

2. 釋義

(1) 在本條例中，除文意另有所指外——

“工作日”(working day)指除公眾假日或《司法訴訟(烈風警告期間聆訊延期)條例》(第62章)所指的烈風警告日以外的任何日子；

“上訴委員會”(Appeals Board)指第18(1)條設立的海員事務上訴委員會；

“公司”(company)指根據《公司條例》(第622章)或《公司條例》(第622章)第2(1)條所界定的《舊有公司條例》成立為法團的公司，或《公司條例》(第622章)第2(1)條所界定的非香港公司；(由2012年第28號第912及920條修訂)

“公司候船名冊”(company roster)就核准公司而言，指依據第64(1)或(2)條(視屬何情況而定)備存於該公司核准船員部的名冊；

“中式帆船”(junk)包括西式中國帆船，以及任何具備中國式或其他亞洲式船型、結構或桅帆的船隻，不論該等船隻是否用作海域航行及以何種方式推進；

“內河航限”(river trade limits)指——

(a) 在以下界線內的香港的鄰近水域——

(i) 東面界線：東經114度30分；

(ii) 南面界線：北緯22度09分；及

(iii) 西面界線：東經113度31分；及

(b) 可從(a)段所界定的範圍經內陸水道到達的廣東省及廣西壯族自治區境內的所有內陸水道；(由2012年第80號法律公告修訂)

“永久性居民身分證”(permanent identity card)指《人事登記條例》(第177章)所指的永久性居民身分證；

“出港證”(port clearance)指《船舶及港口管制規例》(第313章，附屬法例A)第27條下的出港證；(由2005年第10號第205條修訂)

“西式中國帆船”(lorcha)包括任何屬於以下類型的船隻——

2. Interpretation

(1) In this Ordinance, unless the context otherwise requires—

“A.B.”(高級水手) means an able-bodied seaman, for which purpose “seaman”(水手) shall include seafarer;

“Advisory Board”(諮詢委員會) means the Seafarers’ Advisory Board established by section 6(1);

“Appeals Board”(上訴委員會) means the Seafarers’ Appeals Board established by section 18(1);

“Authority”(監督) means the Seafarers’ Authority established by section 4(1);

“autopsy”(屍體剖驗) includes a post-mortem examination;

“coastal-going ship”(沿岸船舶) means any ship employed exclusively in trading, or going, between any place or places situated within river trade limits;

“company”(公司) means a company incorporated under the Companies Ordinance (Cap. 622), or a former Companies Ordinance as defined by section 2(1) of the Companies Ordinance (Cap. 622), or any non-Hong Kong company as defined by section 2(1) of the Companies Ordinance (Cap. 622); (Amended 28 of 2012 ss. 912 & 920)

“company roster”(公司候船名冊), in relation to a permitted company, means the list or lists kept in the company’s permitted crew department pursuant to section 64(1) or (2), as the case may be;

“crew agreement”(船員協議) has the meaning assigned to it by section 80(2);

“crew department record”(船員部紀錄), in relation to a permitted company, means the record kept in the company’s permitted crew department pursuant to section 61(1);

“dangerous drug”(危險藥物) includes any drug which is a dangerous drug within the meaning of the Dangerous Drugs Ordinance (Cap. 134);

- (a) 歐洲式船型及結構，但具備中國式或其他亞洲式桅帆；或
- (b) 中國式或其他亞洲式船型及結構，但具備歐洲式桅帆；

“死因研訊”(inquest)包括對死亡個案進行的查訊；

“危險藥物”(dangerous drug)包括屬《危險藥物條例》(第134章)所指的危險藥物的任何藥物；

“身分證”(identity card)指《人事登記條例》(第177章)所指的身分證；

“委員團”(panel)指根據第18(2)條委出的委員團；

“沿岸船舶”(coastal-going ship)指任何純粹用於在內河航限內的地方之間營運或往來的船舶；

“直接入職海員”(direct trade entrant)指任何海員，其在海上從事的行業，是經總監認可為屬於通常不能從船上的訓練或在航海先修訓練機構學得有關技能的行業；

