

**Seafarers' Advisory Board**

**Revised Proposal for excluded categories of persons not considered as  
“seafarers” following the consultation under SAB Paper No. 1/2012**

**Background**

1. SAB Paper No. 1/2012 (Annex 1) was issued on 31 December 2012 for members' comment.
2. By the deadline on 11 January 2013, two comments were received sharing the same concern over the issue of category of the “persons under training in a training ship” in a Special Purpose Ship (SPS) - Annex 2. The concern was that “cadets” under training might be fallen into such category thus being excluded from the protection of the MLC, 2006.

**Revised Proposal**

3. Given SPS engaged in international voyages is not a type of ship that is governed by the merchant shipping laws in Hong Kong, it is hereby considered that SPS should be taken out from the amendment Bill. As such, the excluded categories of persons not considered as “seafarers” are to be :
  - a. a licensed pilot who works as a pilot in the ship;
  - b. the owner who has assumed the responsibility for the operation of the ship or a person (except the master) representing the owner;
  - c. an officer of law enforcement agencies carrying out law enforcement duties;

- d. a person who works on board the ship solely within a port or at a port facility; or
- e. person employed in a ship solely in connection with the construction, alteration, repair or testing of the ship, its machinery or equipment, and not directly in connection with the normal manning of the ship within the deck, engine room or catering department (Section 3(c) of Cap. 478L refers).

### **Comment and Endorsement Sought**

4. Members are invited to comment on the Revised Proposal and endorse the Revised Proposal for the amendment Bill. 'NIL' return by 17 January 2013 is deemed as the Revised Proposal being endorsed accordingly.

Marine Department  
Shipping Division

14 January 2013