

5 The following new paragraph 6 is added after the existing paragraph 5:

“6 Masters of ships who have embarked persons in distress at sea shall treat them with humanity, within the capabilities and limitations of the ship.”

### Regulation 34 – Safe navigation and avoidance of dangerous situations

6 The existing paragraph 3 is deleted.

7 The following new regulation 34-1 is added after the existing regulation 34:

#### “Regulation 34-1 Master’s discretion

The owner, the charterer, the company operating the ship as defined in regulation IX/1, or any other person shall not prevent or restrict the master of the ship from taking or executing any decision which, in the master’s professional judgement, is necessary for safety of life at sea and protection of the marine environment.”

### 第 110/2015 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二零零六年五月十九日透過第MSC.202(81)號決議通過了經修正的公約的修正案，該修正案自二零零八年一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.202(81)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 110/2015

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 19 de Maio de 2006, o Comité de Segurança Marítima da Organização Marítima Internacional, através da resolução MSC.202(81), adoptou emendas à Convenção, tal como emendada, e que tais emendas são aplicáveis na Região Administrativa Especial de Macau desde 1 de Janeiro de 2008;

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.202(81), 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*.

## 第 MSC.202 (81) 號決議

(2006 年 5 月 19 日通過)

### 通過經修正的《1974 年國際海上人命安全公約》 的修正案

海上安全委員會，

憶及《國際海事組織公約》關於本委員會職能的第 28 (b) 條，

進一步憶及《1974 年國際海上人命安全公約》(《安全公約》)(以下簡稱“公約”)關於《公約》附則除第 I 章的規定以外的適用修正程序的第 VIII (b) 條，

在其第八十一屆會議上，審議了按照《公約》第 VIII (b) (i) 條提出並散發的《公約》修正案，

1. 按照《公約》第 VIII (b) (iv) 條，通過《公約》的修正案，其正文列於本決議之附件；
2. 按照《公約》第 VIII (b) (vi) (2) (bb) 條，決定所述修正案將於 2007 年 7 月 1 日視為已被接受，除非在此日期之前，有超過三分之一的《公約》締約國政府或其合計商船總噸位不少於世界商船總噸位 50% 的締約國政府通知反對該修正案；
3. 請《安全公約》締約國政府注意，按照《公約》第 VIII (b) (vii) (2) 條，該修正案將在按照上述第 2 段被接受後於 2008 年 1 月 1 日生效；

4. 要求秘書長按照《公約》第 VIII (b) (v) 條，將本決議和附件中所列修正案正文的核證無誤副本送發《公約》的所有締約國政府；
5. 進一步要求秘書長將本決議及其附件的副本送發非《公約》締約國政府的本組織會員。

## 附件

### 經修正的《1974年國際海上人命安全公約》的修正案

#### 第 V 章

#### 航行安全

##### 第 2 條 – 定義

1 在原有的第 5 款之後加入以下案文：

“6 高速船係指第 X/1.3 條界定的船舶。

7 移動式近海鑽井裝置係指第 XI - 2/1.1.5 條界定的移動式近海鑽井裝置。”

2 在原有的第 19 條之後加入以下新的第 19 - 1 條：

##### “第 19 - 1 條

##### 遠距離識別和跟蹤船舶

1 本條或本組織通過的有關遠距離識別和跟蹤船舶的性能標準和功能要求的規定不得損害國際法，尤其是公海、專屬經濟區、毗鄰區、領海或用於國際航行的海峽和群島海路的法律制度規定的各國的權利、管轄權或義務。

