

澳門特別行政區**REGIÃO ADMINISTRATIVA ESPECIAL
DE MACAU****行政長官辦公室****GABINETE DO CHEFE DO EXECUTIVO****第 375/2015 號行政長官批示****Despacho do Chefe do Executivo n.º 375/2015**

行政長官行使《澳門特別行政區基本法》第五十條賦予的職權，並根據第17/2001號法律通過的《民政總署章程》第十條第一款的規定，作出本批示。

Usando da faculdade conferida pelo artigo 50.º da Lei Básica da Região Administrativa Especial de Macau e nos termos do n.º 1 do artigo 10.º dos Estatutos do Instituto para os Assuntos Cívicos e Municipais, aprovados pela Lei n.º 17/2001, o Chefe do Executivo manda:

因具備適當經驗及專業能力履行職務，續任下列民政總署管理委員會委員：

É renovada a nomeação dos seguintes administradores do conselho de administração do Instituto para os Assuntos Cívicos e Municipais, por possuírem experiência e capacidade profissional adequadas para o exercício das suas funções:

(一) 梁冠峰，自二零一五年十二月二十日起為期兩年；

1) Leong Kun Fong, por um período de dois anos a contar de 20 de Dezembro de 2015;

(二) 關施敏，自二零一六年一月一日起為期兩年。

2) Isabel Celeste Jorge, por um período de dois anos a contar de 1 de Janeiro de 2016.

二零一五年十一月十六日

16 de Novembro de 2015.

行政長官 崔世安

O Chefe do Executivo, *Chui Sai On*.

第 122/2015 號行政長官公告**Aviso do Chefe do Executivo n.º 122/2015**

中華人民共和國於二零零五年六月十七日以照會通知國際海事組織秘書長，一九八九年四月二十八日訂於倫敦的《1989年國際救助公約》（下稱“公約”）適用於澳門特別行政區；

Considerando que a República Popular da China, por nota datada de 17 de Junho de 2005, notificou o Secretário-Geral da Organização Marítima Internacional sobre a aplicação na Região Administrativa Especial de Macau da Convenção Internacional de 1989 sobre Salvamento Marítimo, adoptada em Londres em 28 de Abril de 1989, adiante designada por Convenção;

國際海事組織秘書長於二零零五年六月三十日以照會確認公約自二零零五年六月二十四日起適用於澳門特別行政區；

Considerando igualmente que o Secretário-Geral da Organização Marítima Internacional, por nota datada de 30 de Junho de 2005, confirmou que a Convenção é aplicável na Região Administrativa Especial de Macau desde 24 de Junho de 2005;

基於此，行政長官根據第3/1999號法律《法規的公佈與格式》第六條第一款的規定，命令公佈上指公約的中文及英文文本。

O Chefe do Executivo manda publicar, nos termos do n.º 1 do artigo 6.º da Lei n.º 3/1999 (Publicação e formulário dos diplomas), a referida Convenção nos seus textos em línguas chinesa e inglesa.

二零一五年十一月十六日發佈。

Promulgado em 16 de Novembro de 2015.

行政長官 崔世安

O Chefe do Executivo, *Chui Sai On*.