“律政人員”(legal officer)具有《律政人員條例》(第87章)第2條給予該詞的涵義；

“紀律研訊”(disciplinary inquiry)指依據第22條進行的紀律研訊；

“訂明費用”(prescribed fee)就任何事宜來說，指根據第133條訂立的規例就該事宜訂明的費用；

“香港船舶”(Hong Kong ship)指在香港註冊的船舶；

“屍體剖驗”(autopsy)包括死因檢驗；

“乘客”(passenger)指任何由船舶運載的人，但不包括以下人士——

- (a) 因擔任各種職位以處理船上事務而受僱在船上工作或任事的人；
- (b) 依據船長所負的運載海難船舶上的人、遇險的人或其他人的責任，或由於船長及船東均不能阻止或預防的情況，得以置身船上的人；或
- (c) 未滿1歲的嬰兒；

“高級水手”(A.B.)(able-bodied seaman)一詞中的“水手”(seaman)亦包括海員；

“核准公司”(permitted company)指任何持有有效許可證的公司；

“高級船員”(officer)指持有以下文件的人——

“digital image”(數碼影像), in relation to a document, means an image of the document kept on a computer system or on an electronic medium; (Added 8 of 2006 s. 47)

“direct trade entrant”(直接入職海員) 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;

“disciplinary inquiry”(紀律研訊) means a disciplinary inquiry conducted pursuant to section 22;

“disciplinary offence”(違紀行為) means any misconduct by a seafarer on board a Hong Kong ship specified in regulations made under section 107(1) as a disciplinary offence;

“employer”(僱主), in relation to—

- (a) a registered seafarer, means the person who has—
 - (i) supplied that seafarer for employment; or
 - (ii) employed that seafarer,in a ship, irrespective of whether that person—
 - (A) owns, charters or manages; or
 - (B) acts as an agent for another person who owns, charters or manages,that ship; and
- (b) any other seafarer, means the person who is, in accordance with the crew agreement or other agreement for employment entered into by the seafarer for employment as a seafarer, specified, either by name or by necessary implication, as the employer of that seafarer;

“employment registration book”(僱用登記簿) means a registered seafarer’s employment registration book issued or deemed to be issued under regulations made under section 17;

“fishery research vessel”(漁業研究船) means a vessel primarily used for research into sea fishing and fish stocks;

“fishing vessel”(漁船) means any vessel used for catching, otherwise than for sport, fish, whales, seals, walruses, or other living resources of the sea, and includes a fishery research vessel;

“function”(職能) includes a duty;

- (a) 執照或根據在第73條下訂立的規例發出或當作為如此發出的合格證書或服務資歷證書；或
- (b) 根據上述規例獲認可為等同於(a)段所提述的證書的合格證書或服務資歷證書；
- “核准船員部” (permitted crew department)指核准公司所設的船員部；
- “海上生死登記冊” (Marine Register of Births and Deaths)指登記官根據第121A(1)條備存的登記冊； (由2006年第8號第47條增補)
- “海上生死登記簿” (Marine Register Book of Births and Deaths)指在緊接《生死及婚姻(數碼影像)條例》(2006年第8號)生效*之前由登記官備存的海上出生及死亡登記冊； (由2006年第8號第47條增補)
- “海管處” (Office)指第5(1)(a)條設立的商船海員管理處；
- “船”、“船舶”(ship)指用作水上航行的各類並非靠槳櫓推進的船隻，包括完全或非完全用作水上航行的任何船舶、船艇或航行器，及包括完全或非完全用作水上航行而其重量是局部憑不屬於靜水浮力的力量承托的航行器，但不包括以任何方式推進的中式帆船或西式中國帆船；
- “船舶的小艇”(ship’s boat)包括救生筏； (由1995年第586號法律公告修訂)
- “許可證”(permit)指根據第52(1)條發給一間公司准其備存公司候船名冊的許可證；
- “船長”(master)包括每個當時指揮或掌管船舶的人，但不包括領港員；
- “船員協議”(crew agreement)具有第80(2)條給予該詞的涵義；
- “船員部紀錄”(crew department record)就核准公司來說，指依據第61(1)條備存於該公司核准船員部的紀錄；
- “執照”(licence)指根據在第73條下訂立的規例發出或當作為如此發出的執照；
- “註冊地址”(registered address)就註冊海員來說，指其依據第13(2)(a)條記錄於註冊紀錄冊內的地址；
- “註冊紀錄冊”(register)指依據第7條備存的註冊紀錄冊；
- “註冊海員”(registered seafarer)指名列註冊紀錄冊的人；
- “登記官”(Registrar)指《生死登記條例》(第174章)第2條所指的登記官；

