

LEGISLATIVE COUNCIL.

Draft Bill.

No. S. 28.—The following bill is published for general information:—

C S O 2497/12

[No. 30 :—1.12.30.—1.]

A BILL

INTITULED

An Ordinance to amend the Merchant Shipping Ordinance, 1899.

BE it enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof, as follows:—

Short title. 1. This Ordinance may be cited as the Merchant Shipping Amendment Ordinance, 1931.

Amendment of Ordinance No. 10 of 1899. 2. Table I in the Schedule to the Merchant Shipping Ordinance, 1899, is repealed and the following Table is substituted therefor:—

Substitution of new Table for Table I in Schedule.

Table I.

ENGAGEMENT AND DISCHARGE FEES.

1.—Engagement and discharge of seamen at the Mercantile Marine Office.

Fee for engagement or discharge of a mate, purser, engineer, surgeon, carpenter, steward or wireless telegraph operator\$ 1.00

Fee for engagement or discharge of every other seaman\$ 0.75

2.—Engagement and discharge of seamen on board ship.

Fee, where not more than 40 seamen are engaged or discharged, for each seaman\$ 0.75

Minimum fee in such case\$15.00

Fee, where more than 40 and not more than 100 seamen are engaged or discharged, for each visit\$30.00

Fee, where more than 100 and not more than 150 seamen are engaged or discharged, for each visit\$37.50

Fee where more than 150 seamen are engaged or discharged, for the first 150\$37.50

for every additional 50 or less...\$ 7.50

Where seamen are re-engaged on board the ship at the time of discharge the fee payable shall be the discharge fee plus half the engagement fee. In all the above cases the actual travelling expenses of the Officers of the Mercantile Marine Office, between the Office and the ship shall be

3.—*Overtime fees where seamen are engaged or discharged.*

On Sundays or other General or

Public holidays :—

Before 6 a.m., and after 8 p.m.....\$20 per hour.
at other times.....\$10 per hour.

On Saturdays :—

From 8 a.m. to 9 a.m.\$ 5 per hour.
From 6 a.m. to 8 a.m., and from 1 p.m. to 8 p.m.\$10 per hour.
Before 6 a.m., and after 8 p.m.\$20 per hour.

On other Days :—

From 8 a.m. to 9 a.m., and from 5 p.m. to 6 p.m.\$ 5 per hour.
From 6 a.m. to 8 a.m., and from 6 p.m. to 8 p.m.\$10 per hour.
Before 6 a.m., and after 8 p.m.....\$20 per hour.

On all the above occasions any portion of an hour shall count as one hour.

3. Table J in the Schedule to the Merchant Shipping Ordinance, 1899, is amended :—

Amendment of Ordinance No. 10 of 1899, Schedule Table J.

- (i) by the deletion of the word "crews" in the first line of paragraph 1 thereof and by the substitution therefor of the word "seamen".
- (ii) by the deletion of the words "or steward" in the fourth line of paragraph 1 and in the fourth line of paragraph 2 thereof and by the substitution therefor in each case of the words "steward or wireless telegraph operator".
- (iii) by the deletion of the words "all others, except apprentices" in the last line of paragraph 1 and in the last line of paragraph 2 thereof and by the substitution therefor in each case of the words "from wages of all other seamen".

4. This Ordinance shall not come into operation unless and until the Governor notifies by Proclamation that it is His Majesty's pleasure not to disallow the same and thereafter it shall come into operation upon such day as the Governor shall notify by the same or any other Proclamation.

Objects and Reasons.

1. Table I in the Schedule to the Merchant Shipping Ordinance (Ordinance No. 10 of 1899) in the Ordinances of Hong Kong, 1844-1923 as it appears in the Revised Edition of 1924 is as follows :—

Table I. [ss. 5 (5) & 43 (3).]

FEEs TO BE CHARGED AT THE MERCANTILE MARINE OFFICE.

1.—*Engagement or discharge of crews.*

In ships under 100 tons\$ 5.00
100 to 400 tons 10.00

400 to 700 tons	15.00
700 to 1,000 tons	20.00

and so on for ships of larger tonnage adding for every 300 tons or part of 300 tons, 5 dollars.

2.—Engagement or discharge of seamen.

Separately 80 cents each.

Overtime fee, when engagement or discharge takes place on board ships.

From 8 a.m. to 9 a.m., and 5 p.m. to 6 p.m.	\$ 5 per hour.
From 6 a.m. to 8 a.m., and 6 p.m. to 8 p.m.	10 per hour.
Before 6 a.m., and after 8 p.m.....	20 per hour.

Any portion of an hour shall count as one hour.

2. Section 5 (5) of the said Ordinance provides for the payment upon all engagements and discharges of "such fees, not exceeding the sums specified in Table I in the Schedule, as may be fixed by the Governor in Council".

3. The unprecedented fall in the sterling exchange value of the local dollar and the necessity for revising and adjusting the sources of revenue to meet current needs has brought this Table of fees under review with the result that the new Table I set out in section 2 has been approved by the Government of the Colony.

4. Section 3 includes wireless telegraph operators in Table J so as to bring it into line with the new Table I. Such persons were not contemplated at the time of the passing of Ordinance No. 10 of 1899. Table J is also revised by the substitution of the word "seamen" for the word "crew" as being a word the precise meaning of which is ascertainable under the provisions of the principal Ordinance, under section 2 of which "seaman" includes every person (except masters, pilots, and apprentices duly indentured and registered) employed or engaged in any capacity on board any ship.

5. Clause 4 repeats the suspending clause which was included in the principal Ordinance (section 47 of Ordinance No. 36 of 1899, as numbered before the renumbering as Ordinance No. 10 of 1899 in Sir John Carrington's Revised Edition of the Ordinances from 1844-1901) is consequence of section 735 of the Merchant Shipping Act, 1894. The principal Ordinance of 1899 and the amending Ordinances of 1901 and 1903 were confirmed by His Majesty's Order in Council of the 10th August, 1903 (No. 674 on p. 313 of Vol. 8 of the Statutory Rules and Orders Revised to 31st December, 1903) and was proclaimed in the Colony on the 18th September, 1903 (Proclamation No. 6 in Hong Kong Government Gazette of the 18th September, 1903, p. 1071).

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December, 1930.