

## **LEGISLATIVE COUNCIL BRIEF**

Merchant Shipping (Seafarers) Ordinance (Chapter 478)

### **Merchant Shipping (Seafarers) (Amendment) Bill 2013**

#### **INTRODUCTION**

A At the meeting of the Executive Council on 26 March 2013, the Council ADVISED and the Chief Executive ORDERED that the Merchant Shipping (Seafarers) (Amendment) Bill 2013 (the Bill), at Annex A, should be introduced into the Legislative Council (the LegCo).

#### **JUSTIFICATIONS**

##### **Implementation of the Maritime Labour Convention, 2006 (MLC)**

2. In recognition of the global nature of the shipping industry, the United Nations' International Labour Organization (ILO) after tripartite negotiations (involving representatives from governments, employers and workers) adopted the MLC in February 2006 to provide a comprehensive instrument for protecting seafarers' rights to decent employment. The MLC consists of three different but related parts: the Articles, the Regulations and the Code. While the Articles and the Regulations set out the core rights and principles and the basic obligations of Members ratifying the Convention, the Code provides for the details for the implementation of the Regulations. The MLC contains a comprehensive set of global standards governing the working and living conditions of seafarers on board ocean-going ships in 14 areas, namely –

- (i) Minimum age;
- (ii) Medical certification;
- (iii) Qualifications of seafarers;
- (iv) Seafarers' employment agreements;
- (v) Use of any licensed or certified or regulated private recruitment and placement service;
- (vi) Hours of work or rest;
- (vii) Manning levels for the ship;
- (viii) Accommodation;
- (ix) On-board recreational facilities;
- (x) Food and catering;
- (xi) Health and safety and accident prevention;
- (xii) On-board medical care;
- (xiii) On-board complaint procedures;

(xiv) Payment of wages.

A summary of the major requirements prescribed by the MLC for each of the above 14 areas is at Annex B.

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3. The MLC has been ratified by a sufficient number of ILO members to enable it to come into force for these member jurisdictions on 20 August 2013. As an international maritime centre with the world's third largest shipping register<sup>1</sup>, it is important for Hong Kong to comply with up-to-date international standards on maritime matters, including those stipulated under the MLC.

4. At present, working standards, health requirements and employment conditions for seafarers are specified in the Merchant Shipping (Seafarers) Ordinance (Chapter 478) (the Ordinance) and 12 pieces of subsidiary legislation under the Ordinance. As such, we propose that the MLC be implemented in Hong Kong through updating of the relevant provisions under the Ordinance and its subsidiary legislation<sup>2</sup>, as well as the enactment of a new Regulation to reflect the applicable international standards.

### **Legislative Proposals**

5. The Amendment Bill seeks to align certain existing definitions and provisions under the Ordinance with the MLC. The key proposals in the Bill are set out in paragraphs 6 to 10 below.

#### **(a) Amending the definition of “seafarer”**

6. Under the Ordinance, seafarers as currently defined<sup>3</sup> exclude masters, officers and medical practitioners of ships from the application of

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<sup>1</sup> As at 1 February 2013, 2 218 ships with a total gross tonnage of 80 million were registered with the Hong Kong Shipping Register. According to the Danish Shipping Statistics November 2012 published by the Danish Shipowners' Association, Hong Kong ranked third in the world as a place for ship registration.

<sup>2</sup> Includes repeal of 2 pieces of existing subsidiary legislation and amendments to 10 other pieces of subsidiary legislation under the Ordinance.

<sup>3</sup> Under the Ordinance, “seafarer”-

(a) in relation to all the provisions of this Ordinance, means any person who is, or is to be, employed in a ship in any capacity other than –

(i) that of master;

(ii) that of officer;

(iii) that of ship's medical practitioner; or

(iv) that which the Authority, after consultation with the Advisory Board and subject to such conditions as he thinks fit, specifies in writing to the Superintendent; and

(b) in relation to Parts VIII to XIV inclusive, includes any person who is, or is to be, employed in a ship in any capacity (including the capacities referred to in paragraph (a)(i), (ii), (iii) and (iv)).

certain parts of the Ordinance<sup>4</sup>. According to the MLC, “seafarer” means any person who is employed or engaged or works in any capacity on board a ship. However, to provide for flexibility in responding to local circumstances in different jurisdictions, the MLC allows the competent authority of the jurisdiction concerned (viz. the Marine Department (MD) in the case of Hong Kong) to determine, after consultation with the shipowners’ and seafarers’ organizations, if any categories of persons are to be regarded as seafarers for the purpose of the MLC in the event of doubt.

7. To align our legislation with the MLC, we will amend the definition of “seafarer”. In addition, we will provide for an exclusion list in a Schedule to the Ordinance to specify persons who work on board a ship but are not to be regarded as seafarers, such as a person who works on board as a pilot, the ship-owner, the ship manager or charterer who has assumed responsibility for the operation of the ship from the owner, an officer of a law enforcement agency carrying out law enforcement duties, and a person whose work only relates to the construction, alteration, repair or testing of the ship or of its machinery or equipment, and does not in any way relate to the normal operation of the ship within the deck, engine room or catering department of the ship. We further propose to include a provision by which Secretary for Transport and Housing (STH) may, after consultation with the Seafarers’ Advisory Board (SAB)<sup>5</sup>, amend this Schedule by notice published in the Gazette. The above changes should not affect in any substantial way the current regulatory regime.

(b) **Allowing seafarers’ organization to provide seafarer recruitment and placement services**

8. Under the Ordinance, a company must obtain a permit from the MD before it could engage in the business of recruiting and supplying seafarers registered with MD for employment in ships. Seafarers’ organisations (such as a union) currently are not qualified to provide such recruitment and placement services since section 52 of the Ordinance requires that the company concerned must have as one of its objects in the company’s articles or memorandum of association the carrying on of the business of shipowner or the business of managing ships or the business of acting as agent for a shipowner. At present, the recruitment and placement services of Hong Kong registered seafarers are all provided by the crew departments of shipping companies. Although so far no seafarers’ organisation has indicated to MD an interest in the provision of such services, in line with the MLC, we propose to amend the relevant provisions in the Ordinance so that a seafarers’ organisation may also

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<sup>4</sup> Those parts relate to the need for registration of Hong Kong seafarers with the Marine Department for employment in ships.

<sup>5</sup> The Seafarers’ Advisory Board is established under section 6 of the Ordinance and comprises members representative of seafarers’ and employers’ organizations.

provide recruitment and placement services to Hong Kong registered ships after obtaining the relevant permit from MD.

(c) **Adopting the direct reference approach**

9. We seek to allow the use of “direct reference approach” in making subsidiary legislation under the Ordinance in future for implementing requirements under international agreements applicable to Hong Kong. Under this approach, the subsidiary legislation will refer directly to a provision of an international agreement applicable to Hong Kong, so as to give effect to the latest international requirements in local laws. An example of such approach is the Merchant Shipping (Prevention and Control of Pollution) Ordinance (Chapter 413), which implements the International Convention for the Prevention of Pollution from Ships. As we envisage that there would be frequent updating of technical requirements under the MLC and relevant international agreements, we consider it desirable to have the flexibility of adopting this approach in appropriate cases to avoid the extensive time and resources required to amend the laws every time a requirement is changed. Otherwise, there is a risk that the Hong Kong statute may fall behind international standards if the legislative amendment exercises cannot be completed on time. The “direct reference approach” would facilitate timely implementation of the latest international requirements in respect of technical matters that are generally applicable across the world.

10. The Bill also makes a number of other miscellaneous amendments, such as (i) removing the current provision which allows a permitted company<sup>6</sup> to recover from seafarers not more than half of the prescribed fee<sup>7</sup> paid to the Government for the employment of the seafarers. The proposed change is to align with the MLC requirement that seafarers should not be charged for finding employment on board ships; (ii) removing the existing restriction that persons aged 35 years or above cannot be registered with MD for employment as seafarers; and (iii) amending the existing provisions to allow seafarers to lodge complaints about their employment in accordance with the required procedures.

**Amending subsidiary regulation and making of a new regulation**

11. The Ordinance contains provisions enabling the STH to make regulations in relation to the working and living conditions of seafarers, such as their employment or discharge arrangements, as well as health, safety and welfare requirements. After the Bill has been passed by the LegCo, 12 pieces of existing subsidiary legislation will be amended and a

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<sup>6</sup> A company permitted by MD to engage in the supply of seafarers registered with MD for employment in ships.

<sup>7</sup> No fee is currently charged by the Government for the employment of seafarers, viz. the fee is set at “nil” under the Merchant Shipping (Seafarers)(Fees) Regulation (Chapter 478AB).

new Regulation will be made by the STH to stipulate the detailed MLC requirements under the relevant provisions of the Ordinance. The new Regulation will provide for a certification, inspection and enforcement mechanism to ensure that Hong Kong registered ships engaged in international voyages as well as foreign ships entering Hong Kong waters shall comply with the MLC requirements in the 14 areas set out in paragraph 2 above.

### **Timeframe for Implementation**

12. China is a member of the ILO. For the HKSAR, it is not a member of the ILO, and it owes its current representation on this body to the People's Republic of China (PRC). Declarations in respect of the HKSAR on the application of any ILO convention are to be made by the PRC on the HKSAR's behalf after full consultation with the Government of the HKSAR.

13. After enactment of the Bill, the new Regulation and the Amendment Regulations (referred to paragraph 11 above), we will notify the Central People's Government that the MLC may be applied to Hong Kong. The Bill and the Regulations will only commence operation after China has ratified the MLC and extended its application to Hong Kong. After the commencement of the MLC in August 2013, Hong Kong registered ships may be inspected against the MLC requirements in ports of ILO members which have ratified the MLC, even though the MLC is not yet applicable to Hong Kong. To prepare for this, MD has made arrangements for recognized organizations<sup>8</sup> to conduct inspection on Hong Kong ships against the MLC requirements and to issue certificates of compliance on an administrative basis to ships that fully meet those requirements. Hong Kong ships should not have compliance problems during the interim period between the commencement of the MLC and its application to Hong Kong since the shipping industry is fully aware of the impending implementation of the MLC. As the MD has 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.

### **THE BILL**

A 14. The Bill at Annex A seeks to amend the Ordinance to implement certain requirements of the MLC, and to provide for related matters. It also

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<sup>8</sup> Recognized organizations (ROs) are technical bodies which may be authorized by flag States to carry out surveys and issue certificates on their behalf. At present, there are 9 ROs recognized by MD. They are American Bureau of Shipping (USA), Bureau Veritas (France), China Classification Society. (China) Det Norske Veritas (Norway), Germanischer Lloyd (Germany), Lloyd's Register (UK), Nippon Kaiji Kyokai (Japan), Korean Register of Shipping (Korea), RINA S.p.A (Italy).

makes technical amendments to improve the operation and presentation of the Ordinance. The main provisions of the Bill are explained below.

- (a) Clause 1 provides that the Bill, when enacted, will come into operation on a day to be appointed by the STH by notice in the Gazette.

Definition of “seafarer”

- (b) Clause 4 provides for a new definition of “seafarer”. The new definition covers any persons who work on ships but excludes certain persons (such as pilots and shipowners) listed in a new Schedule 1A to be added to the Ordinance (see clause 67). STH is empowered to amend the Schedule.
- (c) In line with the new definition of “seafarer”, the existing term of “registered seafarer” is replaced by “registered person” (see clause 3). Amendments are made to provisions in different Parts of the Ordinance for substituting the term and making related changes. Some of the amendments for substituting the term are dealt with by Schedule 2 to the Bill.
- (d) As the new definition of “seafarer” also covers masters, officers and medical practitioners, etc. of ships, sections 7(5) and 11 of the Ordinance which specifically deal with their employment are repealed by clauses 7 and 10. Clauses 48, 51 and 55 also amend sections 79, 85 and 92 so that the powers and duties of masters of ships in relation to seafarers under those sections may also be exercised and carried out by the seafarers’ employers.

Seafarers’ organizations and permitted bodies

- (e) Clause 33 amends section 52 so that seafarers’ organizations, like companies, may also apply for a permit to carry out the business of recruiting and supplying seafarers. Clause 35 provides for the requirements for obtaining a permit.
- (f) A new definition of “permitted body” is added to cover both companies and seafarers’ organizations which have obtained permits (see clause 3). Amendments are made to provisions in different Parts of the Ordinance for substituting the term “permitted company” by “permitted body” and making related changes. Some of the amendments for substituting the term are dealt with by Schedule 1 to the Bill.
- (g) Clause 38 amends section 57 and restricts the ships to which companies or seafarers’ organizations which have obtained permits may supply registered persons for employment. Permitted companies may only supply registered persons for employment in ships that they own, manage or charter while

permitted seafarers' organizations may only supply registered persons for employment in Hong Kong registered ships.

