

《商船 (船舶及港口设施保安) 规则》

MERCHANT SHIPPING (SECURITY OF SHIPS AND
PORT FACILITIES) RULES

(第 582 章, 附属法例 A)

(Cap. 582 sub. leg. A)

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《商船 (船舶及港口设施保安) 规则》

(第 582 章第 6 条)

[2004 年 6 月 29 日]

第 1 部

一般条文

1. 释义

在本规则中，除文意另有所指外——

“公司” (company) 就某船舶而言，指——

- (a) 该船舶的拥有人；或
- (b) 已承担营运该船舶的责任的任何人 (包括该船舶的管理者或光船租赁人)，而该人在承担该责任时同意接收《国际安全管理规则》就该船舶而施加的所有职责及责任；

“公司保安官员” (company security officer) 指根据第 9(1)(b) 条获指定的人；

“保安指示” (security instruction) 指根据第 3 条发出的指示；

“保安级别” (security level) 指依据《国际规则》第 A 部分第 4.1 条订定的将会发生威胁船舶或港口设施的保安的任何可疑作为或情况的风险程度的界定；

“保安声明” (Declaration of Security) 指船舶与它所接触的港口设施或船舶之间达成的协议，该协议指明它们将会各自实施的保安措施；

MERCHANT SHIPPING (SECURITY OF SHIPS AND PORT FACILITIES) RULES

(Cap. 582, section 6)

[29 June 2004]

PART 1

GENERAL PROVISIONS

1. Interpretation

In these Rules, unless the context otherwise requires—

“company” (公司), in relation to a ship, means—

- (a) the owner of the ship; or
- (b) any person, including the manager or bareboat charterer of the ship, who has assumed responsibility for the operation of the ship and, on assuming that responsibility, agreed to take over all duties and responsibilities imposed in respect of the ship by the International Safety Management Code;

“company security officer” (公司保安官员) means a person designated under rule 9(1)(b);

“Declaration of Security” (保安声明) means an agreement reached between a ship and a port facility or a ship with which it interfaces specifying the security measures that each will implement;

“interim certificate” (临时证书) means an Interim International Ship Security Certificate issued under rule 16;

- “保安证书” (security certificate) 指根据第 14 条发出或签注的国际船舶保安证书；
- “船舶保安官员” (ship security officer) 指根据第 9(1)(a) 条获指定的人；
- “船舶保安计划” (ship security plan) 指《国际规则》第 A 部分第 9 条提述的计划；
- “《国际安全管理规则》” (International Safety Management Code) 指国际海事组织采纳并经该组织不时修订的《船舶安全营运及防止污染国际管理规则》；
- “港口设施保安官员” (port facility security officer) 指根据第 24(1) 条获指定的人；
- “港口设施保安计划” (port facility security plan) 指《国际规则》第 A 部分第 16 条提述的计划；
- “临时证书” (interim certificate) 指根据第 16 条发出的国际临时船舶保安证书。

2. 保安级别的订定

处长须依据《国际规则》第 A 部分第 4.1 条藉刊登可透过互联网查阅的通告订定保安级别。

3. 保安指示

- (1) 当处长订定的保安级别处于第 3 级时，处长可发出他认为合适的保安指示予——
- (a) 香港船舶；

- “International Safety Management Code” (《国际安全管理规则》) means the International Management Code for the Safe Operation of Ships and for Pollution Prevention adopted by the International Maritime Organization as amended by the Organization from time to time;
- “port facility security officer” (港口设施保安官员) means a person designated under rule 24(1);
- “port facility security plan” (港口设施保安计划) means a plan referred to in section 16 of part A of the Code;
- “security certificate” (保安证书) means an International Ship Security Certificate issued or endorsed under rule 14;
- “security instruction” (保安指示) means an instruction given under rule 3;
- “security level” (保安级别) means the qualification of the degree of risk that any suspicious act or circumstance threatening the security of a ship or port facility will occur as set pursuant to section 4.1 of part A of the Code;
- “ship security officer” (船舶保安官员) means a person designated under rule 9(1)(a);
- “ship security plan” (船舶保安计划) means a plan referred to in section 9 of part A of the Code.

2. Setting of security levels

The Director shall set security levels pursuant to section 4.1 of part A of the Code by publishing a notice which is accessible through the Internet.

