

第 73/2014 號行政長官公告**Aviso do Chefe do Executivo n.º 73/2014**

中華人民共和國是國際海事組織的成員國及一九七四年十一月一日訂於倫敦的《國際海上人命安全公約》（下稱“公約”）的締約國；

國際海事組織海上安全委員會於一九九五年五月十六日透過第MSC.46(65)號決議通過了公約的修正案；

中華人民共和國於一九九九年十二月十三日以照會通知聯合國秘書長，經修訂的公約自一九九九年十二月二十日起適用於澳門特別行政區；

基於此，行政長官根據澳門特別行政區第3/1999號法律第六條第一款的規定，命令公佈包含上指修正案的MSC.46(65)號決議的中文及英文文本。

二零一四年十月十五日發佈。

行政長官 崔世安

Considerando que a República Popular da China é um Estado Membro da Organização Marítima Internacional e um Estado Contratante da Convenção Internacional para a Salvaguarda da Vida Humana no Mar, concluída em Londres em 1 de Novembro de 1974, adiante designada por Convenção;

Considerando igualmente que, em 16 de Maio de 1995, o Comité de Segurança Marítima da Organização Marítima Internacional, através da resolução MSC.46(65), adoptou emendas à Convenção;

Considerando ainda que a República Popular da China, por nota datada de 13 de Dezembro de 1999, notificou o Secretário-Geral das Nações Unidas sobre a aplicação da Convenção, tal como emendada, na Região Administrativa Especial de Macau, a partir de 20 de Dezembro de 1999;

O Chefe do Executivo manda publicar, nos termos do n.º 1 do artigo 6.º da Lei n.º 3/1999 da Região Administrativa Especial de Macau, a resolução MSC.46(65), que contém as referidas emendas, nos seus textos em línguas chinesa e inglesa.

Promulgado em 15 de Outubro de 2014.

O Chefe do Executivo, *Chui Sai On*.

第 MSC.46 (65) 號決議

1995 年 5 月 16 日通過

通過《1974 年國際海上人命安全公約》修正案

海上安全委員會，

憶及《國際海事組織公約》有關本委員會職責的第 28 (b) 條，

還憶及《1974 年國際海上人命安全公約》(以下簡稱“本公約”)有關修正本公約附件的程序的第 VIII (b) 條，

在其第六十四屆會議上批准了根據其第 VIII (b) (i) 條建議和分發的本公約修正案，

1. 根據本公約第 VIII (b) (iv) 條，通過了本公約的修正案，其條文載於本決議的附件中；
2. 根據本公約第 VIII (b) (vi) (2) (bb) 條，決定：附件中所載修正案應於 1996 年 7 月 1 日視為已被接受，除非在此日期之前，本公約三分之一以上締約國政府或其合計商船隊總噸位不少於世界商船隊總噸位的 50% 的締約國政府通知反對這些修正案；
3. 請各締約國政府注意，根據本公約第 VIII (b) (vii) (2) 條，附件中所載修正案應在其根據上述第 2 款被接受後於 1997 年 1 月 1 日生效；

4. **請**秘書長按本公約第 VIII (b) (v) 條將本決議和附件中所載修正案條文的核正的副本發送本公約所有締約國政府；
5. **還請**秘書長將本決議及其附件的副本發送非屬本公約締約國政府的本組織成員。

附件

《1974 年國際海上人命安全公約》修正案

第 V/8 條 — 定線

本條現有標題和條文由下文代替：

“船舶定線

- (a) 船舶定線制度有利於海上人命安全、航行安全和效率，和／或海洋環境保護。當根據本組織制定的指南和標準通過和實施時，船舶定線制度被建議，供所有船舶、某些類型的船舶或載運某些貨物的船舶使用並可能對此種船舶成為強制性規定。
- (b) 本組織被認為是在國際上制訂船舶定線制度的指南、標準和規則的唯一國際機構。本組織將對涉及任何業已通過的船舶定線制度的所有有關資料進行匯編並將其分發給各締約國政府。
- (c) 本條及其相關指南和標準不適用於軍艦，或由締約國政府擁有或經營、目前僅用於政府非商業業務的海軍輔助船舶和其他船舶；但應鼓勵此類船舶參加根據本條通過的船舶定線制度。
- (d) 發起制定船舶定線制度的行動是有關政府的責任。在制定供本組織通過的此類系統時，應考慮本組織制定的指南和標準。

