

L.N. 75 of 2016

**Merchant Shipping (Seafarers) (Official Log Books)
(Amendment) Regulation 2016**

(Made by the Secretary for Transport and Housing under sections 119 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) (Official Log Books) Regulation amended

The Merchant Shipping (Seafarers) (Official Log Books) Regulation (Cap. 478 sub. leg. P) is amended as set out in sections 3 and 4.

3. Section 2 amended (interpretation)

(1) Section 2(1)—

Repeal the definition of *Pilot Ladders and Hoists Regulations*.

(2) Section 2(1)—

Add in alphabetical order

“*Embarkation and Disembarkation Regulation* (《登船與離船規例》) means the Merchant Shipping (Safety) (Arrangements for Embarkation and Disembarkation of Pilots) Regulation (Cap. 369 sub. leg. AU);”

4. Schedule amended (entries required to be made in official log books kept in ships)

- (1) The Schedule, paragraph 16—

Repeal

“is left behind in any place outside Hong Kong or is taken to such a place on being shipwrecked, or a person who became employed in the ship under an agreement entered into outside Hong Kong is left behind in Hong Kong or is taken to Hong Kong on being shipwrecked,”

Substitute

“has, for the purpose of repatriation, left the ship on which the seafarer worked,”.

- (2) The Schedule, Chinese text, paragraph 16(a), before “海員”—

Add

“該”.

- (3) The Schedule, paragraph 16(b)—

Repeal

“and the place at which the seafarer was left behind”

Substitute

“the seafarer left the ship”.

- (4) The Schedule, paragraph 16—

Repeal subparagraph (c)

Substitute

“(c) the circumstances under which the seafarer was entitled to be repatriated; and”.

- (5) The Schedule, paragraph 16(d)—

Repeal

everything after “is informed”

Substitute

“of the particulars specified in section 5(2) of the Repatriation Regulation.”.

- (6) The Schedule, paragraph 16—

Repeal subparagraph (e).

- (7) The Schedule, paragraph 19, column 1—

Repeal

everything after “under”

Substitute

“—

- (a) section 38(2) of, and section 31(2) of Schedule 6 to, the Crew Accommodation Regulation; or
 - (b) sections 28 and 34 of the Merchant Shipping (Seafarers) (Working and Living Conditions) Regulation.”.
- (8) The Schedule, paragraph 20—

Repeal

“inspection of provisions and water to be supplied to seafarers employed in the ship with”

Substitute

“inspection carried out with respect to the supply of provisions and drinking water, the space and equipment for storing and handling provisions and drinking water and the galley and other equipment used for preparing and serving meals, and”.

- (9) The Schedule, paragraph 21—

Repeal

“regulation 12 of the Pilot Ladders and Hoists Regulations”

Substitute

“section 21 of the Embarkation and Disembarkation Regulation”.

- (10) The Schedule, paragraph 23—

Repeal

“Where 3 or more seafarers employed in the ship complain to the master”

Substitute

“Where a seafarer employed in the ship complains”.

- (11) The Schedule, paragraph 23(a)—

Repeal

“names of the seafarers”

Substitute

“name of the seafarer”.

- (12) The Schedule, paragraph 23(c), before the semicolon—

Add

“(if applicable)”.

- (13) The Schedule, paragraph 23—

Repeal subparagraphs (d) and (e)

Substitute

“(d) whether the seafarer states to the master the seafarer’s dissatisfaction with the action taken by the master on the complaint and whether the seafarer claims to complain to the Superintendent (if applicable);

- (e) if the seafarer claims to complain to the Superintendent, the arrangements made by the master to enable the seafarer to do so;”.
- (14) The Schedule, paragraph 23(f), before the semicolon—
Add
“(if applicable)”.
- (15) The Schedule, paragraph 23(g), before the full stop—
Add
“(if applicable)”.
- (16) The Schedule, paragraph 23—
Repeal
“One of the seafarers”
Substitute
“The seafarer”.
- (17) The Schedule, paragraph 24—
Repeal
“complains to the master under section 99 of the Ordinance about the master or any other seafarer employed in the ship or about the conditions on board the ship”
Substitute
“complains under section 99 of the Ordinance about any other seafarer employed in the ship, any conditions on board the ship or anything relating to the seafarer’s employment”.
- (18) The Schedule, paragraph 24(c), before the semicolon—
Add
“(if applicable)”.

- (19) The Schedule, paragraph 24—

Repeal subparagraph (d)

Substitute

“(d) whether the seafarer states to the master the seafarer’s dissatisfaction with the action taken by the master on the complaint and whether the seafarer claims to complain to the Superintendent (if applicable);”.

- (20) The Schedule, paragraph 24(f), before the full stop—

Add

“(if applicable)”.

- (21) The Schedule, paragraph 41(a)—

Repeal

everything after “or VIIB of the”

Substitute

“Merchant Shipping (Safety) (Passenger Ship Construction) (Ships Built Before 1 September 1984) Regulations (Cap. 369 sub. leg. AL) or under Part IV or VIA of the Merchant Shipping (Safety) (Passenger Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations (Cap. 369 sub. leg. AM); and”.

- (22) The Schedule, paragraph 42—

Repeal

everything before “, as the”

Substitute

“42. For ships of Class I, II or II(A) as specified in the Merchant Shipping (Safety) (Passenger Ship Construction) (Ships Built Before 1 September 1984)

Regulations (Cap. 369 sub. leg. AL) or the Merchant Shipping (Safety) (Passenger Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations (Cap. 369 sub. leg. AM)”.

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 requirements of the Convention are implemented by amending the Merchant Shipping (Seafarers) Ordinance (Cap. 478) and its subsidiary legislation, and by making a new item of subsidiary legislation under the Ordinance. This Regulation makes amendments to the Merchant Shipping (Seafarers) (Official Log Books) Regulation (Cap. 478 sub. leg. P) (*principal Regulation*) which are consequential to the amendments mentioned above.
3. This Regulation also amends the reference in the principal Regulation to an item of subsidiary legislation under the Merchant Shipping (Safety) Ordinance (Cap. 369).