

L.N. 143 of 2016

Administrative Appeals Board Ordinance (Amendment of Schedule) Order 2016

(Made by the Chief Executive in Council under section 4 of the Administrative Appeals Board Ordinance (Cap. 442))

1. Commencement

- (1) Subject to subsections (2) and (3), this Order comes into operation on 1 December 2016.
- (2) Section 3(2) and (5) comes into operation on 1 January 2017.
- (3) Section 3(6) comes into operation on a day to be appointed by the Secretary for Transport and Housing by notice published in the Gazette.

2. Administrative Appeals Board Ordinance amended

The Administrative Appeals Board Ordinance (Cap. 442) is amended as set out in section 3.

3. Schedule amended

- (1) The Schedule, item 53—

Repeal

“under section 8(2) or 10(2) to refuse to issue a certificate or licence.”

Substitute

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- (a) to refuse to issue or renew a certificate of competency under section 7B; or

(b) to refuse to issue a licence under section 10(2).”.

(2) The Schedule—

Repeal item 54.

(3) The Schedule, item 55, after “(Engine Room Watch Ratings”—

Add

“and Electro-technical Ratings”.

(4) The Schedule, item 55—

Repeal

“an Engine Room Watch Rating Certificate under section 5(1)”

Substitute

“a certificate of proficiency under section 4A”.

(5) The Schedule—

Repeal items 56, 57 and 58.

(6) The Schedule—

Add

“58A. Merchant Shipping (Seafarers) (Working and Living Conditions) Regulation (L.N. 69 of 2016)

A decision of the Seafarers’ Authority—

(a) to require a deficiency to be rectified under section 100(2); or

(b) to direct that a ship must not proceed to sea under section 100(3).”.

(7) The Schedule—

Add

Section 3

- “58B. Merchant Shipping (Seafarers) (Safety, Security and Designated Duties Training) Regulation
- A decision of the Seafarers’ Authority to refuse to issue or renew a certificate of proficiency under section 9.
- 58C. Merchant Shipping (Seafarers) (Certificates of Proficiency for Able Seafarers) Regulation
- A decision of the Seafarers’ Authority to refuse to issue a certificate of proficiency under section 8.
- 58D. Merchant Shipping (Seafarers) (Navigational Watch) Regulation
- A decision of the Seafarers’ Authority to refuse to issue a certificate of proficiency under section 6.
- 58E. Merchant Shipping (Seafarers) (Tankers) Regulation
- A decision of the Seafarers’ Authority to refuse to issue a certificate of proficiency or an endorsement, or to refuse to renew an endorsement, under section 6.”.

Kinnie WONG
Clerk to the Executive Council

COUNCIL CHAMBER

27 September 2016

Explanatory Note

The Schedule to the Administrative Appeals Board Ordinance (Cap. 442) sets out the decisions under various Ordinances against which an appeal may be made to the Administrative Appeals Board. This Order amends that Schedule to make the consequential amendments that are required as a result of the repeal and amendment of regulations, and the making of new regulations, as mentioned in paragraphs 3 and 5.

2. The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (*STCW Convention*) sets out a comprehensive set of global standards on the training and certification of seafarers and watchkeeping, in order to promote the safety of life and property at sea and the protection of the marine environment. The latest substantial amendments to the STCW Convention were adopted by the International Conference on Training and Certification of Seafarers in Manila, the Philippines in 2010 (*Manila Amendments*) and are to be implemented by 1 January 2017. The STCW Convention as revised by the Manila Amendments applies to Hong Kong.
3. To implement the requirements under the STCW Convention as revised by the Manila Amendments, certain subsidiary legislation made under the Merchant Shipping (Seafarers) Ordinance (Cap. 478) will be repealed or amended. New regulations will also be made under that Ordinance, namely the Merchant Shipping (Seafarers) (Safety, Security and Designated Duties Training) Regulation, the Merchant Shipping (Seafarers) (Certificates of Proficiency for Able Seafarers) Regulation, the Merchant Shipping (Seafarers) (Navigational Watch)

Regulation and the Merchant Shipping (Seafarers) (Tankers) Regulation.

4. The Maritime Labour Convention, 2006 (*MLC 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 MLC Convention will apply to Hong Kong after China has extended it to Hong Kong.
5. Most of the requirements of the MLC Convention are implemented by a new regulation, namely the Merchant Shipping (Seafarers) (Working and Living Conditions) Regulation (L.N. 69 of 2016).