

LEGISLATIVE COUNCIL BRIEF

SAILORS HOME AND MISSIONS TO SEAMEN INCORPORATION (AMENDMENT) BILL 2018

Background and Purpose

1. The Sailors Home and Missions to Seamen (the "**Mission**") is a not-for-profit charitable and religious organisation incorporated in Hong Kong in 1930 under the Sailors Home and Missions to Seamen Incorporation Ordinance (Cap. 1042, the "**Ordinance**") and its Regulations (Cap. 1042A, the "**Regulations**") with the objectives of providing welfare services to all seafarers and their families regardless of religion or nationality.
2. Although the Mission was only incorporated in 1930, it has actually been providing welfare services to seafarers in Hong Kong for more than 150 years since the first Sailors Home opening in 1861. The Mission is currently the only organisation in Hong Kong providing welfare services to all international and local seafarers to fulfil Hong Kong's international obligation for the provision of port welfare services.
3. Whilst Hong Kong is still in the process of formally ratifying the Maritime Labour Convention 2006 (the "**Convention**"), the HKSAR Government fully supports the Convention's requirements for the provision of welfare services to seafarers, thus making the Mission an integral part of the maritime infrastructure in Hong Kong.
4. The Mission is currently managed by a committee whose members represent both the Hong Kong maritime community as well as the wider business, social and religious communities (the "**Committee**"). The Committee currently includes the Archbishop of the Hong Kong Sheng Kung Hui, ship owners and managers in Hong Kong, and representative from the HKSAR Government. Representatives of the three seafarer unions in Hong Kong have been invited to attend meetings of the Committee as "de-facto" members since January 2011.
5. The main purpose of the Sailors Home and Missions to Seamen Incorporation (Amendment) Bill 2018 (the "**Bill**") is to update the Ordinance and Regulations by:
 - (a). providing for the change of the corporate name of "The Sailors Home and Missions to Seamen" to "The Sailors Home and Mission to Seafarers" and replacing all references to "Seamen" by "Seafarers", following the non-gender specific terminology of the Convention;
 - (b). providing for the change in the composition and procedures of the committee;
 - (c). replacing references to "Church of England" by "Hong Kong Sheng Kung Hui" following the localization of the Church of England in Hong Kong in 1998; and
 - (d). adapting certain references to bring them into conformity with the status of Hong Kong as a Special Administrative Region of the People's Republic of China.
6. To give effect to the proposed changes, the Bill will be introduced as a Member's Bill into the Legislative Council by the Hon Frankie Yick Chi-ming, SBS, JP.

The Bill

7. The key provisions of the proposed Bill are summarised in the following paragraphs:

Part 1 – Preliminary

- (a). **Clause 2** sets out that both the Ordinance and the Regulations will be amended according to the Bill.

Part 2 – Amendments to Ordinance

- (b). **Clause 3** reflects the change of title of the corporation, which is consequential to the amendment under **Clause 6(1)**.
- (c). **Clause 4** reflects the change of title of the corporation, which is consequential to the amendment under **Clause 6(1)**.
- (d). **Clause 5** adds a new section 1A to the Ordinance to define *former section 2(1)* and *specified date*.
- (e). **Clause 6(1)** amends the corporate name of the corporation by replacing the reference to "Missions to Seamen" by "Mission to Seafarers" being a term defined in the Convention to describe all seafarers, regardless of rank or gender. **Clause 8(1)** makes consequential amendments to the Ordinance.
- (f). **Clauses 6(2), 8(2)** and **8(4)** respectively amend sections 2(2)(a) and 4(1) and (2) of the Ordinance to reflect the localization of the Church of England in Hong Kong in 1998 with the establishment of the Hong Kong Sheng Kung Hui under the leadership and jurisdiction of the Archbishop of the Hong Kong Sheng Kung Hui. **Clause 8(3)** makes consequential amendments to the Ordinance.
- (g). **Clause 6(3)** amends section 2(2)(c) of the Ordinance to reflect changes in the group structure of Jardine Matheson Limited.
- (h). **Clauses 6(4)** and **9(2)** respectively amend sections 2(2)(e) and 6 of the Ordinance to reflect that the headquarters of The Mission to Seafarers (formerly known as The Missions to Seamen) may not always necessarily be in London.
- (i). **Clause 6(5)** repeals section 2(2)(f) of the Ordinance to bring the provision into conformity with the status of Hong Kong as a Special Administrative Region of the People's Republic of China and substitutes new section 2(2)(f), (fa) and (fb) to the Ordinance so that the nominated officers of the three seafarers' unions in Hong Kong are able to be nominated to the committee to extend the representation to key stakeholders of the maritime community.
- (j). **Clause 6(6)** amends section 2(2)(g) of the Ordinance to reflect that a partner of PricewaterhouseCoopers Hong Kong (formerly known as Messrs. Lowe, Bingham

& Matthews, the designated chartered accountants of the corporation under the current regulation 17(2) of the Regulations) has always been appointed to act as the honorary treasurer and secretary of the corporation on a pro-bono basis, in accordance with historic and current practice.

