

## Seafarers' Advisory Board (SAB) 2024

### Notes of Meeting

Date : 3 December 2024 (Tuesday)  
Time : 10:30 a.m.  
Venue : Conference Room C, 21/F, Marine Department Headquarters,  
Harbour Building, 38 Pier Road, Central, Hong Kong

<b>Chairman</b>	Mr. SHI Qiang	Deputy Director of Marine (1), Marine Department
<b>Members</b>	Mr. NG Ngai-wing, Jammy	Superintendent of Mercantile Marine Office, Marine Department
	Mr. MA Kwok-kuen	Acting Assistant Commissioner for Labour
	Capt. CHUNG Tung-tong	Merchant Navy Officers' Guild-Hong Kong
	Capt. Vinay SINGH	Anglo-Eastern Ship Management Ltd
<b>In-attendance</b>	Mr. AU YEUNG Kam-lung	Amalgamated Union of Seafarers, Hong Kong
	Capt. CHEUNG Sai-teng	Hong Kong Seamen's Union
	Capt. Pankaj K. SINGH	Fleet Management Ltd. (stand-in for Capt. Somasundar Koorchanveetil NAIR)
	Mr. Brandon CHEN	Orient Overseas Container Line Ltd. (stand-in for Capt. XIAO Bu-zhou)
	Mr. KUANG Zhijian	Senior Surveyor / Seafarers and Examination (1), Marine Department
	Mr. Thomas LEUNG	Senior Surveyor of Ships/ Seafarers Policy, Marine Department
<b>Absent with Apology</b>	Capt. Somasundar Koorchanveetil NAIR	Fleet Management Ltd.
	Capt. XIAO Bu-zhou	Orient Overseas Container Line Ltd.
<b>Secretary</b>	Ms CHOY Ying-suet, Icis	Executive Officer (Local Vessels and Examination), Marine Department

**(1) Agenda Item 1: Opening Remarks**

**The Chairman** welcomed all members and representatives to the meeting.

**(2) Agenda Item 2: Confirmation on Notes of Last Meeting (21.12.2023)**

2. Since no comment was received from members before / during the meeting, the notes of last meeting were endorsed.

**(3) Agenda Item 3: Implementation of Maritime Labour Convention, 2006 (MLC) in Hong Kong SAR - Occupational Safety and Health (SAB Paper No. 4/2024)**

3. **Mr. Thomas LEUNG from MD** tabled SAB Paper No. 4/2024 to provide members with the outcomes of a review on the implementation of occupational safety and health (OSH) protection and accident prevention on Hong Kong registered ships (HK ships) pursuant to Regulation 4.3.3 of the MLC. He reported that since the extension of the MLC to the Hong Kong Special Administrative Region (HKSAR) in December 2018, MD had not come across any cases of seafarers working on board Hong Kong ships and/or shipping companies operating / managing Hong Kong ships that had difficulties in implementing the Occupational Safety and Health (OSH) and accident prevention policies and programmes.

4. From the statistical data of the OSH protection status on HK ships outside Hong Kong waters, it was noted that there was an increase in the total number of cases of accidents reported in 2023 when compared with the figures of previous two years. That said, there was a drop in fatal accidents in 2023 after the increase in 2022 and among them, where three deaths were caused by falling from height. The review concluded that the legislation and the appropriate measures applied to HK ships for the policies and programmes of OSH and accident prevention were effective and should be maintained.

5. **The Chairman** concluded that the existing mechanism was effective and MD would continuously cooperate with members to keep monitoring the

development of any changes in technology and research for continuous improvement in OSH policies and programmes.

6. **Capt. Vinay SINGH** enquired whether there were records of the nationalities of seafarers in the accidents.

7. **Mr. LEUNG** responded that the primary purpose of marine safety investigation is to ascertain the circumstances and causes with the aim of improving the safety of life at sea and, by publicising the findings of the investigations, avoiding accidents in the future. This applies to seafarers of all nationalities. **The Chairman** supplemented that the investigation reports of all very serious marine casualties were uploaded to the IMO Global Integrated Shipping Information System website.

8. **Capt. Pankaj K. SINGH** enquired whether there was any comparative data with other flag States. **Mr. LEUNG** responded that there was no direct data available from the IMO. In fact, differences may exist among flag States regarding how accident notifications, investigations, and statistics are handled. **Capt. SINGH** further enquired if there were any accident figures related to mental health cases. **Mr. LEUNG** replied that he needed to check the source of the existing accident categories.

*(Post-meeting note: The existing accident categories in Table 2 of the SAB Paper No. 4/2024 are established based on the nature of historical cases. MD will consider including the accident category “mental health” in future cases if necessary)*

9. **Mr. Brandon CHEN** asked about the definition of “very serious marine casualty” and “less serious marine casualty”.

10. **Mr. LEUNG** explained that “very serious marine casualty”, “marine casualty other than very serious marine casualty” and “marine incident” are defined in the Casualty Investigation Code. In the context of the SAB Paper No. 4/2024, accident cases relevant to occupational safety and health occurred on HK ships outside Hong Kong waters are taken into account. If such an accident case is also a “very serious marine casualty”, marine safety investigation will be initiated.

11. **Mr. Brandon CHEN** would like to know if there are any requirements for reporting an accident under Cap. 478R.

12. **Mr. LEUNG** responded that sections 11 and 12 of Cap. 478R contain requirements for the notification of accidents and dangerous occurrences. In general, every dangerous occurrence or accident that results in death, incapacity for work, or impairment of physical condition shall be notifiable within 24 hours.

13. **The Meeting** observed no further comments from the floor and the item was thus endorsed.

