

SEAFARERS' ADVISORY BOARD

Issuance of Electronic Certificates and Licences for Seafarers under the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978

Purpose

The purpose of this paper is to seek members' views on the proposal of amending the Merchant Shipping (Seafarers) Ordinance (Cap. 478) and its subsidiary legislation to introduce the issuance of electronic certificates and licences ("e-CoCs") for seafarers as an alternative option of paper certificates and licences under the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 ("1978 STCW Convention").

Background

2. With the advent of digital encryption and other cybersecurity technology, the International Maritime Organization ("IMO") issued guidelines¹ in 2016 for the use of electronic certificates ("e-certs") on ships, seeking to set a global standard on the functions and security requirements of e-certs. The work led by IMO aimed to reduce administrative burdens on seafarers and shipping companies, and encourage the use and recognition of e-certs. Since then, there is a clear need to address the issues related to the use of e-CoCs of seafarers pursuant to the 1978 STCW Convention and Code in response to the global digitalization trend and to provide a solution for the management and control of seafarers' documentation.

3. Currently, the IMO is formulating the guidelines on the use of e-CoCs of seafarers that largely follows the guidelines approved by the Facilitation

¹ FAL.5/Circ.39/Rev.2 (Guidelines for the Use of Electronic Certificates) approved by the Facilitation Committee of the IMO in April 2016.

Committee of the IMO in 2016 with the emphasis on the privacy issue of the certificates in the verification process since the certificates under the 1978 STCW Convention contain personal information. According to the time-table of the IMO, the earliest opportunity of approving the draft guidelines will be in early 2023. We aim at having our amendment legislation on e-CoCs enacted in 2023 followed by the issuance of e-CoCs.

4. To facilitate the issuance of e-CoCs for Hong Kong seafarers or seafarers serving on board Hong Kong-registered ships and their acceptance by the Marine Department (“MD”), we will need to ensure that they are permissible under Cap. 478 and its subsidiary legislation as their previous enactment did not fully envisage the advance of the shipping industry towards electronic. In doing so, certain legal requirements under the existing legislation either require or imply that an action can only be done using paper certificates (e.g. the delivery up or surrender of certificates to the Director of Marine (“DM”), endorsement of certificates by the DM or return of certificates to the seafarers), are to be amended to provide the legislative provisions specifying the acceptance of e-CoCs, as well as the manner for the operation of the electronic certification system.

The Proposal

5. Our policy intent is to keep the intact of our existing regulatory regime in relation to paper certificates and licences with the format to be amended by the 1978 STCW Convention and Code. As such, we propose that the legislation amendment will aim to introduce the use of e-CoCs as an alternative option of paper certificates and to accept the cancellation of e-CoCs as equivalent to the delivery up of cancelled paper certificates and licences, etc. We will refer to the draft guidelines on the use of e-CoCs of seafarers in amending the legislation in the interim.

6. It is anticipated that the proposal would reduce the administrative burden placed upon the shipmasters, port State control and the issuing authority. Furthermore, it would largely reduce manual process of printing, stamping, posting of the certificates and the chance of certificate loss. Most of all, with the online verification mechanism, we can eliminate forgery of certificates in the industry. Finally, with the prompt

receipt of the issued or endorsed seafarers' e-CoCs and less burden to ship staff and shipping companies, the proposal would render better support for shipowners and ship operators of Hong Kong ships and to enhance our services in order to better meet the needs of the industry.

Consultation

7. Members' comments on, if any, and endorsement of the proposal are hereby sought.

Marine Department
Multi-lateral Policy Division
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