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判決 八月十日
合校
行施 八月十日

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主 管 局 課 号 開



第 号 送 受 月 月 日 日

合 議 局 課 号 受 送 月 月 日 日

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案 起 昭 和 三 十 年 八 月 九 日 局 課 受 付 月 第 日 号 送 受 月 月 日 日

課 長

事 務 官

主 任

年 月 日

案

渉 外 課 長

公 衆 衛 生 局 長 宛

港 湾 施 設 及 比 臨 港 役 務 の 運 営 に 関 する 件

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厚 生 省

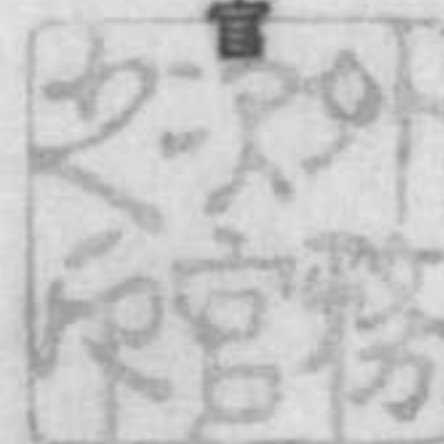
郵 覽 書 を 送 付 して きた り で お 知 ら せ ます。



連整合第五二六号

昭和二十四年八月四日

外務事務次官



厚生事務次官 殿

港湾施設及び臨港業務の運営に関する件

本件に関する七月二十九日付總司令部覚書（S O A P I N 六七
四四一A）写を別添送付するから委細右により御了悉願いたし。

本信送付先 大蔵、運輸、通産、農林、厚生各事務次官、行政

管理廳次長、外國爲替管理委員会事務局長

別紙添付

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外務省



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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
APO 500

AG 567 (1 Sep 48)GD
SCAPIN 6744-A

29 July 1949

MEMORANDUM FOR: JAPANESE GOVERNMENT

SUBJECT : Operation of Port Facilities and Terminal Services.

1. References.

a. Memorandum for the Japanese Government, AG 567 (20 Jul 48)GD, SCAPIN 1927, dated 13 August 1948, subject, "Japanese Port Operations and Charges for Port Facilities and Terminal Services."

b. Letter to General Headquarters, Supreme Commander for the Allied Powers, from the Japanese Government, Central Liaison and Coordination Office, Tokyo, No. 3078 (2P), dated 1 September 1948, subject, "Japanese Port Operations and Charges for Port Facilities and Terminal Services."

2. The plan submitted by the Japanese Government as inclosures to reference 1b above for the operation of the Tokyo-Yokohama Port and the Kobe Port is not entirely satisfactory and cannot be favorably considered by the Supreme Commander for the Allied Powers for the following reasons:

a. The central Japanese Government is established as operating or controlling commercial enterprises within the port areas instead of permitting terminal operators and independent contractors to offer their services directly to shipping agencies and consignees.

b. Responsibilities of agencies of the central Japanese Government, although not defined in sufficient detail, exceed that jurisdiction over commercial operations within the port area which is necessary to enforce directives of the Supreme Commander for the Allied Powers, implementing instructions of the Commanding General, Eighth Army, and Japanese laws not in conflict with such directives.

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c. An agency such as a Port Management Body for each port has not been established to effect overall coordination and supervision of port operations.

d. Piers, warehouses, and other real property owned by the Japanese Government in ports are not released for operation and control by a Port Management Body or private commercial operators.

3. The effective date of 1 October 1948, prescribed by reference 1a above, for the release of certain piers and port facilities to the Japanese Government has been cancelled.

4. To clarify certain misconceptions and misinterpretations by the Japanese Government of the terms used in the intent of reference 1a above, the following precepts will be used as a guide in preparing the required plans:

a. A terminal operator is a company or individual who is responsible for all cargo-handling operations on a pier or a definable portion of a pier, and who operates, supervises or coordinates all facilities or services available on or through that pier. The terminal operator will be responsible for handling incoming cargo ex-ship's tackle or its first place of rest on pier until its legal release to the consignee or an intermediate carrier, and for handling outgoing cargo from its receipt by the terminal operator until it is legally released for loading at ship's tackle or removal from the pier.

b. An independent contractor is a firm or individual who furnishes specialized services such as stevedoring, light-erage, tuggage, equipment hire, line service, truck hire and any other facility or service within the scope of ship's husbandry and not reserved for the terminal operator by virtue of cargo responsibility on the pier.

c. Customs compound as used in reference 1a above is intended to designate a specific and limited area or building, or part thereof, which is used exclusively by the Japanese Government to hold in bond such cargoes as have not been legally cleared for entry or exit. Customs officials should be permitted the joint use of pier warehouses for customs inspection and should have access to the entire port area for enforcement of customs regulations.

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5. a. The plan called for in paragraph 7 below should include provision for the release by lease, purchase or otherwise to local commercial concerns, Municipal Agency, or Port Management Body of those port and terminal facilities to be released to the Japanese Government within the provisions of reference 1a above and of this Memorandum.

b. The use of and access by the Japanese Government to pier areas under control of a terminal operator should be limited to only those activities which are necessary for the enforcement of directives issued by the Supreme Commander for the Allied Powers, implementing instructions issued by the Commanding General, Eighth Army, and those Japanese laws and regulations not in conflict with such occupation directives now in effect or to be placed in effect.

6. Claims for damages under paragraph 6a of reference 1a above should be settled whenever possible by mutual agreement between the claimant and the appropriate private operator or agent of the Japanese Government directly responsible for the claim. In cases where mutual agreement cannot be reached the claimant may forward his claim to the Commanding General, Eighth Army for investigation and decision. Application for foreign exchange necessary for the settlement of claims with foreign exchange will be referred to the Foreign Exchange Control Board of the Japanese Government.

7. It is desired that the plan referred to in paragraph 1b above be revised and submitted in decuple not later than 1 September 1949 to comply basically with SCAPIN 1927, the provisions outlined herein, and to include the following:

a. Provision for an agency, such as a Port Management Body, for each port to effect overall coordination and supervision of port and terminal operations.

b. The release by lease, purchase or otherwise to local commercial concerns, municipal agency, or Port Management Body of all available property and equipment necessary to the operation and development of the port area.

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c. Plan whereby claims involving foreign currency adjustments may be settled.

d. A statement of responsibilities of each Japanese Government agency concerned for the enforcement of directives issued by the Supreme Commander for the Allied Powers, implementing instructions issued by the Commanding General, Eighth Army, and those Japanese laws and regulations not in conflict with such directives or implementing instructions.

FOR THE SUPREME COMMANDER:

A.J. REHE
for GEORGE R. CONNOR,
Colonel, AGD
Acting Adjutant General

Received: 1 Aug 1.45 p.m.
Shukan : LCO
Copy ..: Vice-Minister
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Jicho
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