



UTN: CSDMI-

本文件根據國際海事組織FAL.5/Circ.39/Rev.2並經不時修訂以及適用於香港的版本以電子方式簽署，可在以下網站驗證 This document is signed electronically in accordance with IMO FAL.5/Circ.39/Rev.2 and as amended from time to time and as applicable to Hong Kong. Validation and authentication can be obtained from the web site: <https://www.mardep.gov.hk/verify>



# Maritime Labour Convention, 2006, as amended

## 經修正的2006年海事勞工公約

### DECLARATION OF MARITIME LABOUR COMPLIANCE - PART I

#### 海事勞工合規聲明 - 第 I 部

(Note: This Declaration must be attached to the ship's Maritime Labour Certificate)

(注：本海事勞工合規聲明須附於船舶的海事勞工證書之後)

Issued under the authority of: **the Government of the Hong Kong Special Administrative Region of the People's Republic of China (HKSARG)**

簽發當局：中華人民共和國香港特別行政區政府(香港特別行政區政府)

With respect to the provisions of the Maritime Labour Convention, 2006, as amended (MLC), the following referenced ship:

下列船舶就經修正的2006年海事勞工公約（海事勞工公約）的要求：

Name of ship 船名	IMO number 國際海事組織編號	Gross tonnage 總噸位

is maintained in accordance with Standard A5.1.3 of the MLC.

與公約標準A5.1.3保持一致。

The undersigned declares, on behalf of the abovementioned competent authority, that-

以下簽署人，代表上述主管當局聲明：

- (a) the provisions of the MLC are fully embodied in the requirements of the Hong Kong Special Administrative Region of the People's Republic of China (HKSAR) as referred to below;

海事勞工公約的規定已完全體現在中華人民共和國香港特別行政區(香港特別行政區)如下的要求：

- (b) these HKSAR requirements are contained in the HKSAR provisions referenced below; explanations concerning the content of those provisions are provided where necessary;

這些香港特別行政區的要求包含在下述香港特別行政區的規定中；  
必要時提供有關這些規定內容的解釋；

- (c) the details of any substantial equivalencies under Article VI, paragraphs 3 and 4, are provided ~~<under the corresponding HKSAR requirement listed below>~~ <in the section provided for this purpose below> (strike out the statement which is not applicable);

根據第六條第3款和第4款的任何實質上等效的規定細節在<下文所列的相應香港特別行政區要求下> <下述專文中>提供(刪去不適用的陳述)；

- (d) any exemptions granted by the competent authority in accordance with Title 3 are clearly indicated in the section provided for this purpose below; and

主管當局授予標題三的任何豁免在下述專文明確指出；

- (e) any ship-type specific requirements under HKSAR legislation are also referenced under the requirements concerned.

在有關要求中還提及了香港特別行政區法例規定對任何船舶類型的具體要求。

### **1. Minimum age (MLC Regulation 1.1; Cap. 478AF, Sections 2, 5, 6, 7, and 8)**

最低年齡 (海事勞工公約規則1.1, 第478AF章第2, 5, 6, 7及8條)

- .1 The age of a seafarer working onboard a Hong Kong ship shall not be less than 17 years. (Section 5 of Cap. 478AF).

在香港船舶上工作的海員須年滿17歲(第478AF章第5條)。

- .2 Young seafarer means a seafarer who is under the age of 18 (Section 2 of Cap. 478AF).

青年海員指未滿18歲的海員(第478AF章第2條)。

- .3 Young seafarers must not work during night period except in limited circumstances as referred to Standard A1.1.3 of the MLC (Section 6 of Cap. 478AF). "Night Rest Period" is defined as a period of at least 9 consecutive hours, starting no later than midnight and ending no earlier than 5 a.m. (Section 6 of Cap. 478AF).