- “Hong Kong ship”(香港船舶) means a ship registered in Hong Kong;
- “identity card”(身分證) means an identity card within the meaning of the Registration of Persons Ordinance (Cap. 177);
- “inquest”(死因研訊) includes an inquiry into a death;
- “junk”(中式帆船) includes lorcha and any vessel of Chinese or other Asiatic build, construction or rig whether such vessel is of a sea-going type or not and howsoever propelled;
- “legal officer”(律政人員) has the meaning assigned to it by section 2 of the Legal Officers Ordinance (Cap. 87);
- “licence”(執照) means a licence issued or deemed to be issued under regulations made under section 73;
- “lorcha”(西式中國帆船) includes any vessel—
- of European build and construction, but of Chinese or other Asiatic rig; or
 - of Chinese or other Asiatic build and construction, but of European rig;
- “Marine Register Book of Births and Deaths”(海上生死登記簿) means the Marine Register of Births and Deaths kept by the Registrar immediately before the commencement* of the Births, Deaths and Marriages (Digital Image) Ordinance (8 of 2006); (Added 8 of 2006 s. 47)
- “Marine Register of Births and Deaths”(海上生死登記冊) means the register maintained by the Registrar under section 121A(1); (Added 8 of 2006 s. 47)
- “master”(船長) includes every person (except a pilot) having command or charge of any ship;
- “Office”(海管處) means the Mercantile Marine Office established by section 5(1)(a);
- “officer”(高級船員) means the holder of—
- a certificate of competency or of service issued or deemed to be issued under regulations made under section 73 or a licence; or
 - a certificate of competency or of service recognized under those regulations as equivalent to a certificate referred to in paragraph (a);
- “panel”(委員團) means a panel appointed under section 18(2);

“登記電腦” (register computer)指構成儲存第121A及121B條所指詳情的系統的電腦；(由2006年第8號第47條增補)

“違紀行為” (disciplinary offence)指海員在香港船舶上所作出、被根據第107(1)條訂立的規例指明為違紀行為的任何不當行為；

“遊樂船隻” (pleasure vessel)指以任何方式推進並符合以下條件的客用遊艇、私人遊艇、充氣式船隻、中式帆船、西式中國帆船或其他船隻——

- (a) 它是純粹為遊樂而管有或使用的；及
- (b) 它並非為收取租金或報酬而出租的(根據租船協議或分期付款協議的條款租出者除外)，
但不包括從未下水的客用遊艇、私人遊艇、充氣式船隻、中式帆船、西式中國帆船或其他船隻；

“僱主” (employer) ——

- (a) 就註冊海員而言，指——
 - (i) 提供該海員以供受僱在船舶上工作的人；或
 - (ii) 僱用該海員在船舶上工作的人，
而不論該人是否——
 - (A) 擁有、租用或管理該船；或
 - (B) 以另一擁有、租用或管理該船的人的代理人的身分行事；及
- (b) 就其他海員而言，指按照該海員訂立的船員協議或受僱擔任海員的其他僱用協議，被指明(不論是否指明其姓名或名稱或由於必然含意的)為該海員的僱主的人；

“僱用登記簿” (employment registration book)指在根據第17條訂立的規例下發出或當作是在該等規例下發出的註冊海員僱用登記簿；

“遠洋船舶” (foreign-going ship)包括任何遠洋船舶，不論它是在何處註冊，亦不論它是否進入香港水域，但不包括任何沿岸船舶；

“漁船” (fishing vessel)指任何用作捕捉(為消遣而捕捉除外)魚類、鯨、海豹、海象或其他海洋生物資源的船隻，包括漁業研究船；

“監督” (Authority)指第4(1)條設立的海員事務監督；

“passenger” (乘客) means any person carried in a ship except—

- (a) a person employed or engaged in any capacity on board the ship on the business of the ship;
- (b) a person on board the ship pursuant to the obligation laid upon the master of the ship to carry shipwrecked, distressed or other persons, or by reason of any circumstances that neither the master nor the owner of the ship could have prevented or forestalled; or
- (c) a child under 1 year of age;

“permanent identity card” (永久性居民身分證) means a permanent identity card within the meaning of the Registration of Persons Ordinance (Cap. 177);

“permit” (許可證) means a permit granted under section 52(1) to a company to maintain a company roster;

“permitted company” (核准公司) means any company holding a valid permit;

“permitted crew department” (核准船員部) means the crew department maintained by a permitted company;

“pleasure vessel” (遊樂船隻) means any launch, yacht, inflatable vessel, junk, lorcha or other vessel howsoever propelled that—