Written employment agreements between seafarers and shipowners

- (h) Clause 49 amends section 80 to require seafarers on Hong Kong registered ships to enter into written employment agreements with the shipowners or persons (including managers or charterers) who have assumed responsibility for operating the ships from the owners.

Complaint procedures

- (i) Sections 98 and 99 provide for the right of seafarers to complain to masters of Hong Kong registered ships on certain subject matters. Clauses 58 and 59 amend the sections to allow seafarers to complain directly to the Superintendent without first complaining to masters of ships. Clause 59 also amends section 99 to allow seafarers to complain on anything relating to their employment.

Direct reference approach for implementing international agreements

- (j) Clause 66 adds a new subsection (3A) to section 134 to expressly provide that subsidiary legislation to give effect to international agreements may adopt a direct reference approach to refer directly to the provisions in the agreements, and specify the amendments, modifications or adaptations subject to which the provisions are to have effect.

Miscellaneous amendments

- (k) Clauses 8 and 9 amend sections 8 and 9 to remove the age restrictions for registration of persons employed or desirous to be employed as seafarers. Persons who are at least 17 years of age may be registered if they meet the relevant qualification requirements.
- (l) Clauses 29, 30 and 31 amend sections 44, 45 and 47 to repeal the provisions which allow permitted companies or employers to require seafarers to contribute to the fees payable to the Government in connection with the employment of seafarers.
- (m) Clause 53 amends section 89 so that the regulations made under that section may allow seafarers to allot all of their wages to the persons nominated by them.
- (n) Clause 64 amends section 106 to allow the Government to detain ships of the employers of seafarers if the Government has incurred expenses in repatriating the seafarers for which the employers are liable.

Consequential and related amendments to other legislation

- (o) Clauses 68 to 84 make related and consequential amendments to various pieces of subsidiary legislation under the Ordinance, and to the Schedule to the Administrative Appeals Board Ordinance (Chapter 442).

## **LEGISLATIVE TIMETABLE**

15. The Bill will be published in the Gazette on 5 April 2013 and introduced into the LegCo on 24 April 2013.

## **IMPLICATIONS OF THE PROPOSAL**

16. On financial and civil service implications, MD would require one additional Surveyor of Ships post to conduct inspection of ships according to the MLC requirements. Other workload arising from the implementation of the MLC would be absorbed from within MD's existing resources. MD would seek and justify the additional staffing resources, if required, in accordance with the established resource allocation mechanism.

17. Since the MLC is applicable to other ports around the world, its implementation in Hong Kong should have minimal economic implications. The Bill has no productivity, environmental or sustainability implications. It is in conformity with the Basic Law, including provisions concerning human rights. It will not affect the current binding effect of the Ordinance.

## **PUBLIC CONSULTATION**

18. We consulted the LegCo Panel on Economic Development on the legislative proposals on 11 December 2012. Members generally supported the proposed amendments.

19. We have also consulted shipowners' and seafarers' organisations. They are supportive of the legislative proposals for implementing the MLC. Other advisory committees consulted include the SAB, the Shipping Consultative Committee<sup>9</sup> and the Committee on the Implementation of International Labour Standards under the Labour Advisory Board<sup>10</sup>. All

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<sup>9</sup> Members of Shipping Consultative Committee, a non-statutory consultative body, comprise representatives of the shipping industry, seafarers' associations and trade organisations.

<sup>10</sup> Members of the Committee on the Implementation of International Labour Standards under the Labour Advisory Board, a non-statutory consultative body, comprise representatives of employers and employees.



of them have no objection to the proposals.

## **PUBLICITY**

20. A press release will be issued on 3 April 2013. A spokesman will be available to handle enquires.

## **BACKGROUND**

21. Due to the unique nature of the seafaring profession, seafarers are excluded from the application of the Employment Ordinance (Chapter 57). Their employment and working and living conditions are separately regulated by MD under the Ordinance in line with the international requirements.

22. At present, about 2,000 Hong Kong ships are engaged in international voyages and would be subject to the requirements of the MLC. There are some 42,000 seafarers working on board those ships and about 170 of them are Hong Kong registered seafarers.

## **ENQUIRIES**

23. Any enquiries on this brief can be addressed to Mr. Jason Lam, Assistant Secretary for Transport and Housing (Transport), Transport and Housing Bureau (Tel: 3509 8260) or Mr. Y.M. Cheng, Chief, Marine Accident Investigation and Shipping Security Policy, Marine Department (Tel: 2852 4601).

***Transport and Housing Bureau  
3 April 2013***

**Merchant Shipping (Seafarers) (Amendment) Bill 2013**

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# A BILL

## To

Amend the Merchant Shipping (Seafarers) Ordinance to implement certain requirements of the Maritime Labour Convention, 2006; to make technical amendments to improve the operation and presentation of the Ordinance; and to provide for related matters.

Enacted by the Legislative Council.

### Part 1

#### Preliminary

##### 1. Short title and commencement

- (1) This Ordinance may be cited as the Merchant Shipping (Seafarers) (Amendment) Ordinance 2013.
- (2) This Ordinance comes into operation on a day to be appointed by the Secretary for Transport and Housing by notice published in the Gazette.

##### 2. Enactments amended

- (1) The enactments specified in Parts 2 and 3 are amended as set out in those Parts.
- (2) The provisions of the Merchant Shipping (Seafarers) Ordinance (Cap. 478) set out in an item in column 1 of Schedules 1 and 2 are amended by repealing the words set out in column 2 of that item and substituting the words set out in column 3 of that item.

## Part 2

### Amendments to Merchant Shipping (Seafarers) Ordinance (Cap. 478)

#### Division 1—Amendments to Provisions on Preliminary Matters

#### 3. Section 2 amended (interpretation)

(1) Section 2(1), English text—

**Repeal the definition of *A.B.***

**Substitute**

“*A.B.* means an able-bodied seaman;”.

(2) Section 2(1), definition of *crew department record*—

(a) **Repeal**

“company”

**Substitute**

“body”;

(b) **Repeal**

“company’s”

**Substitute**

“body’s”.

(3) Section 2(1)—

**Repeal the definition of *employer***

**Substitute**

“*employer* (僱主), in relation to a seafarer employed to work on board a ship, means the person identified by name or

necessary implication as the employer of the seafarer in the following agreement entered into by the seafarer for working on board the ship—

(a) if the ship is a Hong Kong ship, the crew agreement; or

(b) if the ship is not a Hong Kong ship, any other agreement for employment;”.

(4) Section 2(1), definition of *employment registration book*—

**Repeal**

“seafarer’s”

**Substitute**

“person’s”.

(5) Section 2(1), definition of *permit*—

**Repeal**

“to maintain a company roster”

**Substitute**

“or seafarers’ organization to maintain a roster”.

(6) Section 2(1), definition of *permitted crew department*—

**Repeal**

“company”

**Substitute**

“body”.

(7) Section 2(1), definition of *registered address*—

**Repeal**

“seafarer” (wherever appearing)

**Substitute**

“person”.

- (8) Section 2(1), definition of *registered seafarer*—

**Repeal**

““registered seafarer” (註冊海員)”

**Substitute**

“*registered person* (註冊人士)”.

- (9) Section 2(1), Chinese text, definition of ~~遠洋船舶~~—

**Repeal**

“(foreign-going ship)”

**Substitute**

“(sea-going ship)”.

- (10) Section 2(1)—

- (a) definition of *company roster*;
- (b) definition of *direct trade entrant*;
- (c) definition of *seafarer*;
- (d) Chinese text, definition of ~~高級水手~~—

**Repeal the definitions.**

- (11) Section 2(1)—

**Add in alphabetical order**

“*permitted body* (核准團體) means any company or seafarers’ organization holding a valid permit;

*roster* (候船名冊), in relation to a permitted body, means the list of registered persons kept in its permitted crew department under section 64(1);”.

**4. Section 2A added**

After section 2—

**Add****“2A. Who is a seafarer**

- (1) In this Ordinance—

*seafarer* (海員) means a person who works on board a ship in any capacity, but does not include a person specified in Schedule 1A.

- (2) The Secretary for Transport and Housing may, after consultation with the Advisory Board, by notice published in the Gazette, amend Schedule 1A.”.

**Division 2—Amendments to Provisions on Establishment of Seafarers’ Advisory Board****5. Section 6 amended (establishment of Seafarers’ Advisory Board)**

- (1) Section 6(2), after “advise”—

**Add**

“the Secretary for Transport and Housing or”.

- (2) Section 6(2), after “consulted by”—

**Add**

“the Secretary or”.

- (3) Section 6(9), after “advise”—

**Add**

“the Secretary for Transport and Housing or”.

- (4) Section 6(9), after “consulted by”—

**Add**

“the Secretary or”.



### **Division 3—Amendments to Provisions on Registration of Seafarers and Persons Desirous to be Employed as Seafarers**

#### **6. Part III heading amended (registration of seafarers)**

Part III, heading, after “SEAFARERS”—

**Add**

“AND PERSONS DESIROUS TO BE EMPLOYED AS SEAFARERS”.

#### **7. Section 7 amended (register of seafarers)**

(1) Section 7, heading—

**Repeal**

“Register of seafarers”

**Substitute**

“Register of persons employed as seafarers and of persons desirous to be employed as seafarers”.

(2) Section 7(1)—

**Repeal**

“seafarers”

**Substitute**

“persons”.

(3) Section 7(1)(a), after “coastal-going ships”—

**Add**

“as seafarers”.

(4) Section 7(1)(b), after “coastal-going ships”—

**Add**

“as seafarers”.

(5) Section 7(4)(a)—

**Repeal**

“seafarers”

**Substitute**

“persons”.

(6) Section 7(4)(a)(i), after “ships”—

**Add**

“as seafarers”.

(7) Section 7(4)(a)(ii), after “ships”—

**Add**

“as seafarers”.

(8) Section 7(4)(b)—

**Repeal**

“seafarers”

**Substitute**

“persons”.

(9) Section 7(4)(b)(i), after “ships”—

**Add**

“as seafarers”.

(10) Section 7(4)(b)(ii), after “ships”—

**Add**

“as seafarers”.

(11) Section 7—

**Repeal subsection (5).**

#### **8. Section 8 amended (Part I of register)**

(1) Section 8(2)(b)—

**Repeal**

everything after “17 years”

**Substitute a semicolon.**

(2) Section 8(2)(d)(ii)—

**Repeal**

“or”.

(3) Section 8(2)(d)(iii)—

**Repeal**

“and”

**Substitute**

“or”.

(4) After section 8(2)(d)(iii)—

**Add**

“(iv) has been issued with a certificate of qualification as a ship’s cook by the competent authority of a party to the Certification of Ships’ Cooks Convention 1946, or the Maritime Labour Convention, 2006, as amended from time to time; and”.

(5) Section 8(3)—

**Repeal**

“of seafarers”

**Substitute**

“of persons”.

(6) Section 8(3)—

**Repeal**

“any seafarer”

**Substitute**

“any person”.

(7) Section 8(4)—

**Repeal**

“seafarers”

**Substitute**

“persons”.

(8) Section 8(5)—

**Repeal**

“seafarers”

**Substitute**

“persons”.

**9. Section 9 amended (Part II of register)**

Section 9(2)(b)—

**Repeal**

everything after “17 years”

**Substitute a semicolon.**

**10. Section 11 repealed (employment of persons who are not seafarers)**

Section 11—

**Repeal the section.**

**11. Section 12 substituted**

Section 12—

**Repeal the section**

**Substitute**

**“12. Disqualification for entry of person’s name in register**

- (1) Subject to the sections specified in subsection (2), a person whose name has been removed from the register under section 28(1) or (2) is not entitled to have the person’s name entered in the register again.
- (2) The sections are—
  - (a) section 15(3);
  - (b) section 28(5);
  - (c) section 32(1)(a);
  - (d) section 36(2) and (3); and
  - (e) section 38.”.

**12. Section 13 amended (particulars to be entered in register)**

- (1) Section 13(1)—
 

**Repeal**  
“seafarer” (wherever appearing)

**Substitute**  
“person”.
- (2) Section 13(2)—
 

**Repeal**  
“seafarer’s”

**Substitute**  
“person’s”.
- (3) Section 13(2)(a)—
 

**Repeal**  
“seafarer” (wherever appearing)

**Substitute**

“person”.

- (4) Section 13(2)(b)—

**Repeal**

“seafarer”

**Substitute**

“person”.

- (5) Section 13(2)—

**Repeal paragraph (c)****Substitute**

“(c) if the person is employed as a seafarer, the capacity and rank in which the person is so employed;”.

- (6) Section 13(2)(d)—

**Repeal**

“the seafarer”

**Substitute**

“the person”.

- (7) Section 13(2)(e)—

**Repeal**

“seafarer” (wherever appearing)

**Substitute**

“person”.

- (8) Section 13(2)(f), Chinese text—

**Repeal**

“該海員”

**Substitute**

“該人”.