除了在海事勞工公約標準A1.1.3 (第478AF章第6條)所例的限制情況外青年海員不得在夜間工作,“夜間休息期間”為時至少連續9小時包括午夜至早上5時的時段(第478AF章第6條)。

- .4 The employment, engagement or work of young seafarers on board a Hong Kong ship shall be prohibited where the work is likely to jeopardize their health or safety to handle any substance as identified in the IMDG Code and products in Chapter 17 of IBC Code as amended, or in the following hazardous areas-

- working in high-pressure atmospheres, i.e. the risks from pressure and decompression such as diving;
- working in ships' hospital or taking care of patients on board;
- working involving high electrical voltage (over 1,000 volts); and
- exposure to shocks, low frequency vibration (for example, working in fast rescue craft), which may be associated with back pain and other spinal disorders (Section 7 of Cap. 478AF).

在香港船舶上就業、參與或工作的青年海員須被禁止處理可能危害他們健康或安全的《危險貨物守則》所列的物質和《國際散裝化學品規則》第17章中的產品或在以下有害區域工作—

- 須在高壓環境中進行,並會令有關海員承受如潛水等高壓及減壓風險;
- 在船舶醫院工作或照顧船上病人;
- 工作涉及高電壓(超過1,000伏特);和
- 受到震盪、低頻震動(例如在快速救援艇上工作),可能導致背部疼痛或對脊椎造成損傷(第478AF章第7條)。

- .5 Young seafarers shall not be allowed to carry out any type of work prescribed in paragraph 2 of Guideline B4.3.10 of the MLC unless they are trained, and provided with appropriate supervision and instruction (Section 8 of Cap. 478AF).

青年海員除非已經接受訓練及獲提供適當的督導及指示,否則不得進行海事勞工公約導則B4.3.10第2段中所述的任何工作(第478AF章第8條)。

### **2. Medical certification (MLC Regulation 1.2; Cap. 478AF, Section 10 and Cap. 478O, Sections 5, 6 & 8)**

健康證明書(海事勞工公約規則1.2, 第478AF章第10條, 第478O章第5, 6及8條)

- .1 Every seafarer employed to work on board a ship must hold a valid medical fitness certificate. (Section 10 of Cap. 478AF).

所有受僱在船舶上工作的海員,須持有有效的健康證明書(第478AF章第10條)。

- .2 A medical fitness certificate must be issued by an approved medical practitioner of Hong Kong (Section 6 of Cap. 478O), or an equivalent certificate issued by a qualified medical practitioner under the law of a place outside Hong Kong (Section 5 of Cap. 478O).

健康證明書須由香港的認可醫生發出(第478O章第6條),而等同於健康證明書的證明書須由根據香港以外某地方的法律具備從事醫學執業資格者發出(第478O章第5條)。

- .3 The medical fitness certificate is valid for no more than 2 years in respect of a seafarer 18 years of age and under 55 years of age, or no more than one year if a seafarer is serving or intending to serve on bulk chemical carriers or a seafarer is under 18 years of age or 55 years of age and over (Section 8 of Cap. 478O).

就年滿18歲但在55歲以下的海員而言,健康證明書的有效期限最長為兩年;如果該海員正在或擬在散裝化學品運載船上服務、或年齡低於18歲或年齡在55歲及以上,則最長為一年。(第478O章第8條)。

### **3. Qualifications of Seafarers (MLC Regulation 1.3; Cap. 478AF, Section 11)**

海員的資格(海事勞工公約規則1.3, 第478AF章第11條)

- .1 A seafarer must not work in any capacity on board a Hong Kong ship unless the seafarer complies with the requirements in respect of that capacity imposed by the subsidiary legislation\* made under the Cap. 478 for implementing the STCW Code, as amended.

凡根據第478章為實施經修正的《培訓規則》而訂立的附屬法例\*,就任何職位施加規定,海員除非符合該等規定,否則不得在香港船舶上擔任該職位。

- .2 A seafarer must not work on board a ship unless the seafarer has completed the training for personal safety in compliance with the STCW Code, as amended.