2.1 在第 4.1 和 4.2 款規定的前提下，本條適用於從事國際航行的以下類別的船舶：

.1 客船，包括高速客船；

.2 300 總噸及以上的貨船，包括高速貨船；和

.3 移動式近海鑽井裝置。

2.2 當用在第 3 至 11.2 款時，“船舶”一詞包括受本條規定約束的客船和貨船、高速船和移動式近海鑽井裝置。

3 本條建立使締約國政府能進行遠距離識別和跟蹤船舶的規定。

4.1 船舶須如下配備一個自動發出第 5 款規定的信息的系統：

.1 2008 年 12 月 31 日或以後建造的船舶；

.2 2008 年 12 月 31 日以前建造和持證在下列海區作業的船舶：

.1 第 IV/2.1.12 和 IV/2.1.13 條界定的 A1 和 A2 海區；或

.2 第 IV/2.1.12、IV/2.1.13 和 IV/2.1.14 條界定的 A1、A2 和 A3 海區；

不晚於 2008 年 12 月 31 日以後的第一次無線電設備檢驗；

.3 2008 年 12 月 31 日以前建造和持證在第 IV/2.1.12、IV/2.1.13、IV/2.1.14 和 IV/2.1.15 條界定的 A1、A2、A3 和 A4 海區作業的船舶，不晚於 2009 年 7 月 1 日以後的第一次無線電設備檢驗。但是，這些船舶在 A1、A2 和 A3 海區作業期間須滿足上述第.2 款的規定。

4.2 不管建造日期如何，配備第 19.2.4 條界定的自動識別系統（AIS）和專門在第 IV/2.1.12 條界定的 A1 海區作業的船舶不應被要求滿足本條的規定。

5 在第 4.1 款規定的前提下，船舶應自動發出下列遠距離識別和跟蹤信息：

- .1 船舶的身份；
- .2 船舶的位置（經度和緯度）；和
- .3 提供的船位的日期和時間。

6 用來滿足本條規定的要求的系統和設備必須符合不低於本組織通過者的性能標準和功能要求。任何船載設備須屬主管機關核准的種類。

7 用來滿足本條規定的要求的系統和設備必須能夠在下列情況下從船上關掉或能夠停止發送遠距離識別和跟蹤信息：

- .1 國際協定、條例或標準規定保護航行信息；或
- .2 在船長認為有損船舶安全和保安的特殊情形裏和在儘可能短的時間內。在這種情形裏，船長必須毫不延誤地通知主管機關，並在按照第 28 條保持的航行活動和事件的記錄中寫明，陳述這一決定的理由和表明系統或設備關機的時間。

8.1 在第 8.2 至 11.2 款規定的前提下，締約國政府必須能夠接收本組織同意的保安和其他目的的有關船舶的遠距離識別和跟蹤的信息如下：

- .1 主管機關有權接收有權懸掛其國旗的船舶的此類信息，不管船舶位於何處；

- .2 一個締約國政府有權接收已表示有意進入第 XI - 2/1.1.9 條界定的港口設施或那一締約國政府管轄的某處的船舶的此類有關信息，不管這樣的船舶位於何處，只要它們不是在按照國際法確定的另一締約國政府的領海基線靠內陸一側的水域中；和
- .3 一個締約國政府有權接收有權懸掛其他締約國政府的國旗、不準備進入那一締約國政府管轄的港口設施或某地、在距離其海岸不超過 1,000 海里處航行的船舶的此類信息，只要它們不是在按照國際法確定的另一締約國政府的領海基線靠內陸一側的水域中；和
- .4 一個締約國政府無權按照第.3 款接收位於船舶有權懸掛其國旗的締約國政府的領海內的某一船舶的此類信息。

8.2 締約國政府必須在考慮到本組織通過的性能標準和功能要求的同時，向本組織詳細說明和通報相關細節，以便能夠按照第 8.1 款的規定提供遠距離識別和跟蹤的信息。有關的締約國政府可以在此後的任何時間修正或撤回此類通報。本組織在收到此類通報及其具體細節後必須周知所有締約國政府。

9.1 儘管第 8.1.3 款有規定，為消除保安和其他關切，主管機關有權隨時決定不按照第 8.1.3 款的規定向締約國政府提供有權懸掛其國旗的船舶的遠距離識別和跟蹤的信息。有關主管機關可在此後任何時候修正、中止或取消此種決定。

9.2 有關主管機關必須按照第 9.1 款向本組織通報此類決定。本組織在收到此類通報及其具體細節後必須周知所有締約國政府。



9.3 如主管機關援引第 9.1 款的規定，國際法規定的其船舶的權利、職責與義務不得因此類決定而受到侵害。

10 締約國政府必須時時：

- .1 承認遠距離識別和跟蹤的信息的重要性；
- .2 承認和尊重它們可能收到的任何遠距離識別和跟蹤的信息的商業機密性和敏感性；
- .3 防止擅自獲取或洩漏它們可能收到的信息；和
- .4 以符合國際法的方式使用它們可能收到的信息。

