

第 107/2015 號行政長官公告

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《1974年國際海上人命安全公約》（下稱“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；

公約締約政府會議於二零零二年十二月十二日透過決議1通過了公約附件修正案，該修正案自二零零四年七月一日起適用於澳門特別行政區；

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，命令公佈包含上指修正案的公約締約政府會議決議1的中文及英文文本。

二零一五年七月十四日發佈。

行政長官 崔世安

Aviso do Chefe do Executivo n.º 107/2015

Considerando 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 Internacional para a Salvaguarda da Vida Humana no Mar de 1974, adiante designada por Convenção, tal como emendada, na Região Administrativa Especial de Macau, a partir de 20 de Dezembro de 1999;

Considerando igualmente que, em 12 de Dezembro de 2002, a Conferência dos Governos Contratantes da Convenção, através da sua resolução n.º 1, adoptou emendas ao Anexo da Convenção, e que tais emendas são aplicáveis na Região Administrativa Especial de Macau desde 1 de Julho de 2004;

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 resolução n.º 1 da Conferência dos Governos Contratantes da Convenção, que contém as referidas emendas, nos seus textos em línguas chinesa e inglesa.

Promulgado em 14 de Julho de 2015.

O Chefe do Executivo, *Chui Sai On*.

《1974 年國際海上人命安全公約》

締約政府會議的決議 1

(2002 年 12 月 12 日通過)

《1974 年國際海上人命安全公約》

附件修正案

會議，

記及《聯合國憲章》有關維護國際和平和安全和促進國家間的友好關係和合目的和原則，

對各種形式的恐怖主義行為的世界範圍的升級深感關切。此種行為危及或奪取無辜的人命，危害基本的自由，嚴重地損害人類的尊嚴，

認識到航運對世界貿易和經濟的重要性的意義，因此決心捍衛世界範圍的供應鏈，防止針對船舶、港口、離岸碼頭或其他設施的恐怖主義襲擊對它造成任何斷裂，

考慮到針對航運的非法行為危害人員和財產的安全和保安，嚴重影響海事業務的運作，破壞世界人民對海上航行安全的信心，

考慮到此種行為的發生是整個國際社會的嚴重關切事項，同時也認識到世界貿易的有效和經濟運動的重要性，

確信急需發展國家間的國際合作，以制定和通過除國際海事組織（此後稱為“本組織”）業已通過者之外的其他有效和可行措施，在廣泛

的意義上防止和制止針對航運的非法行為，

憶及於 2001 年 9 月 28 日通過的聯合國安全理事會第 1373 (2001) 號決議要求各國採取防止和制止恐怖主義行為的措施，包括呼籲各國充分實施各項反恐公約，

注意到 G8 領袖在其於 2002 年 6 月在 (加拿大) 艾伯塔的卡納納斯基斯舉行的高峰會議期間認可的“G8 運輸保安合作行動”(尤其是其“海上保安”部分)，

憶及經修正的《1974 年國際海上人命安全公約》(此後稱為“本公約”)有關締約政府會議修正本公約的程序的第 VIII (c) 條，

注意到本組織大會於 2001 年 11 月 20 日通過的標題為“檢查防止威脅旅客和船員保安和船舶安全的恐怖主義行為的措施和程序”的第 A.924 (22) 號決議。該決議，除其他事項外：

- (a) 認識到本組織需要檢查以期修改現有的國際法律和技術措施並審議適當的新措施來防止和制止針對船舶的恐怖主義，改善船上和岸上的保安，以減少對船上和港區內的旅客、船員和港口人員的風險和對船舶及其貨物的風險；
和
- (b) 要求本組織海上安全委員會、法律委員會和便利委員會根據理事會的指示高優先地進行一次檢查，以確定是否需要更新上述決議前言段中所述的文件和在其工作範疇內的任何其他有關 IMO 文件和 / 或通過其他保安措施，並根據該檢查視情採取行動；

在與第 A.924(22) 號決議範疇有關的 IMO 文件中確定了標題為“防止威脅船舶安全和旅客和船員保安的非法行為的措施”的第 A.584(14) 號決議、有關“防止針對船上旅客和船員的非法行為的措施”的 MSC / Circ.443 和有關“旅客渡船保安”的 MSC / Circ.754，

憶及《1974 年國際海上人命安全公約》締約政府的 1994 年會議通過的標題為“《1974 年 SOLAS 公約》第 XI 章有關強化海上安全的特別措施的今後修正案”的決議 5，

審議了提議並分發給本組織所有會員和本公約所有締約政府的本公約附件修正案，

1. 按本公約第 VIII (c) (ii) 條通過本公約附件修正案。其條文載於本決議的附件中；
2. 按本公約第 VIII (b) (vi) (2) (bb) 條決定：上述修正案在 2004 年 1 月應視為已獲接受，除非在此日期前超過三分之一的本公約締約政府或其綜合商船隊不少於世界商船隊總噸位的 50% 的締約政府作出反對這些修正案的通知；
3. 請本公約締約政府注意：按本公約第 VIII (b) (vii) (2) 條，上述修正案在按上文第 2 段被接受後應於 2004 年 7 月 1 日生效；
4. 要求本組織秘書長按本公約第 VIII (b) (v) 條將本決議和附件中所載的修正案條文的核證副本發給本公約的所有締約政府；
5. 還要求秘書長將本決議及其附件的副本發給非本公約締約政府的本組織所有會員。

附 件

經修正的《1974年國際海上人命安全公約》

附件修正案

第 V 章

航行安全

第 19 條—船載導航系統和設備的裝載要求

- 1 以下列條文取代 2.4.2 款的現有 .4, .5 和 .6 項：

“.4 對於除客船和液貨船外的等於和大於 300 總噸但小於 50,000 總噸的船舶，不晚於 2004 年 7 月 1 日後的第一次安全設備檢驗或 2004 年 12 月 31 日，以早者為準；和

- 2 在 2.4 款的現有 .7 項的末尾加入以下新句：

“裝有 AIS 的船舶應保持 AIS 在所有時間運行，但國際協議、規則或標準對保護航行信息作出規定者除外。”

第 XI 章

強化海上安全的特別措施

- 3 將現有的第 XI 章重新編號為第 XI—1 章

第 3 條—船舶識別號

- 4 在該條的標題後加入下列條文：

“（第 4 和 5 款適用於本條適用的所有船舶。對於 2004 年 7 月 1 日前建造的船舶，對第 4 和 5 款的要求的符合應不晚於 2004 年 7 月 1 日後的船舶第一次定期乾塢）”

5 刪去現有的第 4 款，加入下列新條文：

“4 船舶識別號應在下列位置作出永久標誌：

- .1 下列任一位置的某一易見處：船尾；船體中部的左舷和右舷的任意一舷的最深勘定載重綫之上；上層建築左舷和右舷的任意一舷；上層建築的前端；對於客船，從空中可以看見的水平表面；和
- .2 下列任一位置的某一易於進入處：第 II-2 / 3.30 條中規定的機器處所的某一端部橫向艙壁；某一艙口；對於液貨船，泵室內；對於第 II-2 / 3.41 條規定的有滾裝處所的船舶，滾裝處所的某一端部橫向艙壁。

5.1 永久標誌應清晰易見，避開船體上的任何其他標誌並應以反差色塗寫。

5.2 4.1 款中所述的永久標誌的高度不應小於 200mm。4.2 款中所述的永久標誌的高度不應小於 100mm。標誌的寬度應與高度相稱。

5.3 永久標誌可使用凸出的字符、切割字符、中心衝壓字符或確保標誌不易擦除的任何其他等效的標誌船舶識別號的方法製作。

5.4 對於使用鋼或金屬以外的其他材料建造的船舶，主管機關應對標誌船舶識別號的方法作出核准。”

