

**立法會**  
**Legislative Council**

LC Paper No. CB(4)280/18-19  
(These minutes have been seen  
by the Administration)

Ref: CB4/SS/2/18

**Subcommittee on Subsidiary Legislation to Commence the Requirements of  
the 2006 Maritime Labour Convention in Hong Kong**

**Minutes of the first meeting held on  
Wednesday, 7 November 2018, at 8:30 am  
in Conference Room 3 of the Legislative Council Complex**

**Members present** : Hon James TO Kun-sun (Chairman)  
Hon Steven HO Chun-yin, BBS  
Hon Frankie YICK Chi-ming, SBS, JP

**Public Officers  
attending** : Agenda item II

Transport and Housing Bureau

Ms Louisa YAN  
Principal Assistant Secretary for Transport and  
Housing (Transport)<sup>10</sup>

Marine Department

Mr CHENG Yeung-ming  
Assistant Director / Shipping

Mr CHAN Ming-yau  
General Manager / Shipping Registry and Seafarers

Department of Justice

Ms Mabel CHEUNG  
Senior Assistant Law Draftsman (Laws Publication)

**Clerk in attendance :** Ms Shirley CHAN  
Chief Council Secretary (4)5

**Staff in attendance :** Ms Vanessa CHENG  
Assistant Legal Adviser 5

Ms Shirley TAM  
Senior Council Secretary (4)5

Ms Lauren LI  
Council Secretary (4)5

Ms Zoe TONG  
Legislative Assistant (4)5

Miss Mandy LUI  
Clerical Assistant (4)5

---

Action

**I. Election of Chairman**

Election of Chairman

Mr James TO, the member of the highest precedence among those present at the meeting, presided over the election of Chairman. He invited nominations for the chairmanship of the Subcommittee.

2. Mr Steven HO nominated Mr James TO and the nomination was seconded by Mr Frankie YICK. Mr James TO accepted the nomination. There being no other nomination, Mr TO was elected Chairman of the Subcommittee.

3. Members agreed that there was no need to elect a Deputy Chairman.

**II. Meeting with the Administration**

[File Ref: THB(T)PML CR 8/10/150/8, L.Ns. 174 to 190 of 2018, LC Paper Nos. LS5/18-19, CB(4)1151/15-16, CB(4)160/18-19(01) and (02)]

Action

Discussion

4. The Subcommittee deliberated (index of proceedings attached at **Annex**).
5. Upon the Subcommittee's request, the Administration agreed to report annually to the Panel on Economic Development on the enforcement situation of the requirements of the 2006 Maritime Labour Convention in Hong Kong in the first two years after the commencement of relevant provisions in the Merchant Shipping (Seafarers) Ordinance (Cap. 478) and its subsidiary legislation.

**III. Any other business**

Invitation of deputations' views

6. Members considered it not necessary for the Subcommittee to invite public views on the 17 pieces of subsidiary legislation.

Legislative timetable and extension of the scrutiny period

7. The Chairman concluded that the Subcommittee had completed the scrutiny of the 17 pieces of subsidiary legislation and would not propose any amendment to the subsidiary legislation.
8. The Subcommittee agreed to move a proposed resolution at the Council meeting of 14 November 2018 to extend the period of scrutiny of the 17 pieces of subsidiary legislation to the Council meeting of 12 December 2018. If the scrutiny period was extended, the deadline for giving notices of motions to amend the legislative amendments would be 5 December 2018. The Chairman would report the deliberations of the Subcommittee to the House Committee on 30 November 2018.
9. There being no other business, the meeting ended at 9:01 am.

