

# Safety Seminar, August 2022

## Marine Department (“MD”)

### Participant’s questions and MD’s answers

#### **Cargo Ship’s Safety**

For more information regarding Cargo Ship’s Safety, please contact [ss\\_css@mardep.gov.hk](mailto:ss_css@mardep.gov.hk)

#### **Question 1**

Can these publications mentioned in Hong Kong Merchant Shipping Information Note (MSIN) 40/2022 be carried in electronic format onboard Hong Kong registered ships?

**MD:** All publications mentioned in MSIN 40/2022 can be in hard copies or electronic format. MSIN 40/2022 can be found on MD website. (<https://www.mardep.gov.hk/en/msnote/pdf/msin2240.pdf>)

#### **Question 2**

It is noted that certain sea water quality conditions may interfere the performance of a ballast water management system (BWMS). As such, it is difficult for some ships to complete the BWMS commissioning test on time and may be challenged by Port State Control (PSC). Will MD issue relevant dispensation in advance to ease concerns?

**MD:** Ships constructed on or after 1 June 2022 are required to complete a BWMS commissioning testing. It is noted that there have been relatively few cases of PSC issuing deficiency due to sea water quality. The poor sea water quality conditions have been discussed at the recent IMO meeting. Many regions want to activate contingency plans, but they have not yet been finalized. When operations deviate from the approved ballast water management plan, the master of ship should notify the port authority and make appropriate entries in the ballast water record book as soon as possible. All relevant records/documents should be kept available on board for inspection. MD will work with the industry and provide support, including the issuance of relevant

dispensation. Though, it is still possible that PSC will not accept the dispensation. MD will monitor the development of the IMO and inform the industry in due course.

### **Question 3**

It is learned that MD plans to launch electronic certificates (e-Certificates) by the end of this year or early next year. Will MD also require classification societies to use e-Certificates?

**MD:** MD is currently working on the legislation for the use of ship's e-Certificates and plans to complete the legislation process by the end of this year. After the adoption of legislation, Recognized Organizations (ROs) can issue e-Certificates to Hong Kong registered ships in line with the IMO guidelines, FAL.5/Circ.39/Rev.2.

### **Question 4**

It is noted that the International Convention for the Control and Management of Ships' Ballast Water and Sediments (BWM Convention) requires that entries in the Ballast Water record book be in the ship's working language and English. When the ship's working language is Chinese, the same entry needs to be entered twice even most of the entries are in numerical and symbolic format. Is there a way to reduce the duplicated entries, such as in English only?

**MD:** Regulation B-2.5 of BWM Convention states that the entries in the Ballast Water record book shall be in a working language of the ship. If that language is not English, French or Spanish, the entries shall contain a translation into one of those languages. When the ships' working language is Chinese, the entries shall be in both Chinese and English.

### **Question 5**

Corruption in the maritime sector in many areas, particularly in the ship/shore interface, can interrupt normal operations, cause delays, generate higher operational costs, threaten safety, affect the well-being of seafarers and stifle the economic status of countries. Is there a way to protect the well-being of seafarers from corruption?

**MD:** IMO approved the Guidance to implement and adopt procedures against maritime

corruption (FAL.5/Circ.48) on 13 May 2022. Members of IMO are encouraged to establish regulatory frameworks and controls to prevent corruption incidents. Hong Kong, China enforces the Prevention of Bribery Ordinance (POBO) to combat bribery and corruption. Members of IMO and stakeholders involved with the ship/shore interface operations should ensure compliance with domestic and international laws prohibiting corruption. The FAL.5/Circ.48 recommends that when rejecting corrupt requests/demands in the ship-port interface, the master of a ship should:

- be calm, polite, firm and respectful;
- explain through positive wording with the aim of coming to a mutual understanding as to what can and cannot be done;
- explain the official/organization's anti-corruption policy and procedures; and
- be aware of the situation to ensure the safety of shipboard personnel.

MD will provide the necessary support to the ship company.

## **FSQC Audit's Arrangement**

For more information regarding FSQC Audit's Arrangement, please contact [fsqc@mardep.gov.hk](mailto:fsqc@mardep.gov.hk)

### **Question 6**

Will MD consider setting up regional offices in areas with high PSC detention rate to strengthen working relationship with maritime authorities in the area to minimize the chances of Hong Kong registered ship being detained?

**MD:** For ships prior to calling high detention rate ports, PSC Inspection (Pre-arrival) Checklist for Hong Kong Registered Ships (<https://www.mardep.gov.hk/en/faq/pdf/let200727a.pdf>) must be diligently completed, signed by the ship's Master, endorsed by Designated Person Ashore (DPA) and returned to MD. Any deficiencies that could not be rectified should be reported to port Administration and MD before entering port(s), exemption/dispensation certificates should be applied as needed, and the imposed conditions shall be complied with. Such proactive actions will minimize the chances of ship being detained.

For the arrangement of flag state quality control audits (FSQC Audits), MD selects ships for audit in a risk based approach. MD would also consider to arrange FSQC Audit if it is requested by shipping companies with strong reasons. MD is pleased to inform the industry that FSQC Audit coverage includes the concerned areas (i.e. Europe, the United States, Australia), as well as Mainland China, Singapore, Tokyo, Canada and Panama. MD's respective regional desk team would closely monitor the FSQC Audit and coordinate with the port authority. Any detainable deficiencies identified during FSQC Audit must be rectified before departure.

### **Question 7**

After applying for a Certificate of Registry (CoR) online, does shipping company need to collect the CoR from MD in person? Or will the original CoR be posted directly to the shipping company?