**13. Section 14 amended (change of seafarer's rating)**

- (1) Section 14, heading—  
**Repeal**  
 “rating”  
**Substitute**  
 “rank”.
- (2) Section 14(1)—  
**Repeal**  
 “rating” (wherever appearing)  
**Substitute**  
 “rank”.
- (3) Section 14(2)—  
**Repeal**  
 “rating” (wherever appearing)  
**Substitute**  
 “rank”.
- (4) Section 14(2), English text—  
**Repeal**  
 “has been reduced”  
**Substitute**  
 “has been lowered”.
- (5) Section 14(2), English text—  
**Repeal**  
 “was reduced”  
**Substitute**  
 “was lowered”.

- (6) Section 14(3), before “alter”—  
**Add**  
 “the Superintendent must”.
- (7) Section 14(3)—  
**Repeal**  
 “rating” (wherever appearing)  
**Substitute**  
 “rank”.

**Division 4—Amendments to Provisions on Employment  
 Registration Books**

**14. Section 16 amended (seafarer's employment registration book)**

- (1) Section 16, heading—  
**Repeal**  
 “Seafarer's employment”  
**Substitute**  
 “Employment”.
- (2) Section 16—  
**Repeal**  
 “seafarer”  
**Substitute**  
 “person”.

**15. Section 17 amended (regulations in relation to employment registration books)**

- (1) Section 17(a), English text—  
**Repeal**

“the holders thereof”

**Substitute**

“their holders”.

- (2) Section 17(a)—

**Repeal**

“seafarers”

**Substitute**

“registered persons”.

**Division 5—Amendments to Provisions on Establishment of Seafarers’ Appeals Board, Disciplinary Inquiries and Appeals**

- 16. Part V heading amended (establishment of Seafarers’ Appeals Board and removal or suspension of seafarers from register)**

Part V, heading—

**Repeal**

“AND REMOVAL OR SUSPENSION OF SEAFARERS FROM REGISTER”

**Substitute**

“, DISCIPLINARY INQUIRIES AND APPEALS”.

- 17. Section 20 amended (complaint against seafarer)**

Section 20(1)—

**Repeal**

“registered seafarer”

**Substitute**

“seafarer whose name is entered in the register”.

- 18. Section 21 amended (suspension of registration of seafarer prior to disciplinary inquiry)**

- (1) Section 21, heading—

**Repeal**

“of seafarer”.

- (2) Section 21(1)—

**Repeal**

“forthwith suspend a seafarer’s registration”

**Substitute**

“suspend a registered person’s registration without delay”.

- (3) Section 21(1)—

**Repeal**

“that the seafarer”

**Substitute**

“that the person”.

- (4) Section 21(1)(g), Chinese text—

**Repeal**

“海員”

**Substitute**

“人”.

- (5) Section 21(1)(h)—

**Repeal**

“seafarer”

**Substitute**

“person”.

- (6) Section 21(2)—

**Repeal**

“a seafarer’s”

**Substitute**

“a person’s”.

(7) Section 21(2)—

**Repeal**

“on the seafarer”

**Substitute**

“on the person”.

(8) Section 21(2)(b)—

**Repeal**

“seafarer”

**Substitute**

“person”.

(9) Section 21(2)(b)—

**Repeal**

“seafarer’s”

**Substitute**

“person’s”.

(10) Section 21(2)(c)—

**Repeal**

“of this subsection”.

(11) Section 21(2)(c)—

**Repeal**

“seafarer’s”

**Substitute**

“person’s”.

(12) Section 21(3)—

**Repeal**

“a seafarer’s”

**Substitute**

“a person’s”.

(13) Section 21(3)—

**Repeal paragraph (a)****Substitute**

“(a) if the person is employed as a seafarer, give notice in writing of that suspension to the person’s employer without delay; and”.

(14) Section 21(3)(b)—

**Repeal**

“forthwith”

**Substitute**

“without delay”.

(15) Section 21(3)(b)(ii), before “give notice”—

**Add**

“if the person is employed as a seafarer.”.

(16) Section 21(3)(b)(ii)—

**Repeal**

“seafarer’s”

**Substitute**

“person’s”.

(17) Section 21(4)—

**Repeal**

“seafarer’s”

**Substitute**

“person’s”.

(18) Section 21(4)—

**Repeal**

“seafarer”

**Substitute**

“person”.

**19. Section 25 amended (representation)**

(1) Section 25(1)—

**Repeal**

“The seafarer”

**Substitute**

“The registered person”.

(2) Section 25(1)(b)—

**Repeal**

“the seafarer is a member by virtue of”

**Substitute**

“the person is a member by”.

(3) Section 25(1)(b), after “a seafarer”—

**Add**

“or being desirous to be employed as a seafarer”.

**20. Section 27 amended (abandonment of disciplinary inquiry)**

(1) Section 27(1)—

**Repeal**

“inquiry the seafarer”

**Substitute**

“inquiry, the registered person who is”.

(2) Section 27(1)—

**Repeal**

“against the seafarer”

**Substitute**

“against the person”.

(3) Section 27(1)—

**Repeal**

everything after “on that date”

**Substitute a full stop.**

(4) Section 27—

**Repeal subsection (2)**

**Substitute**

“(2) If the Superintendent refuses to hold a disciplinary inquiry under subsection (1), but fails to take any action permitted by that subsection against the registered person within 30 days after the date set down for holding the inquiry, the Superintendent must, without delay—

(a) withdraw the suspension under section 21(1) of the person’s registration; and

(b) if the person is employed as a seafarer, give notice in writing of the withdrawal to the person’s employer.

(3) If at any stage of the proceedings of a disciplinary inquiry, the Superintendent is of the opinion that there is insufficient evidence, or no evidence, to justify the

Superintendent taking the action under section 28(1) or 29(1) or (3) against the registered person, the Superintendent—

- (a) may refuse to continue the inquiry; and
- (b) after so refusing, must withdraw the suspension under section 21(1) of the person's registration without delay.”.

**21. Section 28 amended (removal of seafarer's name from register)**

- (1) Section 28, heading—

**Repeal**

“seafarer's”

**Substitute**

“registered person's”.

- (2) Section 28(1)—

**Repeal**

“seafarer” (wherever appearing)

**Substitute**

“person”.

- (3) Section 28(2)—

**Repeal**

“seafarer” (wherever appearing)

**Substitute**

“person”.

- (4) Section 28(3)—

**Repeal**

“seafarer”

**Substitute**

“person”.

- (5) Section 28(4)—

**Repeal**

“a seafarer's”

**Substitute**

“a person's”.

- (6) Section 28(4)—

**Repeal**

“forthwith serve on”

**Substitute**

“, without delay”.

- (7) Section 28(4)(a)—

**Repeal**

“the seafarer,”

**Substitute**

“serve on the person”.

- (8) Section 28(4)(b)—

**Repeal**

“the seafarer's employer, if any,”

**Substitute**

“if the person is employed as a seafarer, serve on the person's employer”.

- (9) Section 28(4)(b)—

**Repeal**

“seafarer's name”

**Substitute**



“person’s name”.

(10) Section 28(5)—

**Repeal**

“seafarer has”

**Substitute**

“person has”.

(11) Section 28(5)—

**Repeal**

“again be registered as a seafarer”

**Substitute**

“have the person’s name entered in the register again”.

(12) Section 28(6)—

**Repeal**

“seafarer who”

**Substitute**

“person who”.

(13) Section 28(6)—

**Repeal**

“to again be registered as a seafarer”.

(14) Section 28(7)—

**Repeal**

“seafarer has”

**Substitute**

“person has”.

(15) Section 28(7)—

**Repeal**

“again be registered as a seafarer”

**Substitute**

“have the person’s name entered in the register again”.

22. **Section 29 amended (suspension of registration of seafarer after disciplinary inquiry)**

(1) Section 29, heading—

**Repeal**

“of seafarer”.

(2) Section 29(1)—

(a) **Repeal**

“seafarer” (wherever appearing)

**Substitute**

“person”;

(b) **Repeal**

“seafarer’s”

**Substitute**

“person’s”.

(3) Section 29(2)—

**Repeal**

“seafarer’s”

**Substitute**

“person’s”.

(4) Section 29(2)—

**Repeal**

“seafarer”

**Substitute**

- “person”.
- (5) Section 29(3)—  
**Repeal**  
 “seafarer” (wherever appearing)  
**Substitute**  
 “person”.
- (6) Section 29(4)—  
**Repeal**  
 “a seafarer’s”  
**Substitute**  
 “a person’s”.
- (7) Section 29(4)—  
**Repeal**  
 “forthwith serve on”  
**Substitute**  
 “, without delay”.
- (8) Section 29(4)(a)—  
**Repeal**  
 “the seafarer,”  
**Substitute**  
 “serve on the person”.
- (9) Section 29(4)(b)—  
**Repeal**  
 “the seafarer’s employer, if any,”  
**Substitute**  
 “if the person is employed as a seafarer, serve on the person’s

- employer”.
- (10) Section 29(4)(b)—  
**Repeal**  
 “seafarer’s registration”  
**Substitute**  
 “person’s registration”.
- 23. Section 30 amended (suspension on medical grounds)**
- (1) Section 30(1)—  
**Repeal**  
 “seafarer”  
**Substitute**  
 “person”.
- (2) Section 30(2)—  
**Repeal**  
 “seafarer”  
**Substitute**  
 “person”.
- (3) Section 30(3)—  
**Repeal**  
 “seafarer whose name appears in the register, forthwith”  
**Substitute**  
 “person who is employed as a seafarer,”.
- (4) Section 30(3)—  
**Repeal**  
 “thereof to the seafarer’s employer, if any”  
**Substitute**

“of the suspension to the person’s employer without delay”.

- (5) Section 30(4)—

**Repeal**

“seafarer’s”

**Substitute**

“person’s”.

- (6) Section 30(5)—

**Repeal**

“seafarer” (wherever appearing)

**Substitute**

“person”.

- (7) Section 30(5)—

**Repeal**

“forthwith give notice in writing thereof”

**Substitute**

“, without delay, give notice in writing of the certificate”.

**24. Section 32 amended (provision where hearing of appeal not commenced within prescribed period)**

- (1) Section 32(1)—

**Repeal**

“a seafarer”

**Substitute**

“a person”.

- (2) Section 32(1)(a)—

**Repeal**

“of the seafarer’s”

**Substitute**

“of the person’s”.

- (3) Section 32(1)(a)—

**Repeal**

“forthwith restore the seafarer’s name to the register”

**Substitute**

“restore the person’s name to the register without delay”.

- (4) Section 32(1)(b)—

**Repeal**

“of the suspension of the seafarer’s”

**Substitute**

“of the suspension of the person’s”.

- (5) Section 32(1)(b)—

**Repeal**

“forthwith withdraw the suspension of the seafarer’s registration”

**Substitute**

“withdraw the suspension of the person’s registration without delay”.

- (6) Section 32(2)(a) and (b)—

**Repeal**

“seafarer”

**Substitute**

“person”.

**25. Section 34 amended (practice and procedure upon hearing of appeal)**

(1) Section 34(1)—

**Repeal**

“seafarer”

**Substitute**

“person”.

(2) Section 34(2)—

**Repeal**

“a seafarer”

**Substitute**

“a person”.

(3) Section 34(2)(c)—

**Repeal**

“seafarer”

**Substitute**

“person”.

(4) Section 34(2)(d)—

**Repeal**

“seafarer”

**Substitute**

“person”.

(5) Section 34(2)(e)—

**Repeal**

“seafarer” (wherever appearing)

**Substitute**

“person”.

(6) Section 34(2)(f)—

**Repeal**

“and the seafarer”

**Substitute**

“and the person”.

(7) Section 34(2)(f)—

**Repeal**

“seafarer has”

**Substitute**

“person has”.

(8) Section 34(2)(f)—

**Repeal**

“paragraph (d) the seafarer”

**Substitute**

“paragraph (d), the person”.

(9) Section 34(3)—

**Repeal**

“seafarer, the seafarer”

**Substitute**

“person, the person”.

(10) Section 34(3)—

**Repeal**

“the seafarer is a member by virtue of”

**Substitute**

“the person is a member by”.

- (11) Section 34(3), after “being a seafarer”—

**Add**

“or being desirous to be employed as a seafarer”.

**26. Section 37 amended (seafarer, etc. to be given notice of decision of Appeals Board)**

- (1) Section 37, heading—

**Repeal**

“Seafarer, etc. to be given notice”

**Substitute**

“Notice”.

- (2) Section 37(1)—

**Repeal**

“seafarer”

**Substitute**

“person”.

- (3) Section 37(1)(b)—

**Repeal**

“thereof,”

**Substitute**

“of the findings, relied on”.

- (4) Section 37—

**Repeal subsections (2) and (3)**

**Substitute**

“(2) If the Superintendent restores the name of a person to the register or withdraws the suspension of registration of a person in accordance with a direction given under section 36(2), the Superintendent must, if the person is

employed as a seafarer, give notice in writing of the restoration or withdrawal to the person’s employer as soon as practicable.

