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**Guidance Notes for the Attention of Masters of Hong Kong Registered Ships
with regard to Crew Matters**

The following notes are intended as a concise source of information for masters of Hong Kong registered ships. While every care has been exercised in the preparation of the notes, they do not supplant the legislation which covers these various matters in detail.

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(Rev.02/2017)

Crew Agreement

1. Pursuant to the Merchant Shipping (Seafarers)(Crew Agreements, Lists of Crew and Discharge of Seafarers) Regulations, all seafarers serving on a Hong Kong registered ship shall be employed under a Crew Agreement.
 2. The Crew Agreement for a Hong Kong registered ship shall be opened and closed by the master on behalf of his employer. The period covered by a Crew Agreement should normally be not longer than 12 months.
 3. The specific form HKENG 1(Agreement and Lists of Crew) supplied by the Mercantile Marine Office, Hong Kong Marine Department should be used to make the Crew Agreement. The List of Crew, in the specified form HKENG 2, and the relevant Terms and Conditions of Service should be contained in the HKENG 1 to form a complete set of Crew Agreement.
 4. All the appropriate columns of the HKENG 1 and the HKENG 2 should be completed by the master on behalf of the employer.
 5. The “Terms and Conditions of Services” should be those intelligible clauses specifying the terms and conditions under which a seafarer is employed. They should be laid down in the appropriate part of the HKENG 1, or contained in a document attached thereto. These clauses should include the following articles:
 - (i) The respective rights and obligations of the employer and the seafarer;
 - (ii) The normal working hours of the seafarer;
 - (iii) Any annual leave with pay granted to the seafarer;
 - (iv) Any allowance entitled to the seafarers besides the basic wages; and
 - (v) Such other terms relevant to the employment which are in the interests of the employer and the seafarer.
- A “Standard Clauses for a Hong Kong Registered Sea-going Ship” for reference purpose in this regard is obtainable at the Mercantile Marine Office.
6. Each seafarer engaged/discharged should sign in the appropriate column in the HKENG 2 before the master. The master should ensure that he satisfies that the seafarer engaged before him understands the terms and conditions of the agreement, or that the seafarer has been discharged properly. The master should then initial against the engagement/discharge of the seafarer in the appropriate column in the HKENG 2.
 7. Details of personal particulars of individual seafarer including the reference number; the exact amount of monthly wages; the capacity in which employed; etc should be properly entered in the appropriate columns in the HKENG 2.

8. In the column “Particulars of Certificate/Licence held” in the HKENG 2, the following particulars, which indicate the qualification a seafarer possesses relating to the capacity he is engaged, should be clearly entered :
 - (i) The grade and number of Hong Kong Certificate of Competency/Licence possessed by deck and engineer officers;
 - (ii) The number of Certificate of Equivalent Competency (CoEC) issued by the Office of the Communications Authority of Hong Kong (OFCA) or details of GMDSS endorsement made on Hong Kong Licence;
 - (iii) The number and description of STCW watchkeeping certificate possessed by the navigational watch and engine room watch ratings;
 - (iv) The number of Certificate of Proficiency for Able Seafarers issued by Hong Kong Marine Department or the certificate recognized as equivalent to that Certificate of Proficiency possessed by the Able Seafarers; and
 - (v) Details of Certificate of Proficiency in training for tanker cargo operations or Endorsement for officers and ratings.
9. A seafarer shall not be rated as Able Seafarer unless he is the holder of a Certificate of Proficiency for Able Seafarers issued by the Hong Kong Marine Department or a certificate recognized as equivalent to that Certificate of Proficiency.
10. When a Crew Agreement is opened, a copy of the complete set of the Crew Agreement, which should include the HKENG 1; HKENG 2 and the “Terms and Conditions of Service”, should be forwarded by post or by fax to the Mercantile Marine Office, Hong Kong as soon as practicable.
11. Whenever there is any crew change, i.e. engagement and/or discharge of crew members during the currency of the agreement, it should be entered in the HKENG 2 kept on board the ship. Such crew change should also be reported to the Mercantile Marine Office in Form HKENG2A by fax or by post as soon as practicable.
12. A copy of the Crew Agreement or its extract containing the terms and conditions of service should be posted in some conspicuous place on board the ships where it can be read by seafarers employed under the agreement.
13. Whenever and wherever the Crew Agreement is terminated, the complete original agreement together with the Official Log Book(s) and Radio Log should be forwarded to the Mercantile Marine Office, Hong Kong for official custody.
14. All deck and engineer officers should keep their original Hong Kong Licence or certificates of competency on board the ship which may be required to be examined by port state inspections.
15. Every seafarer employed on a Hong Kong registered ship should hold a valid medical fitness certificate, i.e. a certificate issued to a seafarer in accordance with the provisions of the Maritime Labour Convention 2006, as amended or with the requirements of STCW Code. Also, please refer to MSIN No. 74/2016 in details. A medical fitness certificate shall normally be valid for 2 years from date of issue unless expired earlier as specified on the certificate.