1989年國際救助公約

本公約締約國，

認識到有必要通過協議制訂關於救助作業的統一的國際規則，

注意到一些重大發展，尤其是人們對保護環境的日益關心，證明有必要審查1910年9月23日在布魯塞爾制訂的《關於統一海上救助某些法律規定的公約》所確定的國際規則，

認識到及時有效的救助作業，對處於危險中的船舶和其他財產的安全以及對環境保護能起重大的作用，

相信有必要確保對處於危險中的船舶和其他財產進行救助作業的人員能得到足夠的鼓勵，

茲協議如下：

第一章 總則

第1條

定義

就本公約而言：

(a) 救助作業 係指可航水域或其他任何水域中援救處於危險中的船舶或任何其他財產的行為或活動。

(b) 船舶 係指任何船隻、艇筏或任何能夠航行的構造物。

(c) 財產 係指非永久性和非有意地依附於岸線的任何財產，包括有風險的運費。

(d) 環境損害 係指由污染、沾污、火災、爆炸或類似的重大事故，對人身健康，對沿海、內水或其毗連區域中的海洋生物、海洋資源所造成的重大的有形損害。

(e) 支付款項 係指按本公約規定應付的任何報酬、酬金、或補償。

(f) 組織 係指國際海事組織。

(g) 秘書長 係指本組織的秘書長。

第2條

適用範圍

本公約適用於在一締約國提起的有關公約所轄事項的訴訟或仲裁。

第3條

平台和鑽井裝置

本公約不適用於已就位的從事海底礦物資源的勘探、開發或生產的固定式、浮動式平台或移動式近海鑽井裝置。

第4條

國有船舶

1. 在不影響第5條規定的情況下，除一國另有規定外，本公約不適用於軍艦或國家所有或經營的、根據公認的國際法準則在發生救助作業時享有主權豁免的其他非商業性船舶。

2. 如一締約國決定其軍艦或本條第1款所述的其他船舶適用本公約，它應將此事通知秘書長，並說明此種適用的條款和條件。

第5條

公共當局控制的救助作業

1. 本公約不影響國內法或國際公約有關由公共當局從事或控制的救助作業的任何規定。

2. 然而，從事此種救助作業的救助人，有權享有本公約所規定的有關救助作業的權利和補償。

3. 負責進行救助作業的公共當局所能享有的本公約規定的權利和補償的範圍，應根據該當局所在國的法律確定。

第6條

救助合同

1. 除合同另有明示或默示的規定外，本公約適用於任何救助作業。

2. 船長有權代表船舶所有人簽訂救助合同。船長或船舶所有人有權代表船上財產所有人簽訂此種合同。

3. 本條不影響第7條的適用，也不影響防止或減輕環境損害的義務。

第7條

合同的廢止和修改

如有以下情況，可以廢止或修改合同或其任何條款：

(a) 在脅迫或危險情況影響下簽訂的合同，且其條款不公平；或

(b) 合同項下的支付款項同實際提供的服務大不相稱，過高或過低。

第二章 救助作業的實施

第8條

救助人的義務及所有人和船長的義務

1. 救助人對處於危險中的船舶或其他財產的所有人負有下列義務：
 - (a) 以應有的謹慎進行救助作業；
 - (b) 在履行 (a) 項所規定的義務時，以應有的謹慎防止或減輕環境損害；
 - (c) 在合理需要的情況下，尋求其他救助人的援助；和
 - (d) 當處於危險中的船舶或其他財產的所有人或船長，合理地要求其他救助人介入時，接受這種介入；但是，如果發現這種要求是不合理的，其報酬金額不得受到影響。

2. 處於危險中的船舶或其他財產所有人和船長對救助人負有下列義務：
 - (a) 在救助作業的過程中，與救助人通力合作；
 - (b) 在進行此種合作時，以應有的謹慎防止或減輕環境損害；和
 - (c) 當船舶或其他財產已被送至安全地點後，如救助人提出合理的移交要求，接受此種移交。

第9條

沿海國的權利

本公約中的任何規定，均不得影響有關沿海國的下述權利：根據公認的國際法準則，在發生可以合理地預期足以造成重大損害後果的海上事故或與此項事故有關的行動時，採取措施保護其岸線或有關利益方免受污染或污染威脅的權利，包括沿海國就救助作業作出指示的權利。

第10條

提供救助的義務

1. 只要不致於對其船舶及船上人員造成嚴重危險，每個船長都有義務援救在海上有喪生危險的任何人員。
2. 締約國應採取必要措施履行第1款所規定的義務。
3. 船舶所有人對船長不履行第1款中的義務不承擔責任。

第11條

合作

在對諸如允許遇難船舶進港或向救助人提供便利等有關救助作業的事項做出規定或決定時，締約國應考慮救助人、其他利益方同當局之間合作的需要，以保證為拯救處於危險中的生命或財產及為防止對總體環境造成損害而進行的救助作業得以有效、成功的實施。

第三章 救助人的權利

第12條

支付報酬的條件

1. 有效果的救助作業方有權獲得報酬。
2. 除另有規定外，救助作業無效果，不應得到本公約規定的支付款項。
3. 如果被救船舶和救助船舶屬於同一所有人，本章仍然適用。

第13條

評定報酬的標準

1. 確定報酬應從鼓勵救助作業出發，並考慮下列因素，但與其排列順序無關：
 - (a) 獲救的船舶和其他財產的價值；
 - (b) 救助人在防止或減輕對環境損害方面的技能和努力；
 - (c) 救助人獲得成功的程度；
 - (d) 危險的性質和程度；
 - (e) 救助人在救助船舶、其他財產及人命方面的技能和努力；
 - (f) 救助人所花的時間、費用及遭受的損失；
 - (g) 救助人或其設備的責任風險及其他風險；