- (3) If the Appeals Board directs that a person’s registration be suspended for a shorter period under section 36(3), the Superintendent must, if the person is employed as a seafarer, give notice in writing of that direction to the person’s employer as soon as practicable.”.

**27. Section 39 substituted**

Section 39—

**Repeal the section**

**Substitute**

**“39. Notice to employer of result of appeal**

- (1) This section applies if, by reason of an appeal under section 38 by a person employed as a seafarer, the Superintendent—
- (a) restores the name of the person to the register; or
  - (b) withdraws the suspension of registration of the person.
- (2) The Superintendent must give notice in writing of the restoration or withdrawal to the person’s employer as soon as practicable.”.

**Division 6—Amendments to Provisions on Control of  
Supply, Selection, Employment and Discharge of Registered  
Persons**

28. Section 42 amended (procedures for the selection of registered seafarers for listing by permitted companies)
- (1) Section 42, heading—  
**Repeal**  
“seafarers for listing by permitted companies”  
**Substitute**  
“persons for listing by permitted bodies”.
- (2) Section 42(1)—  
**Repeal**  
“company” (wherever appearing)  
**Substitute**  
“body”.
- (3) Section 42(1)—  
**Repeal**  
“seafarer” (wherever appearing)  
**Substitute**  
“person”.
- (4) Section 42(2)—  
**Repeal**  
“company”  
**Substitute**  
“body”.
- (5) Section 42(2)—

- Repeal**  
“seafarer” (wherever appearing)
- Substitute**  
“person”.
- (6) Section 42(2)—  
**Repeal**  
“forthwith present the form to the Office”  
**Substitute**  
“present the form to the Office without delay”.
- (7) Section 42(3)—  
**Repeal**  
“registered seafarer”  
**Substitute**  
“registered person”.
- (8) Section 42(3)(a)—  
**Repeal**  
“seafarer’s”  
**Substitute**  
“person’s”.
- (9) Section 42(3)(a)—  
**Repeal**  
“company”  
**Substitute**  
“body”.
- (10) Section 42(3)(b)—  
**Repeal**

- “seafarer’s”  
**Substitute**  
“person’s”.  
(11) Section 42(3)(b)—  
**Repeal**  
“seafarer”  
**Substitute**  
“person”.  
(12) Section 42(3)(c)—  
**Repeal**  
“seafarer’s”  
**Substitute**  
“person’s”.  
(13) Section 42(3)(c)—  
**Repeal**  
“company, forthwith delete that name from that list”  
**Substitute**  
“body, delete that name from that list without delay”.  
(14) Section 42(4)—  
**Repeal**  
“seafarer” (wherever appearing)  
**Substitute**  
“person”.  
(15) Section 42(4)—  
**Repeal**  
“permitted company”

- Substitute**  
“permitted body”.  
(16) Section 42(4)—  
**Repeal**  
“forthwith return to that company and thereupon that company”  
**Substitute**  
“return to that body without delay, and then that body”.  
(17) Section 42(4)—  
**Repeal**  
“then enter”  
**Substitute**  
“enter”.  
29. **Section 44 amended (procedures for employment of registered seafarers by permitted companies)**  
(1) Section 44, heading—  
**Repeal**  
“Procedures for employment of registered seafarers by permitted companies”  
**Substitute**  
“Procedures relating to employment of registered persons supplied by permitted bodies”.  
(2) Section 44(1)—  
**Repeal**  
“seafarer” (wherever appearing)  
**Substitute**  
“person”.

- (3) Section 44(1)—

**Repeal**

“company” (wherever appearing)

**Substitute**

“body”.

- (4) Section 44(2)—

**Repeal**

“registered seafarer”

**Substitute**

“registered person”.

- (5) Section 44(2)—

**Repeal**

“therein”

**Substitute**

“in that ship.”.

- (6) Section 44(2)(a)—

**Repeal**

“seafarer”

**Substitute**

“person”.

- (7) Section 44(2)(b)—

**Repeal**

“seafarer’s”

**Substitute**

“person’s”.

- (8) Section 44—

**Repeal subsection (3)****Substitute**

“(3) Subject to section 48, a permitted body must pay the prescribed fee in respect of every registered person who is—

- (a) supplied by it for employment in a ship; and
- (b) employed in the ship.”.

- (9) Section 44(4)—

**Repeal**

“seafarers”

**Substitute**

“persons”.

- (10) Section 44(4)—

**Repeal**

“company” (wherever appearing)

**Substitute**

“body”.

- (11) Section 44(4)—

**Repeal**

“seafarer”

**Substitute**

“person”.

- (12) Section 44(4)—

**Repeal**

“(3)(a)”

**Substitute**

“(3)”.



(13) Section 44(5)—

**Repeal**

“seafarer” (wherever appearing)

**Substitute**

“person”.

(14) Section 44(5)—

**Repeal**

“therein”

**Substitute**

“in that ship”.

(15) Section 44(5)—

**Repeal**

“seafarer’s”

**Substitute**

“person’s”.

(16) Section 44(5)—

**Repeal**

“company”

**Substitute**

“body”.

(17) Section 44(6)—

**Repeal**

“company”

**Substitute**

“body”.

**30. Section 45 amended (employment of registered seafarers through mustering procedure)**

(1) Section 45, heading—

**Repeal**

“seafarers”

**Substitute**

“persons”.

(2) Section 45(1)—

**Repeal**

“seafarers”

**Substitute**

“persons”.

(3) Section 45(1)—

**Repeal**

“seafarer” (wherever appearing)

**Substitute**

“person”.

(4) Section 45(2)—

**Repeal**

“seafarer” (wherever appearing)

**Substitute**

“person”.

(5) Section 45(3)—

**Repeal**

“seafarer”

**Substitute**

- “person”.
- (6) Section 45(3)—  
**Repeal**  
“forthwith return that card to the Superintendent”  
**Substitute**  
“return that card to the Superintendent without delay”.
- (7) Section 45(4)—  
**Repeal**  
“seafarer” (wherever appearing)  
**Substitute**  
“person”.
- (8) Section 45(4)—  
**Repeal**  
“thereat for inspection”  
**Substitute**  
“for inspection in the Office”.
- (9) Section 45(5)—  
**Repeal**  
“registered seafarer”  
**Substitute**  
“registered person”.
- (10) Section 45(5)—  
**Repeal**  
“therein”  
**Substitute**  
“in that ship”.

- (11) Section 45(5)(a)—  
**Repeal**  
“seafarer”  
**Substitute**  
“person”.
- (12) Section 45(5)(b)—  
**Repeal**  
“seafarer’s”  
**Substitute**  
“person’s”.
- (13) Section 45(6)(b)—  
**Repeal**  
“seafarer”  
**Substitute**  
“person”.
- (14) Section 45(6)(b)—  
**Repeal**  
“ship,”  
**Substitute**  
“ship.”.
- (15) Section 45(6)—  
**Repeal everything after paragraph (b).**
- (16) Section 45(7)—  
**Repeal**  
“seafarers”  
**Substitute**

- “persons”.
- (17) Section 45(7)—  
**Repeal**  
“seafarer”  
**Substitute**  
“person”.
- (18) Section 45(8)—  
**Repeal**  
“seafarer” (wherever appearing)  
**Substitute**  
“person”.
- (19) Section 45(8)—  
**Repeal**  
“therein”  
**Substitute**  
“in that ship”.
- (20) Section 45(8)—  
**Repeal**  
“seafarer’s”  
**Substitute**  
“person’s”.
- 31. Section 47 amended (emergency employment procedures)**
- (1) Section 47(1)—  
**Repeal**  
“seafarer” (wherever appearing)  
**Substitute**

- “person”.
- (2) Section 47(2)—  
**Repeal**  
“seafarer”  
**Substitute**  
“person”.
- (3) Section 47(2)—  
**Repeal**  
“therein, the seafarer’s”  
**Substitute**  
“in that ship, the person’s”.
- (4) Section 47(3)—  
**Repeal**  
“registered seafarer”  
**Substitute**  
“registered person”.
- (5) Section 47(3)(a)(i)—  
**Repeal**  
“seafarer”  
**Substitute**  
“person”.
- (6) Section 47(3)(a)(ii)—  
**Repeal**  
“seafarer” (wherever appearing)  
**Substitute**  
“person”.

- (7) Section 47(3)(a)(ii)—  
**Repeal**  
 “thereby”  
**Substitute**  
 “by the form”.
- (8) Section 47(3)(b)—  
**Repeal**  
 “of the seafarer”  
**Substitute**  
 “of the person”.
- (9) Section 47(3)(b)(i)—  
**Repeal**  
 “seafarer”  
**Substitute**  
 “person”.
- (10) Section 47(3)(b)(ii)—  
**Repeal**  
 “seafarer,”  
**Substitute**  
 “person.”.
- (11) Section 47(3)—  
**Repeal everything after paragraph (b).**
- (12) Section 47(4)—  
**Repeal**  
 “seafarer”  
**Substitute**

- “person”.
- (13) Section 47(5)—  
**Repeal**  
 “seafarer”  
**Substitute**  
 “person”.
- (14) Section 47(5)—  
**Repeal**  
 “therein”  
**Substitute**  
 “in that ship”.
- (15) Section 47(5)—  
**Repeal**  
 “seafarer’s”  
**Substitute**  
 “person’s”.
- 32. Section 50 amended (notification of intention not to re-employ)**
- (1) Section 50(1)—  
**Repeal**  
 “seafarer’s” (wherever appearing)  
**Substitute**  
 “person’s”.
- (2) Section 50(2)—  
**Repeal**  
 “seafarer” (wherever appearing)  
**Substitute**

- “person”.
- (3) Section 50(2)—  
**Repeal**  
“seafarers”  
**Substitute**  
“persons”.
- (4) Section 50(3) and (4)—  
**Repeal**  
“seafarer”  
**Substitute**  
“person”.
- (5) Section 50(5)—  
(a) **Repeal**  
“seafarer’s”  
**Substitute**  
“person’s”;  
(b) **Repeal**  
“seafarers” (wherever appearing)  
**Substitute**  
“persons”.
- (6) Section 50(6)—  
**Repeal**  
“seafarer”  
**Substitute**  
“person”.
- (7) Section 50(6)—

- Repeal**  
“company”.
- (8) Section 50(9)—  
**Repeal**  
“seafarer”  
**Substitute**  
“person”.

**Division 7—Amendments to Provisions on Permitted Crew  
Departments**

33. **Section 52 amended (permits to maintain company rosters)**
- (1) Section 52, heading—  
**Repeal**  
“company”.
- (2) Section 52(1)—  
**Repeal**  
“company roster to any company”  
**Substitute**  
“roster to any company or seafarers’ organization”.
- (3) Section 52(1)—  
**Repeal paragraph (a)**  
**Substitute**  
“(a) the objects of which, as set out in its articles or memorandum of association or constitution—  
(i) for a company, include the carrying on of the business of shipowner or the business of managing or chartering ships; or

- (ii) for a seafarers' organization, include the recruitment and supply of seafarers for employment; and".

(4) Section 52(1)(b)—

**Repeal**

“company”.

(5) Section 52(3)—

**Repeal**

“company” (wherever appearing)

**Substitute**

“body”.

(6) Section 52(3)—

**Repeal**

“company’s”

**Substitute**

“body’s”.

**34. Section 53 amended (information to be supplied to Superintendent)**

(1) Section 53(1)(a), English text—

**Repeal**

“thereby”

**Substitute**

“by the form”.

(2) Section 53(1)(b)—

**Repeal**

“permitted crew department”

**Substitute**

“crew department of the applicant”.

(3) Section 53(2)—

**Repeal**

“a company applying for the grant of a permit”

**Substitute**

“an applicant”.

(4) Section 53—

**Repeal subsection (3)**

**Substitute**

“(3) If there is any change to the particulars of the owner of a ship for which a permitted body supplies registered persons for employment, the body must notify the Superintendent of the change by written notice and pay the prescribed fee without delay.

(3A) On receiving a written notice and the prescribed fee under subsection (3) from a permitted body, the Superintendent must amend the body’s permit accordingly.”.

(5) Section 53(4)—

**Repeal**

“company” (wherever appearing)

**Substitute**

“body”.

(6) Section 53(5)—

**Repeal**

“company”

**Substitute**

“body”.

**35. Section 54 amended (grounds on which grant of permit may be refused)**

- (1) Section 54(1)(a) and (b), English text—

**Repeal**

“therefor”.

- (2) Section 54(1)(c)—

**Repeal**

“company applying for the grant of the permit”

**Substitute**

“applicant”.

- (3) Section 54(1)(d)—

**Repeal**

“unless he is”

**Substitute**

“if the Superintendent is not”.

- (4) Section 54(1)(d)(i)—

**Repeal**

“therefor as the person who is or”

**Substitute**

“as the person who”.