3. Security instructions

- (1) Where security level 3 is set by the Director, the Director may give such security instructions as he thinks fit to—
- (a) a Hong Kong ship;

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- (b) 在香港水域的非香港船舶；或
- (c) 经指定港口设施。
- (2) 处长须以他认为合适的方式发出第 (1) 款提述的保安指示，而该等方式包括——
 - (a) 发表可透过互联网查阅的通告；
 - (b) 透过电台或电视台作公开宣告；
 - (c) 于行销于香港的任何日报刊登通告；及
 - (d) 向有关船舶的公司或船长或有关的经指定港口设施的管理人发出通知书。
- (3) 处长可将他在第 (1) 款下的权力转授予他认为合适的人。
- (4) 凡处长已根据第 (1) 款向某船舶或某经指定港口设施发出保安指示，该船舶的公司及船长或该港口设施的管理人须——
 - (a) 确保该保安指示在没有不当延迟的情况下获遵从；及
 - (b) 如遵守 (a) 段并非切实可行，在没有不当延迟的情况下将该项事实通知处长。
- (5) 如在香港水域的船舶的公司或船长已接获向该船舶发出的保安指示，但该公司或船长在没有合理辩解的情况下没有遵守第 (4) 款，该公司或船长 (视属何情况而定) 即属犯罪，一经定罪，可处第 5 级罚款。
- (6) 如经指定港口设施的管理人已接获向该港口设施发出的保安指示，但该管理人在没有合理辩解的情况下没有遵守第 (4) 款，该管理人即属犯罪，一经定罪，可处罚款 \$500,000 及监禁 3 年。

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- (b) a non-Hong Kong ship in the waters of Hong Kong; or
- (c) a designated port facility.
- (2) Security instructions referred to in subrule (1) shall be given by such means as the Director thinks fit including—
 - (a) publishing a notice which is accessible through the Internet;
 - (b) making a public announcement by radio or television;
 - (c) placing a notice in any daily newspaper in circulation in Hong Kong; and
 - (d) issuing a notice to the company or the master of the ship or the management of the designated port facility.
- (3) The Director may delegate his power under subrule (1) to such persons as he thinks fit.
- (4) The company and the master of a ship or the management of a designated port facility to which a security instruction is given by the Director under subrule (1) shall—
 - (a) ensure that the security instruction is complied with without undue delay; and
 - (b) where it is impracticable to comply with paragraph (a), notify the Director of that fact without undue delay.
- (5) If a security instruction given to a ship in the waters of Hong Kong has been received by the company or the master of the ship but the company or the master, without reasonable excuse, fails to comply with subrule (4), the company or the master (as the case may be) commits an offence and is liable on conviction to a fine at level 5.
- (6) If a security instruction given to a designated port facility has been received by the management of the port facility but the management, without reasonable excuse, fails to comply with subrule (4), the management commits an offence and is liable

4. 将职能转授予经认可的保安组织

除《国际规则》第 A 部分第 4.3 条指明的例外情况外，处长可以书面将他在《公约》第 XI-2 章及《国际规则》第 A 部分下的与船舶或港口设施的保安有关的职能转授予任何经认可的保安组织。

5. 禁区的宣布

- (1) 如处长合理地相信为了消除或遏制任何保安威胁，有必要禁止所有船只或任何类别或类型的船只进入香港水域的某个范围，他可宣布该范围为禁区，禁止该等船只或该类别或类型的船只 (视属何情况而定) 进入该范围。
- (2) 如某船只的船长在没有合理辩解的情况下违反根据第 (1) 款作出的宣布而安排该船只进入禁区，他即属犯罪，一经定罪，可处第 5 级罚款及监禁 6 个月。
- (3) 处长须以他认为合适的方式作出第 (1) 款提述的宣布，而该等方式包括——
 - (a) 发表可透过互联网查阅的通告；
 - (b) 透过电台或电视台作公开宣告；及
 - (c) 于行销于香港的任何日报刊登通告。

on conviction to a fine of \$500,000 and to imprisonment for 3 years.

4. Delegation of functions to recognized security organizations

Subject to the exceptions specified in section 4.3 of part A of the Code, the Director may, in writing, delegate to a recognized security organization his functions relating to security of ships or port facilities under Chapter XI-2 of the Convention and part A of the Code.

5. Declaration of closed area

- (1) If the Director reasonably believes that, in order to abate or contain any security threat, it is necessary to close any area of the waters of Hong Kong to all vessels or any class or type of vessels, he may declare that area to be an area closed to those vessels or that class or type of vessels, as the case may be.
- (2) If the master of a vessel, without reasonable excuse, causes the vessel to enter a closed area in contravention of a declaration under subrule (1), he commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 6 months.
- (3) The Director shall make a declaration under subrule (1) by such means as he thinks fit including—
 - (a) publishing a notice which is accessible through the Internet;
 - (b) making a public announcement by radio or television; and
 - (c) placing a notice in any daily newspaper in circulation in Hong Kong.