Entries in the Official Log Book

1. The specific form HKLOG3 shall be used as a ship's Official Log Book.
2. A new Official Log Book should be opened for use concurrently with the opening of a new Crew Agreement.
3. For ease of reference, the reference number given to each seafarer against his name in the List of Crew (form HKENG 2) as mentioned in Note 1 shall be the same number entered in the List of Crew on pages 1 of the Official Log Book. Whenever his name is mentioned in the narrative part of the Official Log Book, this number should also be quoted for proper identification. Similarly the number of page on which an entry relating to him has been made shall be noted in the last column of the table on pages 1.
4. In the narrative part of the Official Log Book, full details of all day to day events that take place on board the ship during the currency of the Crew Agreement should be recorded. These events included:
 - changes in command of the master of the ship;
 - changes of the crew;
 - promotions and demotions of any members of the crew;
 - sickness of the crew;
 - birth of children and deaths of persons;
 - injuries and treatments given to the crew;
 - accidents and casualties;
 - search and rescue for persons, other ships or aircraft;
 - stowaway found on board the ship;
 - collisions and any assistance rendered to other ships;
 - misconduct of the crew or persons on board the ship.
5. Full record of musters, abandon ship drills and fire drills, training of crew, and inspections of life saving appliances and fire appliances; tests and inspections of the ship's steering gear; inspections of crew accommodation; and inspection of supplies of food and water should be made on the appropriate pages accordingly.
6. When the Crew Agreement is terminated, the Official Log Book(s) should be properly closed and returned to the Mercantile Marine Office, Hong Kong for official custody.

Report of Births, Deaths and Mission Persons on board Ships

1. Whenever there are births of children, deaths of persons and/or persons found missing on board ships, the master shall record full details in the Official Log Book.
2. Full particulars of the occurrences should be entered in the tabular form provided for such purpose in the page 2 & 3 of Official Log Book.(HKLOG3) The instructions for the completion of the form are given thereupon. Full details of facts must also be recorded in the narrative part of the Official Log Book.
3. A return of the facts so recorded in the Official Log Book should be made as soon as possible, in the form HKRBD1 (Return of Births) or HKRBD2 (Return of Deaths/Missing Persons).
4. Statements should be made by crew members witnessing the circumstances relating to the deaths of persons or persons found missing on board ships. They should be legible and properly signed.
5. All the completed forms HKRBD1, HKRBD2, HKPDS1 and HKASW2; together with the extract of relevant Official Log Book entries; statements from the crew members; death certificates; and any other relevant documents should be delivered without delay to:

The Superintendent,
Mercantile Marine Office,
Marine Department,
3/F., Harbour Building,
38 Pier Road, Central,
Hong Kong
Fax No.: (852) 2545 4669
6. If requested, the master should make arrangement with the Superintendent of the Mercantile Marine Office, Hong Kong to conduct investigation into the cause of death of a seafarer or person in accordance with Section 122 of the Merchant Shipping (Seafarers) Ordinance.

Discharge and Repatriation of Seafarers

1. Whenever a seafarer is discharged for any reason at a foreign port, he shall be accommodated on shore, and where it is not intended for him to rejoin his ship, he shall be repatriated to his home port via air, sea or other appropriate means as may be directed by the ship's master and/or his accredited agents. It is the responsibility of the master/owners of the ship to ensure that no seafarer is left behind unattended in a foreign port.
2. Whenever a seafarer is discharged, except on the grounds that he failed to join or rejoin his ship as and when required to do so, he shall be entitled to wages until the date of arrival at his home port provided that he is repatriated as directed by the ship's master and/or his accredited agents.
3. The master shall give a seafarer upon his discharge, a full account of his wages and of all deductions therefrom. The master shall make entries in his Seafarers Employment Registration Book or give him a Certificate of Discharge (form HKDIS1), specifying the date of engagement, nature of service and the date of discharge.
4. Whenever a seafarer is left behind for reason of injuries or sickness the seafarers shall be provided with free transport to rejoin the ship or repatriate to his home port when he is certified fit for travelling.
5. In the case of a seafarer being left behind through his own fault or desertion of his ship, the shipowners may reserve the right, subject to the agreement of the Superintendent of the Mercantile Marine Office, to recover the expenses incurred by the repatriation from the seafarer after he has been repatriated to his home port.

