

Seafarers' Advisory Board

Amendments to Maritime Labour Convention, 2006 in HKSAR

Purpose

The purpose of this paper is to seek members' views on the implementation of the amendments relating to Regulations 2.1, 2.2, 2.5 and 5.1 of the Maritime Labour Convention (the "MLC") 2006 in Hong Kong.

Background

2. The International Labour Organization (the "ILO") approved the 2016 amendments relating to Regulation 5.1 of the MLC 2006 on 9 June 2016 allowing an extension of the validity of Maritime Labour Certificates. It will enter into force on 8 January 2019 internationally.

3. On 27 April 2018, the 3rd meeting of the Special Tripartite Committee by the governing body of the ILO adopted the text of the amendments relating to Regulation 2.1, 2.2 and 2.5 of the Code of the MLC, 2006 protecting the seafarers to continue to be paid if held captive in certain circumstances. The proposed amendments approved by the General Conference of the ILO during its 107th Session on 5 June 2018. .

Summary of Amendments

4. The 2016 amendments allowed an extension of not more than five months of the validity of the Maritime Labour Certificate issued for ships. It will apply in cases where the renewal inspection has been successfully completed, but a new certificate cannot immediately be issued to the ship.

5. The 2018 amendments had imposed additional requirements to protect seafarers' wages when they are held captive on or off the ship as a result of piracy of armed robbery against ships by adding two new paragraphs to both Regulations 2.1 and 2.2 respectively. Paragraph 8 of the Guideline B 2.5.1 with regard to the entitlement to repatriation had also been replaced by a new paragraph.

Implementation of international requirements

6. Hong Kong Special Administrative Region (HKSAR) should keep in line with the international standards and implement the requirements of the latest amendments to MLC 2006 by amending the subsidiary legislation under the Merchant Shipping (Seafarers) Ordinance (Cap. 478).

Consultation

7. Members are invited to comment on the above proposal to implement the latest MLC 2006 requirements in the above-mentioned paragraphs 4 and 5 for Hong Kong registered ships and non-Hong Kong registered ships in Hong Kong waters.

Marine Department
Multi-lateral Policy Division
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Enclosures:

Annex 1: Amendments of 2016 to the Code of the Maritime Labour Convention, 2006

Annex 2: Amendments of 2018 to the Code of the Maritime Labour Convention, 2006