- (5) Section 54(1)(d)(i)—

**Repeal**

everything after “in charge of the”

**Substitute**

“crew department of the applicant is a fit and proper person to be so in charge;”.

- (6) Section 54(1)(d)(ii)—

**Repeal**

“are or will be provided by the company applying for the grant of a permit”

**Substitute**

“will be provided by the applicant”.

- (7) Section 54(1)(d)(ii)—

**Repeal**

“seafarers supplied by the permitted”

**Substitute**

“persons to be supplied by the”.

- (8) Section 54(1)(d)(iii)—

**Repeal**

“seafarers are employed in all ships for which the permitted crew department supplies or”

**Substitute**

“persons will be employed in ships for which the crew department”.

- (9) Section 54(1)(d)(iii)—

**Repeal**

“seafarers to continue to be employed in such ships; and”

**Substitute**

“persons to continue to be employed in the ships;”.

- (10) Section 54(1)(d)—

**Repeal subparagraph (iv)**

**Substitute**

- “(iv) (if the applicant is a company) the applicant will be responsible for the payment of wages, allowances, bonuses, remittances and allotments, as they become due, to registered persons to be supplied by the crew department and the acceptance of such responsibility will be declared by the applicant to such persons at the time of their employment in ships owned, managed or chartered by the applicant; and
- (v) (if the applicant is a seafarers’ organization) the applicant will adopt effective measures, whether by way of insurance or otherwise, to ensure that any registered person to be supplied by the crew department will be fully compensated for any monetary loss that the person may suffer as a result of the failure of the person’s employer to meet the employer’s obligations under the crew agreement between the person and the employer; or”.

- (11) Section 54(1)(d), Chinese text—

**Repeal**

“但如他並非不信納以上事宜，則不可拒絕發給許可證；”。

- (12) Section 54(1)(e)—

**Repeal**

“the company” (wherever appearing)

**Substitute**

“the applicant”.

- (13) Section 54(1)(e)—

**Repeal**

“applying for the grant of the permit”.

- (14) Section 54(1)(e)(ii)—

**Repeal**

“company”

**Substitute**

“person”.

- (15) Section 54(1)(e)(iii)—

**Repeal**

“company”

**Substitute**

“person”.

- (16) Section 54(1)(e)(iii)—

**Repeal**

“; or”

**Substitute a full stop.**

- (17) Section 54(1)—

**Repeal paragraph (f).**

- (18) Section 54(2)—

**Repeal paragraphs (a) and (b)****Substitute**

- “(a) if the applicant is or has at any time been engaged in the recruitment or supply of registered persons for pecuniary advantage without a permit; or
- (b) if in the Superintendent’s opinion, the interest of registered persons in general, or of registered persons who would or might be employed through the crew department of the applicant, will best be served by refusing to grant the permit.”.



**36. Section 55 amended (notice of refusal to grant permit)**

Section 55—

**Repeal**

everything after “in writing” and before “together”

**Substitute**

“to the applicant for the permit”.

**37. Section 56 amended (cancellation of permit)**

(1) Section 56(1)—

**Repeal**

“permitted company”

**Substitute**

“permitted body”.

(2) Section 56(1)(a)—

**Repeal**

“company” (wherever appearing)

**Substitute**

“body”.

(3) Section 56(1)(b), English text—

**Repeal**

“in charge thereof”

**Substitute**

“so in charge”.

(4) Section 56(1)(c)—

**Repeal**

“the company” (wherever appearing)

**Substitute**

“the body”.

(5) Section 56(1)(c)(ii)—

**Repeal**

“company”

**Substitute**

“person”.

(6) Section 56(1)(c)(iii)—

**Repeal**

“company”

**Substitute**

“person”.

(7) Section 56(1)(d)—

**Repeal**

“company” (wherever appearing)

**Substitute**

“body”.

(8) Section 56(1)(d)—

**Repeal**

“seafarer”

**Substitute**

“person”.

(9) Section 56(1)(e)—

**Repeal**

“company” (wherever appearing)

**Substitute**

“body”.

(10) Section 56(1)—

**Repeal paragraph (f).**

(11) At the end of section 56(1)—

**Add**

“(g) if the body fails to examine or respond to any complaint concerning its business of recruiting or supplying registered persons for employment, or fails to report to the Superintendent any such complaint which has not been resolved.”.

(12) Section 56(2)—

**Repeal**

“forthwith give to the company”

**Substitute**

“, without delay, give to the company or seafarers’ organization”.

(13) Section 56(2)—

**Repeal**

“section 60(1)”

**Substitute**

“section 60(2)”.

(14) Section 56(3)—

**Repeal**

“company” (wherever appearing)

**Substitute**

“body”.

**38. Section 57 substituted**

Section 57—

**Repeal the section**

**Substitute**

**“57. Permitted body may supply registered persons for employment in certain ships only**

A permitted body may only supply registered persons for employment—

(a) if the body is a company, in ships that it owns, manages or charters; or

(b) if the body is a seafarers’ organization, in Hong Kong ships.”.

**39. Section 58 amended (changes in staff of permitted crew department to be notified to Superintendent)**

(1) Section 58(1)—

**Repeal**

“company” (wherever appearing)

**Substitute**

“body”.

(2) Section 58(1)—

**Repeal**

“thereof to the Superintendent forthwith”

**Substitute**

“of the commencement or cessation of employment to the Superintendent without delay”.

(3) Section 58(3)—

**Repeal**

“company”

**Substitute**

“body”.

**40. Section 60 substituted**

Section 60—

**Repeal the section**

**Substitute**

**“60. Appeal against certain decisions of Superintendent**

- (1) A company or seafarers’ organization may appeal to the Administrative Appeals Board if it is aggrieved by a decision of the Superintendent—
  - (a) to refuse to grant it a permit;
  - (b) to impose a condition on it under section 52(3); or
  - (c) to cancel its permit under section 56(1).
- (2) The company or seafarers’ organization must lodge the appeal within 28 days after receiving notice of the decision.”.

**41. Section 61 amended (permitted crew department records)**

- (1) Section 61(1)—

**Repeal**

“company” (wherever appearing)

**Substitute**

“body”.

- (2) Section 61(1)—

**Repeal**

“seafarers”

**Substitute**

“persons”.

- (3) Section 61(2)—

**Repeal**

“company” (wherever appearing)

**Substitute**

“body”.

- (4) Section 61(2)—

**Repeal**

“seafarer”

**Substitute**

“person”.

- (5) Section 61—

**Repeal subsection (3)**

**Substitute**

“(3) If a permitted body receives a notice from a registered person that the person wishes to have the person’s name removed from the crew department record kept in its permitted crew department, the body must so remove the person’s name.”.

- (6) Section 61(4)—

**Repeal**

“company” (wherever appearing)

**Substitute**

“body”.

- (7) Section 61(4)—

**Repeal**

“registered seafarer”

**Substitute**

- “registered person”.
- (8) Section 61(4)(a)—  
**Repeal**  
 “seafarer”  
**Substitute**  
 “person”.
- (9) Section 61(4)(a)—  
**Repeal**  
 “he has been employed”  
**Substitute**  
 “the person has been employed, or employers by whom the person has been employed as a seafarer.”.
- (10) Section 61(5)—  
**Repeal**  
 “seafarer”  
**Substitute**  
 “person”.
- (11) Section 61(5)—  
**Repeal**  
 “company”  
**Substitute**  
 “body”.
- (12) Section 61(5)—  
**Repeal**  
 “forthwith give notice thereof to the Superintendent”  
**Substitute**

- “give notice of the removal to the Superintendent without delay”.
- (13) Section 61(6)—  
**Repeal**  
 “company” (wherever appearing)  
**Substitute**  
 “body”.
- (14) Section 61(6)—  
**Repeal**  
 “seafarer” (wherever appearing)  
**Substitute**  
 “person”.
- (15) Section 61(6)—  
**Repeal**  
 “forthwith”  
**Substitute**  
 “, without delay,”.
- (16) Section 61(7)—  
**Repeal**  
 “company”  
**Substitute**  
 “body”.
- 42. Section 64 amended (lists of registered seafarers waiting to be supplied for employment in ships)**
- (1) Section 64, heading—  
**Repeal**

**“seafarers waiting to be supplied”**

**Substitute**

**“persons available”.**

(2) Section 64—

**Repeal subsections (1) and (2)**

**Substitute**

“(1) A permitted body must keep in its permitted crew department a list of the registered persons contained in its crew department record who are available for employment—

(a) if the body is a company, in ships that it owns, manages or charters; or

(b) if the body is a seafarers’ organization, in Hong Kong ships.

(2) The list of registered persons must be—

(a) kept in a form and manner approved by the Superintendent; and

(b) in both the English and Chinese languages.”.

(3) Section 64(3)—

**Repeal**

**“shall”**

**Substitute**

**“must”.**

(4) Section 64(3)—

**Repeal**

**“seafarer whose name appears therein”**

**Substitute**

**“person whose name appears in the list”.**

(5) Section 64(4)—

**Repeal**

**“company”**

**Substitute**

**“body”.**

**43. Section 65 amended (particulars of registered seafarers employed by permitted company to be delivered to Superintendent)**

(1) Section 65, heading—

**Repeal**

**“seafarers employed by permitted company”**

**Substitute**

**“persons supplied by permitted body”.**

(2) Section 65(1)—

**Repeal**

**“company”**

**Substitute**

**“body”.**

(3) Section 65(1)—

**Repeal**

**“seafarers”**

**Substitute**

**“persons”.**

(4) Section 65(2)—

**Repeal**

“company”

**Substitute**

“body”.

**44. Section 66 amended (changes in particulars of permitted crew department to be notified to Superintendent)**

(1) Section 66, heading—

**Repeal**

“of permitted crew department”

**Substitute**

“or information supplied for application for permit”.

(2) Section 66(1)—

**Repeal**

“company”

**Substitute**

“body”.

(3) Section 66(1)(a), after “particulars” (wherever appearing)—

**Add**

“or information”.

(4) Section 66(1)(a)—

**Repeal**

“section 53(2)”

**Substitute**

“section 53(1) or (2)”.

(5) Section 66(2)—

**Repeal**

“company”

**Substitute**

“body”.

**45. Section 67 substituted**

Section 67—

**Repeal the section**

**Substitute**

**“67. Approval of methods used in permitted crew department to select registered persons**

The Superintendent’s approval is required for the method or methods used in the permitted crew department of a permitted body to select registered persons, whose names are contained in its crew department record, to be supplied for employment in ships.”.

**46. Section 68 amended (certain notices and other documents to be displayed in permitted crew department)**

(1) Section 68(1)—

**Repeal**

“company shall”

**Substitute**

“body must”.

(2) Section 68(1)—

**Repeal**

“seafarers have”

**Substitute**

“persons have”.

(3) Section 68(1)(a)—

**Repeal**

everything after “registered”

**Substitute**

“person contained in its crew department record who is available for employment—

- (i) if the body is a company, in ships that it owns, manages or charters; or
- (ii) if the body is a seafarers’ organization, in Hong Kong ships;”.

- (4) Section 68(1)—

**Repeal paragraph (b).**

- (5) Section 68(1)—

**Repeal paragraph (c)****Substitute**

“(c) if the body is a company, a notice or notices in the English and Chinese languages specifying the wages paid to each capacity or rank of seafarers employed in each ship for which the body supplies registered persons for employment;”.

- (6) Section 68(1)(d)—

**Repeal**

“permitted company supplies registered seafarers”

**Substitute**

“body supplies registered persons”.

- (7) Section 68(1)(f)—

**Repeal**

“seafarers” (wherever appearing)

**Substitute**

“persons”.

- (8) Section 68(1)(f)—

**Repeal**

“permitted company”

**Substitute**

“body”.

- (9) Section 68—

**Repeal subsection (2).**

- (10) Section 68(3)—

**Repeal**

“or (b) or under subsection (2) shall”

**Substitute**

“must”.

- (11) Section 68(3)—

**Repeal**

“seafarers shall”

**Substitute**

“persons must”.

- (12) Section 68(4)—

**Repeal**

“or (b) or under subsection (2) shall have marked thereon”

**Substitute**

“must specify”.

- (13) Section 68(5)—

**Repeal**

“or (b) or under subsection (2) shall be deemed”

**Substitute**

“are taken”.

- (14) Section 68(5)—

**Repeal**

“seafarers who are for the time being waiting to be supplied”

**Substitute**

“persons who are available”.

- (15) Section 68(5)—

**Repeal**

“subsection (1)(a) or (b) or in subsection (2), as the case may be”

**Substitute**

“that subsection”.

- (16) Section 68(5)(a)—

(a) **Repeal**

“contains or contain the names of all registered seafarers waiting to be supplied”

**Substitute**

“contain the names of all registered persons available”;

(b) **Repeal**

“was or were first displayed and the notice or notices has not or”

**Substitute**

“were first displayed and the notice or notices”.