**Proceedings of the first meeting of  
the Subcommittee on Subsidiary Legislation to Commence the Requirements of  
the 2006 Maritime Labour Convention in Hong Kong  
on Wednesday, 7 November 2018, at 8:30 am  
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
<b>Agenda item I – Election of Chairman</b>			
000654 – 000858	Mr James TO Mr Steven HO Mr Frankie YICK	Election of Chairman	
<b>Agenda item II – Meeting with the Administration</b>			
000859 – 001136	Chairman Administration	Briefing by the Administration on the subsidiary legislation to bring into operation the provisions in the Merchant Shipping (Seafarers) Ordinance (Cap. 478) ("the Ordinance") and its subsidiary legislation that implemented the requirements of the 2006 Maritime Labour Convention ("MLC") in Hong Kong, as well as a provision in the Schedule to the Administrative Appeals Board Ordinance (Cap. 442) which related to MLC	
001137 – 001748	Chairman Mr Steven HO Administration	<p>Mr Steven HO enquired –</p> <p>(a) the number and composition of local seafarers to be affected by the new requirements under MLC;</p> <p>(b) whether any representatives of the Mainland and Hong Kong Governments were present at the conference at which the International Labour Organisation ("ILO") adopted MLC;</p> <p>(c) major differences between the existing and new requirements in relation to the official log books on ships; and</p> <p>(d) the publicity programmes to enhance the awareness of the new requirements in the shipping industry, particularly among the seafarers. He suggested that the Administration should give briefing sessions at major conferences of the industry and publicize in leaflets and newsletters of the industry in respect of the new requirements.</p> <p>The Administration advised that –</p> <p>(a) there were some 53 000 seafarers registered in Hong Kong, including over 30 000 Chinese seafarers with 200 of them being local people, and some 20 000 from India and Philippines. MLC sought to protect all seafarers working on board of ships;</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>(b) representatives of the Hong Kong Special Administrative Region Government and local maritime practitioners had participated in the delegation of People's Republic of China witnessing ILO adopting MLC at its General Conference held in 2006 in Geneva;</p> <p>(c) under the Ordinance, an official log book in the prescribed form should be kept in every Hong Kong ship. Amendments arising from MLC to the form of the official log book prescribed in the Merchant Shipping (Seafarers) (Official Log Books) Regulation (Cap. 478P) included addition of the inspection record carried out with respect to the supply of provisions and drinking water etc. and the record in relation to seafarers' claims to complain to the Superintendent. Deletion of "Pilot Ladders and Hoists Regulations" was made to section 2 of Cap. 478P and the repeal of paragraph 21 of the Schedule to Cap. 478P to reflect the repeal of the Merchant Shipping (Safety) (Pilot Ladders and Hoists) Regulations (Cap. 369AN) and the Merchant Shipping (Safety) (Arrangements for Embarkation and Disembarkation of Pilots) Regulation (Cap. 369AU); and</p> <p>(d) the Administration would expand the current publicity programmes to enhance the trade's awareness of the new requirements. In addition, each ship registered on or after 20 December 2018 would be provided with a new official log book in the new prescribed form on ship registration.</p>	
001749 – 002327	Chairman Administration	<p>The Chairman enquired about the measures to facilitate local seafarers including those who had not engaged in the shipping industry for some years to be aware of the new requirements under MLC.</p> <p>The Administration explained that MLC entered into force globally on 20 August 2013. Hong Kong registered ships might be inspected against the MLC requirements in ports of ILO members which had ratified MLC, even though MLC was not yet applicable to Hong Kong. To prepare for this, the Marine Department ("MD") had made arrangements for recognized organizations ("ROs") to conduct inspection on Hong Kong ships against the MLC requirements and to issue statements of compliance on an administrative basis to ships that fully meet those requirements. Hong Kong ships did not have</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>compliance problems during the interim period between the commencement of the MLC and its application to Hong Kong. As MD had engaged the industry at an early stage in drawing up the legislative proposals, the industry should have enough time to prepare for the implementation of the legislative requirements.</p> <p>The Administration added that, in respect of the requirements under the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers which were also adopted locally through the Ordinance, the Administration would ascertain the seafarers' compliance through regular trainings and examinations.</p>	
002338 – 002840	Chairman Mr Frankie YICK Administration Mr Steven HO	<p>Pointing out that MLC sought to impose new requirements on shipowners to protect the welfare of seafarers, Mr Frankie YICK enquired about the enforcement actions to be taken by the Administration and suggested that sufficient information on the latest requirements in respect of the working and living conditions for seafarers on ships should be well promoted to seafarer unions to ensure that all local seafarers would be properly informed.</p> <p>The Administration said that it had consulted shipowners' and seafarers' organizations on MLC requirements. Other advisory committees consulted included the Seafarers' Advisory Board, the Shipping Consultative Committee and the Committee on the Implementation of International Labour Standards under the Labour Advisory Board. All of them were well informed of the new requirements.</p> <p>The Administration added that to ensure compliance, a Maritime Labour Certificate ("the Certificate"), valid for five years, would be issued by MD or an RO to shipowners on behalf of MD after the ship was inspected by either a Government surveyor or an RO and found to conform to the requirements stipulated in the Declaration of Maritime Labour Compliance. All ships would be required to undergo an intermediate inspection between the second and third anniversaries of the Certificate, and would be inspected again before its renewal. To monitor compliance, MD would be given the power to investigate complaints against a ship. Government surveyors might board any ship registered in Hong Kong or within Hong Kong waters for this purpose. If there was any evidence that the ship concerned did not comply with MLC or failed to take corrective action for breaches, MD might detain the ship or withdraw its Certificate.</p>	

Time marker	Speaker	Subject(s)	Action required
002841 – 003241	Chairman Administration Assistant Legal Adviser 5 ("ALA5")	<p>In response to the Chairman, the Administration advised that amendments made under L.Ns. 174 and 175 were to address the suggestion made by the Subcommittee on Subsidiary Legislation to Give Effect to the 2006 Maritime Labour Convention when they discussed the relevant subsidiary legislation in relation to MLC, and to make some textual amendments.</p> <p>ALA5 confirmed that no difficulties had been identified in relation to the legal and drafting aspects of the subsidiary legislation.</p>	
003242 – 003440	Chairman Mr Steven HO Administration	<p>Upon the Subcommittee's request, the Administration agreed to report annually to the Panel on Economic Development on the enforcement situation of the requirements of MLC in Hong Kong in the first two years after the commencement of the relevant provisions in the Ordinance and its subsidiary legislation.</p>	
<b>Agenda item III – Any other business</b>			
003441 – 003642	Chairman	<p>Members agreed that there was no need to invite public views on the subsidiary legislation.</p> <p>Completion of scrutiny of the subsidiary legislation</p> <p>Date of reporting the work of the Subcommittee to the House Committee and legislative timetable</p>	