

Safety Seminar, February 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

Question 1

If medical supplies are below prescribed requirements and replenishment is not available in the next port of call, will this be treated as port State control (PSC) deficiency?

MD: Ships are required to equip with adequate medical supplies, including medicine cabinets and equipment. Deficiency should be discussed with PSC Officer prior to commencing PSC inspection. The Master should also consult with the supplying pharmacy which will in most cases rectify the deficiency timely while the ship is still in port. If the replenishment is not available in port, the Master should contact MD without delay. Dispensation could be considered if necessary.

Question 2

Should my company apply for dispensation through MD or Recognized Organization (RO) if my ship’s lifeboat and / or radio installation annual inspection will shortly overdue whereas the service provider is not available in the ship’s trading area?

MD: All ships shall complete their statutory requirements before the specified expiry date. Sufficient lead time including operational and trading area factors should also be considered when planning the statutory work. In case an extension of such annual inspection is exceptionally required, the shipowner or the ship manager shall keep on arranging for the relevant service provider to attend the annual inspection at the first

instance. In addition, the advice and recommendation from RO shall be sought before the shipowner or ship manager make an application for dispensation. The relevant documents, RO's recommendations/advice, evidence, plan of the remedial actions and measures to prevent the reoccurrence that justify the dispensation are to be submitted with the application to Cargo Ships Safety Section, fax: (+852) 2545 0556 or email "exemption@mardep.gov.hk" for considerations. "Application for Dispensation" is (<https://www.mardep.gov.hk/en/forms/pdf/md606.pdf>).

Question 3

Are there any guidelines from MD on the supply of Antigen Rapid Test (ART) Kits on board?

MD: Most flag Administrations, including MD, do not have mandatory ART requirements. Though, some port Administrations do have mandatory ART requirements. As such, shipping companies should consult with their local shipping agents.

FSQC Audit's Arrangement

For more information regarding FSQC Audit's Arrangement, please contact fsqc@mardep.gov.hk

Question 4

Could FSQC Audit be carried out in the Middle East areas?

MD: The FSQC Audit could now be carried out in any areas where our Regional Desks are located, covering the major shipping cities in Asia, Europe, Australia and North America where Hong Kong Registered Ships (HK Ships) may enroute/call. At the moment, we do not have any plan to set up Regional Desk in Middle East areas, but for ships calling or enrooting there, we could arrange the FSQC Audit in nearby areas, such as Europe and Singapore.

Our e-mail address fsqc@mardep.gov.hk would be the contact point for FSQC Audit arrangement.

Question 5

The number of FSQC Audits for 2021 increased impressively from 70 to 141. Has MD set any target audit number for 2022?

MD: MD pragmatically set a target audit rate of around 8%-10 % of the total HK Ships for 2022, which is about 200 ships in total. However, under the influence of covid 19, the actual number of FSQC Audit completed may vary.

Question 6

How does MD uphold the qualifications of local consultants' inspectors and auditors (LC) during the pandemic?

MD: We value the qualifications of LC for the assurance of quality. All LC are subject to a series of stringent assessments before they can be qualified and appointed as FSQC auditors. There is also in place a well-established monitoring system, including a vertical audit arrangement. During the pandemic, the remote vertical audits could be arranged in lieu of a physical audit to ensure the good quality of work.

Seafarer's Affairs

For more information regarding Seafarer's Affairs, please contact mmo_mdd@mardep.gov.hk

Question 7

What are the procedures for terminating crew members with poor work performance?