- (17) Section 68(5)(b)—

(a) **Repeal**

“has or”;

(b) **Repeal**

“it or they contains or contain the names of all registered seafarers waiting to be supplied”

**Substitute**

“they contain the names of all registered persons available”;

(c) **Repeal**

“was or”.

- (18) Section 68(7)—

**Repeal**

“company”

**Substitute**

“body”.

**47. Section 70 amended (approval of methods used by permitted company to pay allotments and remittances and display of certain notices)**

- (1) Section 70(1)—

**Repeal**

“The method”

**Substitute**

“The Superintendent’s approval is required for the method”.

- (2) Section 70(1)—

**Repeal**

everything after “registered”

**Substitute**

“persons who are selected by it for employment in ships that it owns, manages or charters.”.



(3) Section 70(2)—

**Repeal**

“seafarers”

**Substitute**

“persons”.

**Division 8—Amendments to Provisions on Employment and Discharge of Seafarers**

**48. Section 79 amended (removal of discharged seafarers)**

(1) Section 79—

**Repeal subsection (1)**

**Substitute**

“(1) If a seafarer employed in a ship has been lawfully discharged from the ship, the seafarer must not remain on the ship.

(1A) Subsection (1) does not apply if the seafarer is permitted to remain on the ship by the master of the ship or the seafarer’s employer.”.

(2) Section 79(2)—

**Repeal**

everything before “may”

**Substitute**

“(2) A seafarer who remains on a ship in contravention of subsection (1)”.

**49. Section 80 amended (crew agreements)**

(1) Section 80—

**Repeal subsection (1)**

**Substitute**

“(1) Subject to subsection (5), a written employment agreement must be entered into between—

(a) a person who works as a seafarer on a Hong Kong ship; and

(b) the owner of the ship or a person, including the manager or charterer of the ship, who has assumed responsibility for the operation of the ship from the owner.”.

(2) After section 80(8)—

**Add**

“(9) A provision of a crew agreement that purports to extinguish or reduce any right, benefit or protection conferred on the seafarers by this Ordinance is void.”.

**50. Section 84 heading amended (payment of seafarer’s wages)**

Section 84, heading, after “wages”—

**Add**

“on discharge”.

**51. Section 85 amended (account of seafarers’ wages)**

(1) Section 85, heading—

**Repeal**

“seafarers’ wages”

**Substitute**

“wages for seafarers to be discharged”.

(2) Section 85(1), after “section 86”—

**Add**

“, 96”.

- (3) Section 85(1)—

**Repeal**

everything after “104,”

**Substitute**

“if a seafarer employed in a Hong Kong ship under a crew agreement is to be discharged, the master of the ship or the employer of the seafarer must deliver to the seafarer an account of wages.”.

- (4) Section 85(2), after “and”—

**Add**

“, subject to subsection (4),”.

- (5) Section 85(4)—

**Repeal**

everything after “one ship,” and before “on or before”

**Substitute**

“the account of wages must be delivered to the seafarer by the employer of the seafarer”.

**52. Section 88 amended (power of court to award interest on wages due otherwise than under crew agreement)**

Section 88—

**Repeal**

“the master of a Hong Kong ship or”.

**53. Section 89 amended (allotment notes)**

Section 89(1), after “persons”—

**Add**

“all or a”.

**54. Section 90 amended (right of person named in allotment note to sue in own name)**

- (1) Section 90(1)—

**Repeal**

“any part”

**Substitute**

“all or a part”.

- (2) Section 90(1)—

**Repeal**

“that part”

**Substitute**

“the allotted wages”.

- (3) Section 90(2)—

**Repeal**

“any part”

**Substitute**

“all or a part”.

**55. Section 92 substituted**

Section 92—

**Repeal the section****Substitute****“92. Certificate of discharge to be delivered to seafarer discharged in Hong Kong**

- (1) If a seafarer employed in a ship is discharged from the ship before the Superintendent in Hong Kong, the master

of the ship or the seafarer's employer must sign and deliver to the seafarer a written certificate of discharge.

- (2) The certificate of discharge—
- (a) must be delivered to the seafarer at the time of discharge; and
  - (b) must specify—
    - (i) the date of commencement of employment, and the date of discharge, of the seafarer; and
    - (ii) the capacity and rank in which the seafarer was employed.”.

**56. Section 94 repealed (remedies of master for remuneration, disbursements, etc.)**

Section 94—

**Repeal the section.**

**Division 9—Amendments to Provisions on Health, Safety and Welfare of Seafarers**

**57. Section 97 amended (regulations relating to crew accommodation)**

Section 97—

**Repeal subsection (6).**

**58. Section 98 amended (complaints about provisions or water)**

- (1) Section 98(1)—

**Repeal**

“Where 3 or more seafarers employed in a Hong Kong ship consider”

**Substitute**

“If a seafarer employed in a Hong Kong ship considers”.

- (2) Section 98(1)—

**Repeal**

“they”

**Substitute**

“, the seafarer”.

- (3) Section 98(2)—

**Repeal**

“Where the seafarers who have”

**Substitute**

“If a seafarer who has”.

- (4) Section 98(2)—

**Repeal**

“are”

**Substitute**

“is”.

- (5) Section 98(2)—

**Repeal**

everything after “result of” and before “and may claim”

**Substitute**

“the master's investigation or with the master's failure to take any action, the seafarer may state the dissatisfaction to the master”.

- (6) Section 98(2)—

**Repeal**

“and thereupon the master”

**Substitute**

“, and the master, on receiving the claim,”.

- (7) Section 98(2)—

**Repeal**

“the seafarers to”

**Substitute**

“the seafarer to”.

- (8) After section 98(2)—

**Add**

“(2A) Despite subsection (1), a seafarer employed in a Hong Kong ship may complain to the Superintendent directly on a subject matter referred to in that subsection.”.

- (9) Section 98(3)—

**Repeal**

“this section”

**Substitute**

“subsection (2) or (2A)”.

- (10) After section 98(4)—

**Add**

“(5) This section does not affect the right of a seafarer employed in a Hong Kong ship to make a complaint on a subject matter referred to in subsection (1) in accordance with the procedures for handling complaints adopted on board the ship.”.

**59. Section 99 amended (other complaints)**

- (1) Section 99, heading—

**Repeal**

“**Other complaints**”

**Substitute**

“**Complaints about conditions on ships, seafarers’ employment, etc.**”.

- (2) Section 99(1)—

**Repeal**

“the master of the ship or”.

- (3) Section 99(1)—

**Repeal**

“or about the conditions on board the ship”

**Substitute**

“, any conditions on board the ship or anything relating to the seafarer’s employment,”.

- (4) Section 99(1), after “to the master”

**Add**

“of the ship”.

- (5) Section 99(2)—

**Repeal**

everything after “complaint or” and before “and may claim”

**Substitute**

“with the master’s failure to take any action, the seafarer may state the dissatisfaction to the master”.

- (6) Section 99(2)—

**Repeal**

“and thereupon the master”

**Substitute**

“, and the master, on receiving the claim,”.

- (7) After section 99(2)—

**Add**

“(2A) Despite subsection (1), a seafarer employed in a Hong Kong ship may complain to the Superintendent directly on a subject matter referred to in that subsection.”.

(8) Section 99(3)—

**Repeal**

“this section”

**Substitute**

“subsection (2) or (2A)”.

(9) After section 99(4)—

**Add**

“(5) This section does not affect the right of a seafarer employed in a Hong Kong ship to make a complaint on a subject matter referred to in subsection (1) in accordance with the procedures for handling complaints adopted on board the ship.”.

**60. Section 100 amended (medical stores)**

Section 100—

**Repeal subsection (2).**

**61. Section 102 amended (expenses of medical treatment, etc. during voyage)**

(1) Section 102—

**Renumber the section as section 102(1).**

(2) Section 102(1), Chinese text—

**Repeal**

“火葬” (wherever appearing)

**Substitute**

“火化遺體”.

(3) After section 102(1)—

**Add**

“(2) Subsection (1) does not limit the responsibility of the employer of a seafarer employed in a Hong Kong ship to provide, under regulations made under this Ordinance, other medical care in respect of any sickness or injury suffered by the seafarer in the course of or arising from the seafarer’s employment.”.

**Division 10—Amendments to Provisions on Repatriation of Seafarers****62. Section 104 amended (relief and return of seafarers left behind, etc.)**

(1) Section 104, heading—

**Repeal**

“Relief and return of seafarers left behind, etc.”

**Substitute**

“Repatriation of seafarers”.

(2) Section 104(1)—

**Repeal paragraph (a)****Substitute**

“(a) providing for the circumstances under which the employer of a seafarer working on a Hong Kong ship is required to repatriate the seafarer;”.

(3) Section 104(1)(b)—

**Repeal**

“referred to in paragraph (a)”

**Substitute**

“to be repatriated”.

- (4) Section 104(1)(b)—

**Re-number subparagraphs (i) and (ii) as subparagraphs (iii) and (iv) respectively.**

- (5) Before section 104(1)(b)(iii)—

**Add**

“(i) for the manner in which the seafarer is to be repatriated;

(ii) for the relief and maintenance to be provided before the seafarer is repatriated;”.

- (6) Section 104(1)(b)(iii)—

**Repeal**

“who”

**Substitute**

“if the seafarer”.

- (7) Section 104(1)(b)(iii)—

**Repeal**

“him until he”

**Substitute**

“the seafarer until the seafarer”.

- (8) Section 104(1)(b)(iv)—

**Repeal**

“who dies before he can be returned”

**Substitute**

“if the seafarer dies before the seafarer is repatriated”.

- (9) Section 104(1)(c)—

**Repeal**

“referred to in paragraph (a), and any property of his”

**Substitute**

“to be repatriated, and any property of the seafarer”.

- (10) Section 104(1)(d)(ii)—

**Repeal**

“registered seafarers”

**Substitute**

“seafarer, whose name is entered in the register,”.

- (11) Section 104(2)(a)—

**Repeal**

“returned”

**Substitute**

“repatriated”.

- (12) Section 104—

**Repeal subsection (3).**

- 63. Section 105 repealed (limit of employer’s liability under section 104)**

Section 105—

**Repeal the section.**

- 64. Section 106 amended (recovery of expenses incurred for relief and return, etc.)**

- (1) Section 106, heading—

**Repeal**

“relief and return, etc.”

**Substitute**

“repatriation”.

- (2) Section 106(1), after “make provision”—

**Add**

“by the regulations made”.

- (3) Section 106(1)(a)—

**Repeal**

everything after “on behalf of”

**Substitute**

“the Government—

- (i) the Government may recover the expenses from the employer as a civil debt; and
- (ii) the Government may detain any ship of the employer until the expenses have been repaid to the Government; and”.

- (4) Section 106(2), Chinese text—

**Repeal**

everything after “，凡” and before “政府可”

**Substitute**

“特區政府就有關事宜招致費用，或香港以外任何地方的政府就有關事宜招致費用，並由他人代特區政府付還予該地方的政府，特區”。

- (5) Section 106(2)(a)—

**Repeal**

“，but for section 105, the seafarer’s last”

**Substitute**

“，but for the exceptions set out in the regulations made under section 104, the seafarer’s”.

- (6) Section 106(2)(a)—

**Repeal**

“under section 104”

**Substitute**

“by those regulations”.

- (7) Section 106(2)(b), after “to be made”—

**Add**

“by the Superintendent by the regulations made”.

### Division 11—Amendments to Provisions on Miscellaneous Matters

65. **Section 127 amended (false statement or information)**

Section 127(2)—

**Repeal**

everything after “who” and before “66(1),”

**Substitute**

“supplies any particulars or information required to be supplied under section 53 or”.

66. **Section 134 amended (regulations—general powers)**

After section 134(3)—

**Add**

“(3A) Any regulations made under this Ordinance for giving effect (whether in whole or in part) to a provision of an international agreement that is applicable to Hong Kong and amended from time to time may—

- (a) set out (whether in a schedule or otherwise) or refer directly to the provision; and

- (b) specify (whether in a schedule or otherwise) amendments, modifications or adaptations subject to which the provision is to have effect.”.

