

**Seafarers' Advisory Board**

**Implementation of Amendments of 2022 to the Maritime  
Labour Convention, 2006, as amended**

**Purpose**

The purpose of this paper is to seek members' views and endorsement of the proposal to amend subsidiary legislation under the Merchant Shipping (Seafarers) Ordinance ("Cap. 478") for the implementation of **the Amendments of 2022** to the Maritime Labour Convention, 2006, as amended ("the MLC").

**Background**

2. The MLC which sets out seafarers' rights to decent conditions of work and helps to create conditions of fair competition for shipowners was entered into force internationally on 20 August 2013. To give effect to the MLC in the Hong Kong Special Administrative Region ("the HKSAR"), the amended Merchant Shipping (Seafarers) Ordinance ("Cap. 478") and its relevant subsidiary legislation together with the introduction of the Merchant Shipping (Seafarers) (Working and Living Conditions) Regulation ("Cap. 478AF") were enacted and came into operation on 20 December 2018.

3. The International Labour Organization ("ILO") amends the MLC from time to time, with the view to enhancing the protection of seafarers' rights. Recently, the 110<sup>th</sup> Session of the International Labour Conference of the ILO held in Geneva from 27 May to 11 June 2022 approved eight amendments to the MLC ("the 2022 Amendments").

## Summary of the 2022 Amendments

4. The 2022 Amendments, with copy of the authentic text as appended in **Annex I**, are summarized as follows: -

- (i) ‘Standard A1.4 – Recruitment and placement’ – Members<sup>1</sup> shall ensure that seafarers are informed, prior to or in the process of engagement, of their rights by the private recruitment agency in respect of failure of a recruitment and placement services under the established system of protection;
- (ii) ‘Standard A2.5.1 – Repatriation’ - Members shall facilitate the prompt repatriation of seafarers, including when they are deemed abandoned;
- (iii) ‘Standard A3.1 – Accommodation and recreational facilities’ – Members shall ensure that the facilities provided shall include social connectivity as detailed in the Guidelines B3.1.11 and B4.4.2, i.e. shipowners should provide seafarers on board reasonable access to ship-to-shore telephone communications and internet access each with reasonable charge, and Members should, so far as is reasonably practicable, provide seafarers on board in their ports or anchorages with internet access, with reasonable charges;
- (iv) ‘Standard A3.2 – Food and catering’ – Members shall ensure that the food and drinking water supplies for seafarers on board shall be free of charge and the catering department shall be such as to permit the provision to the seafarers of adequate, varied, balanced and nutritious meals;

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<sup>1</sup> Members which ratified the Maritime Labour Convention, 2006

- (v) ‘Standard A4.1 - Medical care on board ship and ashore’ – Members shall ensure prompt disembarkation of seafarers in need of medical care and shall facilitate the repatriation by the shipowner of the body or ashes of seafarers who died during ships’ voyages according to the wishes of the seafarers or their next of kin;
- (vi) ‘Standard A4.3 – Health and safety protection and accident prevention’ – Under the replaced paragraph 1(b), Members shall ensure provision of all necessary appropriately-sized personal protective equipment to prevent occupational accidents, injuries and diseases on board ship in addition to the existing precautions;
- (vii) ‘Standard A4.3 – Health and safety protection and accident prevention’ – Under a new paragraph 5(a), Members shall ensure that death incidents happened on board shall be adequately investigated, recorded and reported on an annual basis to ILO; and
- (viii) ‘Appendix A2-I – Evidence of financial security’ under paragraph 2 of Regulation 2.5 and ‘Appendix A4-I – Evidence of financial security’ under Regulation 4.2 – item (g) is replaced to include the registered owner if different from the shipowner.

## **The Proposal**

5. The HKSAR should keep in line with the international standards and implement the requirements of the latest amendments to the MLC by amending the local legislation in a timely manner. After an assessment of the requirements of the 2022 Amendments and with the preliminary legal advice obtained, we propose to amend the relevant provisions of the following subsidiary legislation made under Cap. 478 for the implementation of the 2022 Amendments in above para.4 (i), (iv), (v), (vi) and (vii) which are expected to come into force on **23 December 2024**: -

- (i) Merchant Shipping (Seafarers) (Working and Living Conditions) Regulation (Cap. 478AF);
- (ii) Merchant Shipping (Seafarers) (Health and Safety: General Duties) Regulation (Cap. 478C); and
- (iii) Merchant Shipping (Seafarers) (Returns of Births, Deaths and Missing Persons) Regulation (Cap.478F)

The provisions of the 2022 Amendments in para. 4(ii), (iii) and (viii) are already covered by the existing legislation under Cap.478 and no legislative amendment is therefore required.

## **Consultation**

6. Members' comments, if any, and endorsement of our proposal are hereby sought.

Marine Department  
Multi-lateral Policy Division  
10 August 2023

Enclosures:

Annex I: Amendments of 2022 to the Maritime Labour Convention, 2006, as amended