- (k). **Clause 6(7)** adds a new section 2(4) to the Ordinance to provide for savings of the rights, obligations and liabilities of the corporation following its change of name.
- (l). **Clause 7** amends section 3 of the Ordinance on the appointment of members of the committee in consequence of the amended section 2(2) of the Ordinance.
- (m). **Clauses 9(1) and 11** respectively update sections 6 and 8 of the Ordinance to bring the provisions into conformity with the status of Hong Kong as a Special Administrative Region of the People's Republic of China.
- (n). **Clause 10** repeals section 7 of the Ordinance which is obsolete on cessation of the Chater Missions to Seamen Endowment Fund in 1986.

Part 3 – Amendments to Regulations

- (o). **Clauses 12, 13 and 14** reflect the change of title of the corporation.
- (p). **Clause 15(1) and 15(2)** makes amendments to the time for holding general meetings under regulation 4 of the Regulations.
- (q). **Clauses 15(3), 17(1) and 17(2)** respectively amend the English text of regulation 4(2) and the heading and paragraph (1) of regulation 6 of the Regulations by replacing the reference to "chairman" by a gender-neutral expression "chairperson".
- (r). **Clause 15(4)** amends regulation 4(2) of the Regulations to tally with the amended section 2(2)(g) of the Ordinance.
- (s). **Clause 15(5)** rectifies a typo in regulation 4(2) of the Regulations.
- (t). **Clause 16** amends regulation 5 of the Regulations to allow the chairperson to convene special meetings.
- (u). **Clause 17(3)** amends regulation 6(1) of the Regulations to tally with the amended section 2(2)(g) of the Ordinance.
- (v). **Clauses 17(4)** updates regulation 6(1) of the Regulations to bring the provisions into conformity with the status of Hong Kong as a Special Administrative Region of the People's Republic of China.
- (w). **Clause 17(5)** amends regulation 6(2) of the Regulations to acknowledge the current practice whereby the chairperson chairs committee meetings unless the chairperson is absent.

- (x). **Clause 17(6)** amends the quorum of a general or special meeting of the committee under regulation 6(2) of the Regulations to reflect the increase in the possible number of committee members under the amended section 2 of the Ordinance.
- (y). **Clauses 18** amends regulation 7 of the Regulations to tally with the amended section 2(2)(g) of the Ordinance.
- (z). **Clauses 19** updates regulation 10(1) of the Regulations to bring the provisions into conformity with the status of Hong Kong as a Special Administrative Region of the People's Republic of China.
- (aa). **Clause 20** amends regulation 13 of the Regulations to reflect that the assistant chaplains and readers are no longer appointed by The Mission to Seafarers, and to reflect the change in designation following the localization of the Church of England in Hong Kong in 1998.
- (bb). **Clause 21(1) and 21(2)** amends regulation 15 of the Regulations to reflect that St. Peter's Church in the Hong Kong Mission is now consecrated as a church. **Clause 21(3)** amends regulation 15 of the Regulations to reflect the localization of the Church of England in Hong Kong in 1998 with the establishment of the Hong Kong Sheng Kung Hui under the leadership and jurisdiction of the Archbishop of the Hong Kong Sheng Kung Hui. **Clause 21(4)** amends regulation 15 of the Regulations to allow approved services of other Christian denominations.
- (cc). **Clause 22** repeals regulation 17 of the Regulations since it is no longer necessary to appoint a firm of chartered accountants or honorary secretary at the annual general meeting under the amended section 2(2)(g) of the Ordinance.
- (dd). **Clauses 23** amends regulation 20 of the Regulations to allow the Committee to appoint more than one banker.
- (ee). **Clause 24** substitutes regulation 23 of the Regulations with a new regulation 23 to provide that cheques are to be signed, and other payments will be made, on behalf of the corporation by an authorized signatory or signatories approved by the committee from time to time in accordance with current practice.

Part 4 – Saving

- (ff). **Clause 25** provides for saving of the rights of the Central Authorities or the Government of the Hong Kong Special Administrative Region.

Consultation

- 8. The administration, including the relevant government bureaux and departments, together with relevant statutory authorities, is in support of the Bill.

Legislative Timetable

- 9. The Legislative timetable is as follows:

Publication in the Gazette for the first time	19 January 2018
Publication in the Gazette for the second time	26 January 2018
First Reading and adjournment of Second Reading debate	11 April 2018

Publicity

10. The Bill was published in the Gazette on 19 January 2018 and 26 January 2018 and notice of the Bill has been given by way of advertisements in South China Morning Post and Sing Tao Daily on 20 February 2018 and 21 February 2018.

Enquiries

11. Any enquiries about this brief can be directed to Ms Kitty Lee at the Office of Legislative Councillor, Hon. Frankie Yick Chi-ming, SBS, JP at 2537 2442.

Hon. Frankie Yick Chi-ming, SBS, JP

1 March 2018