

L.N. 71 of 2016

**Merchant Shipping (Seafarers) (Health and Safety:
General Duties) (Amendment) Regulation 2016**

(Made by the Secretary for Transport and Housing 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 Housing by notice published in the Gazette.

2. Merchant Shipping (Seafarers) (Health and Safety: General Duties) Regulation amended

The Merchant Shipping (Seafarers) (Health and Safety: General Duties) Regulation (Cap. 478 sub. leg. C) is amended as set out in sections 3 and 4.

3. Section 2 amended (interpretation)

(1) Section 2, Chinese text, definition of 物質—

Repeal

“氣；”

Substitute

“氣。”

(2) Section 2—

Repeal the definition of *seafarer*.

4. Section 4 amended (general duties of employers)

(1) Before section 4(2)(a)—

Add

“(aa) the adoption, implementation and promotion of occupational safety and health policies and programmes;”.

(2) Section 4(2)(e)—

Repeal

“health; and”

Substitute

“health;”.

(3) After section 4(2)(e)—

Add

“(ea) the adoption of precautions, so far as is reasonably practicable, to prevent occupational accidents, injuries and diseases on board the ship, including measures to reduce and prevent the risk of exposure to harmful levels of ambient factors and chemicals; and”.

Anthony B. L. CHEUNG
Secretary for Transport and
Housing

16 May 2016

Explanatory Note

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 on seagoing ships and seeks to protect the right of seafarers to decent employment. The Convention will apply to Hong Kong after China has ratified the Convention and extended it to Hong Kong.

2. The Merchant Shipping (Seafarers) (Health and Safety: General Duties) Regulation (Cap. 478 sub. leg. C) (***principal Regulation***) provides that the employer of seafarers on board a Hong Kong ship has a duty to ensure, so far as is reasonably practicable, the health and safety of seafarers on board the ship. To reflect the requirements of the Convention, section 4 of the principal Regulation is amended to provide that the duty includes the adoption, implementation and promotion of occupational safety and health policies and programmes, and the adoption of precautions to prevent occupational accidents, injuries and diseases on board the ship.
3. Section 3 of this Regulation repeals the definition of *seafarer* in the principal Regulation. The term will carry the same meaning as that provided under the Merchant Shipping (Seafarers) Ordinance (Cap. 478) as amended by the Merchant Shipping (Seafarers) (Amendment) Ordinance 2013 (16 of 2013).