

MERCHANT SHIPPING (PREVENTION AND CONTROL OF POLLUTION) (FEES)
REGULATION
- CHAPTER 413L

Empowering section VerDate:02/02/2007

(Cap 413, section 3(2A))

[2 February 2007] L.N. 287 of 2006

(L.N. 8 of 2005)

SECT 1

(Omitted as spent) VerDate:02/02/2007

SECT 2

Interpretation VerDate:01/06/2008

In this Regulation, unless the context otherwise requires-
"Government surveyor" means a person appointed by the Director-

(a) to be a Government surveyor under section 4 of the Merchant Shipping (Prevention of Pollution by Sewage) Regulation (Cap 413 sub. leg. K); or

(b) to be a Government surveyor under section 44 of the Merchant Shipping (Prevention of Air Pollution) Regulation (Cap 413 sub. leg. M);
(L.N. 211 of 2007)

"office hours" means the hours between 8:30 a.m. and 5:45 p.m. on Monday to Friday, excluding general holidays. (L.N. 211 of 2007)

SECT 3

Fees for services within Hong Kong VerDate:02/02/2007

Where a service specified in Schedule 1 is carried out within Hong Kong by a Government surveyor, there shall be payable in respect of the service by each Government surveyor a fee of-

(a) \$3270 for the first hour or part hour; and

(b) \$1115 for each subsequent hour or part hour,
during which the service by the surveyor continues.

SECT 4

Fees for services outside Hong Kong VerDate:02/02/2007

(1) Where a service specified in Schedule 1 is carried out outside Hong Kong by a Government surveyor sent from Hong Kong, there shall be payable in respect of the service by each Government surveyor-

(a) a fee of \$7645 for each period of 24 hours or part of it during which the surveyor is absent from Hong Kong on account of the service; and

(b) a fee of such amount that is, in the opinion of the Director, equivalent to the travelling and subsistence expenses of the surveyor during the period the surveyor is so absent.

(2) The duration of a Government surveyor's absence from Hong Kong is calculated with reference to the time of departure from and arrival at Hong Kong.

SECT 5

Fees for services within and outside Hong Kong VerDate:02/02/2007

If part of a service specified in Schedule 1 is carried out within Hong Kong by a Government surveyor, and part of the service is carried out outside Hong Kong by a Government surveyor sent from Hong Kong, the fee payable in respect of the service is the aggregate of-

(a) the fee payable in respect of the part of the service carried out within Hong Kong by each Government surveyor, calculated in accordance with section 3; and

(b) the fee payable in respect of the part of the service carried out outside Hong Kong by each Government surveyor, calculated in accordance with section 4.

SECT 6

Additional fees for services outside office hours VerDate:01/06/2008

(1) Where a service specified in Schedule 1, or part of it, is carried out (whether within Hong Kong or not) by a Government surveyor outside office hours on any date, there shall be payable, in addition to the appropriate fees payable under section 3, 4 or 5, in respect of the service, or the part of the service, by each Government surveyor outside office hours-

(a) subject to paragraph (d), if that date falls on any day from Monday to Friday, a fee of- (L.N. 211 of 2007)

(i) \$1115 for each hour or part of it between 6:30 a.m. and 8:30 a.m. or between 5:45 p.m. and 7:45 p.m. during which the service, or the part of the service, by the surveyor continues; and

(ii) \$2215 for each hour or part of it before 6:30 a.m. or after 7:45 p.m. during which the service, or the part of the service, by the surveyor continues; (L.N. 211 of 2007)

(b) (Repealed L.N. 211 of 2007)

(c) subject to paragraph (d), if that date is a Saturday or Sunday, a fee of \$3270 for each hour or part of it during which the service, or the part of the service, by the surveyor continues; (L.N. 211 of 2007)

(d) if that date falls on a calendar day that is a general holiday in Hong Kong, a fee of \$3270 for each hour or part of it during which the service, or the part of the service, by the surveyor continues.

(2) For the purposes of subsection (1), where a service, or part of it, is carried out in a place outside Hong Kong, a reference to any time or date in that subsection (except the reference to general holiday in subsection (1)(d)) is a reference to the time or date according to the local time in the place.

(3) Subsection (1) does not apply if 3 days' notice of the requirement for the service has been given to the Director by the person requesting the service, but the Director has caused the service to be

carried out outside office hours.

SECT 7

Fees for issue of certificates, etc. VerDate:02/02/2007

- (1)The fee for the issue of a certificate specified in Schedule 2 is \$565.
- (2)The fee for the issue of a certified true copy of a certificate specified in Schedule 2 is \$565.
- (3)The fee for the making of any alteration to a certificate specified in Schedule 2 is \$565.

SECT 8

Fees where services not completed VerDate:02/02/2007

(1)Where-

(a) at the request of any person, a service specified in Schedule 1 is carried out by a Government surveyor; and

(b) in consequence of the act of the person, the service is abandoned before it is completed, the fee payable in respect of the service under this Regulation may be reduced at the discretion of the Director.

(2)In exercising the discretion under subsection (1), the Director shall have regard to the nature and extent of the work involved in the service.

SECT 9

Fees payable in advance VerDate:02/02/2007

(1)Subject to subsection (2), a fee payable in respect of a service specified in Schedule 1, or a certificate specified in Schedule 2, under this Regulation shall be paid to the Director before the service is carried out or the certificate (or the certified true copy of the certificate) is issued or the certificate is altered.

(2)The Director may, in any particular case, permit the whole, or any part, of any fee payable under this Regulation to be paid in arrears, subject to such conditions as to security or time for payment as the Director thinks fit.

SECT 10

Services required for certain official purposes VerDate:02/02/2007

(1)Notwithstanding sections 3, 4 and 6, no fee shall be payable in respect of any service specified in Schedule 1 that is carried out at the request of-

(a) the Central People's Government; or

(b) any department of the Government of Hong Kong, for official purposes.

(2) Notwithstanding section 7(2), no fee shall be payable in respect of the issue of a certified true copy of a certificate specified in Schedule 2 that is issued at the request of-

- (a) the Central People's Government;
- (b) any department of the Government of Hong Kong; or
- (c) the representative of a government other than the Government of Hong Kong, when the copy is required for official purposes.

SCHEDULE 1
SPECIFIED SERVICES VerDate:01/06/2008

[sections 3, 4, 5, 6, 8, 9 & 10]

1. An initial survey, renewal survey or additional survey within the meaning of the Merchant Shipping (Prevention of Pollution by Sewage) Regulation (Cap 413 sub. leg. K).

2. An initial survey, renewal survey, intermediate survey, annual survey or additional survey within the meaning of the Merchant Shipping (Prevention of Air Pollution) Regulation (Cap 413 sub. leg. M). (L.N. 211 of 2007)

SCHEDULE 2
SPECIFIED CERTIFICATES VerDate:01/06/2008

[sections 7, 9 & 10]

1. An International Sewage Pollution Prevention Certificate issued by the Director under the Merchant Shipping (Prevention of Pollution by Sewage) Regulation (Cap 413 sub. leg. K).

2. An IAPP Certificate or HKAPP Certificate within the meaning of the Merchant Shipping (Prevention of Air Pollution) Regulation (Cap 413 sub. leg. M). (L.N. 211 of 2007)