

L.N. 105 of 2001

MERCHANT SHIPPING (SEAFARERS) (PASSENGER SHIPS  
OTHER THAN RO-RO PASSENGER SHIPS---  
TRAINING) REGULATION

(Made under sections 72, 73, 96 and 134 of the Merchant  
Shipping (Seafarers) Ordinance (Cap. 478))

1. Commencement

This Regulation shall come into operation on 13 July 2001.

2. Interpretation

In this Regulation, unless the context otherwise requires---

"employer" (僱主) means the person for the time being employing the master;

"passenger ship" (客船) means a ship carrying more than 12 passengers and propelled by electricity or other mechanical power;

"ro-ro passenger ship" (滾裝客船) means a passenger ship provided with cargo or vehicle spaces in which cargo or vehicles can be loaded or unloaded in a horizontal direction;

"seafarer" (海員) means any person who is, or is to be, employed in a ship in any capacity;

"STCW Code" (《培訓規則》) means the Seafarers' Training, Certification and Watchkeeping Code published by the International Maritime Organization as in force from time to time.

3. Application

(1) This Regulation shall apply to all passenger ships---

(a) which are Hong Kong ships, while engaged on international voyages;

(b) which are not Hong Kong ships, while within the waters of Hong Kong, but shall not apply to ro-ro passenger ships.

(2) The Authority may grant exemptions from all or any of the provisions of this Regulation for classes of cases or individual cases on such conditions, if any, as he thinks fit and may, subject to giving reasonable notice, alter or cancel any such exemption.

4. Duty of employer and master

(1) An employer and the master of a ship shall ensure that every seafarer, before being assigned to any duties on board, has---

(a) satisfactorily completed the training required by section 5 in accordance with his capacity, duties and responsibilities; and

(b) obtained from the person who provided the training documentary evidence on the seafarer's completion of the training.

(2) An employer who contravenes subsection (1) commits an offence and is liable

on conviction to a fine at level 5 and to imprisonment for 2 years.

(3) A master who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 3 and to imprisonment for 2 years.

## 5. Training

(1) The following seafarers must have completed training in crowd management as specified in section A-V/3, paragraph 1 of the STCW Code---

- (a) masters;
- (b) officers; and
- (c) ratings and other personnel designated on muster lists to assist passengers in emergency situations.

(2) The following seafarers must have completed the familiarization training as specified in section A-V/3, paragraph 2 of the STCW Code---

- (a) masters; and
- (b) officers and other personnel assigned specific duties and responsibilities on board.

(3) All personnel who provide direct service to passengers in passenger spaces must have completed the safety training as specified in section A-V/3, paragraph 3 of the STCW Code.

(4) The following seafarers must have completed training in passenger safety as specified in section A-V/3, paragraph 4 of the STCW Code---

- (a) masters;
- (b) chief mates; and
- (c) every person assigned immediate responsibility for embarking and disembarking passengers.

(5) The following seafarers must have completed training in crisis management and human behaviour as specified in section A-V/3, paragraph 5 of the STCW Code--

- (a) masters;
- (b) chief mates;
- (c) chief engineer officers;
- (d) second engineer officers; and
- (e) any person having responsibility for the safety of passengers in emergency situations.

(6) Seafarers, except masters, required to be trained in accordance with subsections (1), (4) and (5) shall, at intervals not exceeding 5 years---

- (a) undertake refresher training approved by the Authority; or
- (b) provide evidence to the satisfaction of the Authority that they have achieved the required standard of competence within the previous 5 years.

(7) Masters required to be trained in accordance with subsections (1), (4) and (5) shall, at intervals not exceeding 5 years, undertake refresher training approved by the Authority.

(8) For the purposes of subsections (6) and (7), repetition of the initial training may be regarded as satisfactory completion of the refresher training.

Ms. Sandra LEE

Secretary for Economic Services

29 May 2001

Explanatory Note

This Regulation is made under the Merchant Shipping (Seafarers) Ordinance (Cap. 478).

2. The Regulation applies to all passenger ships, other than ro-ro passenger ships, which are Hong Kong ships engaged on international voyages or which are not Hong Kong ships but are within the waters of Hong Kong (section 3).

The Regulation provides that only seafarers who have received training in accordance with the Regulation may be assigned to any duties on board (section 4).

3. The training is to be appropriate to the seafarers' capacities, and the duties and responsibilities assigned to them (sections 4 and 5).

4. Under the Regulation, it is an offence for an employer or master to permit an unqualified seafarer to be assigned any duties on board (section 4).

5. The Regulation gives effect in part to the 1997 amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 which came into operation on 1 January 1999.