



香港商船資訊

HONG KONG MERCHANT SHIPPING INFORMATION NOTE

Port Clearance of New Buildings in Mainland Ports

To : *Shipowners, Ship Managers and Masters*

Summary

Shipowners, ship managers and masters are reminded to take note that an agreement has been made with the Maritime Safety Administration of the People's Republic of China to the processing of port clearance for new buildings in the mainland prior to the delivery of the original "Certificate of Registry" to these vessels. The procedures for obtaining such port clearances are outlined in **Annex** to this MSIN for reference.

Background

1. Under Sections 20 and 21 of the Merchant Shipping (Registration) Ordinance, Cap. 415, a declaration of entitlement signed by the owner to the owning of the ship, the builder's certificate, bill of sale in favour of the owner or court order vesting title to the ship in the owner are required for the first registration of a ship.
2. In the past, a post-dated "Certificate of Registry" was issued upon the request of the registered owner to facilitate the completion of port clearance for the vessel prior to proper signing of the bill of sale or the protocol of delivery and acceptance (PDA). However, this practice had raised some legal concerns. Legal advice was therefore sought. It was concluded that the Merchant Shipping (Registration) Ordinance had not authorized the Hong Kong Marine Department (MD) to the issue of such a conditional certificate. The practice of issuing post-dated "Certificate of Registry" should be discontinued despite the fact that post-dated "Certificate of Registry" did provide the flexibility to shipowners, ship managers and masters to obtain the port clearance documents prior to the sailing of the vessel. Some alternative solutions had to be found to resolve this issue.

3. Bill of sale or PDA is normally signed at a very late stage. Mostly at a few hours before the vessel is set to sail. Although the Hong Kong Shipping Registry is able to issue to the vessel a "Certificate of Registry" within an hour upon the signing of the bill of sale or PDA, the "Certificate of Registry" may not be delivered to the vessel in time for the processing of port clearance. This causes delay to the sailing of a vessel when a port requires the original "Certificate of Registry" to be produced before port clearance can be processed. Mainland ports are those that have such a requirement.

Port Clearance Application Procedures for Newly Built Hong Kong Registered Ships

4. In light of the discussion, the Maritime Safety Administration of the People's Republic of China (MSA) had come to an agreement with the MD to the processing of port clearance of newly built Hong Kong registered ships that might have difficulties in producing the original "Certificate of Registry". A copy of the document issued by MSA detailing the proper procedures for the processing of port clearance of newly built Hong Kong registered vessels was enclosed in **Annex** for reference.

5. For owners of the above vessels, if you wish to apply to the appropriate MSA office for the processing of port clearance prior to obtaining the "Certificate of Registry", you should inform MD of the name and facsimile number or e-mail address of such office after you have submitted your applications to them.

6. Upon registration of the vessel, MD will send a copy of the "Certificate of Registry" directly by facsimile or by e-mail address as provided by the owner above to confirm the registration of the vessel in Hong Kong.

Enquiries

7. Enquiries relating to this Note should be made to the Chief Assistant Registrar / Shipping Registry & Mercantile Marine Office on telephone no.: (+852) 2852 4383; fax no.: (+852) 2541 8842; or e-mail address: hksr@mardep.gov.hk.

Marine Department
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