

**Seafarers' Advisory Board**

**Revised "Seafarer" definition for the  
Merchant Shipping (Seafarers) (Amendment) Bill 2013**

**Background**

1. Under the Merchant Shipping (Seafarers) (Amendment) Bill 2013 submitted to the Legislative Council, "*seafarer*" is defined as a person who works on board a ship in any capacity, but does not include a person specified in Schedule 1A. Schedule 1A states that persons who work on board a ship are not seafarers are :

- a. a person who works on board the ship as a pilot;
- b. the owner of the ship;
- c. a person, including the manager or charterer of the ship, who has assumed the responsibility for the operation of the ship from the owner (responsible person);
- d. a person (except the master of the ship) who represents the owner or responsible person on board the ship;
- e. an officer of a law enforcement agency who carries out law enforcement duties on board the ship;
- f. a person who works on board the ship only within a port or at a port facility;
- g. a person who works -
  - (i) only relates to the construction, alteration, repair or testing of the ship or of its machinery or equipment; but
  - (ii) does not in any way relate to the normal operation of the ship within its deck, engine room or catering department.

2. At the Bills Committee meeting held on 2 July 2013, members considered that the definition of "*seafarer*" should be revised to specify more clearly the types of person working on board a ship who are intended to be covered by the Bill.

## Proposed Revised Wordings

3. As consulted with the Department of Justice on law drafting, a revised definition of “*seafarer*” is hereby proposed as :

“*seafarer* means a person who works on board a ship in any capacity on the business of the ship, but does not include a person specified in Schedule 1A”.

The addition of the wordings “... on the business of the ship, ...” will make it clear that the definition will not catch a person whose work does not relate to the ship at all (e.g. a private nurse employed by a passenger on a ship) but will cover an entertainer who carries out entertainment activities of a passenger ship registered in Hong Kong. For information, such wordings “... on the business of the ship, ...” appear also in the definitions of “passenger” in the Hong Kong Laws – Chapter 478 (Merchant Shipping (Seafarers) Ordinance), Chapter 369 (Merchant Shipping (Safety) Ordinance) and Chapter 415C (Merchant Shipping (Registration) (Tonnage) Regulations).

## Comment and Endorsement Sought

4. Members are invited to comment on the proposed revised wordings for the amendment Bill. In view of the tight timeframe for a written reply to the Bills Committee, your comment **on or before 9 July 2013 (Tuesday), Noon** is appreciated. ‘NIL’ return is deemed as the proposed revised wordings being endorsed accordingly.

Marine Department  
Shipping Division

5 July 2013