第 2 部 船舶

6. **香港船舶须遵从《公约》**
香港船舶须遵从《公约》第 XI-2 章第 4、6 及 8 条的规定。
7. **非香港船舶须遵从《公约》**
- (1) 在香港的非香港船舶须遵从《公约》第 XI-2 章第 4、6 及 8 条的规定。
 - (2) 意图进入香港的非香港船舶须遵从《公约》第 XI-2 章第 4 及 9.2 条的规定。
8. **公司须遵从《公约》**
- (1) 船舶的公司须遵从《公约》第 XI-2 章第 4、5 及 8 条的规定。
 - (2) 船舶的公司须为该船舶的船长、公司保安官员及船舶保安官员提供所需的支援，使他们每一人可执行其各自在《公约》第 XI-2 章及《国际规则》第 A 部分下的职能。
9. **船舶保安官员及公司保安官员**
- (1) 船舶的公司须为该船舶指定——
 - (a) 一名船舶保安官员；及
 - (b) 一名公司保安官员。

PART 2 SHIPS

6. **Hong Kong ships to comply with the Convention**
A Hong Kong ship shall comply with regulations 4, 6 and 8 of Chapter XI-2 of the Convention.
7. **Non-Hong Kong ships to comply with the Convention**
- (1) A non-Hong Kong ship in Hong Kong shall comply with regulations 4, 6 and 8 of Chapter XI-2 of the Convention.
 - (2) A non-Hong Kong ship intending to enter Hong Kong shall comply with regulations 4 and 9.2 of Chapter XI-2 of the Convention.
8. **Companies to comply with the Convention**
- (1) The company of a ship shall comply with regulations 4, 5 and 8 of Chapter XI-2 of the Convention.
 - (2) The company of a ship shall provide the master, company security officer and ship security officer of the ship with such supports as are necessary for each of them to perform their respective functions under Chapter XI-2 of the Convention and part A of the Code.
9. **Ship security officers and company security officers**
- (1) The company of a ship shall designate for the ship—
 - (a) a ship security officer; and
 - (b) a company security officer.
 - (2) A ship security officer and a company security officer shall comply with the provisions of part A of the Code that

- (2) 船舶保安官员及公司保安官员须遵从《国际规则》第 A 部分中各自适用于他们的条文，并顾及《国际规则》第 B 部分所载的指引。

10. 对在香港的船舶的控制

- (1) 处长可向在香港水域的船舶施加《公约》第 XI-2 章第 9.1 或 9.3 条提述的任何控制措施。
- (2) 船舶的船长须在没有不当延迟的情况下应处长依据第 (1) 款提述的条文发出的任何指示行事。

11. 对意图进入香港的船舶的控制

- (1) 处长可向意图进入香港的船舶施加《公约》第 XI-2 章第 9.2 或 9.3 条提述的任何控制措施。
- (2) 船舶的船长须在没有不当延迟的情况下应处长依据第 (1) 款提述的条文发出的任何指示行事。

12. 香港船舶的保安系统的保养

香港船舶的公司及船长须确保该船舶的经核查的保安系统及相关保安设备根据《国际规则》第 A 部分第 19.1.4 条获妥善保养。

13. 香港船舶的证书

- (1) 香港船舶的公司及船长须确保该船舶持有有效的保安证书或临时证书。
- (2) 香港船舶的船长须确保该船舶在行走国际航程时，在该船舶上备存第 (1) 款提述的任何一份证书。

respectively apply to each of them and take into account the guidance contained in part B of the Code.

10. Control of ships in Hong Kong

- (1) The Director may impose any control measures referred to in regulation 9.1 or 9.3 of Chapter XI-2 of the Convention on a ship in the waters of Hong Kong.
- (2) The master of a ship shall, without undue delay, act upon any direction given pursuant to the regulation referred to in subrule (1) by the Director.

11. Control of ships intending to enter Hong Kong

- (1) The Director may impose any control measures referred to in regulation 9.2 or 9.3 of Chapter XI-2 of the Convention on a ship intending to enter the waters of Hong Kong.
- (2) The master of a ship shall, without undue delay, act upon any direction given pursuant to the regulation referred to in subrule (1) by the Director.

12. Maintenance of security system on Hong Kong ships

The company and the master of a Hong Kong ship shall ensure that the security system and the associated security equipment of the ship that have been verified are properly maintained as required under section 19.1.4 of part A of the Code.

13. Certificates for Hong Kong ships

- (1) The company and the master of a Hong Kong ship shall ensure that the ship holds a valid security certificate or an interim certificate.