- (h) 提供服務的及時性；
- (i) 用於救助作業的船舶及其他設備的可用性及使用情況；
- (j) 救助設備的備用狀況、效能和設備的價值。

2. 按照第1款確定的報酬應由所有的船舶和其他財產利益方按其獲救船舶和其他財產的價值比例進行支付，但是締約國可在其國內法中做出規定，報酬須由這些利益方中的一方先行支付，該利益方有權向其他利益方按其分攤比例進行追償。本條中的任何規定均不影響抗辯權。

3. 報酬金額不包括應付的利息及可追償的法律費用，不得超過獲救船舶和其他財產的價值。

第14條

特別補償

1. 如一船或其船上貨物對環境構成了損害威脅，救助人對其進行了救助作業，但根據第13條所獲得的報酬少於按本條可得的特別補償，他有權按本條規定從該船的船舶所有人處獲得相當於其所花費用的特別補償。

2. 在第1款所述情況下，如果救助人因其救助作業防止或減輕了環境損害，船舶所有人根據第1款應向救助人支付的特別補償可另行增加，其最大增加額可達救助人所發生費用的30%。然而，如果法院或仲裁庭認為公平、合理，並且考慮到第13條第1款中所列的有關因素，可將此項特別補償進一步增加，但是，在任何情況下，其增加總額不得超過救助人所發生費用的百分之百。

3. 救助人所花費用，就第1款和第2款而言，係指救助人_在救助作業中合理支出的現付費用和在救助作業中實際並合理使用設備和人員的公平費率。同時應考慮第13條第1款（h）、（i）及（j）項規定的標準。

4. 在任何情況下，本規定的全部特別補償，只有在其高於救助人根據第13條獲得的報酬時方予支付。

5. 如果由於救助人疏忽而未能防止或減輕環境損害，可全部或部分地剝奪其根據本條規定應得的特別補償。

6. 本條的任何規定不影響船舶所有人的任何追償權。

第15條

救助人之間的報酬分配

1. 救助人之間的報酬分配應以第13條中的標準為基礎。

2. 每一救助船的所有人、船長及船上其他工作人員之間的報酬分配應根據該船旗國的法律確定。如救助作業不是在救助船上進行的，其報酬分配應根據制約救助人與其受僱人所訂合同的法律確定。

第16條

人命救助

1. 獲救人無須支付報酬，但本條規定不影響國內法就此作出的規定。

2. 在發生需要救助的事故時，參與救助作業的人命救助人有權從支付給救助船舶，其他財產或防止或減輕環境損害的救助人的報酬中獲得合理份額。

第17條

根據現有合同提供的服務

在危險發生之前所簽署的合同，不得依本公約的規定支付款項，除非所提供的服務被合理地認為已超出正常履行該合同的範圍。

第18條

救助人不當行為的後果

如因救助人的過失或疏忽或因救助人有欺詐或其他不誠實行為而使救助作業成為必需或更加困難，可剝奪救助人按本公約規定所得的全部或部分支付款項。

第19條

制止救助作業

不顧船舶所有人、船長或其他處於危險中的不在船上而且未曾裝過船的財產的所有人的明確而合理的制止而提供的服務，不產生本公約規定的支付款項。

第四章 索賠與訴訟

第20條

優先請求權

1. 本公約任何規定不影響根據任何國際公約或國內法規定的救助人的優先請求權。

2. 當已提交或提供了包括利息和訴訟費用在內的令人滿意的擔保後，救助人不可行使其優先請求權。

第21條

提供擔保的義務

1. 應救助人要求，根據本公約規定應支付款項的人，應對救助人的索賠，包括救助人的利息和訴訟費用，提供滿意的擔保。
2. 在不影響第1款的情況下，獲救船舶的所有人，應盡力以保證在貨物釋放前，貨物所有人對向其提出的索賠，包括利息和訴訟費用在內，提供滿意的擔保。
3. 在對救助人的有關船舶或財產的索賠提供滿意的擔保前，未經救助人同意，獲救的船舶或其他財產不得從完成救助作業後最初抵達的港口或地點移走。

第22條

先行支付款項

1. 對救助人的索賠，有管轄權的法院或仲裁庭可根據案情，以公正合理的條件，通過臨時裁定或裁決，責令向救助人先付公正合理的金額，包括適當的擔保。
2. 根據本條規定，如已先行支付款項，根據第21條所提供的擔保則應作相應的扣減。

