

第9條

1. 凡批准本公約的會員國，自本公約初次生效之日起滿十年後得向國際勞工局長通知解約，並請其登記。此項解約通知書自登記之日起滿一年後始得生效。

2. 凡批准本公約的會員國，在前款所述十年期滿後的一年內未行使本條所規定的解約權利者，即須再遵守十年，此後每當十年期滿，得依本條的規定通知解約。

第10條

1. 國際勞工局長應將國際勞工組織各會員國所送達的一切批准書和解約通知書的登記情況，通知本組織的全體會員國。

2. 局長在將所送達的第二份批准書的登記通知本組織全體會員國時，應提請本組織各會員國注意本公約開始生效的日期。

第11條

國際勞工局長應將他按照以上各條規定所登記的一切批准書和解約通知書的詳細情況，按照聯合國憲章第102條的規定，送請聯合國秘書長進行登記。

第12條

國際勞工局理事會在必要時，應將本公約的實施情況向大會提出報告，並審查應否將本公約的全部或部分修訂問題列入大會議程。

第13條

1. 如大會通過新公約對本公約作全部或部分修訂時，除新公約另有規定外，應：

(a) 如新修訂公約生效和當其生效之時，會員國對於新修訂公約的批准，不需按照上述第9條的規定，依法應為對本公約的立即解約；

(b) 自新修訂公約生效之日起，本公約應即停止接受會員國的批准。

2. 對於已批准本公約而未批准修訂公約的會員國，本公約以其現有的形式和內容，在任何情況下仍應有效。

第14條

本公約的英文本和法文本同等為準。

第57/2002號行政長官公告

行政長官根據澳門特別行政區第3/1999號法律第六條第一款的規定，命令公佈一九五八年五月十三日訂於日內瓦的國際勞工組織第108號《國家海員身份證件公約》的英文正式文本，以及有關的中文譯本。

Aviso do Chefe do Executivo n.º 57/2002

O Chefe do Executivo manda publicar, nos termos do n.º 1 do artigo 6.º da Lei n.º 3/1999 da Região Administrativa Especial de Macau, a Convenção n.º 108 da Organização Internacional do Trabalho, sobre os Documentos de Identificação Nacionais dos Marítimos, adoptada em Genebra, em 13 de Maio de 1958, na sua versão autêntica em língua inglesa, acompanhada da respectiva tradução para a língua chinesa.

上述公約的葡文譯本刊登於一九六八年十二月七日第四十九期《政府公報》，而中華人民共和國就有關公約繼續在澳門特別行政區適用的通知書刊登於二零零一年十月三十一日第四十四期《澳門特別行政區公報》第二組。

二零零二年八月二十六日發佈。

行政長官 何厚鐸

第 108 號公約 國家海員身份證件公約

國際勞工組織大會，

經國際勞工局理事會召集，於一九五八年四月二十九日在日內瓦舉行其第四十一屆會議，並

經決定採納本屆會議議程第七項關於相互承認或國際承認國家海員身份證件的各項提議，並

經決定這些提議應採取國際公約的形式，

於一九五八年五月十三日通過以下公約，引用時得稱之為一九五八年海員身份證件公約。

第 1 條

1. 本公約適用於任何以無論何種身份受僱在任何非軍事船舶上工作的海員，該船舶在本公約對其生效的一個地區註冊，並通常用於海上航行。

2. 對某些類別的人員是否應就本公約而言被當作海員發生疑問時，此一問題應在每個國家由主管當局經與有關的船東組織和海員組織磋商後裁決。

第 2 條

1. 本公約對其生效的任何會員國，得應每一從事海員職業的國民要求，向他頒發符合下文第4條規定的“海員身份證”。但在不可能向某些類別的海員頒發此類證件時，為代替該證件，該會員國可頒發註明持照人係海員並就本公約而言具有與海員身份證同等效力的護照。

A tradução para a língua portuguesa da citada Convenção, encontra-se publicada no *Boletim Oficial* n.º 49, de 7 de Dezembro de 1968 e a notificação da República Popular da China relativa à continuação da sua aplicação na Região Administrativa Especial de Macau foi publicada no *Boletim Oficial* da Região Administrativa Especial de Macau, II Série, n.º 44, de 31 de Outubro de 2001.

Promulgado em 26 de Agosto de 2002.

O Chefe do Executivo, *Ho Hau Wah*.