- (3) 如香港船舶的船长在没有合理辩解的情况下没有遵守第 (2) 款，他即属犯罪，一经定罪，可处第 3 级罚款。

14. 国际船舶保安证书

- (1) 在第 (2) 款的规限下，以下人士可应香港船舶的公司的申请，就该船舶发出或签注一份国际船舶保安证书——
- (a) 处长；
 - (b) 获处长以书面授权发出或签注该证书的经认可的保安组织；或
 - (c) (在处长的请求下) 另一缔约政府。
- (2) 除非以下条件获符合，否则不得就香港船舶发出或签注保安证书——
- (a) 该船舶的船舶保安计划已获处长或经认可的保安组织批准；及
 - (b) 按照《国际规则》第 A 部分第 19.1 条进行核查的规定已就该船舶获遵从。
- (3) 处长如拒绝发出或签注 (视属何情况而定) 保安证书，须藉一份说明其拒绝理由的书面通知知会有关申请人。
- (4) 保安证书的有效期为发出或签注 (视属何情况而定) 该证书的人于证书内指明的期间。
- (5) 当《国际规则》第 A 部分第 19.3.8 条所述的任何事件发生时，保安证书即不再有效。

- (2) The master of a Hong Kong ship shall ensure that the ship has on board either of the certificates referred to in subrule (1) while the ship is engaged on international voyage.
- (3) The master of a Hong Kong ship who, without reasonable excuse, fails to comply with subrule (2) commits an offence and is liable on conviction to a fine at level 3.

14. International Ship Security Certificates

- (1) Subject to subrule (2), an International Ship Security Certificate may, on application by the company of a Hong Kong ship, be issued or endorsed in respect of the ship by—
- (a) the Director;
 - (b) a recognized security organization that is authorized in writing by the Director to issue or endorse the Certificate; or
 - (c) upon the request of the Director, another Contracting Government.
- (2) A security certificate shall not be issued or endorsed in respect of a Hong Kong ship unless—
- (a) a ship security plan of the ship has been approved by the Director or a recognized security organization; and
 - (b) the requirements of verification in accordance with section 19.1 of part A of the Code have been complied with in relation to the ship.
- (3) If the Director refuses to issue or endorse (as the case may be) a security certificate, he shall inform the applicant concerned by a notice in writing stating the reasons for his refusal.
- (4) A security certificate is valid for such period as specified in the certificate by the person who issued or endorsed the certificate.

15. 公司的关于船舶的义务

凡保安证书已就某船舶发出或签注，该船舶的公司在转让其营运该船舶的责任予另一公司时，须——

- (a) 在切实可行的情况下尽快将关于该证书的所有资料转交予该另一公司；或
- (b) 为就该船舶而进行的核查提供便利。

16. 国际临时船舶保安证书

- (1) 在第 (2) 款的规限下，在《国际规则》第 A 部分第 19.4.1 条指明的情况下，以下人士可应香港船舶的公司的申请，依据《国际规则》第 A 部分第 19.4.2 条就该船舶发出一份国际临时船舶保安证书——
 - (a) 处长；或
 - (b) 获处长以书面授权发出该证书的经认可的保安组织。
- (2) 除非《国际规则》第 A 部分第 19.4.2 条指明的规定经核查为已就某船舶获遵从，否则不得就该船舶发出临时证书。
- (3) 处长如拒绝发出临时证书，须藉一份述明其拒绝理由的书面通知知会有关申请人。
- (4) 临时证书的有效期——
 - (a) 于自发出该证书当日起计的 6 个月届满时终止；或
 - (b) 于保安证书就该船舶发出时终止，两个时限中以较早者为准。

- (5) A security certificate ceases to be valid if any of the events mentioned in section 19.3.8 of part A of the Code occurs.

15. Obligations of companies in relation to ships

Where a security certificate has been issued or endorsed in respect of a ship, the company of the ship shall, on transferring its responsibility for the operation of the ship to another company—

- (a) as soon as practicable transmit to that another company all information relating to the certificate; or
- (b) facilitate the verifications carried out for the ship.

16. Interim International Ship Security Certificates

- (1) Subject to subrule (2), in a case falling within section 19.4.1 of part A of the Code, an Interim International Ship Security Certificate may on application by the company of a Hong Kong ship be issued pursuant to section 19.4.2 of part A of the Code in respect of the ship by—
 - (a) the Director; or
 - (b) a recognized security organization that is authorized in writing by the Director to issue the Certificate.
- (2) An interim certificate shall not be issued in respect of a Hong Kong ship unless the requirements specified in section 19.4.2 of part A of the Code are verified to have been complied with in relation to the ship.
- (3) If the Director refuses to issue an interim certificate, he shall inform the applicant concerned by a notice in writing stating the reasons for his refusal.
- (4) An interim certificate is valid until—
 - (a) the expiration of 6 months from its date of issue; or
 - (b) a security certificate is issued in respect of the ship,

