



香 港 商 船 資 訊

HONG KONG MERCHANT SHIPPING INFORMATION NOTE

Coming into Force of New and Amended Hong Kong Legislation Implementing 2010 Manila Amendments to the STCW Convention and Code

To : *Shipowners, Ship Managers, Ship Operators, Masters and Classification Societies*

Summary

The purpose of this Note is to draw the attention of the parties concerned to the coming into force, on 1 December 2016, of four (4) pieces of new and nine (9) pieces of amended Hong Kong legislation, as well as three (3) commencement notices, which implement the requirements of the Manila Amendments to the Annex to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW Convention) and the Manila Amendments to the Seafarers' Training, Certification and Watchkeeping Code (STCW Code) adopted by the International Maritime Organization (IMO).

1. To implement the latest requirements of the Manila Amendments to the STCW Convention and Code adopted by IMO, the following regulations have been made, amended or commenced: -

- (1) Merchant Shipping (Seafarers) (Certification of Officers) (Amendment) Regulation 2016 (Cap.478J);
- (2) Merchant Shipping (Seafarers) (Tankers) Regulation (Cap.478AG);
- (3) Merchant Shipping (Seafarers) (Engine Room Watch Ratings) (Amendment) Regulation 2016 (Cap.478V);
- (4) Merchant Shipping (Seafarers) (Navigational Watch) Regulation (Cap.478AH);
- (5) Merchant Shipping (Seafarers) (Certificates of Proficiency for Able Seafarers) Regulation (Cap.478AI);
- (6) Merchant Shipping (Seafarers) (Safety, Security and Designated Duties Training) Regulation (Cap.478AJ);
- (7) Merchant Shipping (Seafarers) (Ro-Ro Passenger Ships–Training) (Amendment) Regulation 2016 (Cap.478AD);

- (8) Merchant Shipping (Seafarers) (Certification and Watchkeeping) (Amendment) Regulation 2016 (Cap.478T);
- (9) Merchant Shipping (Seafarers) (Health and Safety: General Duties) (Amendment) (No. 2) Regulation 2016 (Cap.478C);
- (10) Merchant Shipping (Seafarers) (Fees) (Amendment) (No. 2) Regulation 2016 (Cap.478AB);
- (11) Administrative Appeals Board Ordinance (Amendment of Schedule) Order 2016 (Cap.442);
- (12) Merchant Shipping (Seafarers) (Safety Officials and Reporting of Accidents and Dangerous Occurrences) (Amendment) (No. 2) Regulation 2016 (Cap.478R);
- (13) Merchant Shipping (Seafarers) (Disciplinary Offences on Board Ships) (Amendment) Regulation 2016 (Cap.478N);
- (14) Merchant Shipping (Seafarers) (Amendment) Ordinance 2013 (Commencement) Notice 2016 (Cap.478);
- (15) Merchant Shipping (Seafarers) (Health and Safety: General Duties) (Amendment) Regulation 2016 (Commencement) Notice 2016 (Cap.478C); and
- (16) Merchant Shipping (Seafarers) (Medical Examination) (Amendment) Regulation 2016 (Commencement) Notice (Cap.478O).

2. Copies of the above mentioned regulations are attached to this information note as Annexes 1 to 16. They could also be found in the following website of Marine Department <http://mardep.gov.hk/en/msin/msin.html>

3. These new and amendment regulations will come into operation on 1 December 2016.

4. Brief summaries of these regulations are as follows:-

- (1) To incorporating the latest requirements under the Manila Amendments:
 - (a) In the light of increasing complexity of shipboard tasks, new certificates as proof of proficiency will be required. Examples are certificate of competency as an electro-technical officer, certificate of proficiency for able seafarers, and etc.. Seafarers can obtain these certificates after receiving proper training and accruing sufficient shipboard experience.
 - (b) Apart from obtaining certificates for designated shipboard duties or posts, training is also required to enhance seafarers' competence in areas such as crowd management, passenger safety and crisis management, etc. on passenger ships.

- (c) Currently a rating who works under the influence of drink or drug to such an extent that he behaves in a disorderly manner or is unfit to be entrusted with duties commits a disciplinary offence. As consumption of alcohol or illegal drugs can severely impair seafarers' fitness for duty, such disciplinary offence has been legislated into a criminal offence. To provide an objective yardstick, a limit of not greater than 0.05% blood alcohol level or 0.25mg/l alcohol in breath will be prescribed in line with IMO's requirements.
 - (d) With the coming into force of these new and amended regulations, the following existing regulations are repealed:
 - (i) Merchant Shipping (Seafarers) (Tankers – Officers and Ratings) Regulation;
 - (ii) Merchant Shipping (Seafarers) (Navigational Watch Ratings) Regulation;
 - (iii) Merchant Shipping (Seafarers) (Certificates of Competency as A.B.) Rules;
 - (iv) Merchant Shipping (Seafarers) (Safety Training) Regulation;
 - (v) Merchant Shipping (Seafarers) (Certificates of Proficiency in Survival Craft, Rescue Boats and Fast Rescue Boats) Rules; and
 - (vi) Merchant Shipping (Seafarers) (Passenger Ships Other Than Ro-Ro Passenger Ships-Training) Regulation (Repeal) Regulation.
- (2) To update the fees for the new certification services provided by Hong Kong Marine Department for the STCW Convention, which cover conduct of examinations, review of seafarers' qualifications and issuance and renewal of certificates, the Merchant Shipping (Seafarers) (Fees) Regulation has been amended accordingly.
- (3) To enable seafarers aggrieved by Director Marine's decision to refuse issuance of STCW Certificate to appeal to the Administrative Appeals Board, the Schedule to the Administrative Appeals Board Ordinance has been amended accordingly.
5. Shipowners, Ship Managers, Ship Operators, Masters and Classification Societies are required to take note and comply with the requirements of these new and amended regulations.

Marine Department
Multi-lateral Policy Division

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