11.1 締約國政府必須為它們要求和收取的遠距離識別和跟蹤的信息承擔所有相關費用。儘管第 11.2 款有規定，締約國政府不得把它們試圖收取的遠距離識別和跟蹤信息的任何費項強加給船舶。

11.2 除非主管機關的國內立法另有規定，有權懸掛其國旗的船舶不應為發送符合本條規定的遠距離識別和跟蹤信息而招致任何收費。

12 儘管第 8.1 款有規定，締約國政府的搜救業務有權免費收取與搜救海上遇險人員有關的遠距離識別和跟蹤的信息。

13 締約國政府可向本組織報告它們認為本條規定或本組織制定的其他相關要求在過去或現在沒有得到遵守或奉行的任何事例。

14 海上安全委員會必須為建立、檢討和審核按照本條規定向締約國政府提供遠距離識別和跟蹤信息的準則、程序及安排。”



**RESOLUTION MSC.202(81)**  
**(adopted on 19 May 2006)**

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

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 amendment procedure applicable to the Annex to the Convention, other than the provisions of chapter I thereof,

HAVING CONSIDERED, at its eighty-first 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, 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 said amendments shall be deemed to have been accepted on 1 July 2007, 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 SOLAS Contracting Governments to note that, in accordance with article VIII(b)(vii)(2) of the Convention, the amendments shall enter into force on 1 January 2008 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 this 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, 1974,  
AS AMENDED****CHAPTER V  
SAFETY OF NAVIGATION****Regulation 2 – Definitions**

- 1 The following text is inserted after the existing paragraph 5:
  - “6 *High-speed craft* means a craft as defined in regulation X/1.3.
  - 7 *Mobile offshore drilling unit* means a mobile offshore drilling unit as defined in regulation XI-2/1.1.5.”
- 2 The following new regulation 19-1 is inserted after the existing regulation 19:

**“Regulation 19-1  
Long-range identification and tracking of ships**

1 Nothing in this regulation or the provisions of performance standards and functional requirements adopted by the Organization in relation to the long-range identification and tracking of ships shall prejudice the rights, jurisdiction or obligations of States under international law, in particular, the legal regimes of the high seas, the exclusive economic zone, the contiguous zone, the territorial seas or the straits used for international navigation and archipelagic sea lanes.

2.1 Subject to the provisions of paragraphs 4.1 and 4.2, this regulation shall apply to the following types of ships engaged on international voyages:

- .1 passenger ships, including high-speed passenger craft;
- .2 cargo ships, including high-speed craft, of 300 gross tonnage and upwards;  
and
- .3 mobile offshore drilling units.

2.2 The term “ship”, when used in paragraphs 3 to 11.2, includes the passenger and cargo ships, the high-speed craft and the mobile offshore drilling units which are subject to the provisions of this regulation.

3 This regulation establishes provisions to enable Contracting Governments to undertake the long-range identification and tracking of ships.

4.1 Ships shall be fitted with a system to automatically transmit the information specified in paragraph 5 as follows:

- .1 ships constructed on or after 31 December 2008;
- .2 ships constructed before 31 December 2008 and certified for operations:
  - .1 in sea areas A1 and A2, as defined in regulations IV/2.1.12 and IV/2.1.13; or
  - .2 in sea areas A1, A2 and A3, as defined in regulations IV/2.1.12, IV/2.1.13 and IV/2.1.14;not later than the first survey of the radio installation after 31 December 2008;
- .3 ships constructed before 31 December 2008 and certified for operations in sea areas A1, A2, A3 and A4, as defined in regulations IV/2.1.12, IV/2.1.13, IV/2.1.14 and IV/2.1.15, not later than the first survey of the radio installation after 1 July 2009. However, these ships shall comply with the provisions of subparagraph .2 above whilst they operate within sea areas A1, A2 and A3.

4.2 Ships, irrespective of the date of construction, fitted with an automatic identification system (AIS), as defined in regulation 19.2.4, and operated exclusively within sea area A1, as defined in regulation IV/2.1.12, shall not be required to comply with the provisions of this regulation.

5 Subject to the provisions of paragraph 4.1, ships shall automatically transmit the following long-range identification and tracking information:

- .1 the identity of the ship;
- .2 the position of the ship (latitude and longitude); and
- .3 the date and time of the position provided.

