

第 109/2015 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.153 (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.153 (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 109/2015

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.153(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.153(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*.

第 MSC.153 (78) 號決議

(於 2004 年 5 月 20 日通過)

通過經修正的《1974 年國際海上人命安全公約》 修正案

海上安全委員會，

憶及《國際海事組織公約》關於本委員會職責的第 28 (b) 條，

又憶及《1974 年國際海上人命安全 (SOLAS) 公約》(以下簡稱
為“公約”)關於適用於除第 I 章的規定以外的公約附則的修正程序
的第 VIII (b) 條，

注意到標題為“審議處理海上獲救人員的安全措施和程序”的第
A.920 (22) 號大會決議，

還憶及公約中與下述義務有關的規定：

- 船長全速前往援助海上遇險人員的義務；以及
- 締約國政府確保對岸上值班和在其海岸附近救助海上遇險人
員的義務，

還注意到《1982 年聯合國海洋法公約》關於提供援助責任的第 98
條，

進一步注意到秘書長關於請主管的聯合國專門機構和計劃部門項
目參與審議本決議所涉及問題，以便就高效並一貫的方式解決這些問
題達成共同做法的倡議，

意識到有必要澄清現有程序來保證向海上獲救人員提供安全處所，無論其國籍、地位或他們被發現的情形如何，

進一步意識到本決議所通過的《SOLAS 公約》第 V/33 條新第 1-1 款的初衷是確保在各種情況下在合理的時間內提供一個安全處所。它的進一步的意圖是，提供安全處所的責任、或確保提供安全處所的責任，落在了對幸存者獲救的搜救區域負責的締約國政府的身上，

在其第 78 屆會議上審議了根據公約第 VIII (b) (i) 條建議並散發的公約修正案，

1. 根據公約第 VIII (b) (iv) 條通過了公約修正案，修正案的正文列於本決議的附件；
2. 根據公約第 VIII (b) (vi) (2) (bb) 條，決定所述修正案將於 2006 年 1 月 1 日視為被接受，除非在此日期之前，有三分之一以上的公約締約國政府或合計商船隊噸位不少於世界商船隊總噸位 50% 的締約國政府對修正案提出反對意見；
3. 請《SOLAS 公約》締約國政府注意，根據公約第 VIII (b) (vii) (2) 條，修正案在按上述第 2 段被接受後，將於 2006 年 7 月 1 日生效；
4. 要求秘書長依照公約第 VIII (b) (v) 條，將本決議及其附件內的修正案正文的核證無誤的副本散發給本公約所有締約國政府；
5. 進一步要求秘書長將本決議及其附件的副本散發給所有非公約締約國的本組織成員。

6. 還要求秘書長採取適當措施進一步追蹤其機構間的倡議，將有關進展，特別是與幫助為海上遇險人員提供安全處所有關的進展通知海上安全委員會，由其採取適當行動。

附件

經修正的《1974年國際海上人命安全公約》修正案

第 V 章

航行安全

第 2 條 – 定義

1 在現第 4 款後新增第 5 款如下：

“5 搜救服務 通過使用包括合作飛行器、船舶和其他艇筏及裝置在內的公共或和私人資源行使遇險監測、通信、協調和搜救功能，包括提供醫療建議、提供醫療服務、或醫療撤離。”

第 33 條 – 遇險信息：義務和程序

2 將本條的標題改為：

“遇險狀況：義務和程序”

3 在第 1 款中，將第一句話中的“信號”一詞換成“信息”，並在該款第一句話後增加以下內容：

“無論此類人員的國籍或地位如何也不論其被發現的情形如何，此提供幫助的義務均適用。”

4 在現第 1 款後插入以下新第 1-1 款：

“1-1 締約國政府應協調並合作以確保那些向海上遇險者提供援助而讓他們上船的船長解除責任，儘能不致使其偏離預定航程更

遠，只要釋放船舶的船長不會進一步威脅海上人命安全。對發生此種提供援助情況的搜救區域負責的締約國政府應承擔確保開展這種協調和合作的首要責任，從而受援的幸存者從施援船舶上下來並被送往安全場所，同時考慮到事件的特殊環境和本組織制訂的導則。在這些情況下，相關締約國政府應在合理可行時儘快為此種下船做出安排。”