- (e) 船舶定線制度應提交本組織通過。但鼓勵實施不準備提交本組織供通過或本組織尚未通過的船舶定線制度的政府凡可能時均遵循本組織制定的指南和標準。
- (f) 如兩個或多個政府對特定區域有共同利益，它們應以其之間的協議為基礎，擬定該區域內定線制度的劃定和使用的聯合提案。在收到此種提案後但在開始對其進行審議以備通過前，本組織應確保該提案的詳情被分發給對該區域有共同利益的政府，包括擬議的船舶定線制度附近的國家。
- (g) 締約國政府應堅持本組織通過的有關船舶定線的措施。它們應發佈安全和有效使用所通過的船舶定線制度的所必要的信息。有關的一國或多國政府可監察這些制度內的交通情況。各締約國政府要盡力保證恰當地使用本組織通過的船舶定線制度。
- (h) 船舶應按現行有關規定，使用本組織通過的對其船型或所載貨物所要求的強制性船舶定線制度，除非有令人信服的理由不採用某一特定船舶定線制制度。任何此種理由均應記入航海日誌。
- (i) 強制性船舶定線制度應由有關的一個或多個締約國政府根據本組織制定的指南和標準進行審核。
- (j) 所通過的所有船舶定線制度和為遵守制度而採取的行動應與國際法，包括《1982年聯合國海洋法公約》一致。
- (k) 本條或其相關的指南和標準的任何規定不得損害各國政府根據國際法或國際海峽法律制度享有的權利和義務。”

RESOLUTION MSC.46(65)
adopted on 16 May 1995

**ADOPTION OF AMENDMENTS TO THE INTERNATIONAL CONVENTION
FOR THE SAFETY OF LIFE AT SEA, 1974**

THE MARITIME SAFETY COMMITTEE,

RECALLING Article 28(b) of the Convention on the International Maritime Organization concerning the functions of the Committee,

RECALLING FURTHER article VIII(b) of the International Convention for the Safety of Life at Sea (SOLAS), 1974, hereinafter referred to as "the Convention", concerning the procedures for amending the Annex to the Convention,

HAVING APPROVED, at its sixty-fourth session, amendments to the Convention proposed and circulated in accordance with article VIII(b)(i) thereof,

1. ADOPTS, in accordance with article VIII(b)(iv) of the Convention, the amendments to the Convention the text of which is set out in the Annex to the present resolution;
2. DETERMINES, in accordance with article VIII(b)(vi)(2)(bb) of the Convention, that the amendments set out in the Annex shall be deemed to have been accepted on 1 July 1996 unless, prior to that date, more than one third of the Contracting Governments to the Convention or Contracting Governments the combined merchant fleets of which constitute not less than fifty per cent of the gross tonnage of the world's merchant fleet, have notified their objections to the amendments;
3. INVITES Contracting Governments to note that, in accordance with article VIII(b)(vii)(2) of the Convention, the amendments set out in the Annex shall enter into force on 1 January 1997 upon their acceptance in accordance with paragraph 2 above;
4. REQUESTS the Secretary-General, in conformity with article VIII(b)(v) of the Convention, to transmit certified copies of the present resolution and the text of the amendments contained in the Annex to all Contracting Governments to the Convention;
5. FURTHER REQUESTS the Secretary-General to transmit copies of the resolution and its Annex to Members of the Organization which are not Contracting Governments to the Convention

ANNEX

AMENDMENTS TO THE INTERNATIONAL CONVENTION
FOR THE SAFETY OF LIFE AT SEA, 1974Regulation V/8 - Routeing

The existing heading and text of the regulation are replaced by the following:

"Ship's routeing

- (a) Ships' routeing systems contribute to safety of life at sea, safety and efficiency of navigation, and/or protection of the marine environment. Ships' routeing systems are recommended for use by, and may be made mandatory for, all ships, certain categories of ships or ships carrying certain cargoes, when adopted and implemented in accordance with the guidelines and criteria developed by the Organization.
- (b) The Organization is recognized as the only international body for developing guidelines, criteria and regulations on an international level for ships' routeing systems. Contracting Governments shall refer proposals for the adoption of ships' routeing systems to the Organization. The Organization will collate and disseminate to Contracting Governments all relevant information with regard to any adopted ships' routeing systems.
- (c) This regulation, and its associated guidelines and criteria, does not apply to warships, naval auxiliary or other vessels owned or operated by a Contracting Government and used, for the time being, only on government non-commercial service; however, such ships are encouraged to participate in ships' routeing systems adopted in accordance with this regulation.
- (d) The initiation of action for establishing a ships' routeing system is the responsibility of the Government or Governments concerned. In developing such systems for adoption by the Organization, the guidelines and criteria developed by the Organization shall be taken into account.
- (e) Ships' routeing systems should be submitted to the Organization for adoption. However, a Government or Governments implementing ships' routeing systems not intended to be submitted to the Organization for adoption or which have not been adopted by the Organization are encouraged to follow, wherever possible, the guidelines and criteria developed by the Organization.
- (f) Where two or more Governments have a common interest in a particular area, they should formulate joint proposals for the delineation and use of a routeing system therein on the basis of an agreement between them. Upon receipt of such proposal and before proceeding with the consideration of it for adoption, the Organization shall ensure details of the proposal are disseminated to the Governments which have a common interest in the area, including countries in the vicinity of the proposed ships' routeing system.

- (g) Contracting Governments shall adhere to the measures adopted by the Organization concerning ships' routing. They shall promulgate all information necessary for the safe and effective use of adopted ships' routing systems. A Government or Governments concerned may monitor traffic in those systems. Contracting Governments will do everything in their power to secure the appropriate use of ships' routing systems adopted by the Organization.
- (h) A ship shall use a mandatory ships' routing system adopted by the Organization as required for its category or cargo carried and in accordance with the relevant provisions in force unless there are compelling reasons not to use a particular ships' routing system. Any such reason shall be recorded in the ship's log.
- (i) Mandatory ships' routing systems shall be reviewed by the Contracting Government or Governments concerned in accordance with the guidelines and criteria developed by the Organization.
- (j) All adopted ships' routing systems and actions taken to enforce compliance with those systems shall be consistent with international law, including the relevant provisions of the 1982 United Nations Convention on the Law of the Sea.
- (k) Nothing in this regulation nor its associated guidelines and criteria shall prejudice the rights and duties of Governments under international law or the legal regime of international straits."

第 74/2014 號行政長官公告

中華人民共和國是國際海事組織的成員國及一九七四年十一月一日訂於倫敦的《國際海上人命安全公約》（下稱“公約”）的締約國；

國際海事組織海上安全委員會於一九九二年十二月十一日透過第MSC.27(61)號決議通過了公約的修正案；

中華人民共和國於一九九九年十二月十三日以照會通知聯合國秘書長，經修訂的公約自一九九九年十二月二十日起適用於澳門特別行政區；

基於此，行政長官根據澳門特別行政區第3/1999號法律第六條第一款的規定，命令公佈包含上指修正案的MSC.27(61)號決議的中文及英文正式文本。

二零一四年十月二十日發佈。

行政長官 崔世安

Aviso do Chefe do Executivo n.º 74/2014

Considerando que a República Popular da China é um Estado Membro da Organização Marítima Internacional e um Estado Contratante da Convenção Internacional para a Salvaguarda da Vida Humana no Mar, concluída em Londres em 1 de Novembro de 1974, adiante designada por Convenção;

Considerando igualmente que, em 11 de Dezembro de 1992, o Comité de Segurança Marítima da Organização Marítima Internacional, através da resolução MSC.27(61), adoptou emendas à Convenção;

Considerando ainda que a República Popular da China, por nota datada de 13 de Dezembro de 1999, notificou o Secretário-Geral das Nações Unidas sobre a aplicação da Convenção, tal como emendada, na Região Administrativa Especial de Macau, a partir de 20 de Dezembro de 1999;

O Chefe do Executivo manda publicar, nos termos do n.º 1 do artigo 6.º da Lei n.º 3/1999 da Região Administrativa Especial de Macau, a resolução MSC.27(61), que contém as referidas emendas, nos seus textos autênticos em línguas chinesa e inglesa.

Promulgado em 20 de Outubro de 2014.

O Chefe do Executivo, *Chui Sai On*.