海員除非已遵照經修正的《培訓規則》完成個人安全訓練,否則不得在船舶上工作。

\*Merchant Shipping (Seafarers) (Certification and Watchkeeping) Regulation (Cap. 478T), Merchant Shipping (Seafarers) (Engine Room Watch Ratings and Electro-Technical Ratings) Regulation (Cap. 478V), Merchant Shipping (Seafarers) (Passenger Ships-Training) Regulation (Cap. 478AD), Merchant Shipping (Seafarers) (Navigational Watch) Regulation (Cap. 478AH), Merchant Shipping (Seafarers) (Certificates of Proficiency for Able Seafarers) Regulation (Cap. 478AI), Merchant Shipping (Seafarers) (Safety, Security and Designated Duties Training) Regulation (Cap. 478AJ), Merchant Shipping (Seafarers) (Ships Using Low-flashpoint Fuels) Regulation (Cap. 478AK), Merchant Shipping (Seafarers) (Ships Operating in Polar Waters) Regulation (Cap. 478AL).

\*商船(海員)(資格證明及值班)規例(Cap. 478T), 商船(海員)(機房值班普通船員及電子技術普通船員)規例(Cap. 478V), 商船(海員)(客船—訓練)規例(Cap. 478AD), 商船(海員)(導航值班)規例(Cap. 478AH), 商船(海員)(高級海員培訓合格證書)規例(Cap. 478AI), 商船(海員)(安全、保安及指定職責培訓)規例(Cap. 478AJ), 商船(海員)(使用低閃點燃料船舶)規例(Cap. 478AK), 商船(海員)(極地水域操作船舶)規例(Cap. 478AL)

#### **4. Seafarers' employment agreements (SEA) (MLC Regulation 2.1; Cap. 478, Section 80; Cap. 478AF, Sections 12, 13, 14, 15, 16A, 46A and Schedule 1; Cap. 478L, Section 7)**

海員的僱用協議(海事勞工公約 規則 2.1, 第478章第80條; 第478AF章第12, 13, 14, 15, 16A, 46A條及附表1; 第478L章第7條)

1. A written employment agreement (SEA) must be entered into between a person who works as a seafarer on a Hong Kong ships and the owner of the ship or a person, including the manager or charterer of the ship, who has assumed responsibility for the operation of the ship from the owner (Section 80 of Cap. 478) with the following arrangement-

在香港船舶上的海員必須與船東或承擔船舶營運責任的人，包括船舶的經理或租船人(第478章第80條)，簽訂包括以下安排的書面僱用協議—

- (a) seafarers signing the SEA are provided with an opportunity to examine and seek advice on the agreement before signing, as well as such other facilities as are necessary to ensure that they have freely entered into an agreement with a sufficient understanding of their rights and responsibilities;

簽訂書面僱用協議的海員在訂立上述協議前，須有機會審閱該協議，就該協議徵詢意見，並須獲得任何所需的便利以確保該海員在訂立該協議前對自己在該協議下的權利及責任有充分了解和自願訂立該協議；

- (b) the seafarer concerned with the agreement shall have a signed original of the SEA;

簽訂書面僱用協議的海員須獲得上述協議的一份經簽署正本；

- (c) where the language of the SEA and any applicable agreement is not in English, a copy of a standard form of the agreement must also be available in English (Section 12 of Cap. 478AF);

如書面僱用協議和適用的協議並非採用英文，須備有該協議標準格式的英文文本(第478AF章第12條)；

- (d) clear information as to the conditions of their employment can be easily obtained on board by seafarers, including the ship's master, and that such information, including a copy of the SEA, is also accessible for review by authorised officers, including those in ports to be visited (Section 7 of Cap. 478L and Section 14 of Cap. 478AF);

包括船長在內的海員在船上可以容易獲得有關其僱用條件的明確信息，並且包括僱用協議的副本在內的此類信息也可供授權官員審查，包括所靠泊港口的官員(第478L章第7條及第478AF章第14條)；

- (e) the SEA must continue to have effect during the entire period of a seafarer who is held captive on or off the ship as a result of the acts of piracy# or armed robbery# against ships, regardless of whether his agreement expiry date has passed, or either party to the agreement has been given notice to suspend or terminate the agreement (Section 16A of Cap. 478AF – to be in force on a date as announced).