17. 证书的取消

- (1) 如保安证书已就某船舶发出或签注，而处长有理由相信——
 - (a) 《公约》第 XI-2 章第 4、6 或 8 条的规定没有就该船舶获遵从；或
 - (b) 该证书乃基于虚假或错误的资料而发出或签注的，他可藉向该船舶的公司发出书面通知取消该证书。
- (2) 如临时证书已就某船舶发出，而处长有理由相信——
 - (a) 《国际规则》第 A 部分第 19.4.2 条指明的任何规定没有就该船舶获遵从；或
 - (b) 该证书乃基于虚假或错误的资料而发出的，他可藉向该船舶的公司发出书面通知取消该证书。
- (3) 处长须提出取消证书的理由。

18. 在香港以外地方的香港船舶须遵从保安级别规定

- (1) 除第 (2) 款另有规定外，凡处长订定某保安级别，在香港以外地方的香港船舶的公司及船长须确保有关船舶在沒有不当延迟的情况下——
 - (a) 遵从《国际规则》第 A 部分第 7 条就该保安级别而指明的规定；及
 - (b) 实施于其船舶保安计划内就该保安级别而指明的预防及保护措施。
- (2) 如某香港船舶在其他缔约成员的水域，而该成员的政府所订定的保安级别高于处长订定的保安级别，该船舶须

whichever first occurs.

17. Cancellation of certificates

- (1) The Director may, by notice in writing to the company of a ship, cancel a security certificate issued or endorsed in respect of the ship if he has reason to believe that—
 - (a) regulation 4, 6 or 8 of Chapter XI-2 of the Convention has not been complied with in relation to the ship; or
 - (b) the certificate was issued or endorsed on the basis of false or erroneous information.
- (2) The Director may, by notice in writing to the company of a ship, cancel an interim certificate issued in respect of the ship if he has reason to believe that—
 - (a) any of the requirements specified in section 19.4.2 of part A of the Code has not been complied with in relation to the ship; or
 - (b) the certificate was issued on the basis of false or erroneous information.
- (3) The Director shall give reasons for cancelling a certificate.

18. Hong Kong ships outside Hong Kong to comply with requirements of security levels

- (1) Subject to subrule (2), where a security level is set by the Director, the company and the master of a Hong Kong ship outside Hong Kong shall ensure that the ship, without undue delay—
 - (a) complies with the requirements specified in section 7 of part A of the Code in respect of the security level; and
 - (b) implements the preventive and protective measures specified in its ship security plan in respect of the security level.

按该政府订定的保安级别行事，犹如该保安级别是由处长订定的一样。

19. 在香港水域的船舶须遵从保安级别规定

- (1) 除第(2)款另有规定外，凡处长订定某保安级别，在香港水域的船舶的公司及船长须确保有关船舶在没有不当延迟的情况下——
 - (a) 遵从《国际规则》第 A 部分第 7 条就该保安级别而指明的规定；及
 - (b) 实施于其船舶保安计划内就该保安级别而指明的预防及保护措施。
- (2) 如第(1)款提述的船舶已遵从《国际规则》第 A 部分第 7 条就较处长所订定的保安级别为高的保安级别而指明的规定，并已实施于其船舶保安计划内就该较高的级别而指明的预防及保护措施，则该款并不适用。
- (3) 如船舶的公司或船长在没有合理辩解的情况下没有遵守第(1)款，该公司或船长(视属何情况而定)即属犯罪，一经定罪，可处第 5 级罚款。

20. 就没有遵从规定一事通知处长的责任

- (1) 船舶的船长须在没有任何不当延迟的情况下将下述事宜的详情通知处长——

- (2) If a Hong Kong ship is in the waters of another party to the Convention and the security level set by the government of that party is higher than that set by the Director, the ship shall act on the security level set by that government as if the security level was set by the Director.

19. Ships in Hong Kong waters to comply with requirements of security levels

- (1) Subject to subrule (2), where a security level is set by the Director, the company and the master of a ship in the waters of Hong Kong shall ensure that the ship, without undue delay—
 - (a) complies with the requirements specified in section 7 of part A of the Code in respect of the security level; and
 - (b) implements the preventive and protective measures specified in its ship security plan in respect of the security level.
- (2) Subrule (1) does not apply if a ship referred to in that subrule has complied with the requirements specified in section 7 of part A of the Code in respect of a security level higher than that set by the Director and has implemented the preventive and protective measures specified in its ship security plan in respect of that higher level.
- (3) If the company or the master of a ship, without reasonable excuse, fails to comply with subrule (1), the company or the master (as the case may be) commits an offence and is liable on conviction to a fine at level 5.