- (a) is possessed or used exclusively for pleasure purposes; and
- (b) is not let for hire or reward other than under the terms of a charter agreement or hire-purchase agreement,
but does not include any launch, yacht, inflatable vessel, junk, lorcha or other vessel that has never been launched;

“port clearance” (出港證) means port clearance under regulation 27 of the Shipping and Port Control Regulations (Cap. 313 sub. leg. A);

“prescribed fee” (訂明費用), in relation to any matter, means the fee prescribed in regulations made under section 133 in relation to that matter;

“register” (註冊紀錄冊) means the register kept pursuant to section 7;

“register computer” (登記電腦) means a computer forming the system of storing the particulars under sections 121A and 121B; (Added 8 of 2006 s. 47)

“漁業研究船” (fishery research vessel)指主要用作研究海洋漁業及魚類種群的船隻；

“數碼影像” (digital image)就一份文件而言，指儲存在電腦系統或電子媒介內的該文件的影像；(由2006年第8號第47條增補)

“諮詢委員會” (Advisory Board)指第6(1)條設立的海員諮詢委員會；

“濟助及生活費” (relief and maintenance)包括提供外科或內科治療，以及假使延遲進行便會減低其效率的牙科和眼科治療(包括修補或替換任何器具)；

“總監” (Superintendent)指第5(1)(b)條指明的海管處總監；

“職能” (function)包括職責和責任；

“驗船師” (surveyor of ships)指——

- (a) 根據《商船(安全)條例》(第369章)第5(1)條獲委任為政府驗船師的人；或
- (b) 監督為本條例的施行而用書面委任為驗船師的人。

(由2013年第16號第3條修訂)

- (2) 在本條例中，凡提述某事在總監在場的情況下做出或沒有做出，或提述向總監出示某物件，亦包括提述某事在代總監行事的人在場的情況下做出或沒有在此情況下做出，或提述向代總監行事的人出示該物件。
- (3) 在本條例中，凡提述出海，包括提述從香港以外的任何地方出海。
- (4) 在本條例中，凡提述在船舶上死亡(不論以何字眼表達)，包括——
 - (a) 從船上墮入水中溺斃；
 - (b) 病患者或傷者在由船上運送到船以外的地方期間死亡；
 - (c) 在船舶的小艇上死亡；(由1995年第586號法律公告修訂)
 - (d) 從船上或船舶的小艇上失蹤；及(由1995年第586號法律公告修訂)
 - (e) 在船以外發生並在航程結束前已報告予船長的死亡。
- (5) 在本條例中，凡提述從船上失蹤的人(不論以何字眼表達)，指從船上失蹤並有合理理由相信他已死亡的人。

“registered address” (註冊地址), in relation to a registered seafarer, means the address of the seafarer recorded pursuant to section 13(2)(a) in the register;

“registered seafarer” (註冊海員) means a person whose name is entered in the register;

“Registrar” (登記官) means the Registrar within the meaning of section 2 of the Births and Deaths Registration Ordinance (Cap. 174);

“relief and maintenance” (濟助及生活費) includes the provision of surgical or medical treatment and such dental and optical treatment (including the repair or replacement of any appliance) as cannot be postponed without impairing efficiency;

“river trade limits” (內河航限) means—

- (a) the waters within the vicinity of Hong Kong within the following boundaries—
 - (i) to the east, meridian 114° 30' east;
 - (ii) to the south, parallel 22° 09' north; and
 - (iii) to the west, meridian 113° 31' east; and
- (b) all inland waterways in the Guangdong Province and Guangxi Zhuang Autonomous Region to which access can be obtained by inland waterways from the area defined in paragraph (a); (Amended L.N. 80 of 2012)

“sea-going ship” (遠洋船舶) includes any sea-going ship, irrespective of where it is registered and whether the ship enters the waters of Hong Kong, but does not include any coastal-going ship; (Amended 23 of 1998 s. 2)

“ship” (船、船舶) means every description of vessel used in navigation in water not propelled by oars, and includes any ship, boat or craft used wholly or partly for navigation in water and any craft so used the weight of which is partially supported by forces other than hydrostatic forces, but excludes any junk or lorcha howsoever propelled;

“ship’s boat” (船舶的小艇) includes a liferaft; (Amended L.N. 586 of 1995)

“Superintendent” (總監) means the Superintendent of the Office specified in section 5(1)(b);

編輯附註：

*生效日期：2007年8月27日。

“surveyor of ships” (驗船師) means—

- (a) a person appointed under section 5(1) of the Merchant Shipping (Safety) Ordinance (Cap. 369) to be a Government surveyor; or
- (b) a person appointed in writing by the Authority to be a surveyor of ships for the purposes of this Ordinance;

“working day” (工作日) means any day other than a public holiday or a gale warning day within the meaning of the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap. 62).