在發生海盜#行為或武裝搶劫船舶#行為導致海員遭扣押在該船上或該船以外，該海員的僱用協議須在上述遭扣押的期間繼續有效，而不論該協議所定的屆滿日期是否已過；或是否有該協議的其中一方已給予通知暫停或終止該協議(第478AF章第16A條—實施日期有待公告)。

#according to Standard A2.1.7 of MLC (2018 Amendment to MLC)

#根據海事勞工公約標準A2.1.7 (海事勞工公約2018年修正案)

2. The terms and conditions for the SEA of a seafarer must be set out or referred to in a clear written legally enforceable agreement and the requirements are in accordance with Schedule 1 of Cap. 478AF with the following items.

海員僱用協議的條款和條件必須在明確的、具有法律效力的書面協議中列出或提及，這些要求須符合第478AF章附表1具有以下項目。

- (a) the SEA must contain-

海員僱用協議須包括—

- (i) the grounds for early termination of agreement and the period of notice to be given by the employer and the seafarer for early termination of the agreement (Section 1(g) of Schedule 1 of Cap. 478AF);

提前終止協議的理由，及僱主和海員提前終止協議須給予的通知期(第478AF章附表1第1(g)條)；

- (ii) the health and social security protection benefits to be provided to the seafarer by the shipowner / employer, if any (Section 1(h) of Schedule 1 of Cap. 478AF);

船東/僱主須提供予海員的健康及社會保障保護福利(如有的話) (第478AF章附表1第1(h)條)；

- (iii) the seafarer's entitlement to repatriation (Section 1(i) of Schedule 1 of Cap. 478AF);

海員獲遣返的權利(第478AF章附表1第1(i)條)；

- (iv) the seafarer's entitlement to paid leave and, where the leave is not taken, the amount of payment in lieu or the formula for calculating the amount (Section 1(j) of Schedule 1 of Cap. 478AF);

海員有薪假期的權利，以及(如海員沒有放取該假期)代替款額或計算該款額的公式(第478AF章附表1第1(j)條)；

- (v) the seafarer's entitlement to shore leave, the duration of which is to be determined by reference to the operational requirements of the seafarer's capacity (Section 1(k) of Schedule 1 of Cap. 478AF); and  
海員上岸休假的權利，而休假的期間須藉參照海員的職位的運作需要而釐定(第478AF章附表1第1(k)條)；及

- (vi) any agreement voluntarily entered with the shipowners' and seafarers' organization relevant to the working and living conditions of seafarers (Section 4 of Schedule 1 of Cap. 478AF).

任何與船東組織及海員組織自願訂立關乎海員的工作及生活條件的協議(第478AF章附表1第4條)。

- (b) the following provisions for "Entitlement to leave" must be included in the SEA as-  
僱用協議必須載有以下海員有休假權利的條文—

- (i) The annual leave with pay entitlement must be calculated on the basis of a minimum of 2.5 calendar days per month of employment (Section 7 of Schedule 1 of Cap. 478AF);

有薪年假必須以每個僱用月至少2.5個日曆日為基礎計算(第478AF章附表1第7條)；

- (ii) Any agreement to forgo the minimum annual leave with pay shall not be allowed (Section 2 of Schedule 1 of Cap. 478AF).