Regulations for Maintaining Discipline on Board Ships

1. Pursuant to Section 4 of the Merchant Shipping (Seafarers)(Disciplinary Offences on Board Ships) Regulation, a disciplinary offence on board a Hong Kong ship includes striking person, disobeying an order, absence without leave, illegal possession of offensive weapon, damaging the ship or property on board the ship, stealing, unauthorized conveying of any person on board etc. Section 5 of the above Regulation also specifies the types of offences such as smoking and using unapproved equipment which will generate fire/explosion hazard on ships carrying dangerous goods. Moreover, Section 5A of the Merchant Shipping (Seafarers)(Health and Safety: General Duties) Regulation specifies that Seafarers must not be under influence of alcohol or drugs to an extent that he or she behaves in a disorderly manner; or his or her ability to perform the designated duties is impaired.
2. Whenever a seafarer commits an offence, only the master or an authorized officer may deal with it within 24 hours of the time it comes to his notice. A statement of such an offence, whether admit or not by the seafarer concerned, shall be entered in the ship's Official Log Book by the master and to be signed by the master and a member of the crew.
3. Procedure relating to a disciplinary offence is described in Section 8 of the Regulation. The seafarer shall in any case be given the opportunity to make a statement in answering the charge, and be permitted to call witnesses to give evidence on his behalf. If the master finds the seafarer has committed the offence charged, he may impose a fine on the seafarer at the level specified in Section 10 of the Regulation, i.e. not exceeding 2 or 5 days' pay for an offence under Section 4 or 5 of the Regulation respectively. An appropriate entry shall be made in the Official Log Book to that effect. The amount of fine shall be paid at the time when the seafarer leaves the ship at the end of the voyage or, if earlier, when his employment in the ship is terminated by the master or his employer.
4. If the master of a ship finds that a seafarer has committed a disciplinary offence but the seafarer is dissatisfied with that finding, the master shall inform the seafarer that he may make a complaint in writing to the Superintendent stating his dissatisfaction and supply him with the copies of the related entries in the Official Log Book, to be attached to such complaint. The master shall record in the Official Log Book that he has so informed the seafarer.
5. The above Regulation applies to seafarer which does not include officers. Should a certificated officer be found to have misconducted, or is incompetent or unfit to carry out his duties, he may be subject to an inquiry on his fitness or conduct which may cause him to be disqualified. In such cases full details and supporting evidences and documents are required to be submitted to the Superintendent for investigation.

Safety of the Crew on Board Ships

1. Pursuant to the Merchant Shipping (Seafarers) (Safety, Security and Designated Duties Training) Regulation, the employer and the master of a Hong Kong ship shall ensure that every seafarer has, before being assigned to any duties on board, received familiarization training which shall include:
 - a. communication with other crew on safety matters and understand safety information symbols, signs and signals;
 - b. know what to do if -
 - (i) a person falls overboard;
 - (ii) fire or smoke is detected; or
 - (iii) the fire or abandon ship alarm is sounded;
 - c. identify muster and embarkation stations and emergency escape routes;
 - d. locate and don lifejackets;
 - e. raise the alarm and have basic knowledge of the use of portable fire extinguishers;
 - f. take immediate action upon encountering an accident or other medical emergency before seeking further medical assistance on board;
 - g. close and open the fire, weathertight and watertight doors fitted in the particular ship other than those for hull openings.
 - h. Report a security incident, including a piracy or armed robbery threat or attack;
 - i. Know the procedures to follow when they recognize a security threat; and
 - j. Take part in security-related emergency and contingency procedures.
2. The master and senior officers of the ship should ensure their crew members have taken adequate measures for the prevention of accidents so as to reduce the risk to the lowest practicable level. However, a seafarer should also be responsible for his own safety on board ships.
3. In general, the master should be responsible for the adequate provision of any necessary safety equipment, information, and of training and instructions. He should maintain the ship including its plants, machinery and equipment in a safe condition, and to ensure a safe working environment for the crew on board.
4. The “Code of Safe Working Practices for Merchant Seamen” published by the Maritime Coastguard Agency, U.K. covers safe working practices for most of the situations that commonly arise on ships. It is required by law that a copy (or copies) be made available on board to any seafarer on request for reference. The Chinese version is free for download on website of Marine Department.
https://www.mardep.gov.hk/en/pub_services/code_swp.html