6 在現有的第 4 款之後，加入新增的第 5 款：

“第 5 條

連續摘要記錄

- 1 應向第 1 章適用的所有船舶頒發“連續摘要記錄”。
- 2.1 “連續摘要記錄”旨在對船內記錄的信息提供船舶歷史的船上記錄。
- 2.2 對於在 2004 年 7 月 1 日前建造的船舶，“連續摘要記錄”應至少提供從 2004 年 7 月 1 日開始的船舶歷史。
- 3 “連續摘要記錄”應由主管機關頒發給有權懸掛其國旗的每一船舶。它應至少載有以下信息：
 - .1 船舶有權懸掛其國旗的國家的名稱；
 - .2 船舶在該國登記的日期；
 - .3 第 3 條規定的船舶識別號；
 - .4 船名；
 - .5 船舶的登記港；
 - .6 登記所有人的姓名和登記地址；
 - .7 如適用，登記光船租賃人的姓名和登記地址；
 - .8 第 IX / 1 條規定的公司名稱及其進行安全管理活動的地址；

- .9 對船舶進行定級的所有船級社的名稱；
- .10 主管機關、締約政府或向經營該船的公司頒發在第 IX / 1 條定義的《ISM 規則》中規定的“符合證書”（或“臨時符合證書”）的經認可的組織的名稱和，如果不是頒發該證書者，進行作為頒發該證書的基礎的審核工作的機構的名稱；
- .11 主管機關、締約政府或向船舶頒發在第 IX / 1 條定義的《ISM 規則》中規定的“安全管理證書”（或“臨時安全管理證書”）的經認可的組織的名稱和，如果不是頒發該證書者，進行作為頒發該證書的基礎的審核工作的機構的名稱；
- .12 主管機關、締約政府或向該船頒發在第 XI-2 / 1 條定義的《ISPS 規則》的第 A 部中規定的“國際船舶保安證書”（或“臨時國際船舶保安證書”）的經認可的組織的名稱和，如果不是頒發該證書者，進行作為頒發該證書的基礎的核查工作的機構的名稱；和
- .13 船舶終止在該國的登記的日期。

4.1 3.4 至 3.12 款中所述登記事項的任何更改均應在“連續摘要記錄”中記錄，以提供經更新的和現行的信息及更改史。

4.2 在 4.1 款中所述的登記事項有任何更改時，主管機關應儘早但不遲於從更改之日起算三個月向有權懸掛其國旗的船舶頒發“連續摘要記錄”的經修訂和更新的版本或其適當修正案。

4.3 在 4.1 款中所述的登記事項有任何更改時，主管機關在頒發“連續摘要記錄”的經修訂和更新的版本前，應授權和要求第 IX / 1 條規定的公司或船舶的船長對“連續摘要記錄”作出修正，以反映此種更改。在此種情況下，在對“連續摘要記錄”作出修正後，公司應及時向主管機關作出相應通知。

5.1 “連續摘要記錄”應使用英語、法語或西班牙語。此外，可提供“連續摘要記錄”的主管機關的官方語文的譯文。

5.2 “連續摘要記錄”應採用本組織制定的格式並應按本組織制定的指南填寫。“連續摘要記錄”中的任何先前登記事項均不得被修改、刪除或以任何方式擦去或塗銷。

6. 每當船舶換掛另一國家的國旗或船舶被賣給另一所有人（或被另一光船租賃人接管）或由另一公司承擔船舶的營運責任時，“連續摘要記錄”均應留在船上。

7. 當船舶要換掛另一國家的國旗時，公司應將船舶要換掛其國旗的國家的名稱通知主管機關，以使主管機關能夠將船舶在其管轄期間內的“連續摘要記錄”的副本送交該國。

8. 當船舶換掛其政府是締約政府的另一國家的國旗時，船舶在此之前懸掛其國旗的國家的締約政府應在換掛發生後儘早向主管機關呈交該船在其管轄期間的有關“連續摘要記錄”的副本和其他國家在此之前向該船頒發的任何“連續摘要記錄”。

9. 當船舶換掛另一國家的國旗時，主管機關應將以前的“連續摘要記錄”附在主管機關將要向該船頒發的“連續摘要記錄”上，以提供本條期望的連續歷史記錄。

10. “連續摘要記錄”應保留在船上並可供隨時檢查。

7 在重新編號的第 XI-1 章後加入以下新的第 XI-2 章：

“第 XI-2 章

強化海上保安的特別措施

第 1 條

定義

- 1 除另有明文規定者外，就本章而言：
 - .1 散貨船係指第 IX / 1.6 條中定義的散貨船。
 - .2 化學品液貨船係指第 VII / 8.2 條中定義的化學品液貨船。
 - .3 氣體運輸船係指第 VII / 11.2 條中定義的氣體運輸船。
 - .4 高速船係指第 X / 1.2 條中定義的船舶。
 - .5 移動式近海鑽井裝置係指第 IX / 1 條中定義的、未就位的機械推進的移動式近海鑽井裝置。
 - .6 油輪係指第 II-1 / 2.12 條定義的油輪。
 - .7 公司係指第 IX / 1 條定義的公司。
 - .8 船 / 港界面係指在涉及往返於該船的人員、貨物或港口業務供應品的運動的行動對該船產生直接和立即影響時發生的互動。

- .9 港口設施係指締約政府或“指定當局”確定的、進行船 / 港界面的位置。它視情包括錨地、等候泊位和向海側的進港航道等區域。
- .10 船對船活動係指涉及一船向另一船輸送貨物或人員、與港口設施無關的任何活動。
- .11 指定當局係在締約政府內指被指定負責從港口設施的角度確保實施本章有關港口設施保安和船 / 港界面的規定的組織或管理機關。
- .12 《國際船舶和港口設施保安 (ISPS) 規則》係指於 2002 年 12 月 12 日以《1974 年國際海上人命安全公約》締約政府會議的決議 2 通過的《國際船舶和港口設施保安規則》。該規則由第 A 部分（其規定應視為強制性）和第 B 部分構成。它可由本組織作出修正，但：
 - .1 該規則第 A 部分的修正案應按本公約有關適用於除第 1 章外的附件修正程序的第 VIII 條予以通過、生效和實施；和
 - .2 該規則第 B 部分的修正案應由海上安全委員會按其“議事規則”予以通過。
- .13 保安事件係指威脅船舶（包括移動式近海鑽井裝置和高速船）、港口設施、任何船 / 港界面或任何船對船活動的保安的任何可疑行動或情況。
- .14 保安級別係指對企圖造成或將會發生保安事件的風險程度的界定。

- .15 保安宣言係指船舶與港口設施或與其界面的另一船舶達成的、對各方要實施的保安措施作出規定的一種協議。
 - .16 經認可的保安組織係指對保安事項具有適當專長、對船舶和港口作業具有適當知識、被授權進行本章或《ISPS 規則》第 A 部分要求的評定、核查、核准或發證活動的組織。
- 2 “船舶”一詞，當在第 3 至 13 條中使用時，包括移動式近海鑽井裝置和高速船。
- 3 “所有船舶”一詞，當在本章中使用時，係指本章適用的所有船舶。
- 4 “締約政府”一詞，當在第 3、4、7 和 10 至 13 條中使用時，包括對“指定當局”的提及。

第 2 條

適用範圍

- 1 本章適用於：
- .1 從事國際航行的下列船型：
 - 1.1 客船，包括高速客船；
 - 1.2 等於和大於 500 總噸的貨船，包括高速船；和
 - 1.3 移動式近海鑽井裝置；和
 - .2 為從事國際航行的此種船舶服務的港口設施。

2 雖有 1.2 款的規定，締約政府應決定本章和《ISPS 規則》第 A 部分的有關節對其領土內的主要由不從事國際航行的船舶使用但偶爾也為從事國際航行的抵、離船舶服務的那些港口設施的適用範圍。

2.1 締約政府應根據按《ISPS 規則》第 A 部分的規定進行的港口設施保安評定作出其第 2 款規定的決定。

2.2 締約政府根據第 2 款作出的任何決定均不應損害本章或《ISPS 規則》第 A 部分意圖達到的保安程度。

3 本章不適用於軍艦、海軍輔助船或由締約政府擁有和經營的、僅用於政府非商業服務的其他船舶。

4 本章中的任意規定均不損害國際法規定的國家權利和義務。

第 3 條

締約當事國的保安義務

1 主管機關應確定保安級別，確保向有權懸掛其國旗的船舶提供保安級別信息。當保安級別有變化時，應視情對保安級別信息作出更新。

2 締約政府應確定保安級別，確保向其領土內的港口設施和，在進入其領土內的港口前或當在此種港口內時，向船舶提供保安級別信息。當保安級別變化時，應視情對保安級別信息作出更新。