第23條

訴訟時效

1. 如在兩年內沒有提起訴訟或仲裁，本公約規定的有關支付款項的任何訴訟，便喪失時效。時效期限從救助作業結束之日起算。

2. 被索賠人可在時效期限內的任何時間，通過向索賠人提出聲明，延長時效期限。該期限可以同樣方式進一步延長。

3. 如果訴訟是在起訴地國的法律允許的時間內提起，即使上述兩款規定的時效期限已屆滿，負有責任的人仍可提起要求補償的訴訟。

第24條

利息

救助人根據本公約應得給付利息的權利，應按受理該案的法院或仲裁庭所在國的法律確定。

第25條

國有貨物

除經國家所有人的同意外，本公約的任何規定均不得作為以任何法律程序或對物訴訟程序扣留、扣押或置留國家擁有的根據公認的國際法準則，在發生救助作業時，享有主權豁免的非商業性貨物的根據。

第26條

人道主義貨物

如果一國已同意向對其人道主義的貨物所提供的救助服務支付費用，本公約中的規定均不得作為扣留、扣押或置留該國捐助的人道主義貨物的根據。

第27條

仲裁裁決的公佈

締約國應在徵得當事方同意的條件下，儘量鼓勵公佈救助案的仲裁裁決。

第五章 最後條款

第28條

簽字、批准、接受、核准和加入

1. 本公約自1989年7月1日至1990年6月30日在本組織總部開放供簽字。此後繼續開放供加入。
2. 各國可按下列方式表示同意受本公約的約束：
 - (a) 簽字並對批准、接受或核准無保留；或
 - (b) 簽字而有待批准、接受或核准，隨後再批准、接受或核准；
或
 - (c) 加入。
3. 批准、接受、核准或加入應向秘書長交存一份相應的文件。

第29條

生效

1. 本公約在15個國家表示同意受本公約約束之日後一年生效。
2. 對於在本公約生效條件滿足後表示同意受本公約約束的國家，應在表示同意之日後一年生效。

第30條

保留

1. 任何國家在簽字、批准、接受、核准或加入時，就下列情況可保留不適用本公約規定的權利：

(a) 救助作業發生在內陸水域，而且涉及的所有船舶均為內陸水域航行的船舶；

(b) 救助作業發生在內陸水域，而且並不涉及船舶；

(c) 所有的利益方都是該國的國民；

(d) 有關財產為位於海床上的具有史前的、考古的或歷史價值的海上文化財產。

2. 在簽字時做出的保留需在批准、接受或核准時加以確認。

3. 對本公約做出保留的國家可在任何時候以向秘書長發出通知的方式撤銷保留。這種撤銷從收到通知之日起生效。如果該通知聲明對某一保留的撤銷應在該通知中載明的某一日期生效，而且該日期遲於秘書長收到通知的日期，則該撤銷應在較遲的日期生效。

第31條

退出

1. 任一締約國在本公約對其生效之日起一年後，可隨時退出本公約。

2. 退出須向秘書長交存一份退出文件方為有效。

3. 退出本公約，應在秘書長收到退出文件一年後，或在退出文件中載明的較此更長的期限屆滿後生效。

第32條

修訂和修正

1. 本組織可召開修訂或修正本公約的會議。

2. 經八個或四分之一締約國的要求，以數大者為準，秘書長應召集修訂或修正本公約的締約國會議。

3. 在本公約的修正案生效之日後同意受本公約約束的任何表示應被視為適用於經修正的公約。

第33條

保存

1. 本公約由秘書長保存。

2. 秘書長應：

(a) 將下列事項通知所有簽署或加入本公約的國家以及本組織的所有會員國：

(i) 每一新的簽字或每一新的批准、接受、核准或加入書的交存及其日期；

(ii) 本公約的生效日期；

(iii) 任何退出本公約的文件的交存及其收到日期和退出的生效日期；

(iv) 根據第32條規定通過的任何修正案；

(v) 收到根據本公約所作出的任何保留、聲明或通知。

(b) 將本公約核正無誤的副本分發給已簽署或加入本公約的所有國家。

3. 本公約一經生效，其保存人應按照聯合國憲章第一百零二條的規定，將本公約核正無誤的副本一份送交聯合國秘書長，供登記和公佈。

第34條

語言

本公約正本一份，用阿拉伯文、中文、英文、法文、俄文和西班牙文寫成，各種文本具有同效力。

以下署名者，經各自政府正式授權，特簽署本公約，以昭信守。

一九八九年四月二十八日訂於倫敦。

INTERNATIONAL CONVENTION ON SALVAGE, 1989

THE STATES PARTIES TO THE PRESENT CONVENTION,

RECOGNIZING the desirability of determining by agreement uniform international rules regarding salvage operations,