不允許任何放棄有薪年假的協議(第478AF章附表1第2條)。

- (c) the SEA must contain provisions regarding the shipowner's / employer's liability for the seafarer's (i) sickness or injury and related matters, (ii) arrangements for delivering the body or ashes of the seafarer in accordance with section 46A of Cap. 478AF; and (iii) burial or cremation expenses and the cost of the delivery if the seafarer dies in the course of employment; and (iv) safeguarding the left property and for returning the left property to the seafarer or to the seafarer's next of kin following the seafarer's sickness, injury or death (Section 3 of Schedule 1 of Cap. 478AF as amended);

僱用協議必須載有關於船東/僱主對海員責任的條文 (i)疾病或損傷及相關事宜，(ii) 按照第478AF章第46A條安排送交海員的遺體或骨灰，(iii) 埋葬或火葬的費用，以及上述送交的費用如海員在受僱期間死亡；及(iv)如海員在患病、受傷或死亡後，保障該海員在船上遺下的任何財產，並將該財產交還海員或海員的最近親(經修訂的第478AF章附表1第3條)；

- (d) the minimum notice period to be given by the seafarers and shipowners for the early termination of the SEA shall not be shorter than seven days (Section 6(a) of Schedule 1 of Cap. 478AF);

僱主及海員須給予最少7日事先通知，方可提前終止僱用協議(第478AF章附表1第6(a)條)；

- (e) shipowners / employers must allow seafarers to terminate the SEA at shorter notice or without notice without penalty for compassionate or other urgent reason (Section 6(b) of Schedule 1 of Cap. 478AF).

船東/僱主須不加處罰地允許海員基於恩恤理由或其他緊急理由而給予較短或沒有通知而提前終止僱用協議(第478AF章附表1第6(b)條)。

- .3 A seafarer is provided with a document containing a record of their employment on board ship. The document shall contain sufficient information, with a translation in English, to facilitate the acquisition of further work or to satisfy the sea-service requirements for upgrading or promotion. The document of record of employment must not contain any statement as to the quality of the seafarers' work or as to their wages. An Employment Registration Book issued to a Hong Kong registered seafarer in accordance with Cap. 478U or a seafarers' discharge book for seafarers other than Hong Kong registered seafarers working on board Hong Kong ships shall satisfy this requirement. (Section 15 of Cap. 478AF).

在船舶上工作的海員獲給予一份該海員在該船舶上的僱用紀錄。該紀錄須載有足夠資料，附有英文譯本，以利便該海員覓得下一份工作，或符合該海員升級或晉升的海上服務規定。該紀錄不得載有任何關於該海員的其工作質素或工資的陳述。根據第478U章發給香港註冊海員的僱用登記簿或發給在香港船舶上工作的除香港註冊海員以外的海員的服務紀錄簿應滿足此要求(第478AF章第15條)。

**5. Use of any licensed or certified or regulated private recruitment and placement service (MLC Regulation 1.4; Cap. 478AF, Sections 17 and 18)**

使用任何許可或認證或受監管的私人招聘和就業配置(海事勞工公約 規則 1.4， 第478AF章第17及18條)

- .1 If the shipowner of a Hong Kong ship engages an agent operating in a MLC country to recruit and place seafarers to work on board the ship, the shipowner must ensure that the agent is permitted to do so under the law of the country (Section 17 of Cap. 478AF).

如某香港船舶的船東，聘用在海事勞工公約國營運的代理人，招募和配置海員在該香港船舶上工作，該船東須確保，該代理人根據該國的法律獲准許如此行事(第478AF章第17條)。

- .2 If the shipowner of a Hong Kong ship engages an agent operating in a country, not being a MLC country, to recruit and place seafarers to work on board the ship, the shipowner must, as far as practicable, ensure that the agent complies with all the requirements specified in Standard A1.4.5 of the MLC (Section 18 of Cap. 478AF as amended).

