in accordance with the guidelines set out in Division 1 of Part 3 of the Cap. 369 Schedule; or
 - (ii) in the case of a Cap. 369 listed log-book—in accordance with the guidelines set out in Division 2 of Part 3 of the Cap. 369 Schedule; and
- (b) add a new section 113A to enable the Director to delegate the performance or exercise of functions imposed or conferred on the Director under Cap. 369 and its subsidiary legislation to any other public officer.

Part 3—Amendments to Merchant Shipping (Prevention and Control of Pollution) Ordinance (Cap. 413) (Clauses 6, 7 and 8)

5. Part 3 amends the Merchant Shipping (Prevention and Control of Pollution) Ordinance (Cap. 413) (**Cap. 413**) in order to—
- (a) add a new Part IIA to provide for the recognition of electronic certificates and electronic log-books by providing for the relevant definitions and by stipulating that certain actions under Cap. 413 and its subsidiary legislation in relation to a document listed in Division 1 of Part 2 of the new Schedule to Cap. 413 (**Cap. 413 Schedule**) added by clause 8 (**Cap. 413 listed certificate**) or a log-book listed in Division 2 of Part 2 of Cap. 413 Schedule (**Cap. 413 listed log-book**) may be done in electronic form if the actions are done—

- (i) in the case of a Cap. 413 listed certificate—in accordance with the guidelines set out in Division 1 of Part 3 of the Cap. 413 Schedule; or
 - (ii) in the case of a Cap. 413 listed log-book—in accordance with the guidelines set out in Division 2 of Part 3 of the Cap. 413 Schedule; and
- (b) add a new section 3AA to enable the Director to delegate the performance or exercise of functions imposed or conferred on the Director under Cap. 413 and its subsidiary legislation to any other public officer.

Part 4—Amendments to Merchant Shipping (Liability and Compensation for Oil Pollution) Ordinance (Cap. 414) (Clauses 9, 10 and 11)

6. Part 4 amends the Merchant Shipping (Liability and Compensation for Oil Pollution) Ordinance (Cap. 414) (*Cap. 414*) in order to—
- (a) add a new Part IIIA to provide for the recognition of insurance certificates under section 15(2) of Cap. 414 in electronic form by providing for the relevant definitions and by stipulating that certain actions under Cap. 414 and its subsidiary legislation in relation to an insurance certificate may be done in electronic form if the actions are done in accordance with the guidelines set out in the new Schedule 3 to Cap. 414 added by clause 11; and

- (b) add a new section 30A to enable the Director to delegate the performance or exercise of functions imposed or conferred on the Director under Cap. 414 and its subsidiary legislation to any other public officer.

Part 5—Amendments to Merchant Shipping (Registration) Ordinance (Cap. 415) (Clauses 12 to 15)

- 7. Part 5 amends the Merchant Shipping (Registration) Ordinance (Cap. 415) (*Cap. 415*) in order to—
 - (a) add a new Part IXA to provide for the recognition of electronic certificates by providing for the relevant definitions and by stipulating that certain actions under Cap. 415 and its subsidiary legislation in relation to a document listed in Part 2 of the new Schedule 4A to Cap. 415 (*Cap. 415 Schedule 4A*) added by clause 15 (*Cap. 415 listed certificate*) may be done in electronic form if the actions are done in accordance with the guidelines set out in Part 3 of the Cap. 415 Schedule 4A;
 - (b) amend section 8 of Cap. 415 to ensure that furnishing of copies of, or extracts from, an entry in the register under section 8(1)(b) of Cap. 415, and certification of such copies and extracts under section 8(1)(c) of Cap. 415 may be made in electronic form; and
 - (c) amend section 87 of Cap. 415 to ensure that Cap. 415 listed certificates in electronic form, and copies or extracts certified in electronic form of entries in the register kept under section 7 of Cap. 415 in relation to Cap. 415 listed certificates, are admissible in evidence in legal proceedings.

Part 6—Amendments to Merchant Shipping (Seafarers) Ordinance (Cap. 478) (Clauses 16 and 17)

8. Part 6 adds a new Part XIII A in the Merchant Shipping (Seafarers) Ordinance (Cap. 478) (*Cap. 478*) to provide for the recognition of electronic certificates related to the Maritime Labour Convention, 2006, electronic log-books, and certain electronic certificates related to the Seafarers' Training, Certification and Watchkeeping Code and the International Code of Safety for High Speed Craft, that are issued under Cap. 478 by providing for the relevant definitions and by stipulating that certain actions under Cap. 478 and its subsidiary legislation in relation to a document listed in Divisions 1 and 3 of Part 2 of the new Schedule 3 to Cap. 478 (*Cap. 478 Schedule 3*) added by clause 17 (*Cap. 478 listed certificates*) or a log-book listed in Division 2 of Part 2 of Cap. 478 Schedule 3 (*Cap. 478 listed log-books*) may be done in electronic form if the actions are done—
- (a) in the case of a Cap. 478 listed certificate—in accordance with the guidelines set out in Division 1 of Part 3 of the Cap. 478 Schedule 3; or
 - (b) in the case of a Cap. 478 listed log-book—in accordance with the guidelines set out in Division 2 of Part 3 of the Cap. 478 Schedule 3.

Part 7—Amendments to Merchant Shipping (Security of Ships and Port Facilities) Ordinance (Cap. 582) (Clauses 18 to 25)

9. Part 7 amends the Merchant Shipping (Security of Ships and Port Facilities) Ordinance (Cap. 582) (*Cap. 582*) in order to—
- (a) add a new Part 5 to provide for the recognition of electronic certificates by providing for the relevant definitions and by stipulating that certain actions

under Cap. 582 and its subsidiary legislation in relation to a document listed in Part 2 of the new Schedule to Cap. 582 (*Cap. 582 Schedule*) added by clause 25 may be done in electronic form if the actions are done in accordance with the guidelines set out in Part 3 of the Cap. 582 Schedule;

- (b) add a new section 6A to enable the Director to delegate the performance or exercise of functions imposed or conferred on the Director under Cap. 582 and its subsidiary legislation to any other public officer; and
- (c) add new Part headings to Parts 1, 2, 3, 4 and 6 of Cap. 582.

Part 8—Amendments to Bunker Oil Pollution (Liability and Compensation) Ordinance (Cap. 605) (Clauses 26, 27 and 28)

10. Part 8 amends the Bunker Oil Pollution (Liability and Compensation) Ordinance (Cap. 605) (*Cap. 605*) in order to—
- (a) add a new Part 3A to provide for the recognition of insurance certificates as defined by section 2(1) of Cap. 605 in electronic form by providing for the relevant definitions and by stipulating that certain actions under Cap. 605 and its subsidiary legislation in relation to an insurance certificate may be done in electronic form if the actions are done in accordance with the guidelines set out in the new Schedule to Cap. 605 added by clause 28; and
 - (b) add a new section 33A to enable the Director to delegate the performance or exercise of functions imposed or conferred on the Director under Cap. 605 and its subsidiary legislation to any other public officer.

Shipping Legislation (Electronic Certificates and Electronic Log-books)
(Amendment) Bill 2023

Explanatory Memorandum
Paragraph 11

C2269

Part 9—Consequential and Related Amendments (Clauses 29 to 37)

11. Part 9 contains amendments to other enactments that are consequential or related to the introduction of new provisions on the delegation of functions by the Director.