NOTING that substantial developments, in particular the increased concern for the protection of the environment, have demonstrated the need to review the international rules presently contained in the Convention for the Unification of Certain Rules of Law relating to Assistance and Salvage at Sea, done at Brussels, 23 September 1910,

CONSCIOUS of the major contribution which efficient and timely salvage operations can make to the safety of vessels and other property in danger and to the protection of the environment,

CONVINCED of the need to ensure that adequate incentives are available to persons who undertake salvage operations in respect of vessels and other property in danger,

HAVE AGREED as follows:

Chapter I - General provisions

Article 1

Definitions

For the purpose of this Convention:

- (a) Salvage operation means any act or activity undertaken to assist a vessel or any other property in danger in navigable waters or in any other waters whatsoever.
- (b) Vessel means any ship or craft, or any structure capable of navigation.
- (c) Property means any property not permanently and intentionally attached to the shoreline and includes freight at risk.
- (d) Damage to the environment means substantial physical damage to human health or to marine life or resources in coastal or inland waters or areas adjacent thereto, caused by pollution, contamination, fire, explosion or similar major incidents.
- (e) Payment means any reward, remuneration or compensation due under this Convention.
- (f) Organization means the International Maritime Organization.
- (g) Secretary-General means the Secretary-General of the Organization.

Article 2

Application of the Convention

This Convention shall apply whenever judicial or arbitral proceedings relating to matters dealt with in this Convention are brought in a State Party.

Article 3

Platforms and drilling units

This Convention shall not apply to fixed or floating platforms or to mobile offshore drilling units when such platforms or units are on location engaged in the exploration, exploitation or production of sea-bed mineral resources.

Article 4

State-owned vessels

- 1 Without prejudice to article 5, this Convention shall not apply to warships or other non-commercial vessels owned or operated by a State and entitled, at the time of salvage operations, to sovereign immunity under generally recognized principles of international law unless that State decides otherwise.
- 2 Where a State Party decides to apply the Convention to its warships or other vessels described in paragraph 1, it shall notify the Secretary-General thereof specifying the terms and conditions of such application.

Article 5

Salvage operations controlled by public authorities

- 1 This Convention shall not affect any provisions of national law or any international convention relating to salvage operations by or under the control of public authorities.
- 2 Nevertheless, salvors carrying out such salvage operations shall be entitled to avail themselves of the rights and remedies provided for in this Convention in respect of salvage operations.
- 3 The extent to which a public authority under a duty to perform salvage operations may avail itself of the rights and remedies provided for in this Convention shall be determined by the law of the State where such authority is situated.

Article 6

Salvage contracts

- 1 This Convention shall apply to any salvage operations save to the extent that a contract otherwise provides expressly or by implication.
- 2 The master shall have the authority to conclude contracts for salvage operations on behalf of the owner of the vessel. The master or the owner of the vessel shall have the authority to conclude such contracts on behalf of the owner of the property on board the vessel.
- 3 Nothing in this article shall affect the application of article 7 nor duties to prevent or minimize damage to the environment.

Article 7

Annulment and modification of contracts

A contract or any terms thereof may be annulled or modified if:

- (a) the contract has been entered into under undue influence or the influence of danger and its terms are inequitable; or
- (b) the payment under the contract is in an excessive degree too large or too small for the services actually rendered.

Chapter II - Performance of salvage operations

Article 8

Duties of the salvor and of the owner and master

- 1 The salvor shall owe a duty to the owner of the vessel or other property in danger:
 - (a) to carry out the salvage operations with due care;

- (b) in performing the duty specified in subparagraph (a), to exercise due care to prevent or minimize damage to the environment;
- (c) whenever circumstances reasonably require, to seek assistance from other salvors; and
- (d) to accept the intervention of other salvors when reasonably requested to do so by the owner or master of the vessel or other property in danger; provided however that the amount of his reward shall not be prejudiced should it be found that such a request was unreasonable.

