

L.N. 139 of 2016

**Merchant Shipping (Seafarers) (Ro-Ro Passenger
Ships—Training) (Amendment) Regulation 2016**

(Made by the Secretary for Transport and Housing under sections 72, 73,
96 and 134 of the Merchant Shipping (Seafarers) Ordinance (Cap. 478))

1. Commencement

This Regulation comes into operation on 1 December 2016.

**2. Merchant Shipping (Seafarers) (Ro-Ro Passenger Ships—
Training) Regulation amended**

The Merchant Shipping (Seafarers) (Ro-Ro Passenger Ships—
Training) Regulation (Cap. 478 sub. leg. AD) is amended as set
out in sections 3 to 8.

3. Title amended

The title—

Repeal

“RO-RO”.

4. Section 1 amended (interpretation)

(1) Section 1, definition of *passenger ship*—

Repeal

“and propelled by electricity or other mechanical power”.

(2) Section 1, definition of *ro-ro passenger ship*—

Repeal

everything after “means a”

Substitute

“ro-ro passenger ship as defined in Regulation I/1 of the Convention;”.

- (3) Section 1, definition of *STCW Code*—

Repeal

“as in force from time to time”

Substitute

“, as from time to time revised or amended by any revision or amendment to any provision of such Code that applies to Hong Kong”.

- (4) Section 1—

Repeal the definition of *employer*.

- (5) Section 1—

Add in alphabetical order

“*company* (公司), in relation to a ship, means—

- (a) the registered owner of the ship; or
- (b) a person who has assumed responsibility for the operation of the ship from the owner and who, on assuming the responsibility, has agreed to take over the obligations imposed on the owner of the ship under the Convention;

Convention (《公約》) means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as from time to time revised or amended by any revision or amendment to any provision of such Convention that applies to Hong Kong;

seagoing passenger ship (載客海船) means a passenger ship other than one which navigates exclusively in one or more of the following areas—

- (a) inland waters;
- (b) waters within, or closely adjacent to, sheltered waters;
- (c) areas where port regulations apply;”.

5. Section 2 amended (application)

Section 2—

Repeal subsection (1)

Substitute

- “(1) Subject to subsection (1A), this Regulation applies to—
- (a) all seagoing passenger ships that are Hong Kong ships; and
 - (b) all seagoing passenger ships that—
 - (i) are not Hong Kong ships;
 - (ii) are within the waters of Hong Kong; and
 - (iii) have entered those waters in the normal course of business or for operational reasons.
- (1A) This Regulation does not apply to—
- (a) ships owned or operated by a government and engaged only on governmental non-commercial service;
 - (b) fishing vessels;
 - (c) pleasure yachts not engaged in trade; or
 - (d) wooden ships of primitive build.”.

Section 6

6. Section 3 repealed (duty of employer and master)

Section 3—

Repeal the section.

7. Section 4 amended (training)

(1) Section 4(1)—

Repeal

“The following seafarers shall”

Substitute

“The company and the master of a ship must ensure that the following seafarers on the ship”.

(2) Section 4(1)(a), English text—

Repeal

“masters”

Substitute

“master”.

(3) Section 4(1)(c), English text—

Repeal

“muster lists”

Substitute

“the muster list”.

(4) Section 4—

Repeal subsection (2).

(5) Section 4—

Repeal subsection (3)

Substitute

“(3) The company and the master of a ship must ensure that all personnel on the ship who provide direct service to passengers in passenger spaces have completed safety training as specified in section A-V/2, paragraph 2 of the STCW Code.”.

(6) Section 4(4)—

Repeal

“The following seafarers shall have completed”

Substitute

“The company and the master of a ro-ro passenger ship must ensure that the following seafarers on the ship have completed approved”.

(7) Section 4(4)(a), English text—

Repeal

“masters”

Substitute

“master”.

(8) Section 4(5)—

Repeal

everything before “of the STCW Code”

Substitute

“(5) The company and the master of a ship must ensure that the following seafarers on the ship have completed approved training in crisis management and human behaviour as specified in section A-V/2, paragraph 3”.

Section 7

- (9) Section 4(5)(a), English text—

Repeal

“masters”

Substitute

“master”.

- (10) Section 4(5)(e)—

Repeal

“having”

Substitute

“designated on the muster list to have the”.

- (11) Section 4(6)—

Repeal

everything before “evidence to the”

Substitute

- “(6) The company and the master of a ship must ensure that the seafarers, except the master, on the ship required to be trained in accordance with subsection (1), (4) or (5)—

(a) undertake, at intervals not exceeding 5 years, refresher training approved by the Authority; or

(b) provide, at intervals not exceeding 5 years,”.

- (12) Section 4(6A)—

Repeal

everything before “refresher training”

Substitute

Section 8

“(6A) The company of a ship must ensure that the master on the ship required to be trained in accordance with subsection (1), (4) or (5) undertakes, at intervals not exceeding 5 years,”.

(13) After section 4(7)—

Add

“(8) In this section—

approved training (認可訓練) means training approved by—

(a) the Authority; or

(b) the government of a state party to the Convention.”.

8. Sections 5 and 6 added

After section 4—

Add

“5. Documentary evidence

The company and the master of a ship must ensure that every seafarer on the ship required to be trained in accordance with section 4(1), (3), (4) or (5) has obtained from the person who provided the training documentary evidence on the seafarer’s completion of the training.

6. Offences and penalties

(1) A company who contravenes section 4(1), (3), (4), (5), (6) or (6A) or 5 commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 2 years.

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Section 8

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- (2) A master who contravenes section 4(1), (3), (4), (5) or (6) or 5 commits an offence and is liable on conviction to a fine at level 3 and to imprisonment for 2 years.”.

Anthony B. L. CHEUNG
Secretary for Transport and
Housing

30 September 2016

Explanatory Note

The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (*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 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 Convention as revised by the Manila Amendments applies to Hong Kong.

2. The main purpose of this Regulation is to amend the Merchant Shipping (Seafarers) (Ro-Ro Passenger Ships—Training) Regulation (Cap. 478 sub. leg. AD) to implement the requirements relating to the training for seafarers working on a passenger ship, irrespective of whether the ship is a ro-ro passenger ship, under the Convention as revised by the Manila Amendments.