第 4 條

對公司和船舶的要求

- 1 公司應符合本章和《ISPS 規則》第 A 部分的有關要求並計及《ISPS 規則》第 B 部分中所載指導。
- 2 船舶應符合本章和《ISPS 規則》第 A 部分的有關要求並計及《ISPS 規則》第 B 部分中所載指導。應按《ISPS 規則》第 A 部分的規定對此種符合作出核查和發證。
- 3 如果締約政府確定的保安級別高於主管機關對船舶確定的保安級別，則在進入該締約政府領土內的港口前和當在此種港口內時，船舶應符合對此種保安級別的要求。
- 4 船舶應對向更高保安級別的任何轉變作出不過分遲延的反應。
- 5 當船舶不符合本章或《ISPS 規則》第 A 部分的要求或不能符合主管機關或另一締約政府確定的、適用於該船的保安級別要求時，該船應在進行任何船 / 港界面前或在進入港口前，以早者為準，向適當的主管當局作出通知。

第 5 條

公司的具體責任

公司應確保船長在船上始終備有使締約政府正式授權官員能確定以下事項的信息：

- .1 誰負責任命船員或目前在船上被僱用或聘用的、以任何身份從事該船業務的其他人員；

- .2 誰負責決定船舶的使用；和
- .3 如果船舶係根據租船合同的條款被使用，則誰是此種租船合同的當事方。

第 6 條

船舶保安警戒系統

- 1 所有船舶均應按以下規定配備船舶保安警戒系統：
 - .1 在 2004 年 7 月 1 日或以後建造的船舶；
 - .2 在 2004 年 7 月 1 日以前建造的客船，包括高速客船：不遲於 2004 年 7 月 1 日後的第一次無線電裝置檢驗；
 - .3 在 2004 年 7 月 1 日前建造的等於和大於 500 總噸的油輪、化學品液貨船、氣體運輸船、散貨船和高速貨船：不遲於 2004 年 7 月 1 日後的第一次無線電裝置檢驗；和
 - .4 2004 年 7 月 1 日前建造的等於和大於 500 總噸的其他貨船和移動式近海鑽井裝置：不遲於 2006 年 7 月 1 日後的第一次無線電裝置檢驗。
- 2 船舶保安警戒系統在被啟動時應：
 - .1 觸發並向主管機關指定的主管當局（在此種情況下可包括公司）發出船對岸保安警戒，指明船舶、船位並說明船舶保安受到威脅或損害；
 - .2 不向任何其他船舶發送船舶保安警戒；
 - .3 不觸發船上的任何警報；和

- .4 繼續船舶保安警戒直至被撤銷和 / 或重新設定。
- 3 船舶保安警戒應：
 - .1 能從駕駛台和在至少一個其他位置啓動；和
 - .2 符合不低於本組織通過者的性能標準。
 - 4 船舶保安警戒啓動點應設計成能防止船舶保安警戒的意外觸發。
 - 5 可通過使用為符合第 IV 章的要求而安裝的無綫電裝置來達到對船舶保安警戒系統的要求，但應滿足本條的所有要求。
 - 6 當主管機關收到船舶保安警戒通知時，該主管機關應立即通知該船當時在其附近運行的國家。
 - 7 當締約政府收到從無權懸掛其國旗的船舶發出的船舶保安警戒通知時，該締約政府應立即通知有關主管機關和，如果適當的話，該船當時在其附近運行的國家。

第 7 條

對船舶的威脅

- 1 締約政府應確定保安級別，確保向在其領海中運行或通報了要進入其領海意圖的船舶提供保安級別信息。
- 2 締約政府應提供此種船舶能通過其要求諮詢和援助並將有關其他船舶、運動和交通的任何保安關切事項向其報告的聯絡點。

3 在確定有襲擊風險時，有關締約政府應將以下事項通知有關船舶及其主管機關：

- .1 當前的保安級別；
- .2 按《ISPS 規則》第 A 條的規定，有關船舶為保護自己不受襲擊應使其就位的任何保安措施；和
- .3 視情而定，沿海國決定使其就位的保安措施。

第 8 條

船長對船舶安全和保安的自主權

1 公司、租賃人或任何其他人員均不應限制船長作出和執行根據船長的專業判斷對維護船舶的安全和保安為必要的任何決定。這包括拒絕人員（但查明的經締約政府正式授權的人員除外）或其個人物品進入和拒絕裝貨，包括集裝箱或其他貨物運輸單元。

2 如果，根據船長的專業判斷，在船舶運營期間出現了適用於該船的任何安全和保安要求間的衝突，則船長應實施維護船舶安全所必需的那些要求。在此種情況下，船長可實施臨時保安措施並立即通知主管機關和，如果適用的話，船舶在其港口內作業或意圖進入其港口的締約政府。本條規定的任何此種臨時保安措施應儘量與現行的保安級別相稱。在此種情況被確定時，主管機關應確保此種衝突得到解決並使再次發生的可能性最小化。

第 9 條

控制和符合措施

1 對港內船舶的控制

1.1 就本章而言，本章適用的每一船舶，當在另一締約政府的港口中時，應接受該政府正式授權官員的控制。這些官員可以是履行第 I / 19 條職責的人員。此種控制應限於核查船上有根據《ISPS 規則》第 A 部分的規定頒發的有效《國際船舶保安證書》或有效《國際臨時船舶保安證書》（“證書”）。除非有明確理由相信該船不符合本章或《ISPS 規則》第 A 部分的要求，否則此種證書如果有效則應予接受。

1.2 當有此種明確理由或被要求卻拿不出有效證書時，締約政府正式授權官員應按第 1.3 款對該船實施一種或多種控制措施。實施的任何此種措施應適度並計及《ISPS 規則》第 B 部分中所載的指導。

1.3 此種控制措施如下：檢查船舶、推遲船舶行程、扣押船舶、限制作業（包括在港內的運動）或將船舶驅逐出港。此種控制措施可額外地或替代地包括其他較小的行政或糾正措施。

2 意圖進入另一締約政府的港口的船舶

2.1 就本章而言，締約政府可以要求意圖進入其港口的船舶向該政府正式授權官員提供下列信息，以確保在進港前符合本章，避免實施控制措施或步驟的需要：

- .1 船舶的有效證書和發證當局的名稱；

- .2 船舶的現行保安級別；
- .3 在 2.3 款規定的時間範圍內，船舶在其進行過船 / 港界面的任何先前港口中時的保安級別；
- .4 在 2.3 款規定的時間範圍內，船舶在其進行過船 / 港界面的任何先前港口中時採取的任何特別或額外保安措施；
- .5 在 2.3 款規定的時間範圍內，在任何船對船活動期間保持了適當的船舶保安程序；或
- .6 其他實際的保安信息（但不是船舶保安計劃的詳情），並計及《ISPS 規則》第 B 部分中所載的指導。

如果締約政府有此要求，船舶或公司應提供該締約政府可以接受的對上文要求的信息的確認。

2.2 本章適用的、意圖進入另一締約政府的港口的每一船舶，經該締約政府正式授權官員的要求，應提供 2.1 款所述的信息。船長可拒絕提供此種信息，但不提供信息可能會造成不准進港。

2.3 船舶應保存 2.1 款中所述的、在港口設施前 10 個掛靠的信息記錄。

2.4 如果在收到 2.1 款中所述的信息後，船舶意圖進入其港口的締約政府的正式授權官員有明確理由相信該船不符合本章或《ISPS 規則》第 A 部分的要求，則此種官員應試圖建立與該船和與主管機關及該船與主管機關之間的通信，以糾正不符。如果此種通信未引起糾正或如果此種官員還有其他明確理由認為該船

不符合本章或《ISPS 規則》第 A 部分的要求，則此種官員可對該船採取 2.5 款中規定的步驟。採取的任何此種步驟必須是適度的並計及《ISPS 規則》第 B 部分中所載的指導。