6 Systems and equipment used to meet the requirements of this regulation shall conform to performance standards and functional requirements not inferior to those adopted by the Organization. Any shipboard equipment shall be of a type approved by the Administration.

7 Systems and equipment used to meet the requirements of this regulation shall be capable of being switched off on board or be capable of ceasing the distribution of long-range identification and tracking information:

- .1 where international agreements, rules or standards provide for the protection of navigational information; or
- .2 in exceptional circumstances and for the shortest duration possible where the operation is considered by the master to compromise the safety or security of the ship. In such a case, the master shall inform the Administration without undue delay and make an entry in the record of navigational activities and incidents maintained in accordance with

regulation 28 setting out the reasons for the decision and indicating the period during which the system or equipment was switched off.

8.1 Subject to the provisions of paragraphs 8.2 to 11.2, Contracting Governments shall be able to receive long-range identification and tracking information about ships, for security and other purposes as agreed by the Organization, as follows:

- .1 the Administration shall be entitled to receive such information about ships entitled to fly its flag irrespective of where such ships may be located;
- .2 a Contracting Government shall be entitled to receive such information about ships which have indicated their intention to enter a port facility, as defined in regulation XI-2/1.1.9, or a place under the jurisdiction of that Contracting Government, irrespective of where such ships may be located provided they are not located within the waters landward of the baselines, established in accordance with international law, of another Contracting Government; and
- .3 a Contracting Government shall be entitled to receive such information about ships entitled to fly the flag of other Contracting Governments, not intending to enter a port facility or a place under the jurisdiction of that Contracting Government, navigating within a distance not exceeding 1,000 nautical miles of its coast provided such ships are not located within the waters landward of the baselines, established in accordance with international law, of another Contracting Government; and
- .4 a Contracting Government shall not be entitled to receive, pursuant to subparagraph .3, such information about a ship located within the territorial sea of the Contracting Government whose flag the ship is entitled to fly.

8.2 Contracting Governments shall specify and communicate to the Organization relevant details, taking into account the performance standards and functional requirements adopted by the Organization, to enable long-range identification and tracking information to be made available pursuant to the provisions of paragraph 8.1. The Contracting Government concerned may, at any time thereafter, amend or withdraw such communication. The Organization shall inform all Contracting Governments upon receipt of such communication together with the particulars thereof.

9.1 Notwithstanding the provisions of paragraph 8.1.3, the Administration shall be entitled, in order to meet security or other concerns, at any time, to decide that long-range identification and tracking information about ships entitled to fly its flag shall not be provided pursuant to the provisions of paragraph 8.1.3 to Contracting Governments. The Administration concerned may, at any time thereafter, amend, suspend or annul such decisions.

9.2 The Administration concerned shall communicate, pursuant to paragraph 9.1, such decisions to the Organization. The Organization shall inform all Contracting Governments upon receipt of such communication together with the particulars thereof.

9.3 The rights, duties and obligations, under international law, of the ships whose Administration invoked the provisions of paragraph 9.1 shall not be prejudiced as a result of such decisions.

10 Contracting Governments shall, at all times:

- .1 recognize the importance of long-range identification and tracking information;
- .2 recognize and respect the commercial confidentiality and sensitivity of any long-range identification and tracking information they may receive;
- .3 protect the information they may receive from unauthorized access or disclosure; and
- .4 use the information they may receive in a manner consistent with international law.

11.1 Contracting Governments shall bear all costs associated with any long-range identification and tracking information they request and receive. Notwithstanding the provisions of paragraph 11.2, Contracting Governments shall not impose any charges on ships in relation to the long-range identification and tracking information they may seek to receive.

11.2 Unless the national legislation of the Administration provides otherwise, ships entitled to fly its flag shall not incur any charges for transmitting long-range identification and tracking information in compliance with the provisions of this regulation.

12 Notwithstanding the provisions of paragraph 8.1, the search and rescue services of Contracting Governments shall be entitled to receive, free of any charges, long-range identification and tracking information in relation to the search and rescue of persons in distress at sea.

13 Contracting Governments may report to the Organization any case where they consider that provisions of this regulation or of any other related requirements established by the Organization have not been or are not being observed or adhered to.

14 The Maritime Safety Committee shall determine the criteria, procedures and arrangements for the establishment, review and audit of the provision of long-range identification and tracking information to Contracting Governments pursuant to the provisions of this regulation.”