5 在現有第 5 款後新增第 6 款如下：

“6 讓海上遇險人員上船的船長應在船舶的能力和限度內，人道地對待他們。”

第 34 條 — 安全航行和避開危險狀況

6 刪除現有第 3 款。

7 在現有第 34 條後新增第 34-1 條如下：

“第 34-1 條

船長的決定權

船舶所有人、承租人或第 IX/1 條所定義的經營該船舶的公司或任何其他人不得阻止或限制船舶的船長做出或執行任何根據船長的專業判斷對於海上生命安全和保護海洋環境來說是必要的決定。”

RESOLUTION MSC.153(78)
(adopted on 20 May 2004)

**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,

NOTING resolution A.920(22) entitled "Review of safety measures and procedures for the treatment of persons rescued at sea",

RECALLING ALSO the provisions of the Convention relating to the obligation of:

- shipmasters to proceed with all speed to the assistance of persons in distress at sea; and
- Contracting Governments to ensure arrangements for coast watching and for the rescue of persons in distress at sea round their coasts,

NOTING ALSO article 98 of the United Nations Convention on the Law of the Sea, 1982, regarding the duty to render assistance,

NOTING FURTHER the initiative taken by the Secretary-General to involve competent United Nations specialized agencies and programmes in the consideration of the issues addressed in this resolution, for the purpose of agreeing on a common approach which will resolve them in an efficient and consistent manner,

REALIZING the need for clarification of existing procedures to guarantee that persons rescued at sea will be provided a place of safety regardless of their nationality, status or the circumstances in which they are found,

REALIZING FURTHER that the intent of the new paragraph 1-1 of SOLAS regulation V/33, as adopted by this resolution, is to ensure that in every case a place of safety is provided within a reasonable time. It is further intended that the responsibility to provide a place of safety, or to ensure that a place of safety is provided, falls on the Contracting Government responsible for the search and rescue region in which the survivors were recovered,

HAVING CONSIDERED, at its seventy-eighth 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 January 2006, 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 July 2006 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;
6. ALSO REQUESTS the Secretary General to take appropriate action in further pursuing his inter-agency initiative, informing the Maritime Safety Committee of developments, in particular with respect to procedures to assist in the provision of places of safety for persons in distress at sea, for action as the Committee may deem appropriate.

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 new paragraph 5 is added after the existing paragraph 4:

“5 *Search and rescue service.* The performance of distress monitoring, communication, co-ordination and search and rescue functions, including provision of medical advice, initial medical assistance, or medical evacuation, through the use of public and private resources including co-operating aircraft, ships, vessels and other craft and installations.”

Regulation 33 – Distress messages: obligations and procedure

2 The title of the regulation is replaced by the following:

“Distress situations: obligations and procedures”

3 In paragraph 1, the words “a signal” in the first sentence are replaced by the word “information”, and the following sentence is added after the first sentence of the paragraph:

“This obligation to provide assistance applies regardless of the nationality or status of such persons or the circumstances in which they are found.”

4 The following new paragraph 1-1 is inserted after the existing paragraph 1:

“1-1 Contracting Governments shall co-ordinate and co-operate to ensure that masters of ships providing assistance by embarking persons in distress at sea are released from their obligations with minimum further deviation from the ships’ intended voyage, provided that releasing the master of the ship from the obligations under the current regulation does not further endanger the safety of life at sea. The Contracting Government responsible for the search and rescue region in which such assistance is rendered shall exercise primary responsibility for ensuring such co-ordination and co-operation occurs, so that survivors assisted are disembarked from the assisting ship and delivered to a place of safety, taking into account the particular circumstances of the case and guidelines developed by the Organization. In these cases the relevant Contracting Governments shall arrange for such disembarkation to be effected as soon as reasonably practicable.”

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*.