2.5 此種步驟如下：

- .1 要求糾正不符；
- .2 要求船舶開往該締約政府的領海或內水中的規定位置；
- .3 如果船舶在船舶意圖進入其港口的締約政府的領海中；
檢查船舶；或
- .4 不准進港。

在啓動此種步驟前，締約政府應將其意圖通知船舶。根據該信息，船長可打消進入該港的意圖。在此種情況下本條不應適用。

3 額外規定

3.1 如果：

- .1 實施 1.3 款中所述的但不包括較小行政或糾正措施在內的某一控制措施；或
- .2 採取 2.5 款中所述的任何步驟，

締約政府正式授權官員應立即書面通知主管機關，說明實施了哪些控制措施或採取了哪些步驟及其理由。在實施了任何此種控制措施或採取了任何此種步驟後，實施控制措施或步驟的締約政府還應通知向有關船舶頒發證書的經認可的保安組織和本組織。

3.2 在不准進港或將船舶驅逐出港時，港口國當局應將適當實情通報已知的下一適當掛靠港的國家的當局和任何其他適當沿海國，並計及本組織將制定的指南。應確保此種通知的保密和保安。

3.3 只有在締約政府正式授權官員有明確理由相信該船對人員、船舶或其他財產的安全和保安有立即威脅並且沒有消除該威脅的其他適當辦法時才能實施 2.4 和 2.5 款規定的不准入港和 1.1 至 1.3 款規定的驅逐出港。

3.4 1.3 款中所述的控制措施和 2.5 款中所述的步驟僅應按本條實施至引起控制措施或步驟的不符被糾正並使主管機關滿意，並應計及，如果有的話，船舶或主管機關提議的行動。

3.5 當締約政府實施第 1 款規定的控制或採取第 2 款規定的步驟時：

- .1 盡作出一切可能的努力避免船舶被不適當的扣留或延誤；如果船舶因此被不適當的扣留或延誤，則它應有權得到對承受的任何損失或損害的賠償；和
- .2 不應禁止因緊急或人道理由或保安目的而必需的進入船舶。

第 10 條

對港口設施的要求

- 1 港口設施應符合本章和《ISPS 規則》第 A 部分的要求並計及《ISPS 規則》第 B 部分中所載指導。

- 2 在其領土內有本條適用的港口設施的締約政府應確保：
 - .1 按《ISPS 規則》第 A 部分的規定進行、檢查和核准港口設施保安評定；
 - .2 按《ISPS 規則》第 A 部分的規定制定、檢查、核准和實施港口設施保安計劃。
- 3 締約政府應確定並通報需在港口設施保安計劃中考慮的各保安級別的措施，包括當要求提交“保安聲明”時。

第 11 條

替代保安協議

- 1 締約政府在實施本章和《ISPS 規則》第 A 部分時可與其他締約政府就其領土內港口設施間固定航綫上的短途國際航行的替代保安安排達成書面的雙邊或多邊協議。
- 2 任何此種協議不應損害該協議未涉及的其他船舶或港口設施的保安水平。
- 3 此種保安協議涉及的所有船舶均不應與該協議未涉及的任何船舶開展任何船對船活動。
- 4 應定期檢查此種協議並計及取得的經驗和在特定情況或在經評定的對協議涉及的船舶、港口設施或航綫的威脅方面的任何變化。

第 12 條

等效保安安排

1 主管機關可允許有權懸掛其國旗的某一特定船舶或一組船舶實施等效於本章或《ISPS 規則》第 A 部分規定者的其他保安措施，但此種保安措施應至少與本章或《ISPS 規則》第 A 部分規定者同樣有效。允許此種保安措施的主管機關應將其詳情通知本組織。

2 在實施本章和《ISPS 規則》第 A 部分時，締約政府可允許非屬根據第 11 條締結的協議涉及者的、在其領土內的某一特定港口設施或一組港口設施實施等效於本章或《ISPS 規則》第 A 部分規定者的保安措施，但此種保安措施應至少與本章或《ISPS 規則》第 A 部分規定者同樣有效。允許此種保安措施的締約政府應將其詳情通知本組織。

第 13 條

信息通知

1 締約政府應在不遲於 2004 年 7 月 1 日將下列事項通知本組織並供公司和船舶作為信息：

- .1 其負責船舶和港口設施保安的國家當局的名稱和聯絡細節；
- .2 經核准的港口設施保安計劃涉及的其領土內位置；
- .3 被指定在所有時間裏接受 6.2.1 條所述的船對岸保安警戒並對其作出反應的人員的姓名和聯絡細節；

- .4 被指定在所有時間裏接受締約政府發出的有關實施 9.3.1 條所述控制和符合措施的任何通知並對其作出反應的人員的姓名和聯絡細節；和
- .5 被指定在所有時間裏向船舶提供諮詢和幫助、船舶可向其報告 7.2 條所述的任何保安關切的人員的姓名和聯絡細節。

此後，每當上述事項改變時，應更新此種信息。本組織應將此種詳情發給其他締約政府，作為其官員的信息。

2 締約政府應在不遲於 2004 年 7 月 1 日將被授權代表其行事的任何經認可的保安組織的名稱和聯絡細節以及其具體責任和對此種組織授權的重要條件的詳情通知本組織。每當上述事項改變時應更新此種信息。本組織應將此種詳情發給其他締約政府，作為其官員的信息。

3 締約政府應在不遲於 2004 年 7 月 1 日將載有其領土內港口設施的經核准的港口設施保安計劃的清單以及每一經核准的港口設施保安計劃涉及的位置和相應的核准日期通知本組織。此後，在發生任何下列改變時應作進一步通知：

- .1 將對或已對經認可的港口設施保安計劃涉及的位置作出改變。在此種情況下，通知的信息應指明計劃涉及位置的改變和將要或業已實施此種改變的日期；
- .2 在先前提交本組織的清單中列入的某一經核准的港口設施保安計劃將被或已被撤銷。在此種情況下，通知的信息應指明撤銷將要生效或已被實施的日期。在此種情況下，應儘早向本組織作出通知；和

.3 要對經核准的港口設施保安計劃清單作出增補。在此種情況下，通知的信息應指明計劃涉及的位置和核准日期。

4 在 2004 年 7 月 1 日後，締約政府應每五年將載有其領土內港口設施的所有經核准的港口設施保安計劃的經修訂和更新的清單以及每一經核准的港口設施保安計劃涉及其領土內位置和相應的認可日期（和其任何修正案的核准日期）通知本組織。它們將取代或替代在前五年裏按第 3 款向本組織通知的所有信息。

5 締約政府應將締結了第 11 條規定的協議的信息通知本組織。通知的信息應包括：

- .1 締結協議的各締約政府的名稱；
- .2 協議涉及的港口設施和固定航綫；
- .3 檢查協議的期限；
- .4 協議的生效日期；和
- .5 有關與其他締約政府進行的任何磋商的信息。

此後，在協議被修正或終結時應儘早將信息通知本組織。

6 根據第 12 條的規定允許有權懸掛其國旗的船舶或其領土內的港口設施採用任何等效保安安排的任何締約政府應將其詳情通知本組織。

7 應要求，本組織應向其他締約政府提供根據第 3 款通知的信息。”

**RESOLUTION 1 OF THE CONFERENCE OF CONTRACTING GOVERNMENTS TO
THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974**

(adopted on 12 December 2002)

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

THE CONFERENCE,

BEARING IN MIND the purposes and principles of the Charter of the United Nations concerning the maintenance of international peace and security and the promotion of friendly relations and co-operation among States,

DEEPLY CONCERNED about the world-wide escalation of acts of terrorism in all its forms, which endanger or take innocent human lives, jeopardize fundamental freedoms and seriously impair the dignity of human beings,

BEING AWARE of the importance and significance of shipping to the world trade and economy and, therefore, being determined to safeguard the world-wide supply chain against any breach resulting from terrorist attacks against ships, ports, offshore terminals or other facilities,

CONSIDERING that unlawful acts against shipping jeopardize the safety and security of persons and property, seriously affect the operation of maritime services and undermine the confidence of the peoples of the world in the safety of maritime navigation,