Health of the Crew on Board Ships

1. The master of a ship shall ensure that the ship is provided with an adequate supply of medicines and medical stores according to the scales specified in the Merchant Shipping (Seafarers)(Medical Stores) Regulation for the type of ship, her trading area, the number of passengers, the size of the crew and the intended voyage.
2. The master of the ship shall ensure copies of the Ship Captain's Medical Guide and the Chemical Supplement are available on board at all times for his reference and guidance. Ship's officers should familiarize themselves with the publications so that the recommended measures of prevention and treatment are followed.
3. The medicines and medical stores shall be inspected regularly and any items used or expired should be replenished or replaced as soon as practicable. Inspection records should be maintained which may be subject to inspection by port authorities.
4. One of the officers should be nominated to assist the master in taking care of all health matters of the crew.
5. Inspections to the crew accommodation should be carried out at regular intervals, e.g. weekly, to ensure that all spaces in the crew accommodation are kept clean and tidy. Wherever there are reasons to believe that insects may be bred, regular spraying of suitable insecticide shall be carried out.
6. Prevention is always better than cure. All necessary steps should be taken to prevent any infectious disease spreading among crew members, e.g. isolating a patient who has an infectious disease. The master should also ensure the food and water can be safely consumed as well as maintaining a high standard of personal hygiene.
7. Up-to-date information concerning infectious diseases and epidemics may be obtained from the health authorities in foreign ports through agents, if necessary. The master shall take appropriate actions to safeguard the health of his crew.

Copies of Publication (Crew Matters) Required on Board a Hong Kong Ship

1. Under Hong Kong law a copy or copies of the following publications (Crew Matters) are required to be carried on board a Hong Kong registered ship:
 - a. Merchant Shipping (Seafarers) (Safety Officials and Reporting of Accidents and Dangerous Occurrences) Regulation
 - b. Merchant Shipping (Seafarers)(Medical Examination) Regulation
 - c. Merchant Shipping (Seafarers)(Medical Stores) Regulation
 - d. Merchant Shipping (Seafarers)(Code of Safe Working Practices) Regulation
 - e. Merchant Shipping (Seafarers)(Hours of Work) Regulation
 - f. “Code of Safe Working Practices for Merchant Seamen” published by Her Majesty’s Stationery Office, U.K. (English version) or its Chinese translation version by the Hong Kong Government.
 - g. The Ships Captain’s Medical Guide” - latest edition/ International Medical Guide for Ships, published by World Health Organization.

2. The above Merchant Shipping regulations (items a. - e.) can be purchased from the Hong Kong Government Publications Centre by:
 - a. Calling the Publications Sales Section of Information Service Department (ISD) at (852) 2537 1910;
 - b. Visiting the online Government Bookstore at <http://www.gov.hk/en/residents/government/publication/publication/bookstore.htm>
 - c. Downloading the order form from the ISD website at <http://www.isd.gov.hk> and submit the order online or by fax to (852) 2523 7195;
 - d. Placing order with ISD by e-mail at puborder@isd.gov.hk.

They can also be viewed from the Internet at the Marine Department web site <https://www.mardep.gov.hk>.

3. Item f. and g. can be purchased at certain major book stores which provide maritime publications. The Chinese version of the “Code of Safe Working Practices for Merchant Seamen” is free for download on the website of Marine Department. https://www.mardep.gov.hk/en/pub_services/code_swp.html

Standard Grievance Procedures on board Ships

1. A set of “Standard Grievance Procedures On Board Ship” is listed below for guidance of seafarers who wish to express their grievance:

- (i) The seafarer should first approach the Head of the Section in which he is employed and explain his grievance. In this context,
 - (a) in the Deck Department, the Head of the Section is generally the Bosun or CPO(D).
 - (b) in the Engine-room Department, the Head of the Section is generally the No. 1 Fireman, No. 1 Motorman or CPO(E).
 - (c) in the Catering Department, the Head of the Section is generally the Chief Steward, Leading Steward or Steward Grade I.

Note: The employer should specify the post title of the Heads of Sections if post titles other than those listed above are used.

- (ii) The seafarer should express his grievance verbally and in an orderly manner and at a time when the grievance can be heard properly.
- (iii) The Head of the Section will deal with the grievance if that is possible, or refer the grievance to the Head of Department.
- (iv) The Head of Department should interview the seafarer as soon as possible, whenever a grievance has been referred to him.
- (v) If the seafarer concerned is not satisfied with the way his grievance has been handled, he may request an interview with the Master. The Head of Department will arrange for the seafarer to see the Master, who will then handle the case personally.
- (vi) If no satisfactory result is achieved, the seafarer concerned may appeal to the management of the company or with any related organisation he wishes, including the Superintendent of Mercantile Marine Office in Hong Kong. The Master shall afford the seafarer such facilities as necessary for the seafarer to transmit his appeal to the organisation of his choice.

2. Pursuant to Section 99 of the Merchant Shipping (Seafarers) Ordinance, where a seafarer employed in a Hong Kong ship considers that he has cause to complain about the master of the ship or any other seafarer employed in the ship or about the conditions on board the ship, he may complain to the master. If he is dissatisfied with the action taken by the Master he may claim to complain to the Superintendent of the Mercantile Marine Office, in such case the master shall make adequate arrangements to enable the seafarer to do so as soon as possible.