20. Duty to notify the Director of non-compliance

- (1) The master of a ship shall, without undue delay, notify the Director of the details of any non-compliance by the ship with—

- (a) 该船舶没有遵从就该船舶而在第 18 条指明的任何规定；或
 - (b) 该船舶没有遵从就该船舶而在第 19 条指明的任何规定。
- (2) 如船舶的船长在没有合理辩解的情况下没有遵守第 (1)(b) 款，他即属犯罪，一经定罪，可处第 5 级罚款。

21. 船舶须填写及备存保安声明

- (1) 如处长根据《国际规则》第 A 部分第 5 条要求某船舶填写保安声明，该船舶的船长或船舶保安官员须在没有不当延迟的情况下以该条指明的方式填写该保安声明。
- (2) 香港船舶的船长或船舶保安官员 (视属何情况而定) 在就该船舶填写保安声明后，须于该船舶上备存该保安声明，而备存期为该船舶其后 10 次停靠于任何港口设施的期间。

22. 备存资料及纪录的责任

- (1) 意图进入香港水域的船舶须于船舶上备存以下资料——
 - (a) 《公约》第 XI-2 章第 5 条指明的资料；及
 - (b) 《公约》第 XI-2 章第 9.2.1 条指明的——
 - (i) (凡该船舶以前曾不少于 10 次停靠于港口设施) 关于该船舶在紧接意图进入香港水域之前 10 次停靠于港口设施的资料；或
 - (ii) (凡该船舶以前曾少于 10 次停靠于港口设施) 关于该船舶在紧接意图进入香港水域之前所有停靠于港口设施的资料。
- (2) 香港船舶须于船舶上备存——

- (a) any of the requirements specified in relation to the ship in rule 18; or
 - (b) any of the requirements specified in relation to the ship in rule 19.
- (2) The master of a ship who, without reasonable excuse, fails to comply with subrule (1)(b) commits an offence and is liable on conviction to a fine at level 5.

21. Ships to complete and keep Declarations of Security

- (1) If a ship is requested by the Director under section 5 of part A of the Code to complete a Declaration of Security, the master or the ship security officer of the ship shall, without undue delay, complete the Declaration of Security in the manner specified in that section.
- (2) After completing a Declaration of Security in respect of a Hong Kong ship, the master or the ship security officer, as the case may be, of the ship shall keep the Declaration of Security on board during the next 10 calls of the ship at any port facility.

22. Duty to keep information and records

- (1) A ship intending to enter the waters of Hong Kong shall keep on board the information specified in—
 - (a) regulation 5 of Chapter XI-2 of the Convention; and
 - (b) regulation 9.2.1 of Chapter XI-2 of the Convention on—
 - (i) where the ship has previously called at not less than 10 port facilities, the last 10 occasions where the ship called at port facilities immediately before it intends to enter the waters of Hong Kong; or
 - (ii) where the ship has previously called at less than 10 port facilities, all occasions where the ship called

- (a) 按照《国际规则》第 A 部分第 9 条而制定和经批准的该船舶的船舶保安计划；
 - (b) 就该船舶保安计划的修正案而依据《国际规则》第 A 部分第 9 条给予的所有批准书 (如有的话)；
 - (c) 《公约》第 XI-2 章第 5 条指明的资料；及
 - (d) 《国际规则》第 A 部分第 10.1 条指明的纪录，而该等纪录须以该部分第 10 条订明的方法备存最少 3 年。
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- at port facilities immediately before it intends to enter the waters of Hong Kong.
- (2) A Hong Kong ship shall keep on board—
 - (a) a ship security plan of the ship developed and approved in accordance with section 9 of part A of the Code;
 - (b) all approvals (if any) for amendment to the ship security plan given pursuant to section 9 of part A of the Code;
 - (c) the information specified in regulation 5 of Chapter XI-2 of the Convention; and
 - (d) in the manner specified in section 10 of part A of the Code, the records specified in section 10.1 of that part for a period of not less than 3 years.
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第 3 部**经指定港口设施**