2 The owner and master of the vessel or the owner of other property in danger shall owe a duty to the salvor:

- (a) to co-operate fully with him during the course of the salvage operations;
- (b) in so doing, to exercise due care to prevent or minimize damage to the environment; and
- (c) when the vessel or other property has been brought to a place of safety, to accept redelivery when reasonably requested by the salvor to do so.

Article 9

Rights of coastal States

Nothing in this Convention shall affect the right of the coastal State concerned to take measures in accordance with generally recognized principles of international law to protect its coastline or related interests from pollution or the threat of pollution following upon a maritime casualty or acts relating to such a casualty which may reasonably be expected to result in major harmful consequences, including the right of a coastal State to give directions in relation to salvage operations.

Article 10

Duty to render assistance

- 1 Every master is bound, so far as he can do so without serious danger to his vessel and persons thereon, to render assistance to any person in danger of being lost at sea.
- 2 The States Parties shall adopt the measures necessary to enforce the duty set out in paragraph 1.
- 3 The owner of the vessel shall incur no liability for a breach of the duty of the master under paragraph 1.

Article 11

Co-operation

A State Party shall, whenever regulating or deciding upon matters relating to salvage operations such as admittance to ports of vessels in distress or the provision of facilities to salvors, take into account the need for co-operation between salvors, other interested parties and public authorities in order to ensure the efficient and successful performance of salvage operations for the purpose of saving life or property in danger as well as preventing damage to the environment in general.

Chapter III – Rights of salvors

Article 12

Conditions for reward

- 1 Salvage operations which have had a useful result give right to a reward.
- 2 Except as otherwise provided, no payment is due under this Convention if the salvage operations have had no useful result.
- 3 This chapter shall apply, notwithstanding that the salvaged vessel and the vessel undertaking the salvage operations belong to the same owner.

Article 13

Criteria for fixing the reward

- 1 The reward shall be fixed with a view to encouraging salvage operations, taking into account the following criteria without regard to the order in which they are presented below:
 - (a) the salved value of the vessel and other property;
 - (b) the skill and efforts of the salvors in preventing or minimizing damage to the environment;
 - (c) the measure of success obtained by the salvor;
 - (d) the nature and degree of the danger;
 - (e) the skill and efforts of the salvors in salvaging the vessel, other property and life;
 - (f) the time used and expenses and losses incurred by the salvors;
 - (g) the risk of liability and other risks run by the salvors or their equipment;
 - (h) the promptness of the services rendered;
 - (i) the availability and use of vessels or other equipment intended for salvage operations;
 - (j) the state of readiness and efficiency of the salvor's equipment and the value thereof.
- 2 Payment of a reward fixed according to paragraph 1 shall be made by all of the vessel and other property interests in proportion to their respective salved values. However, a State Party may in its national law provide that the payment of a reward has to be made by one of these interests, subject to a right of recourse of this interest against the other interests for their respective shares. Nothing in this article shall prevent any right of defence.

- 3 The rewards, exclusive of any interest and recoverable legal costs that may be payable thereon, shall not exceed the salvaged value of the vessel and other property.

Article 14

Special compensation

- 1 If the salvor has carried out salvage operations in respect of a vessel which by itself or its cargo threatened damage to the environment and has failed to earn a reward under article 13 at least equivalent to the special compensation assessable in accordance with this article, he shall be entitled to special compensation from the owner of that vessel equivalent to his expenses as herein defined.
- 2 If, in the circumstances set out in paragraph 1, the salvor by his salvage operations has prevented or minimized damage to the environment, the special compensation payable by the owner to the salvor under paragraph 1 may be increased up to a maximum of 30% of the expenses incurred by the salvor. However, the tribunal, if it deems it fair and just to do so and bearing in mind the relevant criteria set out in article 13, paragraph 1, may increase such special compensation further, but in no event shall the total increase be more than 100% of the expenses incurred by the salvor.
- 3 Salvor's expenses for the purpose of paragraphs 1 and 2 means the out-of-pocket expenses reasonably incurred by the salvor in the salvage operation and a fair rate for equipment and personnel actually and reasonably used in the salvage operation, taking into consideration the criteria set out in article 13, paragraph 1(h), (i) and (j).
- 4 The total special compensation under this article shall be paid only if and to the extent that such compensation is greater than any reward recoverable by the salvor under article 13.
- 5 If the salvor has been negligent and has thereby failed to prevent or minimize damage to the environment, he may be deprived of the whole or part of any special compensation due under this article.

