

L.N. 72 of 2016

**Merchant Shipping (Seafarers) (Hours of Work)
(Amendment) Regulation 2016**

(Made by the Secretary for Transport and Housing under sections 96 and 134 of the Merchant Shipping (Seafarers) Ordinance (Cap. 478))

1. Commencement

This Regulation comes into operation on a day to be appointed by the Secretary for Transport and Housing by notice published in the Gazette.

2. Merchant Shipping (Seafarers) (Hours of Work) Regulation amended

The Merchant Shipping (Seafarers) (Hours of Work) Regulation (Cap. 478 sub. leg. D) is amended as set out in sections 3 to 7.

3. Title amended

The title—

Repeal

“HOURS OF WORK”

Substitute

“HOURS OF REST”.

4. Section 2 amended (interpretation)

(1) Section 2—

Repeal the definition of *ship*

Substitute

“*ship* (船、船舶) does not include a fishing vessel.”.

(2) Section 2, Chinese text, definition of 僱主—

Repeal the semicolon

Substitute a full stop.

(3) Section 2—

Repeal the definition of *other ship*.

5. Section 3 amended (application)

Section 3—

Repeal subsection (1)

Substitute

“(1) This Regulation applies to—

(a) a coastal-going ship registered in Hong Kong;
and

(b) any other coastal-going ship while it is within
the waters of Hong Kong.”.

6. Section 4 heading amended (hours of work)

Section 4, heading—

Repeal

“Hours of work”

Substitute

“Hours of rest”.

7. Section 7 amended (copies of Regulation to be kept on board)

Section 7—

Repeal

“a ship”

Substitute

“a coastal-going ship registered in Hong Kong”.

Anthony B. L. CHEUNG
Secretary for Transport and
Housing

16 May 2016

Explanatory Note

The Maritime Labour Convention, 2006 (*Convention*) was adopted by the International Labour Conference of the International Labour Organization in 2006. It sets out a comprehensive set of global standards for the working and living conditions of seafarers on seagoing ships and seeks to protect the right of seafarers to decent employment. The Convention will apply to Hong Kong after China has ratified the Convention and extended it to Hong Kong.

2. The Convention provides for the minimum hours of rest for seafarers employed on seagoing ships. This requirement will be provided in the new Merchant Shipping (Seafarers) (Working and Living Conditions) Regulation. Section 5 of this Regulation amends section 3 of the Merchant Shipping (Seafarers) (Hours of Work) Regulation (Cap. 478 sub. leg. D) (*principal Regulation*) so that the principal Regulation will no longer apply to seagoing ships, but will only apply to coastal-going ships.
3. Section 3 of this Regulation amends the title of the principal Regulation by replacing “hours of work” by “hours of rest” to reflect more accurately the object of the principal Regulation. A corresponding amendment is made to the heading of section 4 of the principal Regulation to reflect more accurately the contents of that section 4.
4. Section 7 of this Regulation amends section 7 of the principal Regulation to clarify that the obligation to keep on board a copy of the principal Regulation only applies to a coastal-going ship registered in Hong Kong.

Merchant Shipping (Seafarers) (Hours of Work) (Amendment) Regulation 2016

Explanatory Note
Paragraph 5

L.N. 72 of 2016
B1751

5. This Regulation also makes some technical amendments to the definition of *ship* and repeals the definition of *other ship* which is no longer necessary.