CONVENTION CONCERNING SEAFARERS' NATIONAL IDENTITY DOCUMENTS

(ILO No. 108)

(Adopted at Geneva on 13 May 1958)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-first Session on 29 April 1958, and

Having decided upon the adoption of certain proposals with regard to the reciprocal or international recognition of seafarers' national identity cards, which is the seventh item on the agenda of the session, and

Having decided that these proposals shall take the form of an international Convention,

adopts the thirteenth day of May of the year one thousand nine hundred and fifty-eight, the following Convention, which may be cited as the Seafarers' Identity Documents Convention, 1958:

Article 1

1. This Convention applies to every seafarer who is engaged in any capacity on board a vessel, other than a ship of war, registered in a territory for which the Convention is in force and ordinarily engaged in maritime navigation.

2. In the event of any doubt whether any categories of persons are to be regarded as seafarers for the purpose of this Convention, the question shall be determined by the competent authority in each country after consultation with the shipowners' and seafarers' organisations concerned.

Article 2

1. Each Member for which this Convention is in force shall issue to each of its nationals who is a seafarer on application by him a seafarer's identity document conforming with the provisions of Article 4 of this Convention: Provided that, if it is impracticable to issue such a document to special classes of its seafarers, the Member may issue instead a passport indicating that the holder is a seafarer and such passport shall have the same effect as a seafarer's identity document for the purpose of this Convention.

2. 如當事人有此請求，本公約對其生效的任何會員國可向任何其他受僱在某個已在其境內註冊的船舶上工作，或曾在其境內的某就業介紹所登記的海員頒發海員身份證。

第 3 條

海員身份證應由該海員永久保存。

第 4 條

1. 海員身份證應式樣簡單，它應用耐磨損的材料製成並使任何塗改都易於識別。

2. 海員身份證應標明頒發當局的名稱與資格、頒發的日期與地點，並包含一項聲明確認該文件係為本公約而置備的海員身份證。

3. 海員身份證應包含有關持證人的以下情況：

(a) 完整的姓名（如有必要，多個名字與姓氏）；

(b) 出生日期和地點；

(c) 國籍；

(d) 身體特徵；

(e) 照片；

(f) 持證人的簽名或者，如本人不能簽字，他的拇指印。

4. 如一會員國為一外國海員頒發身份證，它並非必須在該證件上作任何有關該海員國籍的聲明。此外，此類聲明並不成為該海員國籍的決定性證明。

5. 海員身份證有效期的任何限制得在該文件上指明。

6. 在遵守上文各款規定的前提下，海員身份證的確切形式和內容得由發證的會員國在與有關的船東組織和海員組織磋商後確定。

7. 國家法律或條例可規定在海員身份證上列入補充事項。

第 5 條

1. 任何持有由本公約對其生效的地區的主管當局頒發的有效海員身份證者，應被准予重新進入該地區。

2. 在其持有的海員身份證的有效期可能到期後至少一年期間，有關人員仍應被獲准重新進入上款提及的地區。

2. Each Member for which this Convention is in force may issue a seafarer's identity document to any other seafarer either serving on board a vessel registered in its territory or registered at an employment office within its territory who applies for such a document.

Article 3

The seafarer's identity document shall remain in the seafarer's possession at all times.

Article 4

1. The seafarer's identity document shall be designed in a simple manner, be made of durable material, and be so fashioned that any alterations are easily detectable.

2. The seafarer's identity document shall contain the name and title of the issuing authority, the date and place of issue, and a statement that the document is a seafarer's identity document for the purpose of this Convention.

3. The seafarer's identity document shall include the following particulars concerning the bearer:

(a) full name (first and last names where applicable);

(b) date and place of birth;

(c) nationality;

(d) physical characteristics;

(e) photograph; and

(f) signature or, if bearer is unable to sign, a thumbprint.

4. If a Member issues a seafarer's identity document to a foreign seafarer it shall not be necessary to include any statement as to his nationality, nor shall any such statement be conclusive proof of his nationality.

5. Any limit to the period of validity of a seafarer's identity document shall be clearly indicated therein.

6. Subject to the provisions of the preceding paragraphs the precise form and content of the seafarer's identity document shall be decided by the Member issuing it, after consultation with the shipowners' and seafarers' organisations concerned.

7. National laws or regulations may prescribe further particulars to be included in the seafarer's identity document.

Article 5

1. Any seafarer who holds a valid seafarer's identity document issued by the competent authority of a territory for which this Convention is in force shall be readmitted to that territory.

