

L.N. 151 of 2016

Merchant Shipping (Seafarers) (Disciplinary Offences on Board Ships) (Amendment) Regulation 2016

(Made by the Secretary for Transport and Housing under sections 107, 119 and 134 of the Merchant Shipping (Seafarers) Ordinance (Cap. 478))

1. Commencement

This Regulation comes into operation on 1 December 2016.

2. Merchant Shipping (Seafarers) (Disciplinary Offences on Board Ships) Regulation amended

The Merchant Shipping (Seafarers) (Disciplinary Offences on Board Ships) Regulation (Cap. 478 sub. leg. N) is amended as set out in sections 3, 4 and 5.

3. Section 2 amended (interpretation)

Section 2—

Add in alphabetical order

“*company* (公司), in relation to a ship, means—

- (a) the registered owner of the ship; or
- (b) a person who has assumed responsibility for the operation of the ship from the owner and who, on assuming the responsibility, has agreed to take over the obligations imposed on the owner of the ship under the Convention;

Convention (《公約》) means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as from time to

time revised or amended by any revision or amendment to any provision of such Convention that applies to Hong Kong;”.

4. Section 4 amended (disciplinary offences on board all ships)

Section 4—

Repeal paragraph (d).

5. Section 5 amended (disciplinary offences on board certain ships)

(1) Section 5(1)(b)—

Repeal

“employer”

Substitute

“the company of the ship”.

(2) Section 5(2)—

Repeal

“employer”

Substitute

“company of the ship”.

Anthony B. L. CHEUNG
Secretary for Transport and
Housing

30 September 2016

Explanatory Note

The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (*Convention*) sets out a comprehensive set of global standards on the training and certification of seafarers and watchkeeping, in order to promote the safety of life and property at sea and the protection of the marine environment. The latest substantial amendments to the Convention were adopted by the International Conference on Training and Certification of Seafarers in Manila, the Philippines in 2010 (*Manila Amendments*) and are to be implemented by 1 January 2017. The Convention as revised by the Manila Amendments applies to Hong Kong.

2. Under the Merchant Shipping (Seafarers) (Disciplinary Offences on Board Ships) Regulation (Cap. 478 sub. leg. N) (*Disciplinary Regulation*), it is a disciplinary offence on board a ship for a seafarer to be under the influence of alcohol or drugs. The Convention as revised by the Manila Amendments requires new measures to be taken to prevent the abuse of alcohol or drugs by seafarers. Accordingly, the Merchant Shipping (Seafarers) (Health and Safety: General Duties) Regulation (Cap. 478 sub. leg. C) is amended so that it is an offence on board a ship for a seafarer to be under the influence of alcohol or drugs while the seafarer is performing certain duties. This Regulation is made to remove the disciplinary offence from the Disciplinary Regulation.