

Submission of the **Hong Kong Shipowners Association** to the

Bills Committee on Merchant Shipping (Seafarers) (Amendment) Bill 2013
Legislative Council of the Hong Kong SAR

The Hong Kong Shipowners Association has been actively engaged in the development of the Maritime Labour Convention, 2006 from the start of the tripartite negotiations held at the International Labour Organisation in Geneva (ILO). Our representatives have attended all of the meetings of the High Level Tripartite Working Group and have also attended the various conferences as a member of the China delegation. The Managing Director of the Association is now the spokesperson and Chairman of the Maritime Employers Group at the ILO, and has led the maritime employers' delegation through both of the Preparatory Tripartite MLC, 2006 Committee meetings. The Association, therefore, has great interest in the success of the Convention.

The Association strongly supports the Merchant Shipping (Seafarers) (Amendment) Bill 2013. It is important that Hong Kong, as the world's fourth largest ship registry, is seen to support the Convention. But it is perhaps more important that Hong Kong ships are protected by the terms of the Convention when subject to inspection in foreign ports. Article V of the Convention contains a 'no less favourable treatment' stipulation, under which States that have ratified the Convention are to ensure that ships flying the flag of States that have not ratified do not receive more favourable treatment. In effect, this means that ships flying the flag of States that have not ratified the Convention will be inspected to the full terms of the Convention when calling at ports situated in Member States. Ships flying the flags of States that have ratified the Convention, on the other hand, will carry a certificate and document of compliance that are to be taken as *prima facie* evidence of compliance, thus avoiding lengthy inspections.

The Association has taken a very active part in the tripartite consultation working group that was formed to consider the application of the Convention to Hong Kong and to Hong Kong ships. We are satisfied that the provisions of the Bill accurately reflect our deliberations.

The Hong Kong Shipowners Association would respectfully encourage the Bills Committee to approve the Bill at the earliest opportunity, so that the necessary legislation is in place before the Convention comes into force in August this year.

Submitted with respect,

Arthur Bowring
Managing Director
Hong Kong Shipowners Association

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