

Registration of Seafarers

Purpose

This paper aims to seek Members' views on the proposal to allow the registration of seafarers, who are over the age of 35 years, for sea-going ships into the Part I of the register of seafarers pursuant to Section 8(5) of the Merchant Shipping (Seafarers) Ordinance, Cap 478 (the Ordinance).

Background

2. Section 7 of the Ordinance requires the Superintendent of the Mercantile Marine Office (MMO) to establish and maintain in his office a register of seafarers who are employed in sea-going ships or coastal-going ships; or desire to be employed in sea-going ships or coastal going ships and in respect of whom the Superintendent of the MMO is of the opinion that they will obtain their principal means of livelihood from employment in such ships.

3. Each registered seafarer whose name entered in the register is entitled to be issued with an employment registration book by the Superintendent according to Section (4) of the Merchant Shipping (Seafarers) (Employment Registration Books) Regulation, Cap. 478U.

4. Section 8(2) of the Ordinance outlines the qualification of those seafarers who are eligible to have their names entered in Part I of the register. Among others, the seafarer must have attained the age of 17 years but has not

attained the age of 35 years unless the seafarer is a direct trade entrant¹. Copies of relevant regulations are attached in Annex I for reference.

5. The Merchant Shipping (Seafarers) (Amendment) Bill 2013 was enacted on 6 November 2013 aiming to implement certain requirements of the Maritime Labour Convention, 2006 (the Convention). The Bill amended Section 8 of the Ordinance with the removal of the age restriction ceilings for registration. In other words, seafarers are to be registerable if they attain at least 17 years of age and meet the relevant qualification requirements. However, the Convention has not been extended to Hong Kong and thus, the amended Section 8 of the Bill has not yet entered into force.

The Problems

6. Recently, MMO received an application for issuing an employment registration book to a person who attained the age over 35 years. The applicant had completed the approved pre-sea training courses as stipulated in The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, at the Maritime Training Services Institute thus meeting all other seafarer registration criteria set out in Section 8 of the Ordinance apart from the age restriction.

7. Section 8(5) of the Ordinance stipulates that, having consulted with the Seafarers' Advisory Board, the names of seafarers may be entered in Part I

¹ "direct trade entrant" means a seafarer whose seafaring avocation consists of an occupation approved by the Superintendent as an occupation the skills of which cannot normally be acquired by training on board a ship or at a pre-sea training establishment. The age limit of direct trade entrant is 60 years.

of the register if the Seafarers' Authority (i.e. the Director of Marine) thinks fit. Legal advice confirmed that the provision of s.8(5) affords additional discretion to the Authority to enter the names of a seafarer who does not meet with the statutory requirements set out in its preceding subsections.

Proposal

8. Considering the age restriction is to be lifted when the Convention is extended to Hong Kong in the near future, subject to the agreement of the Board, the MD proposes to enter the names of seafarers, who have attained the age of 35 years or over, in Part I of the register of seafarers provided that the seafarers have also met the other criteria set out in Section 8 of the Ordinance.

Action Requested

9. Members' comments and endorsement are sought on the proposal in paragraph 8 above.

Marine Department
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Encl.