CONSIDERING that the occurrence of such acts is a matter of grave concern to the international community as a whole, while also recognizing the importance of the efficient and economic movement of world trade,

BEING CONVINCED of the urgent need to develop international co-operation between States in devising and adopting effective and practical measures, additional to those already adopted by the International Maritime Organization (hereinafter referred to as "the Organization"), to prevent and suppress unlawful acts directed against shipping in its broad sense,

RECALLING the United Nations Security Council resolution 1373(2001), adopted on 28 September 2001, requiring States to take measures to prevent and suppress terrorist acts, including calling on States to implement fully anti-terrorist conventions,

HAVING NOTED the Co-operative G8 Action on Transport Security (in particular, the Maritime Security section thereof), endorsed by the G8 Leaders during their Summit in Kananaskis, Alberta (Canada) in June 2002,

RECALLING article VIII(c) of the International Convention for the Safety of Life at Sea, 1974, as amended (hereinafter referred to as "the Convention"), concerning the procedure for amending the Convention by a Conference of Contracting Governments,

NOTING resolution A.924(22) entitled “Review of measures and procedures to prevent acts of terrorism which threaten the security of passengers and crew and the safety of ships”, adopted by the Assembly of the Organization on 20 November 2001, which, *inter alia*:

- (a) recognizes the need for the Organization to review, with the intent to revise, existing international legal and technical measures, and to consider appropriate new measures, to prevent and suppress terrorism against ships and to improve security aboard and ashore in order to reduce the risk to passengers, crew and port personnel on board ships and in port areas and to the vessels and their cargoes; and
- (b) requests the Organization’s Maritime Safety Committee, the Legal Committee and the Facilitation Committee under the direction of the Council to undertake, on a high-priority basis, a review to ascertain whether there is a need to update the instruments referred to in the preambular paragraphs of the aforesaid resolution and any other relevant IMO instrument under their scope and/or to adopt other security measures and, in the light of such a review, to take action as appropriate;

HAVING IDENTIFIED resolution A.584(14) entitled “Measures to prevent unlawful acts which threaten the safety of ships and the security of their passengers and crew”, MSC/Circ.443 on “Measures to prevent unlawful acts against passengers and crew on board ships” and MSC/Circ.754 on “Passenger ferry security” among the IMO instruments relevant to the scope of resolution A.924(22),

RECALLING resolution 5 entitled “Future amendments to chapter XI of the 1974 SOLAS Convention on special measures to enhance maritime safety”, adopted by the 1994 Conference of Contracting Government to the International Convention for the Safety of Life at Sea, 1974,

HAVING CONSIDERED amendments to the Annex of the Convention proposed and circulated to all Members of the Organization and to all Contracting Governments to the Convention,

1. ADOPTS, in accordance with article VIII(c)(ii) of the Convention, amendments to the Annex of the Convention, the text of which is given in the Annex to the present resolution;
2. DETERMINES, in accordance with article VIII(b)(vi)(2)(bb) of the Convention, that the aforementioned amendments shall be deemed to have been accepted on 1 January 2004, 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 50% of the gross tonnage of the world’s merchant fleet have notified their objections to the amendments;
3. INVITES Contracting Governments to the Convention to note that, in accordance with article VIII(b)(vii)(2) of the Convention, the said amendments shall enter into force on 1 July 2004 upon their acceptance in accordance with paragraph 2 above;
4. REQUESTS the Secretary-General of the Organization, 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 this resolution and its Annex to all Members of the Organization which are not Contracting Governments to the Convention.

ANNEX

AMENDMENTS TO THE ANNEX TO THE INTERNATIONAL CONVENTION FOR
THE SAFETY OF LIFE AT SEA, 1974 AS AMENDEDCHAPTER V
SAFETY OF NAVIGATION**Regulation 19 – Carriage requirements for shipborne navigational systems and equipment**

1 The existing subparagraphs .4, .5 and .6 of paragraph 2.4.2 are replaced by the following:

“4 in the case of ships, other than passenger ships and tankers, of 300 gross tonnage and upwards but less than 50,000 gross tonnage, not later than the first safety equipment survey after 1 July 2004 or by 31 December 2004, whichever occurs earlier; and”

2 The following new sentence is added at the end of the existing subparagraph .7 of paragraph 2.4:

“Ships fitted with AIS shall maintain AIS in operation at all times except where international agreements, rules or standards provide for the protection of navigational information.”

CHAPTER XI

SPECIAL MEASURES TO ENHANCE MARITIME SAFETY

3 The existing chapter XI is renumbered as chapter XI-1.

Regulation 3 - Ship identification number

4 The following text is inserted after the title of the regulation:

“(Paragraphs 4 and 5 apply to all ships to which this regulation applies. For ships constructed before 1 July 2004, the requirements of paragraphs 4 and 5 shall be complied with not later than the first scheduled dry-docking of the ship after 1 July 2004)”

5 The existing paragraph 4 is deleted and the following new text is inserted:

“4 The ship’s identification number shall be permanently marked:

.1 in a visible place either on the stern of the ship or on either side of the hull, amidships port and starboard, above the deepest assigned load line or either side of the superstructure, port and starboard or on the front of the superstructure or, in the case of passenger ships, on a horizontal surface visible from the air; and

- .2 in an easily accessible place either on one of the end transverse bulkheads of the machinery spaces, as defined in regulation II-2/3.30, or on one of the hatchways or, in the case of tankers, in the pump-room or, in the case of ships with ro-ro spaces, as defined in regulation II-2/3.41, on one of the end transverse bulkheads of the ro-ro spaces.

5.1 The permanent marking shall be plainly visible, clear of any other markings on the hull and shall be painted in a contrasting colour.

5.2 The permanent marking referred to in paragraph 4.1 shall be not less than 200 mm in height. The permanent marking referred to in paragraph 4.2 shall not be less than 100 mm in height. The width of the marks shall be proportionate to the height.

5.3 The permanent marking may be made by raised lettering or by cutting it in or by centre-punching it or by any other equivalent method of marking the ship identification number which ensures that the marking is not easily expunged.

5.4 On ships constructed of material other than steel or metal, the Administration shall approve the method of marking the ship identification number.”

- 6 The following new regulation 5 is added after the existing regulation 4:

**“Regulation 5
Continuous Synopsis Record**

1 Every ship to which chapter I applies shall be issued with a Continuous Synopsis Record.

2.1 The Continuous Synopsis Record is intended to provide an on-board record of the history of the ship with respect to the information recorded therein.

2.2 For ships constructed before 1 July 2004, the Continuous Synopsis Record shall, at least, provide the history of the ship as from 1 July 2004.

3 The Continuous Synopsis Record shall be issued by the Administration to each ship that is entitled to fly its flag and it shall contain, at least, the following information:

- .1 the name of the State whose flag the ship is entitled to fly;
- .2 the date on which the ship was registered with that State;
- .3 the ship’s identification number in accordance with regulation 3;
- .4 the name of the ship;
- .5 the port at which the ship is registered;
- .6 the name of the registered owner(s) and their registered address(es);

- .7 the name of the registered bareboat charterer(s) and their registered address(es), if applicable;
 - .8 the name of the Company, as defined in regulation IX/1, its registered address and the address(es) from where it carries out the safety-management activities;
 - .9 the name of all classification society(ies) with which the ship is classed;
 - .10 the name of the Administration or of the Contracting Government or of the recognized organization which has issued the Document of Compliance (or the Interim Document of Compliance), specified in the ISM Code as defined in regulation IX/1, to the Company operating the ship and the name of the body which has carried out the audit on the basis of which the Document was issued, if other than that issuing the Document;
 - .11 the name of the Administration or of the Contracting Government or of the recognized organization that has issued the Safety Management Certificate (or the Interim Safety Management Certificate), specified in the ISM Code as defined in regulation IX/1, to the ship and the name of the body which has carried out the audit on the basis of which the Certificate was issued, if other than that issuing the Certificate;
 - .12 the name of the Administration or of the Contracting Government or of the recognized security organization that has issued the International Ship Security Certificate (or the Interim International Ship Security Certificate), specified in part A of the ISPS Code as defined in regulation XI-2/1, to the ship and the name of the body which has carried out the verification on the basis of which the Certificate was issued, if other than that issuing the Certificate; and
 - .13 the date on which the ship ceased to be registered with that State.
- 4.1 Any changes relating to the entries referred to in paragraphs 3.4 to 3.12 shall be recorded in the Continuous Synopsis Record so as to provide updated and current information together with the history of the changes.
- 4.2 In case of any changes relating to the entries referred to in paragraph 4.1, the Administration shall issue, as soon as is practically possible but not later than three months from the date of the change, to the ships entitled to fly its flag either a revised and updated version of the Continuous Synopsis Record or appropriate amendments thereto.
- 4.3 In case of any changes relating to the entries referred to in paragraph 4.1, the Administration, pending the issue of a revised and updated version of the Continuous Synopsis Record, shall authorize and require either the Company as defined in regulation IX/1 or the master of the ship to amend the Continuous Synopsis Record to reflect the changes. In such cases, after the Continuous Synopsis Record has been amended, the Company shall, without delay, inform the Administration accordingly.