如某香港船舶的船東，聘用在不屬海事勞工公約國的國家營運的代理人，招募和配置海員在該香港船舶上工作，該船東須在切實可行範圍內，確保該代理人符合海事勞工公約 標準A1.4.5指明的所有規定(經修訂的第478AF章第18條)。

**6. Hours of work or rest (MLC Regulation 2.3; Cap. 478AF, Sections 20, 21, 22, and 23)**

工作或休息時間(海事勞工公約規則 2.3， 第478AF章第20,21,22及23條)

- .1 Subject to paragraphs 6.2 and 6.4, all seafarers employed to work on board Hong Kong ships must have at least—  
除第6.2及6.4段另有規定外，所有受僱在香港船舶上工作的海員須有最少—

- (a) 10 continuous hours of rest in any 24-hour period; and

在任何24小時期間內，須有連續10小時的休息時間；及

- (b) 77 hours of rest in any 7-day period.

在任何7日期間內，須有77小時的休息時間。

(Section 20(1) of Cap. 478AF) (第478AF章第20(1)條)

Hours of rest - means time outside hours of works; this term does not include short breaks (Section 2 of Cap. 478AF).

休息時間 - 指任何在工作時間以外的期間，但不包括工作時間內的小休(第478AF章第2條)。

- .2 The hours of rest in a 24-hour period may be divided into two periods if one of them is at least six hours in duration, and the interval between 2 consecutive periods of rest does not exceed 14 hours (Section 20(2) of Cap. 478AF).

在一段24小時期間內的休息時間，可以分為2段假如其中一段為時最少有6小時；及一段休息期間與下一段之間，相隔不超過14小時(第478AF章第20(2)條)。

- .3 Emergency drills on board the ship must be conducted in a manner that minimizes the disruption of any rest period and that does not induce fatigue to any seafarers on board the ship (Section 20(3) of Cap. 478AF).

在船舶上進行緊急演習的方式須以盡量少打斷休息期間及不會引致任何在船舶上的海員疲勞的方式進行(第478AF章第20(3)條)。

- .4 The Director of Marine (Director) may, in according with Standard A2.3 of the MLC and section A-VIII/1 of the STCW Code, permit an exception to the requirements on hours of rest under paragraph 6.1 and 6.2 (Section 21 of Cap. 478AF).

海事處處長(處長)可按照海事勞工公約標準A2.3及《培訓規則》A-VIII/1節，就第6.1和6.2條的休息時間規定，准許有例外情況(第478AF章第21條)。

- .5 The master of a Hong Kong registered ship must compile a table which contains, in respect of each seafarer on board the ship a schedule of service at sea and service in port and the minimum hours of rest for display in a conspicuous position on board the ship and is accessible to the seafarers on it (Section 22(1)&(2) of Cap. 478AF). This table, in the working language of the ship and in English may be developed in accordance with “IMO/ILO Guidelines for the Development of Tables of Seafarers Shipboard Working Arrangements and Formats of Records of Seafarers Hours of Work or Hours of Rest” as amended.

香港船舶的船長須編製一份列表載有就在有關船舶上每名海員在海上服務及在港口服務的時間表及最低限度的休息時間，並將該列表展示於有關船舶上一個顯眼位置，該位置須是該船舶上的海員可到達的(第478AF章第22(1)及(2)條)。該列表可按照不時修訂的《國際勞工組織(ILO)和國際海事組織(IMO)編制船員船上工作安排表和船員工作時間或休息時間記錄格式指南》並須採用有關船舶的船員的工作語言及英文編寫。

- .6 The master must maintain a record of daily hours of rest of every seafarer on board the ship that is endorsed by the master, or a person authorised by the master, and the seafarer concerned. The master must provide each seafarer with a copy of the record relating to the seafarer (Section 22(5) of Cap. 478AF).

船長須就該船舶上每名海員每天休息的時間，備存一份紀錄，該份紀錄須經船長，或獲該船長授權的人及該海員批註。船長須向每名海員提供一份關乎該海員的紀錄的複本(第478AF章第22(5)條)。

- .7 The master of a Hong Kong ship may require a seafarer to work during the hours of rest shown in the schedule of service for the immediate safety of the ship, person or cargo on board, or for giving assistance to any other ships or a person in distress at sea. The seafarer must be provided with a compensatory rest period if normal period of rest is disturbed by call-outs to work (Section 22(3)&(4) of Cap. 478AF).

