

GUIDELINES ON THE PEOPLE’S REPUBLIC OF CHINA (PRC)
CONSULAR ASSISTANCE FOR HONG KONG REGISTERED SHIPS,
HONG KONG REGISTERED SEAFARERS
AND THE SEAFARERS WORKING ON HONG KONG REGISTERED SHIPS

Consuls are requested to provide assistance to masters of Hong Kong registered ships, their owners and crews who are working on Hong Kong registered ships irrespective of nationality in the following circumstances. Consuls are also requested to assist Hong Kong registered seafarers who are employed on non-Hong Kong registered ships [Hong Kong registered seafarers are HKSAR permanent residents registered under the Merchant Shipping (Seafarers) Ordinance, Chapter 478 of the Laws of Hong Kong].

- a) where there is any epidemic of disease or disturbance of any kind in the port which would make it unsafe for the ship to enter or remain in port. Consuls should warn the masters of Hong Kong registered ships and if possible advise the Registrar in Hong Kong SAR;
- b) where a Hong Kong registered ship is detained or arrested by any foreign authority, Consuls should adopt all suitable means to assist the owner (or master) of the ship to obtain her release and indemnity;
- c) where any master or member of the crew of a Hong Kong registered ship, or a Hong Kong registered seafarer employed on a non-Hong Kong registered ship, is arrested by any foreign authority, the Consuls should adopt all suitable means to protect the interests of the individual(s) arrested;
- d) where Consuls become aware of any allegations of misconduct or incompetence against a certificated officer which may have endangered the lives of passengers and crew or the safety of the ship, he should advise the Registrar in Hong Kong SAR;
- e) if required by the laws of the foreign port, Consuls may assist the master of a Hong Kong registered ship in making a declaration as evidence of damage to the ship’s cargo;
- f) where Consuls receive information of a serious nature concerning any seafarer employed on a Hong Kong registered ship, or any Hong Kong registered seafarer employed on a non-Hong Kong registered ship, that warrants action by the Superintendent of Mercantile Marine Office (the Superintendent) or the Registrar, either to institute official proceedings or for humanitarian reasons, full details should be passed quickly to the Superintendent or the Registrar in Hong Kong SAR for immediate follow-up action as required by law. Examples of circumstances warranting reports include death, imprisonment, and cases of serious crime and accidents;

- g) whenever Consuls become aware of any seafarer employed on Hong Kong registered ships, or any Hong Kong registered seafarer employed on non-Hong Kong registered ships, is left behind for whatever reasons and not repatriated by his employer, details should be passed to the Superintendent or the Registrar in Hong Kong SAR as soon as possible;
- h) whenever Consuls become aware of the following circumstances, they should advise the Registrar in Hong Kong SAR:
 - 1. allegations are made by the competent authorities of a foreign port that a Hong Kong registered ship is responsible for any pollution of the sea;
 - 2. deficiencies in the safety standards of a Hong Kong registered ship are reported by a foreign government or port State control authority (maritime authority), and the ship is detained according to the International Maritime Conventions;
 - 3. serious accident on or casualty to a Hong Kong registered ship; and
 - 4. dispute between the master, crew and owner of a Hong Kong registered ship or dispute between a Hong Kong registered seafarer and the master or owner of a non-Hong Kong registered ship.
- i) when a stowaway is discovered on a Hong Kong registered ship, Consuls are required, upon request from master, owner or agent, to render assistance in negotiating with the local authorities and the authorities of the country to which the stowaway is accredited, to have the stowaway removed from the ship.

Report of Death and Crime at Sea and Aboard

- 2. If a body from a Hong Kong registered ship or of a Hong Kong registered seafarer has been landed, and a post-mortem conducted by a local authority, the Consuls are required, upon request from the Superintendent or the Registrar in Hong Kong SAR, to obtain details of the result of the post-mortem and advise the Superintendent or the Registrar as appropriate. The Consuls are also required, upon request from the Superintendent or the Registrar, to pass on to the Superintendent or the Registrar any death information as well as to give assistance in finding the cause of death.
- 3. If Consuls are notified that a serious offence has been committed on a Hong Kong registered ship, or by a seafarer from such a ship or by a Hong Kong registered seafarer employed on a non-Hong Kong registered ship, they should report as much information as possible to the Superintendent or the Registrar in Hong Kong SAR. Where any alleged offence is prosecuted in a local court, the Consuls are requested to give assistance to the master and the person concerned to ensure that the defendant secures a fair trial. If Hong Kong SAR jurisdiction is to be exercised, the Hong Kong SAR Police will investigate. In which case, Consuls may also be requested to render the necessary assistance to the Hong Kong SAR Police.

Communications

4. These instructions may not cover every situation where Consular assistance is required. Where Consuls are in doubt as to what action should be taken in respect of any matter affecting a Hong Kong registered ship, or its crew, or a Hong Kong registered seafarer employed on non-Hong Kong registered ships, it is recommended that they contact the Superintendent of Mercantile Marine Office or the Registrar of Ships in Hong Kong SAR directly for clarification. The addresses are as follows:

Superintendent of Mercantile Marine Office
Marine Department
The Government of the Hong Kong Special Administrative Region
3/F, Harbour Building
38 Pier Road
Central
Hong Kong
Tel: (852) 2852 3061
Fax: (852) 2545 4669
Telex: 64553 MARHQ HX
E-mail: mmo_mdd@mardep.gov.hk

Registrar of Ships
Shipping Registry, Marine Department
The Government of the Hong Kong Special Administrative Region
3/F, Harbour Building
38 Pier Road
Central
Hong Kong
Tel: (852) 2852 4387
Fax: (852) 2541 8842
Telex: 64553 MARHQ HX
E-mail: hksr@mardep.gov.hk