5.1 The Continuous Synopsis Record shall be in English, French or Spanish language. Additionally, a translation of the Continuous Synopsis Record into the official language or languages of the Administration may be provided.

5.2 The Continuous Synopsis Record shall be in the format developed by the Organization and shall be maintained in accordance with guidelines developed by the Organization. Any previous entries in the Continuous Synopsis Record shall not be modified, deleted or, in any way, erased or defaced.

6 Whenever a ship is transferred to the flag of another State or the ship is sold to another owner (or is taken over by another bareboat charterer) or another Company assumes the responsibility for the operation of the ship, the Continuous Synopsis Record shall be left on board.

7 When a ship is to be transferred to the flag of another State, the Company shall notify the Administration of the name of the State under whose flag the ship is to be transferred so as to enable the Administration to forward to that State a copy of the Continuous Synopsis Record covering the period during which the ship was under its jurisdiction.

8 When a ship is transferred to the flag of another State the Government of which is a Contracting Government, the Contracting Government of the State whose flag the ship was flying hitherto shall transmit to the Administration, as soon as possible after the transfer takes place, a copy of the relevant Continuous Synopsis Record covering the period during which the ship was under their jurisdiction together with any Continuous Synopsis Records previously issued to the ship by other States.

9 When a ship is transferred to the flag of another State, the Administration shall append the previous Continuous Synopsis Records to the Continuous Synopsis Record the Administration will issue to the ship so to provide the continuous history record intended by this regulation.

10 The Continuous Synopsis Record shall be kept on board the ship and shall be available for inspection at all times.”

7 The following new chapter XI-2 is inserted after the renumbered chapter XI-1:

**“CHAPTER XI-2
SPECIAL MEASURES TO ENHANCE MARITIME SECURITY**

**Regulation 1
Definitions**

1 For the purpose of this chapter, unless expressly provided otherwise:

- .1 *Bulk carrier* means a bulk carrier as defined in regulation IX/1.6.
- .2 *Chemical tanker* means a chemical tanker as defined in regulation VII/8.2.
- .3 *Gas carrier* means a gas carrier as defined in regulation VII/11.2.

- .4 *High-speed craft* means a craft as defined in regulation X/1.2.
- .5 *Mobile offshore drilling unit* means a mechanically propelled mobile offshore drilling unit, as defined in regulation IX/1, not on location.
- .6 *Oil tanker* means an oil tanker as defined in regulation II-1/2.12.
- .7 *Company* means a Company as defined in regulation IX/1.
- .8 *Ship/port interface* means the interactions that occur when a ship is directly and immediately affected by actions involving the movement of persons, goods or the provisions of port services to or from the ship.
- .9 *Port facility* is a location, as determined by the Contracting Government or by the Designated Authority, where the ship/port interface takes place. This includes areas such as anchorages, waiting berths and approaches from seaward, as appropriate.
- .10 *Ship-to-ship activity* means any activity not related to a port facility that involves the transfer of goods or persons from one ship to another.
- .11 *Designated Authority* means the organization(s) or the administration(s) identified, within the Contracting Government, as responsible for ensuring the implementation of the provisions of this chapter pertaining to port facility security and ship/port interface, from the point of view of the port facility.
- .12 *International Ship and Port Facility Security (ISPS) Code* means the International Code for the Security of Ships and of Port Facilities consisting of part A (the provisions of which shall be treated as mandatory) and part B (the provisions of which shall be treated as recommendatory), as adopted, on 12 December 2002, by resolution 2 of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 as may be amended by the Organization, provided that:
 - .1 amendments to part A of the Code are adopted, brought into force and take effect in accordance with article VIII of the present Convention concerning the amendment procedures applicable to the Annex other than chapter I; and
 - .2 amendments to part B of the Code are adopted by the Maritime Safety Committee in accordance with its Rules of Procedure.
- .13 *Security incident* means any suspicious act or circumstance threatening the security of a ship, including a mobile offshore drilling unit and a high-speed craft, or of a port facility or of any ship/port interface or any ship-to-ship activity.
- .14 *Security level* means the qualification of the degree of risk that a security incident will be attempted or will occur.
- .15 *Declaration of Security* means an agreement reached between a ship and either a port facility or another ship with which it interfaces, specifying the security measures each will implement.

- .16 *Recognized security organization* means an organization with appropriate expertise in security matters and with appropriate knowledge of ship and port operations authorized to carry out an assessment, or a verification, or an approval or a certification activity, required by this chapter or by part A of the ISPS Code.

2 The term "ship", when used in regulations 3 to 13, includes mobile offshore drilling units and high-speed craft.

3 The term "all ships", when used in this chapter, means any ship to which this chapter applies.

4 The term "Contracting Government", when used in regulations 3, 4, 7 and 10 to 13, includes a reference to the Designated Authority.

Regulation 2 Application

1 This chapter applies to:

- .1 the following types of ships engaged on international voyages:
- .1.1 passenger ships, including high-speed passenger craft;
 - .1.2 cargo ships, including high-speed craft, of 500 gross tonnage and upwards; and
 - .1.3 mobile offshore drilling units; and
- .2 port facilities serving such ships engaged on international voyages.

2 Notwithstanding the provisions of paragraph 1.2, Contracting Governments shall decide the extent of application of this chapter and of the relevant sections of part A of the ISPS Code to those port facilities within their territory which, although used primarily by ships not engaged on international voyages, are required, occasionally, to serve ships arriving or departing on an international voyage.

2.1 Contracting Governments shall base their decisions, under paragraph 2, on a port facility security assessment carried out in accordance with the provisions of part A of the ISPS Code.

2.2 Any decision which a Contracting Government makes, under paragraph 2, shall not compromise the level of security intended to be achieved by this chapter or by part A of the ISPS Code.

3 This chapter does not apply to warships, naval auxiliaries or other ships owned or operated by a Contracting Government and used only on Government non-commercial service.

4 Nothing in this chapter shall prejudice the rights or obligations of States under international law.

Regulation 3
Obligations of Contracting Governments with respect to security

1 Administrations shall set security levels and ensure the provision of security-level information to ships entitled to fly their flag. When changes in security level occur, security level information shall be updated as the circumstance dictates.

2 Contracting Governments shall set security levels and ensure the provision of security-level information to port facilities within their territory, and to ships prior to entering a port or whilst in a port within their territory. When changes in security level occur, security-level information shall be updated as the circumstance dictates.

Regulation 4
Requirements for Companies and ships

1 Companies shall comply with the relevant requirements of this chapter and of part A of the ISPS Code, taking into account the guidance given in part B of the ISPS Code.

2 Ships shall comply with the relevant requirements of this chapter and of part A of the ISPS Code, taking into account the guidance given in part B of the ISPS Code, and such compliance shall be verified and certified as provided for in part A of the ISPS Code.

3 Prior to entering a port or whilst in a port within the territory of a Contracting Government, a ship shall comply with the requirements for the security level set by that Contracting Government, if such security level is higher than the security level set by the Administration for that ship.