**MD:** In general, CoRs should be collected from MD's headquarter or MD's Regional Desks, where applicable. For dispensation, an email with scanned copy of the issued dispensation will be sent to the shipping company and the original dispensation shall be collected from MD. MD is currently working on the legislation for the use of ship's

e-Certificates and plans to complete the legislation process by the end of this year. Then, e-Certificates will be issued.

### **Seafarer's Affairs**

For more information regarding Seafarer's Affairs, please contact [mmo\\_mdd@mardep.gov.hk](mailto:mmo_mdd@mardep.gov.hk)

### **Question 8**

When the ship's working language is Chinese, can the entries in Hong Kong Official Log Books also be made in Chinese?

**MD:** The master of a Hong Kong registered ship shall, on demand, produce to the Superintendent, an officer of the Marine Department or an officer of customs and excise, the Official Log Book for inspection. Also, the PSC inspector may request the inspection on the record of Official Log Book. The Official Log Book published by MD is in English and free of charge for Hong Kong registered ship. Records in Official Log Books usually need to be made in English for the convenience of PSC inspections. If the records made in working language other than English, it may be accompanied by an English translation to facilitate the PSC inspection. Please refer to Merchant Shipping (Seafarers) (Official Log Books) Regulation (Cap. 478P), <https://www.elegislation.gov.hk/hk/cap478P>, for further information.

### **Question 9**

How can a copy of the Hong Kong Official Log Book be obtained?

**MD:** The Hong Kong Official Log Book is free of charge. A complimentary copy is available for every shipping company per year. Shipping company representatives can contact MD for its collection.

### **Question 10**

Can shipping company request a spare copy of Official Log Book in advance?

**MD:** Shipping companies can obtain more than one Official Log Book at a time and

can decide on the use of these Official Log Books.

### **Question 11**

If the crew numbers of the first Official Log Book are 1 to 62, should the crew reference numbers for the second Official Log Book begin from 1 or from 63?

**MD:** For information, there is a reference number given to each seafarer against his name in the List of Crew (form HKENG 2) and is not limitation for the List of Crew (form HKENG2) in the Hong Kong Official Log Books. MD no longer tracks crew reference numbers on Hong Kong Official Log Books, so shipping companies are free to decide on their preference for such arrangements.

### **Question 12**

Can MD provide samples of non-compliant entries in the Official Log Book so that shipping companies can avoid making the same mistakes?

**MD:** In general, Mercantile Marine Office (MMO) recalls all Official Log Books for inspection and sends an email to the individual shipping company to remind them on the proper entry requirement upon the inspection findings. MMO will consider to revise the “Guidance Notes for the Attention of Masters of Hong Kong Registered Ships with regard to Crew Matters” ([https://www.mardep.gov.hk/en/forms/pdf/ca\\_gn.pdf](https://www.mardep.gov.hk/en/forms/pdf/ca_gn.pdf)) to enhance the entry requirements of Official Log Book in accordance with the requirements of Cap. 478P (<https://www.elegislation.gov.hk/hk/cap478P>).

### **Question 13**

Does IMO provide any platform or scheme for processing medical certificate renewals in other countries?

**MD:** MD treats a medical certificate as equivalent if the issuer of the certificate is qualified to practise medicine under the law of a place outside Hong Kong, and the issuance is in accordance with the medical standards, requirements and criteria for seafarers specified in “Guidelines on the Medical Examinations of Seafarers” published by the International Labour Organization and the International Maritime Organization, as amended from time to time. Seafarers working onboard Hong Kong registered

ships can undergo medical examinations at approved list of practitioners' clinics during call port worldwide including Hong Kong, China. ([https://www.mardep.gov.hk/en/aboutus/pdf/scc\\_p155c.pdf](https://www.mardep.gov.hk/en/aboutus/pdf/scc_p155c.pdf))

#### **Question 14**

How long is the STCW medical certificates valid for seafarers on board Hong Kong registered ships?

**MD:**

The medical certificate for seafarer on board Hong Kong registered ship is valid, subject to the following maximum periods—

- (a) in respect of a seafarer under 18 years of age, 1 year;
- (b) in respect of a seafarer 18 years of age and under 55 years of age, 2 years;
- (c) in respect of a seafarer 55 years of age and over, 1 year;
- (d) in respect of a seafarer serving or intending to serve on bulk chemical carriers, 1 year

Details could be found in the Merchant Shipping (Seafarers) (Medical Examination) Regulation (Cap.478O): <https://www.elegislation.gov.hk/hk/cap478O>.

#### **Question 15**

In case a medical certificate is about to expire and medical examination is not available in the next port of call, will MD issue an exemption letter to extend the validity of that medical certificate? In the same situation, can shipping company apply for an exemption letter when the yellow fever vaccination certificate is about to expire?

**MD:** MD will issue an exemption letter to extend the medical certificate for three months, which is in line with the provision of MLC. For those who are unable to access an available port offering medical examinations to renew the medical certificate in the three months following their medical certificate extension, a further extension application can be made by providing corresponding evidence, MD will grant no objection case by case on their continuous services of three months onboard the same ship. For yellow fever vaccination certificates, there are no mandatory requirements for Hong Kong registered ships. Shipping companies are advised to seek advice from their

local agents at ports of call to determine whether those ports will allow ships with seafarers with expired vaccination certificates to enter the port.

### **Question 16**

What should a shipping company do if a PSC inspector does not accept the dispensation issued by the flag Administration and imposes PSC intervention on the ship?

**MD:** Certain PSC inspectors may not accept dispensation issued by the flag Administration. For Hong Kong registered ship, MD will explain to PSC inspectors the justification for issuing the dispensation. PSC inspector will consider various points of view, such as whether the deficiency can be rectified in port, prior imposing PSC interventions.