- 6 Nothing in this article shall affect any right of recourse on the part of the owner of the vessel.

Article 15

Apportionment between salvors

- 1 The apportionment of a reward under article 13 between salvors shall be made on the basis of the criteria contained in that article.
- 2 The apportionment between the owner, master and other persons in the service of each salvaging vessel shall be determined by the law of the flag of that vessel. If the salvage has not been carried out from a vessel, the apportionment shall be determined by the law governing the contract between the salvor and his servants.

Article 16

Salvage of persons

- 1 No remuneration is due from persons whose lives are saved, but nothing in this article shall affect the provisions of national law on this subject.
- 2 A salvor of human life, who has taken part in the services rendered on the occasion of the accident giving rise to salvage, is entitled to a fair share of the payment awarded to the salvor for salvaging the vessel or other property or preventing or minimizing damage to the environment.

Article 17

Services rendered under existing contracts

No payment is due under the provisions of this Convention unless the services rendered exceed what can be reasonably considered as due performance of a contract entered into before the danger arose.

Article 18

The effect of salvor's misconduct

A salvor may be deprived of the whole or part of the payment due under this Convention to the extent that the salvage operations have become necessary or more difficult because of fault or neglect on his part or if the salvor has been guilty of fraud or other dishonest conduct.

Article 19

Prohibition of salvage operations

Services rendered notwithstanding the express and reasonable prohibition of the owner or master of the vessel or the owner of any other property in danger which is not and has not been on board the vessel shall not give rise to payment under this Convention.

Chapter IV - Claims and actions

Article 20

Maritime lien

- 1 Nothing in this Convention shall affect the salvor's maritime lien under any international convention or national law.
- 2 The salvor may not enforce his maritime lien when satisfactory security for his claim, including interest and costs, has been duly tendered or provided.

Article 21

Duty to provide security

- 1 Upon the request of the salvor a person liable for a payment due under this Convention shall provide satisfactory security for the claim, including interest and costs of the salvor.

- 2 Without prejudice to paragraph 1, the owner of the salvaged vessel shall use his best endeavours to ensure that the owners of the cargo provide satisfactory security for the claims against them including interest and costs before the cargo is released.
- 3 The salvaged vessel and other property shall not, without the consent of the salvor, be removed from the port or place at which they first arrive after the completion of the salvage operations until satisfactory security has been put up for the salvor's claim against the relevant vessel or property.

Article 22

Interim payment

- 1 The tribunal having jurisdiction over the claim of the salvor may, by interim decision, order that the salvor shall be paid on account such amount as seems fair and just, and on such terms including terms as to security where appropriate, as may be fair and just according to the circumstances of the case.
- 2 In the event of an interim payment under this article the security provided under article 21 shall be reduced accordingly,

Article 23

Limitation of actions

- 1 Any action relating to payment under this Convention shall be time-barred if judicial or arbitral proceedings have not been instituted within a period of two years. The limitation period commences on the day on which the salvage operations are terminated.
- 2 The person against whom a claim is made may at any time during the running of the limitation period extend that period by a declaration to the claimant. This period may in the like manner be further extended.

- 3 An action for indemnity by a person liable may be instituted even after the expiration of the limitation period provided for in the preceding paragraphs, if brought within the time allowed by the law of the State where proceedings are instituted.

Article 24

Interest

The right of the salvor to interest on any payment due under this Convention shall be determined according to the law of the State in which the tribunal seized of the case is situated.

Article 25

State-owned cargoes

Unless the State owner consents, no provision of this Convention shall be used as a basis for the seizure, arrest or detention by any legal process of, nor for any proceedings in rem against, non-commercial cargoes owned by a State and entitled, at the time of the salvage operations, to sovereign immunity under generally recognized principles of international law.

Article 26

Humanitarian cargoes

No provision of this Convention shall be used as a basis for the seizure, arrest or detention of humanitarian cargoes donated by a State, if such State has agreed to pay for salvage services rendered in respect of such humanitarian cargoes.

Article 27

Publication of arbitral awards

States Parties shall encourage, as far as possible and with the consent of the parties, the publication of arbitral awards made in salvage cases.

Chapter V - Final clauses

Article 28

Signature, ratification, acceptance,
approval and accession

- 1 This Convention shall be open for signature at the Headquarters of the Organization from 1 July 1989 to 30 June 1990 and shall thereafter remain open for accession.
- 2 States may express their consent to be bound by this Convention by:
 - (a) signature without reservation as to ratification, acceptance or approval; or
 - (b) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or
 - (c) accession.
- 3 Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General.