(Amended 16 of 2013 s. 3)

- (2) Any reference in this Ordinance to the doing of anything, or to anything not being done, in the presence of the Superintendent or to the production of anything to the Superintendent includes a reference to the doing of that thing, or to its not being done, or to the production of that thing to any person acting on behalf of the Superintendent.
- (3) References in this Ordinance to going to sea include references to going to sea from any place outside Hong Kong.
- (4) References in this Ordinance to a death occurring in a ship (howsoever expressed) include—
 - (a) death due to drowning after falling overboard;
 - (b) the death of a sick or injured person whilst being transported from the ship to a place outside the ship;
 - (c) death in a ship’s boat;
 - (d) being lost from a ship or ship’s boat; and
 - (e) any other death occurring outside the ship which is reported to the master of the ship before the completion of the voyage.
- (5) References in this Ordinance to a person missing from a ship (howsoever expressed) mean a person missing from the ship where there are reasonable grounds for believing that he has died.

Editorial Note:

*Commencement date: 27 August 2007.

7. 海員註冊紀錄冊

- (1) 總監須就以下海員設立及備存海員註冊紀錄冊 ——
 - (a) 受僱在遠洋船舶或沿岸船舶上工作的海員；或
 - (b) 意欲受僱在遠洋船舶或沿岸船舶上工作，並被總監認為可以受僱在該等船舶上工作作為主要生計的海員。
- (2) 註冊紀錄冊須存放於海管處。
- (3) 在符合第(4)款的規定下，註冊紀錄冊須按總監認為合適的格式及方式備存。
- (4) 註冊紀錄冊須分為以下2部分備存 ——
 - (a) 第I部，內載所有以下海員的姓名 ——
 - (i) 受僱在遠洋船舶上工作的海員；或
 - (ii) 意欲受僱在遠洋船舶上工作，而總監對其有第(1)(b)款所提述的看法的海員；及
 - (b) 第II部，內載所有以下海員的姓名 ——
 - (i) 受僱在沿岸船舶上工作的海員；或
 - (ii) 意欲受僱在沿岸船舶上工作，而總監對其有第(1)(b)款所提述的看法的海員。
- (5) (由2013年第16號第7條廢除)

7. Register of seafarers

(Adaptation amendments retroactively made - see 23 of 1998 s. 2)

- (1) The Superintendent shall establish and maintain a register of seafarers who either—
 - (a) are employed in sea-going ships or coastal-going ships; or (*Amended 23 of 1998 s. 2*)
 - (b) desire to be employed in sea-going ships or coastal-going ships and in respect of whom the Superintendent is of the opinion that they will obtain their principal means of livelihood from employment in such ships. (*Amended 23 of 1998 s. 2*)
- (2) The register shall be kept in the Office.
- (3) Subject to subsection (4), the register shall be kept in such form and manner as the Superintendent thinks fit.
- (4) The register shall be kept in 2 parts, being—
 - (a) Part I, containing the names of all seafarers who either—
 - (i) are employed in sea-going ships; or (*Amended 23 of 1998 s. 2*)
 - (ii) desire to be employed in sea-going ships and in respect of whom the Superintendent has the opinion referred to in subsection (1)(b); and (*Amended 23 of 1998 s. 2*)
 - (b) Part II, containing the names of all seafarers who either—
 - (i) are employed in coastal-going ships; or
 - (ii) desire to be employed in coastal-going ships and in respect of whom the Superintendent has the opinion referred to in subsection (1)(b).
- (5) (*Repealed 16 of 2013 s. 7*)

