

L.N. 21 of 2024

**Merchant Shipping (Seafarers) (Working and Living
Conditions) (Amendment) Regulation 2024**

(Made by the Secretary for Transport and Logistics under sections 96 and 134 of the Merchant Shipping (Seafarers) Ordinance (Cap. 478))

1. Commencement

This Regulation comes into operation on a day to be appointed by the Secretary for Transport and Logistics by notice published in the Gazette.

2. Merchant Shipping (Seafarers) (Working and Living Conditions) Regulation amended

The Merchant Shipping (Seafarers) (Working and Living Conditions) Regulation (Cap. 478 sub. leg. AF) is amended as set out in sections 3 to 6.

3. Section 18 amended (recruitment and placement agent in other countries)

Section 18(2)—

Repeal paragraph (g)

Substitute

“(g) the agent must—

- (i) have measures in place, whether by way of insurance or otherwise, to compensate a seafarer employed for any monetary loss that the seafarer may incur as a result of the failure of the agent or the shipowner to meet its obligation to the seafarer; and

Section 4

- (ii) ensure that the seafarer is informed of the seafarer’s rights under those measures before entering into the employment agreement.”.

4. Section 38 amended (organization and equipment of catering department)

Section 38(a), after “adequate,”—

Add

“balanced,”.

5. Section 46A added

After section 46—

Add

“46A. Shipowner to deliver body or ashes of deceased seafarer

If a seafarer dies on board a ship or ashore in the course of employment, the shipowner of the ship must—

- (a) arrange the body or ashes of the seafarer to be delivered to—
 - (i) if a place for the delivery of the body or ashes of the seafarer (*place of delivery*) has been agreed between the seafarer and the shipowner—that place;
 - (ii) if subparagraph (i) does not apply and a place of delivery has been agreed between the seafarer’s next of kin and the shipowner—that place; or
 - (iii) in any other case—the seafarer’s next of kin; and
- (b) bear the costs of the delivery.”.

6. Schedule 1 amended (requirements for employment agreement)

(1) Schedule 1, section 3, before “to the effect”—

Add

“and related matters”.

(2) Schedule 1, section 3(f)—

Repeal

everything after “employment,”

Substitute

“the employer must—

- (i) make arrangements for delivering the body or ashes of the seafarer in accordance with section 46A of the Merchant Shipping (Seafarers) (Working and Living Conditions) Regulation (Cap. 478 sub. leg. AF); and
- (ii) bear the burial or cremation expenses and the costs of the delivery; and”.

LAM Sai-hung
Secretary for Transport and
Logistics

21 February 2024

Explanatory Note

The Maritime Labour Convention, 2006 (*Convention*) sets out a comprehensive set of global standards for the working and living conditions for seafarers and seeks to protect their welfare. Amendments to the Convention were approved by the General Conference of the International Labour Organization on 6 June 2022.

2. This Regulation amends the Merchant Shipping (Seafarers) (Working and Living Conditions) Regulation (Cap. 478 sub. leg. AF) to reflect certain amendments to the Convention by providing that—
- (a) if the shipowner of a ship engages a recruitment and placement agent, a seafarer to be employed must be informed, before entering into the employment agreement, of the seafarer's rights under the agent's measures to compensate the seafarer for any monetary loss that the seafarer may incur as a result of the failure of the agent or the shipowner to meet its obligation to the seafarer;
 - (b) the master of a ship must ensure that the ship is so equipped that balanced meals may be prepared; and
 - (c) (where a seafarer dies on board a ship or ashore in the course of employment) the shipowner of the ship must—
 - (i) arrange the body or ashes of the seafarer to be delivered to a place that has been agreed between the shipowner and the seafarer or the seafarer's next of kin (where appropriate); and
 - (ii) bear the costs of the delivery.