- 23. 经指定港口设施须遵从《公约》**
经指定港口设施须遵从《公约》第 XI-2 章第 10.1 条的规定。
- 24. 港口设施保安官员**
- (1) 经指定港口设施的管理人须为该港口设施指定一名港口设施保安官员。
 - (2) 港口设施保安官员须遵从《国际规则》第 A 部分中适用于他的条文，并顾及《国际规则》第 B 部分所载的指引。
- 25. 港口设施保安计划**
经指定港口设施的港口设施保安官员须确保有根据《国际规则》第 A 部分第 16 条为该港口设施制定及备有港口设施保安计划，并确保该计划根据该条呈交予处长批准。
- 26. 就情况的关键性改变通知处长的责任**
在某经指定港口设施的港口设施保安计划获批准后，如情况发生关键性的改变，而该项改变可能会影响该港口设施的保安或该港口设施保安计划的实施，该港口设施的港口设施保安官员须在没有不当延迟的情况下——
- (a) 将该项改变的详情通知处长；
 - (b) 安排修改该港口设施保安计划以顾及该项改变；及
 - (c) 呈交经修改的港口设施保安计划予处长批准。

PART 3**DESIGNATED PORT FACILITIES**

- 23. Designated port facilities to comply with the Convention**
A designated port facility shall comply with regulation 10.1 of Chapter XI-2 of the Convention.
- 24. Port facility security officers**
- (1) The management of a designated port facility shall designate a port facility security officer for the port facility.
 - (2) A port facility security officer shall comply with the provisions of part A of the Code that apply to him and take into account the guidance contained in part B of the Code.
- 25. Port facility security plans**
The port facility security officer of a designated port facility shall ensure that a port facility security plan is developed and maintained for the port facility and submitted to the Director for approval in accordance with section 16 of part A of the Code.
- 26. Duty to notify the Director of material change in circumstances**
If, since a port facility security plan of a designated port facility has been approved, there has been any material change in the circumstances that may affect the security of the port facility or the implementation of the port facility security plan, the port facility security officer of the port facility shall, without undue delay—
- (a) report the details of the change to the Director;
 - (b) cause the port facility security plan to be revised to take into account the change; and

27. 撤回对港口设施保安计划的批准

- (1) 处长如有理由相信——
- (a) 第 26 条提述的关键性改变已就某经指定港口设施发生；及
- (b) 该条指明的规定没有就该港口设施获遵从，
- 处长可藉向该港口设施的管理人发出书面通知撤回对该港口设施的港口设施保安计划的批准。
- (2) 处长须提出撤回其批准的理由。

28. 经指定港口设施须遵从保安级别规定

- (1) 凡处长订定某保安级别，经指定港口设施的管理人须确保该港口设施在没有不当延迟的情况下——
- (a) 遵从《国际规则》第 A 部分第 14 条就该保安级别而指明的规定；及
- (b) 实施于其港口设施保安计划内就该保安级别而指明的预防及保护措施。
- (2) 如某经指定港口设施的管理人在没有合理辩解的情况下没有遵守第 (1) 款，该管理人即属犯罪，一经定罪，可处第 5 级罚款。

29. 经指定港口设施须填写及备存保安声明

- (1) 如处长根据《国际规则》第 A 部分第 5 条要求某经指定港

- (c) submit the revised port facility security plan to the Director for approval.

27. Withdrawal of approval of port facility security plans

- (1) If the Director has reason to believe that—
- (a) a material change referred to in rule 26 has occurred in respect of a designated port facility; and
- (b) the requirements specified in that rule are not complied with in relation to the port facility,
- the Director may, by a notice in writing to the management of the port facility, withdraw his approval of the port facility security plan of the port facility.
- (2) The Director shall give reasons for withdrawing his approval.

28. Designated port facilities to comply with requirements of security levels

- (1) Where a security level is set by the Director, the management of a designated port facility shall ensure that the port facility, without undue delay—
- (a) complies with the requirements specified in section 14 of part A of the Code in respect of the security level; and
- (b) implements the preventive and protective measures specified in its port facility security plan in respect of the security level.
- (2) The management of a designated port facility who, without reasonable excuse, fails to comply with subrule (1) commits an offence and is liable on conviction to a fine at level 5.

29. Designated port facilities to complete and keep Declarations of Security

口设施填写保安声明，该港口设施的港口设施保安官员须在没有不当延迟的情况下以该条指明的方式填写该保安声明。

- (2) 经指定港口设施的港口设施保安官员在就该港口设施填写保安声明后，须备存该保安声明最少 1 年。

30. 纠正没有遵从规定的情况

- (1) 处长如有理由相信某经指定港口设施的港口设施保安计划的任何规定没有获遵从，他可指示该港口设施的管理人在他指明的期限内纠正没有遵从规定的情况。
- (2) 如某经指定港口设施的管理人在没有合理辩解的情况下没有遵从根据第 (1) 款作出的任何指示，该管理人即属犯罪，一经定罪，可处第 5 级罚款。

- (1) If a designated port facility is requested under section 5 of part A of the Code by the Director to complete a Declaration of Security, the port facility security officer of the port facility shall, without undue delay, complete the Declaration of Security in the manner specified in that section.
- (2) After completing a Declaration of Security in respect of a designated port facility, the port facility security officer of the port facility shall keep the Declaration of Security for a period of not less than 1 year.