4 Ships shall respond without undue delay to any change to a higher security level.

5 Where a ship is not in compliance with the requirements of this chapter or of part A of the ISPS Code, or cannot comply with the requirements of the security level set by the Administration or by another Contracting Government and applicable to that ship, then the ship shall notify the appropriate competent authority prior to conducting any ship/port interface or prior to entry into port, whichever occurs earlier.

Regulation 5
Specific responsibility of Companies

The Company shall ensure that the master has available on board, at all times, information through which officers duly authorized by a Contracting Government can establish:

- .1 who is responsible for appointing the members of the crew or other persons currently employed or engaged on board the ship in any capacity on the business of that ship;
- .2 who is responsible for deciding the employment of the ship; and

- .3 in cases where the ship is employed under the terms of charter party(ies), who are the parties to such charter party(ies).

Regulation 6
Ship security alert system

1 All ships shall be provided with a ship security alert system, as follows:

- .1 ships constructed on or after 1 July 2004;
- .2 passenger ships, including high-speed passenger craft, constructed before 1 July 2004, not later than the first survey of the radio installation after 1 July 2004;
- .3 oil tankers, chemical tankers, gas carriers, bulk carriers and cargo high-speed craft, of 500 gross tonnage and upwards constructed before 1 July 2004, not later than the first survey of the radio installation after 1 July 2004; and
- .4 other cargo ships of 500 gross tonnage and upward and mobile offshore drilling units constructed before 1 July 2004, not later than the first survey of the radio installation after 1 July 2006.

2 The ship security alert system, when activated, shall:

- .1 initiate and transmit a ship-to-shore security alert to a competent authority designated by the Administration, which in these circumstances may include the Company, identifying the ship, its location and indicating that the security of the ship is under threat or it has been compromised;
- .2 not send the ship security alert to any other ships;
- .3 not raise any alarm on board the ship; and
- .4 continue the ship security alert until deactivated and/or reset.

3 The ship security alert system shall:

- .1 be capable of being activated from the navigation bridge and in at least one other location; and
- .2 conform to performance standards not inferior to those adopted by the Organization.

4 The ship security alert system activation points shall be designed so as to prevent the inadvertent initiation of the ship security alert.

5 The requirement for a ship security alert system may be complied with by using the radio installation fitted for compliance with the requirements of chapter IV, provided all requirements of this regulation are complied with.

6 When an Administration receives notification of a ship security alert, that Administration shall immediately notify the State(s) in the vicinity of which the ship is presently operating.

7 When a Contracting Government receives notification of a ship security alert from a ship which is not entitled to fly its flag, that Contracting Government shall immediately notify the relevant Administration and, if appropriate, the State(s) in the vicinity of which the ship is presently operating.

Regulation 7 Threats to ships

1 Contracting Governments shall set security levels and ensure the provision of security-level information to ships operating in their territorial sea or having communicated an intention to enter their territorial sea.

2 Contracting Governments shall provide a point of contact through which such ships can request advice or assistance and to which such ships can report any security concerns about other ships, movements or communications.

3 Where a risk of attack has been identified, the Contracting Government concerned shall advise the ships concerned and their Administrations of:

- .1 the current security level;
- .2 any security measures that should be put in place by the ships concerned to protect themselves from attack, in accordance with the provisions of part A of the ISPS Code; and
- .3 security measures that the coastal State has decided to put in place, as appropriate.

Regulation 8 Master's discretion for ship safety and security

1 The master shall not be constrained by the Company, the charterer or any other person from taking or executing any decision which, in the professional judgement of the master, is necessary to maintain the safety and security of the ship. This includes denial of access to persons (except those identified as duly authorized by a Contracting Government) or their effects and refusal to load cargo, including containers or other closed cargo transport units.

2 If, in the professional judgement of the master, a conflict between any safety and security requirements applicable to the ship arises during its operations, the master shall give effect to those requirements necessary to maintain the safety of the ship. In such cases, the master may implement temporary security measures and shall forthwith inform the Administration and, if appropriate, the Contracting Government in whose port the ship is operating or intends to enter. Any such temporary security measures under this regulation shall, to the highest possible degree, be commensurate with the prevailing security level. When such cases are identified, the Administration shall ensure that such conflicts are resolved and that the possibility of recurrence is minimized.

Regulation 9

Control and compliance measures

1 Control of ships in port

1.1 For the purpose of this chapter, every ship to which this chapter applies is subject to control when in a port of another Contracting Government by officers duly authorized by that Government, who may be the same as those carrying out the functions of regulation 1/19. Such control shall be limited to verifying that there is on board a valid International Ship Security Certificate or a valid Interim International Ship Security Certificate issued under the provisions of part A of the ISPS Code (“Certificate”), which if valid shall be accepted, unless there are clear grounds for believing that the ship is not in compliance with the requirements of this chapter or part A of the ISPS Code.

1.2 When there are such clear grounds, or when no valid Certificate is produced when required, the officers duly authorized by the Contracting Government shall impose any one or more control measures in relation to that ship as provided in paragraph 1.3. Any such measures imposed must be proportionate, taking into account the guidance given in part B of the ISPS Code.

1.3 Such control measures are as follows: inspection of the ship, delaying the ship, detention of the ship, restriction of operations, including movement within the port, or expulsion of the ship from port. Such control measures may additionally or alternatively include other lesser administrative or corrective measures.

2 Ships intending to enter a port of another Contracting Government

2.1 For the purpose of this chapter, a Contracting Government may require that ships intending to enter its ports provide the following information to officers duly authorized by that Government to ensure compliance with this chapter prior to entry into port with the aim of avoiding the need to impose control measures or steps:

- .1 that the ship possesses a valid Certificate and the name of its issuing authority;
- .2 the security level at which the ship is currently operating;
- .3 the security level at which the ship operated in any previous port where it has conducted a ship/port interface within the timeframe specified in paragraph 2.3;
- .4 any special or additional security measures that were taken by the ship in any previous port where it has conducted a ship/port interface within the timeframe specified in paragraph 2.3;
- .5 that the appropriate ship security procedures were maintained during any ship-to-ship activity within the timeframe specified in paragraph 2.3; or
- .6 other practical security-related information (but not details of the ship security plan), taking into account the guidance given in part B of the ISPS Code.

If requested by the Contracting Government, the ship or the Company shall provide confirmation, acceptable to that Contracting Government, of the information required above.

2.2 Every ship to which this chapter applies intending to enter the port of another Contracting Government shall provide the information described in paragraph 2.1 on the request of the officers duly authorized by that Government. The master may decline to provide such information on the understanding that failure to do so may result in denial of entry into port.

2.3 The ship shall keep records of the information referred to in paragraph 2.1 for the last 10 calls at port facilities.

2.4 If, after receipt of the information described in paragraph 2.1, officers duly authorized by the Contracting Government of the port in which the ship intends to enter have clear grounds for believing that the ship is in non-compliance with the requirements of this chapter or part A of the ISPS Code, such officers shall attempt to establish communication with and between the ship and the Administration in order to rectify the non-compliance. If such communication does not result in rectification, or if such officers have clear grounds otherwise for believing that the ship is in non-compliance with the requirements of this chapter or part A of the ISPS Code, such officers may take steps in relation to that ship as provided in paragraph 2.5. Any such steps taken must be proportionate, taking into account the guidance given in part B of the ISPS Code.

2.5 Such steps are as follows:

- .1 a requirement for the rectification of the non-compliance;
- .2 a requirement that the ship proceed to a location specified in the territorial sea or internal waters of that Contracting Government;
- .3 inspection of the ship, if the ship is in the territorial sea of the Contracting Government the port of which the ship intends to enter; or
- .4 denial of entry into port.

Prior to initiating any such steps, the ship shall be informed by the Contracting Government of its intentions. Upon this information the master may withdraw the intention to enter that port. In such cases, this regulation shall not apply.

3 Additional provisions

3.1 In the event:

- .1 of the imposition of a control measure, other than a lesser administrative or corrective measure, referred to in paragraph 1.3; or
- .2 any of the steps referred to in paragraph 2.5 are taken,

an officer duly authorized by the Contracting Government shall forthwith inform in writing the Administration specifying which control measures have been imposed or steps taken and the reasons thereof. The Contracting Government imposing the control measures or steps shall also notify the recognized security organization which issued the Certificate relating to the ship concerned and the Organization when any such control measures have been imposed or steps taken.