2. The seafarer shall be so readmitted during a period of at least one year after any date of expiry indicated in the said document.

第6條

Article 6

1. 當任何擁有有效的海員身份證者請求在船舶停泊期間准予暫時上岸時，任何會員國應准其進入本公約對其生效的地區。

2. 如海員身份證包含用於填寫適當事項的空白，當任何持有有效海員身份證者請求進入本公約對其生效的地區時，任何會員國亦應為如下目的准予該人入境：

- (a) 為登上他受僱的船舶或轉往另一艘船舶；
- (b) 過境返回他受僱的、處在另一國家的船舶或返回本國；
- (c) 經有關會員國同意的任何其他目的。

3. 在為上款列舉的理由之一准予海員入境之前，任何會員國可要求他出示令人信服的證明，包括該海員本人、船東、有關代理人或有關領事出具的書面文件在內；證實該海員的意圖及其有能力執行其計劃。會員國亦可根據其居留的目的把該海員的居留期限定在一個被認為合理的時期內。

4. 本條絕不能被理解為限制會員國阻止任何個人進入其領土或在其境內居留的權利。

1. Each Member shall permit the entry into a territory for which this Convention is in force of a seafarer holding a valid seafarer's identity document, when entry is requested for temporary shore leave while the ship is in port.

2. If the seafarer's identity document contains space for appropriate entries, each Member shall also permit the entry into a territory for which this Convention is in force of a seafarer holding a valid seafarer's identity document when entry is requested for the purpose of:

- (a) joining his ship or transferring to another ship;
- (b) passing in transit to join his ship in another country or for repatriation; or
- (c) any other purpose approved by the authorities of the Member concerned.

3. Any Member may, before permitting entry into its territory for one of the purposes specified in the preceding paragraph, require satisfactory evidence, including documentary evidence, from the seafarer, the owner or agent concerned, or from the appropriate consul, of a seafarer's intention and of his ability to carry out that intention. The Member may also limit the seafarer's stay to a period considered reasonable for the purpose in question.

4. Nothing in this Article shall be construed as restricting the right of a Member to prevent any particular individual from entering or remaining in its territory.

第7條

Article 7

本公約的正式批准書應送請國際勞工局長登記。

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

第8條

Article 8

1. 本公約應僅對其批准書已經局長登記的國際勞工組織會員國有約束力。

2. 本公約應自兩個會員國的批准書已經局長登記之日起十二個月後生效。

3. 此後，對於任何會員國，本公約應自其批准書已經登記之日起十二個月生效。

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratifications has been registered.

第9條

Article 9

1. 凡批准本公約的會員國，自本公約初次生效之日起滿十年後得向國際勞工局長通知解約，並請其登記。此項解約通知書自登記之日起滿一年後始得生效。

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an Act communicated to the Director-General of the International Labour Office for registration. Such denunciation should not take effect until one year after the date on which it is registered.

2. 凡批准本公約的會員國，在前款所述十年期滿後的一年內未行使本條所規定的解約權利者，即須再遵守十年，此後每當十年期滿，得依本條的規定通知解約。

第 10 條

1. 國際勞工局長應將國際勞工組織各會員國所送達的一切批准書和解約通知書的登記情況，通知本組織的全體會員國。

2. 局長在將所送達的第二份批准書的登記通知本組織全體會員國時，應提請本組織各會員國注意本公約開始生效的日期。

第 11 條

國際勞工局長應將他按照以上各條規定所登記的一切批准書和解約通知書的詳細情況，按照聯合國憲章第 102 條的規定，送請聯合國秘書長進行登記。

第 12 條

國際勞工局理事會在必要時，應將本公約的實施情況向大會提出報告，並審查應否將本公約的全部或部分修訂問題列入大會議程。

第 13 條

1. 如大會通過新公約對本公約作全部或部分修訂時，除新公約另有規定外，應：

(a) 如新修訂公約生效和當其生效之時，會員國對於新修訂公約的批准，不需按照上述第 9 條的規定，依法應為對本公約的立即解約；

(b) 自新修訂公約生效之日起，本公約應即停止接受會員國的批准。

2. 對於已批准本公約而未批准修訂公約的會員國，本公約以其現有的形式和內容，在任何情況下仍應有效。

第 14 條

本公約的英文本和法文本同等為準。

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 10

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 11

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 12

At such times as may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 13

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:

a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 9 above, if and when the new revising Convention shall have come into force;

b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 14

The English and French versions of the text of this Convention are equally authoritative.