**(4) Updates on River Trade Certificates of Competency and Type Rating Certificates for Deck and Marine Engineer Officers' Determinations**

14. **Mr. KUANG Zhijian from MD** introduced the River Trade Certificates of Competency and Type Rating Certificates for Deck Officers' Determinations and River Trade Certificates of Competency and Type Rating Certificates for Marine Engineer Officers' Determinations. Major changes are highlighted below:

1. Title:

- From *Certificates of Competency and Licences For Deck Officers Determination (2012 Edition)* to *River Trade Certificates of Competency and Type Rating Certificates for Deck Officers' Determinations (2024 Edition)*
- From *Certificates of Competency and Licences for Marine Engineer Officers and Electro-technical Officers Determinations (2012 Edition)* to *River Trade Certificates of Competency and Type Rating Certificates for Marine Engineer Officers' Determinations (2024 Edition)*

2. Content:

- Candidate can sit for examination earlier while he gains 2/3 sea service for the issue of CoC;
- Refresher training course for revalidation of CoC can be waived by sufficient sea service (12 months in past 5 years, or valid Type Rating Certificates;
- The passing mark has been adjusted from 90% to 70% for proficiency in communication Oral/Practical examination (light signal).

15. **Mr. KUANG** expressed that the revision was endorsed by High Speed Craft Consultative Committee (HSCCC) in the meeting of 25 October 2024, and approved by Director of Marine on 13 November 2024. The updated Determinations can be downloaded from MD website.

16. **The Chairman** concluded that the new determinations singled out the contents of River Trade Certificates of Competency and Type Rating Certificates from seagoing ones for Deck Officers, and Marine Engineer Officers and Electro-technical Officers working on board River Trade vessels. The Chairman opined that the relaxations of the two items would provide flexibility to encourage more young people to join the maritime industry. The seafarers are encouraged to achieve higher level by taking exam even they have not yet obtained enough sea time.

17. **The Meeting** had no further comment and the paper was endorsed and accepted.

**(5) Updates on MLC, 2006: Amendments of 2022 to the MLC, 2006, as amended**

18. **Mr. KUANG Zhijian from MD** further reported that Amendments of 2022 to the Maritime Labour Convention, 2006, as amended” (“2022 Amendments”) were circulated to members in SAB Paper No. 2/2023 and would enter into force globally on 23 December 2024. The relevant legislation would come into operation on the same date, i.e.

- Merchant Shipping (Seafarers) (Health and Safety: General Duties) (Amendment) Regulation 2024 (L.N. 20 of 2024);
- Merchant Shipping (Seafarers) (Working and Living Conditions) (Amendment) Regulation 2024 (L.N. 21 of 2024); and
- Merchant Shipping (Seafarers) (Returns of Birth, Deaths and Missing Persons) Regulation (Amendment of Schedules) Notice 2024 (L.N. 22 of 2024)

19. As such, Hong Kong Merchant Shipping Information Note “Amendments of 2022 to the Maritime Labour Convention, 2006, as amended” (“2022 Amendments”) was issued on 13 November 2024 to advise parties concerned of the 2022 amendments with effect from 23 December 2024. The 2022 Amendments are summarized as follows:

- (i) ‘Standard A1.4 – Recruitment and placement’ – Members who rectified the Maritime Labour Convention, 2006 (“Members”) shall ensure that seafarers are informed, prior to or in the process of engagement, of their rights by the private recruitment agency in respect of failure of a recruitment and placement services under the established system of protection;
- (ii) ‘Standard A2.5.1 – Repatriation’ - Members shall facilitate the prompt repatriation of seafarers, including when they are deemed abandoned;
- (iii) ‘Standard A3.1 – Accommodation and recreational facilities’ – Members shall ensure that the facilities provided shall include social connectivity as detailed in the Guidelines B3.1.11 and B4.4.2, i.e. shipowners should provide seafarers on board reasonable access to ship-to-shore telephone communications and internet access each with reasonable charge, and Members should, so far as is reasonably practicable, provide seafarers on board in ports or anchorages with internet access, with reasonable charges;
- (iv) ‘Standard A3.2 – Food and catering’ – Members shall ensure that the food and drinking water supplies for seafarers on board shall be free of charge and the catering department shall be such as to permit the provision to the seafarers of adequate, varied, balanced and nutritious meals;
- (v) ‘Standard A4.1 - Medical care on board ship and ashore’ – Members shall ensure prompt disembarkation of seafarers in need of medical care and shall facilitate the repatriation by the shipowner of the body or ashes of seafarers who died during ships’ voyages according to the wishes of the seafarers or their next of kin;
- (vi) ‘Standard A4.3 – Health and safety protection and accident prevention’ – Under the replaced paragraph 1(b), Members shall ensure provision of all necessary appropriately-sized personal protective equipment to prevent occupational accidents, injuries and diseases on board ship in addition to the existing precautions;
- (vii) ‘Standard A4.3 – Health and safety protection and accident

prevention’ – Under a new paragraph 5(a), Members shall ensure that death incidents happened on board shall be adequately investigated, recorded and reported on an annual basis to ILO; and

(viii) ‘Appendix A2-I – Evidence of financial security’ under paragraph 2 of Regulation 2.5 and ‘Appendix A4-I – Evidence of financial security’ under Regulation 4.2 – item (g) is replaced to include the registered owner if different from the shipowner.

20. **The Chairman** concluded that the legislation formalities had completed and the legislations would come into effect on 23 December 2024. The HKSAR would 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.

**(6) Any Other Business**

21. There being no other business, the meeting was adjourned at 11:15 a.m.. The date of the next meeting would be announced in due course.

**Secretariat**  
**Local Vessels and Examination Division**  
**Marine Department**  
**March 2025**