### **Division 12—Persons Not Included in Definition of *Seafarer***

#### **67. Schedule 1A added**

Before Schedule 1—

**Add**

**“Schedule 1A** [s. 2A]

#### **Persons Not Included in Definition of *Seafarer***

1. The following persons who work on board a ship are not seafarers—
  - (a) a person who works on board the ship as a pilot;
  - (b) the owner of the ship;
  - (c) a person, including the manager or charterer of the ship, who has assumed responsibility for the operation of the ship from the owner (*responsible person*);
  - (d) a person (except the master of the ship) who represents the owner or responsible person on board the ship;
  - (e) an officer of a law enforcement agency who carries out law enforcement duties on board the ship;
  - (f) a person who works on board the ship only within a port or at a port facility;
  - (g) a person whose work—

- (i) only relates to the construction, alteration, repair or testing of the ship or of its machinery or equipment; but
  - (ii) does not in any way relate to the normal operation of the ship within its deck, engine room or catering department.”.
-



## Part 3

### Related and Consequential Amendments

#### Division 1—Amendments to Subsidiary Legislation under Merchant Shipping (Seafarers) Ordinance (Cap. 478)

##### Subdivision 1—Amendment to Merchant Shipping (Seafarers) (Crew Agreements, Lists of Crew and Discharge of Seafarers) Regulation (Cap. 478 sub. leg. L)

68. Section 12 amended (particulars to be specified in lists of crew)

Section 12(1)(d)(iii)(A)—

**Repeal**

“registered seafarer”

**Substitute**

“seafarer whose name is entered in the register”.

##### Subdivision 2—Amendments to Merchant Shipping (Seafarers) (Employment Registration Books) Regulation (Cap. 478 sub. leg. U)

69. Section 2 amended (interpretation)

Section 2(2)—

**Repeal**

“seafarer”

**Substitute**

“registered person”.

70. Section 3 amended (application for employment registration book)

Section 3(1)—

**Repeal**

“seafarer”

**Substitute**

“person”.

71. Section 5 amended (form and contents of employment registration book)

Section 5(1)(b), after “capacity”—

**Add**

“and rank”.

72. Section 6 amended (entries in employment registration book)

(1) Section 6(2), after “capacity”—

**Add**

“and rank”.

(2) Section 6(2)—

**Repeal**

“seafarer” (wherever appearing)

**Substitute**

“holder”.

73. Section 11 amended (delivery of employment registration book)

(1) Section 11(1)—

**Repeal**

“seafarer”

**Substitute**

“registered person”.

- (2) Section 11(1)(a), Chinese text—

**Repeal**

“該海員” (wherever appearing)

**Substitute**

“該人”.

- (3) Section 11(1)(b)—

**Repeal**

“seafarer’s”

**Substitute**

“person’s”.

- (4) Section 11(2)—

**Repeal**

“a seafarer”

**Substitute**

“a registered person”.

- (5) Section 11(2)—

**Repeal**

“the seafarer”

**Substitute**

“the person”.

- (6) Section 11(3)—

**Repeal**

“seafarer”

**Substitute**

“registered person”.

74. **Section 12 amended (lost, etc., employment registration book)**

- (1) Section 12, English text, heading—

**Repeal**

“Lost, etc.,”

**Substitute**

“Loss etc. of”.

- (2) Section 12(1)—

**Repeal**

“a seafarer”

**Substitute**

“a registered person”.

- (3) Section 12(1)—

**Repeal**

“the seafarer”

**Substitute**

“the person”.

- (4) Section 12(2)(a)—

**Repeal**

“a seafarer”

**Substitute**

“a registered person”.

- (5) Section 12(2)(a)—

**Repeal**

“the seafarer”

**Substitute**

“the person”.

- (6) Section 12(2)(b)—

**Repeal**

“seafarer”

**Substitute**

“person”.

**75. Section 13 amended (effect of lack of space in employment registration book)**

- (1) Section 13(1)—

**Repeal**

“seafarer’s”

**Substitute**

“registered person’s”.

- (2) Section 13(1)—

**Repeal**

“seafarer”

**Substitute**

“person”.

**76. Section 15 amended (notification of errors in employment registration book)**

- (1) Section 15(1)—

**Repeal**

“seafarer”

**Substitute**

“registered person”.

- (2) Section 15(2)—

**Repeal**

“seafarer”

**Substitute**

“registered person”.

**77. Schedule amended (particulars to be recorded in and contents of employment registration books)**

- (1) The Schedule, item 11—

**Repeal**

“company”.

- (2) The Schedule, item 16—

**Repeal**

“and rating on registration”

**Substitute**

“of and capacity and rank on registration,”.

- (3) The Schedule, item 16—

**Repeal**

“in rating”

**Substitute**

“in capacity and rank”.

- (4) The Schedule, item 26—

**Repeal**

“seafarer’s”

**Substitute**

“person’s”.

- (5) The Schedule, item 26—

**Repeal**

“seafarer”

**Substitute**

“person”.

**Subdivision 3—Amendment to Merchant Shipping (Seafarers)  
(Engine Room Watch Ratings) Regulation (Cap. 478 sub. leg. V)**

**78. Schedule 1 amended (qualifications for issue of an engine room  
watch rating certificate)**

Schedule 1, section 1(b)—

**Repeal**

“seafarer”

**Substitute**

“person”.

**Subdivision 4—Amendment to Merchant Shipping (Seafarers)  
(Navigational Watch Ratings) Regulation (Cap. 478 sub. leg. W)**

**79. Schedule 1 amended (qualifications for issue of a navigational  
watch rating certificate)**

Schedule 1, section 1(b)—

**Repeal**

“seafarer”

**Substitute**

“person”.

**Subdivision 5—Amendments to Merchant Shipping (Seafarers)  
(Fees) Regulation (Cap. 478 sub. leg. AB)**

**80. Schedule amended**

(1) The Schedule, Part III, item 11(b)—

**Repeal**

“non-registered seafarer”

**Substitute**

“seafarer whose name is not entered in the register”.

(2) The Schedule, Part III, item 11(e) and (f)—

**Repeal**

“company roster”

**Substitute**

“roster”.

**Subdivision 6—Amendment to Merchant Shipping (Seafarers)  
(Safety Training) Regulation (Cap. 478 sub. leg. AC)**

**81. Section 1 amended (interpretation)**

Section 1—

**Repeal the definition of *seafarer*.**

**Subdivision 7—Amendment to Merchant Shipping (Seafarers)  
(Ro-Ro Passenger Ships—Training) Regulation (Cap. 478 sub.  
leg. AD)**

**82. Section 1 amended (interpretation)**

Section 1—

**Repeal the definition of *seafarer*.**

**Subdivision 8—Amendment to Merchant Shipping (Seafarers)  
 (Passenger Ships Other Than Ro-Ro Passenger Ships—Training)  
 Regulation (Cap. 478 sub. leg. AE)**

**83. Section 2 amended (interpretation)**

Section 2—

**Repeal the definition of *seafarer*.**

**Division 2—Amendments to Administrative Appeals Board  
 Ordinance (Cap. 442)**

**84. Schedule amended**

The Schedule, item 52, column 3—

(a) Paragraph (b), after “52(3);”—

**Add**

“or”;

(b) **Repeal paragraph (c);**

(c) Paragraph (d), after “permit”—

**Add**

“under section 56(1)”.

**Schedule 1**

[s. 2]

**Minor Amendments to Merchant Shipping (Seafarers)  
 Ordinance Relating to Replacement of “Permitted  
 Company” by “Permitted Body”**

	Column 1 Provision	Column 2 Repeal	Column 3 Substitution
1.	Section 40	company (wherever appearing)	body
2.	Section 43	company (wherever appearing)	body
3.	Section 59	company (wherever appearing)	body
4.	Section 62	company (wherever appearing)	body
5.	Section 63, heading	<b>company</b>	<b>body</b>
6.	Section 63	company (wherever appearing)	body
7.	Section 71	company (wherever appearing)	body
8.	Section 123(4)	company (wherever appearing)	body

**Schedule 2**

[s. 2]

**Minor Amendments to Merchant Shipping (Seafarers)  
Ordinance Relating to Replacement of “Registered  
Seafarer” by “Registered Person”**

	Column 1 Provision	Column 2 Repeal	Column 3 Substitution
1.	Section 10, heading	<b>Seafarers</b>	<b>Persons</b>
2.	Section 10(3)	registered seafarer	registered person
3.	Section 10(4)	seafarer (wherever appearing)	person
4.	Section 15, heading	<b>seafarer</b>	<b>person</b>
5.	Section 15	seafarer (wherever appearing)	person
6.	Section 22	(a) seafarer’s (b) seafarer	person’s person
7.	Section 23(3)	seafarer	registered person
8.	Section 31	(a) seafarer (wherever appearing) (b) seafarer’s	person person’s
9.	Section 33	(a) seafarer (wherever appearing) (b) seafarer’s	person person’s
10.	Section 36	(a) seafarer	person

	Column 1 Provision	Column 2 Repeal (wherever appearing) (b) seafarer’s (wherever appearing)	Column 3 Substitution person’s
11.	Section 38(1)	seafarer	person
12.	Part VI, heading	SEAFARERS	PERSONS
13.	Section 40, heading	<b>seafarers</b>	<b>persons</b>
14.	Section 40	(a) seafarer (wherever appearing) (b) seafarers	person persons
15.	Section 41, heading	<b>seafarers</b>	<b>persons</b>
16.	Section 41	(a) seafarer (wherever appearing) (b) seafarers	person persons
17.	Section 43, heading	<b>seafarers</b>	<b>persons</b>
18.	Section 43	seafarer (wherever appearing)	person
19.	Section 46, heading	<b>seafarers</b>	<b>persons</b>
20.	Section 46	seafarer	person
21.	Section 48, heading	<b>seafarers</b>	<b>persons</b>
22.	Section 48	(a) seafarer (wherever appearing)	person

Column 1 Provision	Column 2 Repeal	Column 3 Substitution
	(b) seafarer's (wherever appearing)	person's
23. Section 49(1)	(a) seafarers (wherever appearing)	persons
	(b) seafarer (wherever appearing)	person
24. Section 51, heading	<b>seafarer</b>	<b>registered person</b>
25. Section 51	seafarer (wherever appearing)	person
26. Section 62, heading	<b>seafarer's</b>	<b>person's</b>
27. Section 62(1)	seafarer (wherever appearing)	person
28. Section 63, heading	<b>seafarers</b>	<b>persons</b>
29. Section 63	(a) seafarer (wherever appearing)	person
	(b) seafarers	persons
30. Section 69(1)	seafarer (wherever appearing)	person
31. Section 126, heading	<b>seafarers</b>	<b>registered persons</b>
32. Section 126	seafarer (wherever appearing)	person

### Explanatory Memorandum

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 and seeks to protect the right of seafarers to decent employment.

- The main purpose of this Bill is to amend the Merchant Shipping (Seafarers) Ordinance (Cap. 478) (*Ordinance*) to implement certain requirements of the Convention, and to provide for related matters. The Bill also makes technical amendments to improve the operation and presentation of the Ordinance. Other requirements of the Convention will be implemented by new subsidiary legislation to be made, and amendments to existing subsidiary legislation, under the Ordinance.
- Part 1 of the Bill provides for preliminary matters. Clause 1 sets out the short title and provides for commencement.
- Part 2 of the Bill amends existing provisions of the Ordinance.

#### *Definition of seafarer and related amendments*

- The current definition of *seafarer* includes persons employed in ships, and those who are to be so employed. The definition, however, does not include, among others, masters, officers and medical practitioners of ships for the purposes of some provisions of the Ordinance. This is inconsistent with the coverage of "seafarer" under the Convention.
- The current definition is replaced by a new one in a new section 2A to be added to the Ordinance (see clause 4). The new definition includes persons who work on ships in any capacity, but excludes the persons listed in a new Schedule 1A to be added to the Ordinance (see clause 67). The excluded persons include, among others, pilots, shipowners and their representatives, officers of law

enforcement agencies and persons who work on ships within ports or port facilities only. The new section 2A also empowers the Secretary for Transport and Housing (*Secretary*) to, after consulting the Seafarers' Advisory Board, amend the Schedule by notice published in the Gazette.

7. In line with the new definition of *seafarer*, sections 7(5) and 11 of the Ordinance which relate to the employment in ships of persons not included in the current definition of *seafarer* are respectively repealed by clauses 7(11) and 10. Clauses 48, 51 and 55 respectively amend sections 79, 85 and 92 of the Ordinance so that the powers and duties of masters of ships in relation to seafarers under those sections may also be exercised and carried out by the seafarers' employers.

#### ***Registered person and related amendments***

8. Part III of the Ordinance provides for the establishment of a register (*register*). Persons who are employed as seafarers and persons who are desirous of being so employed are required to be registered. Persons whose names are entered in the register are currently called "registered seafarers". Under the new definition of *seafarer*, persons who are only desirous of being employed as seafarers are no longer regarded as seafarers. The term "registered seafarer" is substituted by "registered person". Amendments are made to provisions in different Parts of the Ordinance for substituting the term and making related amendments. Some of the amendments for substituting the term are dealt with by Schedule 2 to the Bill.
9. The Bill also amends some of the registration requirements. Clauses 8 and 9 respectively amend sections 8 and 9 of the Ordinance to remove the age restrictions for registration. Persons who are at least 17 years of age may be registered if they meet the relevant qualification requirements. Clause 8 also amends the qualification requirements and a certificate of qualification as a ship's cook issued by the competent authority of a party to the Certification of

Ships' Cooks Convention 1946 or the Convention may be accepted as one of the qualification requirements for registration in the part of the register on sea-going ships.