8. 註冊紀錄冊第I部

- (1) 在符合第12條及第(3)及(5)款的規定下，根據第(2)款符合名列註冊紀錄冊第I部的資格的人，才可名列該部；如該人意欲受僱在遠洋船舶上工作，則總監須對他有第7(1)(b)條所提述的看法，該人才可名列該部。
- (2) 任何人符合以下條件，即符合名列註冊紀錄冊第I部的資格——
 - (a) 持有永久性居民身分證；
 - (b) 就——
 - (i) 直接入職海員而言，年滿17歲，但未滿60歲；
 - (ii) 其他海員而言，年滿17歲，但未滿35歲；
 - (c) 已通過監督為驗明是否適合受僱在遠洋船舶上工作而指明的體格檢驗；
 - (d)(i) 曾在航海先修學校、其他學校或院校圓滿修畢一項監督為本條例的施行而批准的訓練課程，或具備總監認為足以應付受僱在遠洋船舶上工作的經驗；
 - (ii) 具備總監認為足以應付受僱在遠洋船舶上工作的機械操作及維修經驗；或
 - (iii) 具備總監認為足以應付受僱在遠洋船舶上工作的膳食承辦業經驗；及
 - (e) 並無被裁定犯某罪行，而假使他已註冊，該罪行會成為將他從註冊紀錄冊除名或暫時除名的理由(除非監督在徵詢諮詢委員會意見後批准另作處理)。
- (3) 無論何時，如總監覺得名列註冊紀錄冊第I部而又適合及可供受僱在遠洋船舶上擔任某海員職位的海員人數，不足以或可能不足以應付對僱用海員擔任該職位的需求，他可在符合第(4)款的規定下，安排將符合以下說明的任何海員的姓名列入該部——
 - (a) 名列註冊紀錄冊第II部，而憑藉經驗或其他理由具備適合受僱擔任該職位的資格的；及
 - (b) 已在令總監滿意的情況下通過關於他是否適合受僱在遠洋船舶上工作而由監督指明的體格檢驗的。

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8. Part I of register

(Adaptation amendments retroactively made - see 23 of 1998 s. 2)

- (1) Subject to section 12 and subsections (3) and (5), Part I of the register shall contain only the names of those persons who are qualified under subsection (2) to have their names entered therein and, in the case of persons who desire to be employed in sea-going ships, in respect of whom the Superintendent has the opinion referred to in section 7(1)(b).
- (2) A person is qualified to have his name entered in Part I of the register where—
 - (a) he holds a permanent identity card;
 - (b) he has attained the age of 17 years but has not attained the age of—
 - (i) in the case of a seafarer who is a direct trade entrant, 60 years; and
 - (ii) in any other case, 35 years;
 - (c) he has passed such medical examination as to his fitness for employment in sea-going ships as the Authority specifies;
 - (d) he—
 - (i) has satisfactorily completed a course of training at a pre-sea training school, or other school or institution, approved by the Authority for the purposes of this Ordinance, or possesses such experience as the Superintendent considers sufficient for the purposes of employment in sea-going ships;
 - (ii) possesses such experience of the operation and maintenance of machinery as the Superintendent considers sufficient for the purposes of employment in sea-going ships; or

- (4) 總監在行使第(3)款賦予他的權力時，對名列註冊紀錄冊第II部的海員，須在切實可行範圍內盡可能按其名列註冊紀錄冊的日期的先後以決定優先次序。
- (5) 監督在徵詢諮詢委員會的意見後，可指示總監將監督認為合適的海員的姓名列入註冊紀錄冊第I部。
- (iii) possesses such experience in the catering industry as the Superintendent considers sufficient for the purposes of employment in sea-going ships; and
- (e) he has not been convicted of an offence which, if he were registered, would be grounds for the removal or suspension of his name from the register unless the Authority, after consultation with the Advisory Board, otherwise approves.
- (3) Where at any time it appears to the Superintendent that the number of seafarers whose names appear in Part I of the register and who are suitable and available for employment in any particular seafaring post in a sea-going ship is not, or may not be, sufficient to meet the demand for seafarers for employment in that post, he may, subject to subsection (4), cause to be entered in that part the name of any seafarer—
- (a) whose name appears in Part II of the register and who is suitably qualified, by virtue of experience or otherwise, for employment in that post; and
- (b) who has passed to the satisfaction of the Superintendent such medical examination as to his fitness for employment in sea-going ships as the Authority specifies.
- (4) The Superintendent shall, in exercising the power conferred on him by subsection (3), give preference, so far as is practicable, to seafarers whose names appear in Part II of the register according to the date on which their names were entered in the register.
- (5) The Authority may, after consultation with the Advisory Board, direct the Superintendent to enter in Part I of the register the names of such seafarers as the Authority thinks fit.
- (Amended 23 of 1998 s. 2)*