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19 October 2016

Ms Flora Tai  
Clerk to the House Committee  
Legislative Council Secretariat  
Legislative Council Complex  
1 Legislative Council Road  
Central, Hong Kong

Dear Ms Tai,

**Merchant Shipping (Seafarers) (Health and Safety: General Duties)  
(Amendment) Regulation 2016 (Commencement) Notice 2016 (L.N. 153)  
and the Merchant Shipping (Seafarers) (Medical Examination)  
(Amendment) Regulation 2016 (Commencement) Notice (L.N. 154)**

Thank you for your letter of 17 October 2016 seeking information on consultation done on the implementation of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers ("STCW") adopted by the International Maritime Organization. The captioned commencement notices are part of the implementation arrangements.

We consulted the Legislative Council Panel on Economic Development ("ED Panel") on 19 April 2016 on the legislative proposal to incorporate new STCW requirements in local legislation. These latest requirements will be globally enforced with effect from 1 January 2017, by which seafarers must be trained and certified to the new standards.

During consultation, the readiness of the industry and seafarers to meet the new requirements was raised. We assured the ED Panel that the Maritime Services Training Institute had already been providing the necessary training to seafarers and the Marine Department would issue

certificates to seafarers who had completed the trainings to prove that they were in compliance with the requirements. The relevant extract of the minutes of meeting is at **Annex**.

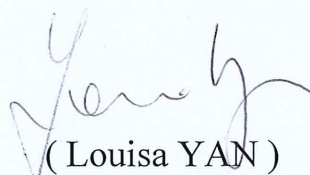
With ED Panel's endorsement of the legislative proposal, a total of 22 regulatory instruments (L.N. 133 to 154 of 2016) were gazetted on 7 October 2016 and tabled at the Legislative Council on 12 October 2016. The Merchant Shipping (Seafarers) (Health and Safety: General Duties) (Amendment) Regulation 2016 (Commencement) Notice 2016 (L.N. 153) and the Merchant Shipping (Seafarers) (Medical Examination) (Amendment) Regulation 2016 (Commencement) Notice (L.N. 154) are part and parcel of this legislative exercise.

L.N. 153 brings into effect the updated interpretation of "seafarers", which is necessary for the new regulation against seafarers' abuse of alcohol and drug in implementation of the STCW. L.N. 154 enables the Seafarer's Authority (i.e. the Director of Marine) to issue certificates to seafarers so that they have the requisite qualifications to perform specified shipboard duties when the latest STCW requirements are enforced with effect from 1 January 2017.

As reported to the ED Panel, the Shipping Consultative Committee had been consulted. Members of the industry including ship companies and seafarers working on board sea-going ships are well aware of our proposal. The industry is most ready and indeed very keen to have the relevant legislation in place, as seafarers will not be able to work on board sea-going ships on or after 1 January 2017 if they do not have the necessary certificates by then.

Please contact me at 3509 8162 and [louisayan@thb.gov.hk](mailto:louisayan@thb.gov.hk) if you require further information. Thank you.

Yours sincerely,



(Louisa YAN)  
for Secretary for Transport and Housing



**V. Incorporating in local legislation the latest standards of the International Maritime Organization**

(LC Paper No. CB(4)850/15-16(05) — Administration's paper on incorporating in local legislation the latest standards of the International Maritime Organization)

Presentation by the Administration

26. At the invitation of the Chairman, Deputy Secretary for Transport and Housing (Transport)5 ("DSTH") introduced the proposed legislative amendments to incorporate in local legislation the requirements set out in the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, ("STCW Convention") and the International Convention for the Safety of Life at Sea ("SOLAS") adopted by the International Maritime Organization ("IMO"). Details of the presentation were set out in the Administration's paper (LC Paper No. CB(4)850/15-16(05)), commonly known as the "Manila Amendments", to keep training standards in tandem with new technological and operational requirements. The Manila Amendments entered into force on 1 January 2012, with a five-year transitional period ending on 1 January 2017 by which seafarers must be certified and trained according to the new standards. Regarding the requirement for verifying the gross mass of cargoes ("VGM") under SOLAS, Senior Surveyor of Ships, Technical Policy 1 of MD ("SS/MD") advised that IMO adopted such requirement in November 2014.

28. The Chairman expressed concern about the delay in incorporating the said international requirements in local legislation. Mr Frankie YICK expressed a similar concern. DSTH advised that the Marine Department ("MD") had taken administrative measures to notify the shipping industry of the amendments concerned and ocean-going vessels had been in compliance with the SOLAS requirements (except the new VGM requirement which would come into operation globally from 1 July 2016). Failure to incorporate these latest requirements into local legislation might lead to detention or more frequent inspection of Hong Kong registered vessels by other Convention countries.

*Requirement on verifying the gross mass of cargoes*

29. Mr Frankie YICK noted that under the new VGM requirement, shippers would be required to verify the gross mass of cargoes before loading the packed containers on board. He relayed the grave concern of the industry about the enforcement actions to be taken on packed containers transhipped from the Mainland and the logistics problems brought about if the weight of constituent packages, cargoes and load of the transshipment containers should be re-verified in Hong Kong. He was also worried if these issues could be resolved by 1 July 2016 when the VGM requirement came into effect.



31. On enforcement, DSTH remarked that transshipment containers from the Mainland which already had their weight verified at their ports of origin would not require re-verification in Hong Kong and VGM documentation obtained in accordance with the guidelines published by Mainland authorities would be accepted by MD. It was estimated that the new requirement would apply to about 4 600 twenty-foot equivalent units daily. SS/MD supplemented that shippers of these affected containers could register with MD for verifying the gross weight of their containers by the addition method and MD would accept the VGM documentation provided by the registered shippers using such method. MD would conduct random checks on the compliance of 150 registered shippers annually and conduct spot checks at the container terminals by weighing the packed containers.

#### *Training and certification requirements for seafarers*

32. Miss CHAN Yuen-han enquired about the implementation of the training and certification requirements for seafarers in accordance with the Manila Amendments, measures to be taken by MD to retain these seafarers and their promotion prospects. Chief, Marine Accident Investigation and Shipping Security Policy of MD advised that institutions such as the Maritime Services Training Institute had already been providing the necessary trainings to seafarers in implementing the Manila Amendments. MD would issue certificates to seafarers who had completed the trainings to prove that they were in compliance with the requirements. He added that seafarers were required to obtain different kinds of certificate of proficiency in order to discharge the corresponding duties and this requirement should be considered separately from their promotional prospects.

#### *High speed craft*

33. In response to Miss CHAN Yuen-han's enquiry, DSTH advised that high speed crafts travelling between Hong Kong and Macau/Mainland had not been included in the 2000 International Code of Safety for High Speed Craft adopted by IMO. Nevertheless, the Administration would cover them when amending the local legislation to reflect the new SOLAS requirements.

#### Conclusion

34. Summing up, the Chairman concluded that members endorsed in principle the proposed legislative amendments for incorporation in local legislation. The Panel noted that the legislative amendments in relation to the SOLAS and STCW requirements would be tabled at Legislative Council ("LegCo") by negative vetting.