3.2 When entry into port is denied or the ship is expelled from port, the authorities of the port State should communicate the appropriate facts to the authorities of the State of the next appropriate ports of call, when known, and any other appropriate coastal States, taking into account guidelines to be developed by the Organization. Confidentiality and security of such notification shall be ensured.

3.3 Denial of entry into port, pursuant to paragraphs 2.4 and 2.5, or expulsion from port, pursuant to paragraphs 1.1 to 1.3, shall only be imposed where the officers duly authorized by the Contracting Government have clear grounds to believe that the ship poses an immediate threat to the security or safety of persons, or of ships or other property and there are no other appropriate means for removing that threat.

3.4 The control measures referred to in paragraph 1.3 and the steps referred to in paragraph 2.5 shall only be imposed, pursuant to this regulation, until the non-compliance giving rise to the control measures or steps has been corrected to the satisfaction of the Contracting Government, taking into account actions proposed by the ship or the Administration, if any.

3.5 When Contracting Governments exercise control under paragraph 1 or take steps under paragraph 2:

- .1 all possible efforts shall be made to avoid a ship being unduly detained or delayed. If a ship is thereby unduly detained, or delayed, it shall be entitled to compensation for any loss or damage suffered; and
- .2 necessary access to the ship shall not be prevented for emergency or humanitarian reasons and for security purposes.

Regulation 10 Requirements for port facilities

1 Port facilities shall comply with the relevant requirements of this chapter and part A of the ISPS Code, taking into account the guidance given in part B of the ISPS Code.

2 Contracting Governments with a port facility or port facilities within their territory, to which this regulation applies, shall ensure that:

- .1 port facility security assessments are carried out, reviewed and approved in accordance with the provisions of part A of the ISPS Code; and
- .2 port facility security plans are developed, reviewed, approved and implemented in accordance with the provisions of part A of the ISPS Code.

3 Contracting Governments shall designate and communicate the measures required to be addressed in a port facility security plan for the various security levels, including when the submission of a Declaration of Security will be required.

Regulation 11 **Alternative security agreements**

1 Contracting Governments may, when implementing this chapter and part A of the ISPS Code, conclude in writing bilateral or multilateral agreements with other Contracting Governments on alternative security arrangements covering short international voyages on fixed routes between port facilities located within their territories.

2 Any such agreement shall not compromise the level of security of other ships or of port facilities not covered by the agreement.

3 No ship covered by such an agreement shall conduct any ship-to-ship activities with any ship not covered by the agreement.

4 Such agreements shall be reviewed periodically, taking into account the experience gained as well as any changes in the particular circumstances or the assessed threats to the security of the ships, the port facilities or the routes covered by the agreement.

Regulation 12 **Equivalent security arrangements**

1 An Administration may allow a particular ship or a group of ships entitled to fly its flag to implement other security measures equivalent to those prescribed in this chapter or in part A of the ISPS Code, provided such security measures are at least as effective as those prescribed in this chapter or part A of the ISPS Code. The Administration which allows such security measures shall communicate to the Organization particulars thereof.

2 When implementing this chapter and part A of the ISPS Code, a Contracting Government may allow a particular port facility or a group of port facilities located within its territory, other than those covered by an agreement concluded under regulation 11, to implement security measures equivalent to those prescribed in this chapter or in part A of the ISPS Code, provided such security measures are at least as effective as those prescribed in this chapter or part A of the ISPS Code. The Contracting Government which allows such security measures shall communicate to the Organization particulars thereof.

Regulation 13 **Communication of information**

1 Contracting Governments shall, not later than 1 July 2004, communicate to the Organization and shall make available for the information of Companies and ships:

- .1 the names and contact details of their national authority or authorities responsible for ship and port facility security;

- .2 the locations within their territory covered by approved port facility security plans;
- .3 the names and contact details of those who have been designated to be available at all times to receive and act upon the ship-to-shore security alerts referred to in regulation 6.2.1;
- .4 the names and contact details of those who have been designated to be available at all times to receive and act upon any communications from Contracting Governments exercising control and compliance measures referred to in regulation 9.3.1; and
- .5 the names and contact details of those who have been designated to be available at all times to provide advice or assistance to ships and to whom ships can report any security concerns referred to in regulation 7.2

and thereafter update such information as and when changes relating thereto occur. The Organization shall circulate such particulars to other Contracting Governments for the information of their officers.

2 Contracting Governments shall, not later than 1 July 2004, communicate to the Organization the names and contact details of any recognized security organizations authorized to act on their behalf together with details of the specific responsibility and conditions of authority delegated to such organizations. Such information shall be updated as and when changes relating thereto occur. The Organization shall circulate such particulars to other Contracting Governments for the information of their officers.

3 Contracting Governments shall, not later than 1 July 2004 communicate to the Organization a list showing the approved port facility security plans for the port facilities located within their territory together with the location or locations covered by each approved port facility security plan and the corresponding date of approval and thereafter shall further communicate when any of the following changes take place:

- .1 changes in the location or locations covered by an approved port facility security plan are to be introduced or have been introduced. In such cases the information to be communicated shall indicate the changes in the location or locations covered by the plan and the date as of which such changes are to be introduced or were implemented;
- .2 an approved port facility security plan, previously included in the list submitted to the Organization, is to be withdrawn or has been withdrawn. In such cases, the information to be communicated shall indicate the date on which the withdrawal will take effect or was implemented. In these cases, the communication shall be made to the Organization as soon as is practically possible; and
- .3 additions are to be made to the list of approved port facility security plans. In such cases, the information to be communicated shall indicate the location or locations covered by the plan and the date of approval.

4 Contracting Governments shall, at five year intervals after 1 July 2004, communicate to the Organization a revised and updated list showing all the approved port facility security plans for the port facilities located within their territory together with the

location or locations covered by each approved port facility security plan and the corresponding date of approval (and the date of approval of any amendments thereto) which will supersede and replace all information communicated to the Organization, pursuant to paragraph 3, during the preceding five years.

5 Contracting Governments shall communicate to the Organization information that an agreement under regulation 11 has been concluded. The information communicated shall include:

- .1 the names of the Contracting Governments which have concluded the agreement;
- .2 the port facilities and the fixed routes covered by the agreement;
- .3 the periodicity of review of the agreement;
- .4 the date of entry into force of the agreement; and
- .5 information on any consultations which have taken place with other Contracting Governments

and thereafter shall communicate, as soon as practically possible, to the Organization information when the agreement has been amended or has ended.

6 Any Contracting Government which allows, under the provisions of regulation 12, any equivalent security arrangements with respect to a ship entitled to fly its flag or with respect to a port facility located within its territory shall communicate to the Organization particulars thereof.

7 The Organization shall make available the information communicated under paragraph 3 to other Contracting Governments upon request.”

第 108/2015 號行政長官公告

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《1974年國際海上人命安全公約》（下稱“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；

國際海事組織海上安全委員會於二零零四年五月二十日透過第MSC.152(78)號決議通過了經修正的公約修正案，該修正案自二零零六年七月一日起適用於澳門特別行政區；

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，命令公佈包含上指修正案的MSC.152(78)號決議的中文及英文文本。

二零一五年七月十五日發佈。

行政長官 崔世安

Aviso do Chefe do Executivo n.º 108/2015

Considerando 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 Internacional para a Salvaguarda da Vida Humana no Mar de 1974, adiante designada por Convenção, tal como emendada, na Região Administrativa Especial de Macau a partir de 20 de Dezembro de 1999;

Considerando igualmente que, em 20 de Maio de 2004, o Comité de Segurança Marítima da Organização Marítima Internacional, através da resolução MSC.152(78), adoptou emendas à Convenção, tal como emendada, e que tais emendas são aplicáveis na Região Administrativa Especial de Macau desde 1 de Julho de 2006;

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 resolução MSC.152(78), que contém as referidas emendas, nos seus textos em línguas chinesa e inglesa.

Promulgado em 15 de Julho de 2015.

O Chefe do Executivo, *Chui Sai On*.