HKFOAC Paper No. 6/2026

Hong Kong Fleet Operation Advisory Committee

Proposed Legislative Amendments to the Regulations under the Merchant Shipping (Seafarers) Ordinance

Purpose

The purpose of this paper is to seek members' views on the proposal to amend subsidiary legislation under the Merchant Shipping (Seafarers) Ordinance (Cap.478) for the implementation of the 2025 amendments to the Maritime Labour Convention, 2006, as amended ("the MLC").

Background

2. The MLC, which sets out seafarers' rights to decent conditions of work and helps to create conditions of fair competition for shipowners, entered into force internationally on 20 August 2013. To give effect to the MLC in the Hong Kong Special Administrative Region ("the HKSAR"), Cap.478 and its relevant subsidiary legislation were amended together with the enactment of the Merchant Shipping (Seafarers) (Working and Living Conditions) Regulation (Cap. 478AF) which came into operation on 20 December 2018.

3. The International Labour Organization ("ILO") amends the MLC from time to time, with the view to enhancing the protection of seafarers' rights. The 113th Session of the International Labour Conference of the ILO held in Geneva from 2 to 13 June 2025 [1] approved seven amendments to the MLC ("the 2025 Amendments").

[1] https://www.ilo.org/international-labour-conference/113th-session-international-labour-conference

Summary of the 2025 Amendments

4. The 2025 Amendments, with copy of the authentic text as appended in **Annex,** are summarized as follows: -

(i) Violence and harassment: Amendments to the Code relating to Regulations 1.4, 3.1, 4.3, 5.1- Measures must be taken to prevent and address violence and harassment on board, including sexual harassment, bullying and sexual assault. The amendments include adoption and implementation of policies and measures, establishment of reporting procedures against shipboard violence and harassment, and safeguards in the shipboard complaint procedures to protect those who make complaints.

(ii) Standard A2.4.2-Shore leave – The amendments strengthen the right of seafarers to go ashore to benefit their health and well-being, and require that shipowners shall allow shore leave to seafarers when off duty, upon the ship's arrival in port, except when leaving the ship is prohibited or restricted by relevant authorities of the port State, or due to safety or operational reasons.

(iii) Standard A2.5.1-Repatriation– Shipowners must cover specific costs when sending a seafarer home, including travel, accommodation and food, up to 30 kg of personal luggage, and any necessary medical treatment before travel.

(iv) Standard A2.5.1-Repatriation –Each Member shall facilitate the repatriation of seafarers in a manner which excludes discrimination on any grounds and irrespective of the flag State of the ship on which they are employed, engaged or work.

(v) Guideline B2.5.2-Seafarers as key workers –Each Member should designate and recognize seafarers as key workers and take appropriate measures to facilitate their safe movement when

travelling in connection with their employment or work, including access to shore leave, repatriation, crew changes and medical care ashore.

(vi) Guideline B4.1.1-Provision of medical care – Medical training for seafarers should be based on the latest editions of international guides, such as the International Medical Guide for Seafarers and Fishers and the International Medical Guide for Ships.

(vii) Standard A5.1.6-Marine casualties – In carrying out an inquiry into a marine casualty, Members shall take due account of the IMO/ILO Guidelines and shall cooperate, as far as practicable, with concerned States to assist in the application of the IMO/ILO Guidelines.

The Proposal

5. The HKSAR should keep in line with the international standards and implement the requirements of the latest amendments to the MLC by amending the local legislation in a timely manner. After an assessment of the requirements of the 2025 Amendments and with the preliminary legal advice obtained, we propose to amend the relevant provisions of the following subsidiary legislation made under Cap. 478 for the implementation of the 2025 Amendments in above para.4 (i), (ii) and (iii) which are expected to come into force on 23 December 2027:-

(a) Merchant Shipping (Seafarers) (Working and Living Conditions) Regulation (Cap.478AF);

(b) Merchant Shipping (Seafarers) (Health and Safety: General Duties) Regulation (Cap.478C); and

(c) Merchant Shipping (Seafarers) (Repatriation) Regulation (Cap.478Q).

6. The remaining amendments mentioned in para. 4(iv), (v), (vi) and (vii) of the 2025 Amendments are already addressed by the existing legislation under Cap.478 and no legislative amendment is therefore considered necessary.

Advice Sought

7. Members are invited to provide views on the legislative proposal as stated in paragraphs 5 above.

Marine Department

Multi-lateral Policy Division

10 September 2026

Enclosure:

Annex 1: Amendments of 2025 to the Maritime Labour Convention, 2006, as amended