Article 29

Entry into force

- 1 This Convention shall enter into force one year after the date on which 15 States have expressed their consent to be bound by it.
- 2 For a State which expresses its consent to be bound by this Convention after the conditions for entry into force thereof have been met, such consent shall take effect one year after the date of expression of such consent.

Article 30

Reservations

- 1 Any State may, at the time of signature, ratification, acceptance, approval or accession, reserve the right not to apply the provisions of this Convention:
 - (a) when the salvage operation takes place in inland waters and all vessels involved are of inland navigation;
 - (b) when the salvage operations take place in inland waters and no vessel is involved;
 - (c) when all interested parties are nationals of that State;
 - (d) when the property involved is maritime cultural property of prehistoric, archaeological or historic interest and is situated on the sea-bed.
- 2 Reservations made at the time of signature are subject to confirmation upon ratification, acceptance or approval.
- 3 Any State which has made a reservation to this Convention may withdraw it at any time by means of a notification addressed to the Secretary-General. Such withdrawal shall take effect on the date the notification is received. If the notification states that the withdrawal of a reservation is to take effect on a date specified therein, and such date is later than the date the notification is received by the Secretary-General, the withdrawal shall take effect on such later date.

Article 31

Denunciation

- 1 This Convention may be denounced by any State Party at any time after the expiry of one year from the date on which this Convention enters into force for that State.

- 2 Denunciation shall be effected by the deposit of an instrument of denunciation with the Secretary-General.
- 3 A denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after the receipt of the instrument of denunciation by the Secretary-General.

Article 32

Revision and amendment

- 1 A conference for the purpose of revising or amending this Convention may be convened by the Organization.
- 2 The Secretary-General shall convene a conference of the States Parties to this Convention for revising or amending the Convention, at the request of eight States Parties, or one fourth of the States Parties, whichever is the higher figure.
- 3 Any consent to be bound by this Convention expressed after the date of entry into force of an amendment to this Convention shall be deemed to apply to the Convention as amended.

Article 33

Depositary

- 1 This Convention shall be deposited with the Secretary-General.
- 2 The Secretary-General shall:
 - (a) inform all States which have signed this Convention or acceded thereto, and all Members of the Organization, of:
 - (i) each new signature or deposit of an instrument of ratification, acceptance, approval or accession together with the date thereof;

- (ii) the date of the entry into force of this Convention;
 - (iii) the deposit of any instrument of denunciation of this Convention together with the date on which it is received and the date on which the denunciation takes effect;
 - (iv) any amendment adopted in conformity with article 32;
 - (v) the receipt of any reservation, declaration or notification made under this Convention;
- (b) transmit certified true copies of this Convention to all States which have signed this Convention or acceded thereto.
- 3 As soon as this Convention enters into force, a certified true copy thereof shall be transmitted by the Depositary to the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

Article 34

Languages

This Convention is established in a single original in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic.

IN WITNESS WHEREOF the undersigned being duly authorized by their respective Governments for that purpose have signed this Convention.

DONE AT LONDON this twenty-eighth day of April one thousand nine hundred and eighty-nine.

二零一五年十一月十七日於行政長官辦公室

辦公室主任 柯嵐

Gabinete do Chefe do Executivo, aos 17 de Novembro de 2015. — A Chefe do Gabinete, *O Lam*.

政府總部輔助部門

批示摘錄

透過行政長官二零一五年十月二十八日批示：

根據現行《澳門公共行政工作人員通則》第三十四條規定，徵用旅遊局第三職階特級公關督導員盧桂蘭到政府總部輔助部門擔任第一職階首席特級公關督導員，為期一年，自二零一五年十二月二十八日起生效。

SERVIÇOS DE APOIO DA SEDE DO GOVERNO

Extractos de despachos

Por despacho de S. Ex.ª o Chefe do Executivo, de 28 de Outubro de 2015:

Lou Kuai Lan, assistente de relações públicas especialista, 3.º escalão, da Direcção dos Serviços de Turismo — requisitada, pelo período de um ano, para exercer as funções de assistente de relações públicas especialista principal, 1.º escalão, nos Serviços de Apoio da Sede do Governo, nos termos do artigo 34.º do ETAPM, em vigor, a partir de 28 de Dezembro de 2015.