#### ***Seafarers' organizations and permitted bodies***

10. Under the current Ordinance, only companies may carry out the business of recruiting and supplying seafarers for employment in ships. The Convention also allows seafarers' organizations to do so. Clause 33 amends section 52 of the Ordinance so that seafarers' organizations may also apply for a permit (*permit*) from the Superintendent (*Superintendent*) of the Mercantile Marine Office (*Office*) established under the Ordinance to carry out the business. To obtain a permit, seafarers' organizations have to satisfy similar requirements as companies. The only difference is that seafarers' organizations will not be required to assume responsibility for payment of, among others, wages, allowances and bonuses to seafarers supplied by them. Instead, seafarers' organizations will be required to adopt measures to ensure that seafarers supplied will be fully compensated for any monetary loss suffered as a result of the failure of their employers to meet the employers' obligations under the employment agreements (see clause 35).
11. A new definition of *permitted body* is added to section 2(1) of the Ordinance to cover both companies and seafarers' organizations which have been granted a permit by the Superintendent (see clause 3). Amendments are made to provisions in different Parts of the Ordinance for substituting the term "permitted company" by "permitted body" and making related amendments. Some of the amendments for substituting the term are dealt with by Schedule 1 to the Bill.
12. Clause 37 amends section 56 of the Ordinance to provide for an additional ground under which the Superintendent may cancel the permits granted to permitted bodies. The additional ground is that the bodies have failed to examine or respond to complaints



concerning their business of recruiting or supplying registered persons for employment, or have failed to report unresolved complaints to the Superintendent.

13. Clause 38 amends section 57 of the Ordinance and restricts the ships to which companies or seafarers' organizations which have obtained permits may supply registered persons for employment. Under the amendments, permitted companies may only supply registered persons for employment in ships that they own, manage or charter, while permitted seafarers' organizations may only supply registered persons for employment in ships registered in Hong Kong (*Hong Kong ships*). The provisions under the current section 57 which allow permitted companies to supply registered persons for employment in ships that are owned, managed or chartered by other persons are repealed. Various provisions relating to the supply of registered persons for employment in such ships are also consequentially amended.

***Written employment agreements between seafarers and shipowners***

14. Clause 49 amends section 80 of the Ordinance to provide that persons who work as seafarers on Hong Kong ships must enter into written employment agreements with the shipowners or persons (including managers or charterers) who have assumed responsibility for operating the ships from the shipowners. The clause also repeals the existing provisions relating to employment agreements based on individual voyages made by ships. Such agreements are no longer adopted in practice.

***Complaint procedures***

15. Section 98 of the Ordinance provides that 3 or more seafarers employed in a Hong Kong ship may make a complaint to the master of the ship on the provisions or water provided for seafarers on the ship. Clause 58 amends that section so that a single seafarer may make such a complaint. A new subsection (2A) is added to that section so that the seafarer may make a complaint on the subject

matter directly to the Superintendent without first complaining to the master. A new subsection (5) is also added to provide that the complaint procedures in that section do not affect the right of the seafarer to make complaints in accordance with the complaint procedures adopted on the ship in which the seafarer is employed.

16. Section 99 of the Ordinance provides for the right of seafarers employed in Hong Kong ships to complain to masters of ships about the conditions or other seafarers in the ships. Clause 59 amends that section to also allow complaints to be made on anything relating to the seafarers' employment. Similar to section 98 of the Ordinance, a new subsection (2A) is added to section 99 to allow the seafarers to make a complaint on the subject matter directly to the Superintendent. A new subsection (5) is also added to provide that the complaint procedures in that section do not affect the right of the seafarers to make complaints in accordance with the complaint procedures adopted on the ships in which the seafarers are employed.

***Repatriation of seafarers***

17. Section 104 of the Ordinance is an empowering provision. It provides for subsidiary legislation to be made regarding the repatriation of seafarers who are left behind or shipwrecked. The Convention provides for a wider range of circumstances under which seafarers are entitled to be repatriated by their employers. Clause 62 amends that section so that all circumstances under which seafarers are entitled to be repatriated will be set out in subsidiary legislation.
18. Section 105 of the Ordinance provides for the circumstances under which seafarers left behind in places outside Hong Kong are not entitled to be repatriated by their employers. Clause 63 repeals that section and the circumstances under which employers are not required to repatriate seafarers will be set out in the subsidiary legislation regulating repatriation of seafarers.

19. Section 106 of the Ordinance provides that if the Government has incurred any expenses in repatriating seafarers for which the seafarers' employers are liable, the Government may recover the expenses as a civil debt from the employers. Clause 64 amends that section to reflect the provision of the Convention which allows the Government to also detain ships of the employers until the expenses have been paid.

*Miscellaneous amendments*

20. Clauses 29, 30 and 31 respectively amend sections 44, 45 and 47 of the Ordinance to repeal the provisions which allow permitted companies or employers to require seafarers to contribute to the fees payable to the Office in connection with the employment of seafarers.
21. Section 89 of the Ordinance permits seafarers to allot only part of their wages to another person. The restriction on the portion of wages to be allotted is inconsistent with the Convention. Clause 53 amends that section so that seafarers may allot all or a part of their wages.
22. Sections 97(1) and 100(1) of the Ordinance empower the Secretary to make subsidiary legislation relating to crew accommodation and medical stores in Hong Kong ships respectively. Sections 97(6) and 100(2) of the Ordinance are offence provisions in respect of contravention of the requirements set out in the subsidiary legislation. Clauses 57 and 60 respectively repeal sections 97(6) and 100(2). The offence provisions will be separately provided in the subsidiary legislation governing crew accommodation and medical stores in Hong Kong ships.
23. Section 134 of the Ordinance supplements the empowering provisions in other sections of the Ordinance for making subsidiary legislation. Clause 66 adds a new subsection (3A) to that section to expressly provide that subsidiary legislation to give effect to international agreements that are applicable to Hong Kong and

amended from time to time may adopt a direct reference approach to refer directly to the provisions in the agreements and specify amendments, modifications or adaptations subject to which the provisions are to have effect. That approach will facilitate timely implementation of requirements under international agreements which are frequently amended.

24. Part 3 of the Bill makes related and consequential amendments to various items of subsidiary legislation under the Ordinance, and to the Schedule to the Administrative Appeals Board Ordinance (Cap. 442).

**Summary of major requirements in 14 specified areas regarding the working and living conditions of seafarers**

(i) Minimum age

- The age of a seafarer working on board must not be less than 17 years.
- Seafarers under the age of 18 must not engage in night work.
- The employment or engagement of seafarers under the age of 18 for work on board is prohibited when the work is likely to jeopardise their health or safety. Examples include working in high-pressure atmospheres with the risks resulting from pressure and decompression (such as diving), working in ships' hospital and taking care of patients on board.

(ii) Medical certification

- All seafarers on board must hold a valid medical fitness certificate attesting that they are medically fit to perform the duties they are to carry out on board, and that the requirements of the amended International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW Convention) have been met.
- The medical fitness certificate must be issued by a qualified medical practitioner. If the period of validity of a certificate expires in the course of a voyage, the certificate remains valid until the next port of call where the seafarer can obtain a medical certificate from a qualified medical practitioner. The extended period must not exceed three months.

(iii) Qualifications of seafarers

- Seafarers must not work on board unless they have completed the training on personal safety on board and have met the standards as stipulated in the STCW Convention.

(iv) Seafarers' employment agreements

- All seafarers working on board must have a crew agreement signed by both the seafarer and the shipowner or a representative of the shipowner providing them with decent working and living conditions on board as required by the Maritime Labour Convention, 2006 (MLC).
- The minimum notice period to be given by the seafarers and shipowners for the early termination of a crew agreement is to be determined after

consultation with the shipowners and seafarers concerned, but must not be shorter than seven days.

- The following provisions stipulating “shipowners’ liabilities” must be included in the crew agreement:
  - (a) shipowners must bear the costs for seafarers working on Hong Kong ships in respect of sickness and injury of the seafarers occurring between the date of commencing duty and the date upon which they are deemed duly repatriated, or arising from their employment between those dates;
  - (b) shipowners must provide financial security to assure compensation in the event of the death or long-term disability of seafarers due to any occupational injury, illness or hazard;
  - (c) shipowners must defray the expense of medical care, including medical treatment and the supply of the necessary medicines and therapeutic appliances, and board and lodging away from home until the sick or injured seafarers have recovered, or until the sickness or incapacity has been declared of a permanent character;
  - (d) shipowners must pay the cost of burial expenses in the case of seafarers’ death occurring on board or ashore during the period of employment; and
  - (e) shipowners or their representatives must take measures for safeguarding property left on board by sick, injured or deceased seafarers and for returning it to them or to their next of kin.
  
- (v) Private recruitment and placement services
  - Shipowners who employ Hong Kong-registered seafarers to work on board must comply with the relevant requirements of Chapter 478 of the Laws of Hong Kong.
  - For the employment of seafarers to work on board Hong Kong ships, shipowners who use recruitment and placement services that are based in countries or territories in which the MLC does not apply must ensure that those services meet the relevant requirements of the MLC.
  
- (vi) Hours of work or rest
  - The normal working hours’ standard for seafarers must be based on an eight-hour day with one day of rest per week and 12 days of public holidays every year.
  - The minimum number of hours of rest for seafarers must not be less than:

- (a) ten hours in any 24-hour period; and
  - (b) 77 hours in any seven-day period.
  - The daily hours of rest may be divided into no more than two periods, one of which must be at least six hours in length, and the interval between the periods must not exceed 14 hours.
  - Records of seafarers' hours of rest must be maintained for inspection by the authorities concerned.
- (vii) Manning levels for the ship
- Ships must be manned by a crew that is adequate in terms of size and qualifications to ensure the safety and security of the ships and their personnel.
- (viii) Accommodation
- Accommodation facilities of ships constructed on or after the date when the MLC comes into effect in Hong Kong must comply with the requirements relating to:
    - (a) the size of rooms and other accommodation spaces;
    - (b) heating and ventilation;
    - (c) noise and vibration and other ambient factors;
    - (d) sanitary facilities;
    - (e) lighting; and
    - (f) hospital accommodation.
- (ix) On-board recreational facilities
- Appropriate seafarers' recreational facilities, amenities and services must be provided on board ships which are constructed on or after the date when the MLC comes into effect in Hong Kong to meet the special needs of seafarers. Furnishings for recreational facilities must as a minimum include a bookcase and facilities for reading and writing. Facilities such as smoking rooms, showing of films and sports equipment must also be provided at no cost to seafarers where practicable.
- (x) Food and catering
- Shipowners must provide food and drinks required on board at no cost.
  - Having regard to the number of seafarers on board, their religious requirements and cultural practices pertaining to food, and the duration and nature of the voyage, shipowners must provide food and drinking water

suitable in respect of quantity, nutritional value, quality and variety.

- Cooks working on ships must be trained and qualified for their positions on board.

(xi) Health and safety and accident prevention

- Shipowners must adopt, implement and promote occupational safety and health policies and programmes on ships.
- Shipowners must provide reasonable precautions to prevent occupational accidents, injuries and diseases on Hong Kong ships, including measures to reduce and prevent the risk of exposure to harmful levels of ambient factors and chemicals as well as the risk of injury or disease that may arise from the use of equipment and machinery on board.
- Shipowners are required to report to the Marine Department any occupational accident, injury and disease and the corresponding remedial measures taken.

(xii) On-board medical care

- Shipowners must provide seafarers with health protection and medical care at no cost, including essential dental care.
- Shipowners must provide seafarers with health protection and medical care as comparable as possible to that which is generally available to workers ashore, including prompt access to the necessary medicines, medical equipment and facilities for diagnosis and treatment and to medical information and expertise. Without causing delay to the voyage as far as possible, seafarers must be allowed to visit a qualified medical doctor or dentist in ports of call.
- Any Hong Kong ship carrying 100 or more persons and ordinarily engaged on international voyages of more than three days' duration must carry a qualified medical doctor who is responsible for providing medical care. Ships which do not carry a medical doctor must have either at least one seafarer on board who is in charge of medical care and administering medicine as part of the seafarer's regular duties or at least one seafarer on board competent to provide medical first aid.

(xiii) On-board complaint procedures

- Fair, expeditious and well-documented on-board procedures for handling seafarers' complaints must be developed for all ships.
- The procedures are required to seek to resolve complaints at the lowest

level possible. However, in all cases, seafarers must have a right to complain directly to the master and, where they consider it necessary, to the Marine Department.

(xiv) Payment of wages

- Shipowners must make payment of wages to seafarers at no greater than monthly intervals and in accordance with the crew agreements.
- Seafarers must be given a monthly account of the payments due and the amounts paid.
- Shipowners are required to provide seafarers working on board with a means to transmit all or part of their earnings to their families or dependants or legal beneficiaries.