MD: Performance requirements are often not clearly defined and related disciplinary procedures of shipping companies vary. By referring to the provision of the Merchant Shipping (Seafarers) (Disciplinary Offences On Board Ships) Regulation (Cap.478N), the company may establish a shipboard Safety Management System (SMS) procedure relating to the disciplinary offence. The procedure shall include but not limited followings: the person (i.e. master and his appointed officer) conducts the hearing; a seafarer charged with a disciplinary offence shall be allowed to make a statement in answer to the charge including any comments; the statement and comments and the conclusion of hearing shall be entered by the master in the official logbook. Other procedures such as alcohol, drugs and gambling procedure may be also established with a procedure of disciplinary offence to include the termination of the Seafarers Employment Agreement (SEA). Once the procedure is established, the company and master shall follow the procedure strictly. Imperfect handling procedure may cause disputes regarding the premature termination of SEA.

Question 8

Should Hong Kong Ships with both Chinese and Myanmar nationality crew members consider joining the ITF to avoid relevant inspections?

MD: Crew members of Hong Kong Ships do not have such requirements.

Question 9

During the Covid-19 pandemic, most port Administrations have been adopting strict inspection procedures, including the prohibition of crew changes. If Hong Kong Ships crew members' SEA expire and the port Administration does not allow crew change, will any specific ports allow crew changes?

MD: Currently, Hong Kong only provides crew change for cargo ships with cargo operations in Hong Kong. At present, crew change in Hong Kong is not being considered for Hong Kong registered ships without cargo operations. We will continue to reflect related requests with the relevant departments.

Question 10

The cost of crew change is now very high. In view of this, what should shipping companies do if crew members pretend to be sick and do not go to work?

MD: Shipping companies may take appropriate procedures to handle such violations. Pursuant to MLC Standard A2.5.1.3, repatriation costs may be recovered from seafarers in the event of serious breaches of employment obligations. Considering the high cost of crew change in the current situation, all parties are encouraged to uphold the spirit of abiding by the contract, to take time to negotiate, to identify the root cause of the problem, and to reach suitable solutions.

Question 11

In case a medical certificate has been extended for three months and the medical examinations are not available in the next port of call, can one continue to apply for further extensions?

MD: It is not necessary to further extend the medical certificate before the end of the three months. The shipping company shall keep on arranging the medical examinations at every port of call before the end of the three months. 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.

Question 12

In case a seafarer has served on board Hong Kong Ships for more than 11 months, will this be treated as [PSC] deficiency?

MD: Expired SEA must be extended by addendum or renewed, and submitted to MD. Valid SEA shall be always available for all crew members on board. According to existing mechanisms, repatriation plans shall be made for those crewmembers having completed their SEAs and submitted to MD's approval. MD will consider the circumstances and grant no objection to the extension of SEA and repatriation plan. The company will be requested to make all their effort to repatriate those crew at every calling port. The correspondence and email must be recorded in the logbook properly, and submitted for inspection of PSC upon demand. These are generally accepted by port states.

Question 13

If crew fall ill or are injured but a ship is unable to arrange crew changes, will this be treated as a deficiency?

MD: If a seafarer is unfit to continue his duty at sea due to illness or injury and the shipowner/master could not arrange his repatriation on time, the ship master and shipowner shall assess the risk of the seafarer continuous staying/sailing onboard the ship and report to MD with an assessment of no imminent danger to the seafarer on the upcoming voyage. MD will grant no objection case by case on the continuous staying on board as a supernumerary provided the repatriation to be arranged as soon as possible at the next available port. The Port State control inspection officers normally accept this arrangement.

Question 14

A Chinese national crew signed off aboard failed to meet [Chinese] immunoglobulin M (IGM) / immunoglobulin G (IGG) [value][test] requirements and were stuck in foreign port for over 6 months. How can flag Administration assist in intervening, to refrain from (1) negatively impacting crew physical and mental wellbeing; (2) generating unexpected costs for ship owners with crew who are COVID-19 negative and (3) having no recourse from the P&I Club as the crew are not COVID-19 positive?

MD: Upon request for assistance, MD may seek the Chinese Embassy / Consulate-general to render assistance on the repatriation in a foreign port, including visiting the seafarers and rendering assistance on their maintenance requirements and wellbeing.