30. Rectification of non-compliance

- (1) If the Director has reason to believe that any requirement of the port facility security plan of a designated port facility is not complied with, he may direct the management of the port facility to rectify the condition of non-compliance within such period as he specifies.
- (2) The management of a designated port facility who, without reasonable excuse, fails to comply with any direction made under subrule (1) commits an offence and is liable on conviction to a fine at level 5.

第 4 部

杂项条文

31. 上诉

- (1) 船舶的公司如因处长根据以下条文就该船舶作出的决定而感到受屈，可按照《商船 (验船法庭) 规例》(第 369 章，附属法例 A) 向验船法庭提出上诉——
 - (a) 第 14 条 (拒绝发出或签注保安证书)；
 - (b) 第 16 条 (拒绝发出临时证书)；
 - (c) 第 17(1) 条 (取消保安证书)；
 - (d) 第 17(2) 条 (取消临时证书)。
- (2) 经指定港口设施的管理人如因处长根据第 27 条就该港口设施作出的决定而感到受屈，它可针对该决定向行政上诉委员会提出上诉。
- (3) 第 (1) 或 (2) 款提述的上诉只可于——
 - (a) 有关申请人接获第 14(3) 条提述的通知；
 - (b) 有关申请人接获第 16(3) 条提述的通知；
 - (c) 有关公司接获第 17(1) 或 (2) 条提述的取消通知；或
 - (d) 有关管理人接获第 27(1) 条提述的撤回通知，之后的 14 天内提出 (视属何情况而定)。
- (4) 验船法庭可确认或推翻上诉所针对的决定。
- (5) 根据本条提出的上诉本身并不具有搁置执行处长的决定的效力。

PART 4

MISCELLANEOUS PROVISIONS

31. Appeals

- (1) If the company of a ship is aggrieved by a decision of the Director made in respect of the ship under any of the following provisions, it may appeal to a court of survey in accordance with the Merchant Shipping (Court of Survey) Regulations (Cap. 369 sub. leg. A)—
 - (a) rule 14 (refusing to issue or endorse a security certificate);
 - (b) rule 16 (refusing to issue an interim certificate);
 - (c) rule 17(1) (cancelling a security certificate);
 - (d) rule 17(2) (cancelling an interim certificate).
- (2) If the management of a designated port facility is aggrieved by a decision of the Director made in respect of the port facility under rule 27, the management may appeal to the Administrative Appeals Board against the decision.
- (3) An appeal referred to in subrule (1) or (2) may only be made within 14 days after—
 - (a) the applicant has received a notice referred to in rule 14(3);
 - (b) the applicant has received a notice referred to in rule 16(3);
 - (c) the company has received a notice of cancellation referred to in rule 17(1) or (2); or
 - (d) the management has received a notice of withdrawal referred to in rule 27(1),

32. 费用

- (1) 处长可就获授权人员用于提供与以下任何事宜有关的服务的时间收取费用——
 - (a) 发出或签注保安证书；
 - (b) 发出临时证书；
 - (c) 批准港口设施保安计划；
 - (d) 为撤销对船舶的扣留的目的而进行检查。
- (2) 根据第 (1) 款收取的费用以每小时为单位计算，收费基准如下——
 - (a) 如获授权人员在提供服务的过程中需要视察船舶或港口设施，首小时的费用为 \$3,270(不足一小时亦作一小时算)，而其后每小时的费用为 \$1,115(不足一小时亦作一小时算)；或
 - (b) 在其他情况下，每小时的费用为 \$1,115(不足一小时亦作一小时算)。

33. (已失时效而略去)

as the case may be.

- (4) A court of survey may affirm or reverse a decision appealed against.
- (5) The lodging of an appeal under this rule does not by itself operate as a stay of execution of a decision of the Director.

32. Fees

- (1) The Director may charge fees in respect of the time spent by an authorized officer on providing services relating to any of the following matters—
 - (a) issuing or endorsing a security certificate;
 - (b) issuing an interim certificate;
 - (c) approving a port facility security plan;
 - (d) inspecting for the purpose of removal of detention of ships.
- (2) The fee under subrule (1) is charged on an hourly basis and the rate is—
 - (a) in the case where an authorized officer is required to inspect a ship or a port facility in the course of providing services, \$3,270 for the first hour or part hour and \$1,115 for each subsequent hour or part hour; or
 - (b) in any other case, \$1,115 for each hour or part hour.

33. (Omitted as spent)