香港船舶的船長可要求某海員在服務的時間表所示的休息時間內為確保有關船舶、船上人士或船上貨物的即時安全或向在海上遇險的任何其他船舶或人士，提供協助而工作。如該海員在正常休息時間被呼喚工作而受到干擾須獲得補償休息時間(第478AF章第22(3)及(4)條)。

- .8 Shipowners shall comply with Guideline B2.3 of the MLC for all young seafarers employed to work on board Hong Kong ships (Section 23 of Cap. 478AF).

對所有受僱在香港船舶上工作的青年海員，船東應遵守海事勞工公約導則B2.3(第478AF章第23條)。

## **7. Manning levels for the ship (MLC Regulation 2.7; Cap. 478AF, Section 25)**

船舶人手配置數目(海事勞工公約 規則 2.7，第478AF章第25條)

- .1 Without prejudice to section 13 of Cap. 478J, shipowners must place a sufficient number of seafarers on board a Hong Kong ship to ensure that the ship is operated safely and efficiently, with due regard to security and the ship must be manned by a crew that is adequate, in terms of size and qualifications, to ensure the safety and security of the ship and all the persons on board the ship under all operating conditions, in accordance with the minimum safe manning certificate (MSM Certificate) issued by the Director.

在不損害第478J章第13條的原則下，船東須在香港船舶上安排足夠的海員以確保該船舶在適當顧及保安下安全地及有效率地操作及該船舶須根據處長發出的最低安全人手編配證明書配備就數量及資格而言均屬足夠的船員，以確保該船舶及船上所有人士在所有操作狀況下的安全和保安。

## **8. Accommodation (MLC Regulation 3.1, Cap. 478AF, Sections 27, 28, 29, 30, 31, and Schedule 2)**

艙房(海事勞工公約 規則 3.1，第478AF章第27, 28, 29, 30, 31條及附表2)

- .1 The MLC came into effect in Hong Kong on 20 December 2018. A Hong Kong ship constructed on or after that date must comply with the requirements for on-board accommodation and recreational facilities set out in Regulation 3.1, Standard A3.1.6 to A3.1.17 and Guidelines B3.1.1 to B3.1.12, of the MLC and Section 27 & Schedule 2 of Cap. 478AF.

海事勞工公約於2018年12月20日在香港生效。在此日期當日或之後建造的香港船舶須符合海事勞工公約規則3.1，標準A3.1.6至A3.1.17和導則B3.1.1至B3.1.12和第478AF章第27條及附表2所列對艙房和康樂設施的要求。

- .2 For a ship constructed before 20 December 2018, it must comply with the requirements of the Cap. 478I.

對於2018年12月20日之前建造的船舶，必須符合第478I章的要求。

- .3 The master or the master's appointed officer accompanied by another seafarer on board must carry an inspection of the ship once a week to ensure that the accommodation and related facilities for seafarers are clean and maintained in a good state of repair. The result of each inspection must be recorded into ship's official log book and be available for review by a port authority (Section 28 of Cap. 478AF).

船長或船長委任的高級船員由該船舶上另一名海員陪同，須每星期對該船舶進行一次檢查，以確保海員的艙房及相關設施清潔和保持獲妥善維修的狀況。每次檢查的結果須記入該船舶的正式航海日誌及應要求提供予港口當局以作檢視(第478AF章第28條)。

- .4 The Director may, after consultation with the Advisory Board, exempt ships of less than 200 gross tonnage constructed on or after 20 December 2018, if the Director considers it reasonable to do so, having regard to the size of the ship and the number of persons on board, in relation to the requirements under Standard A3.1 of the MLC (Section 29 of Cap. 478AF)-

如處長在顧及有關船舶的大小及該船舶將要運載的人士的數目後認為有關豁免屬合理，可在徵詢諮詢委員會的意見後，豁免在2018年12月20日當日或之後建造而總噸位少於200噸的船舶關於海事勞工公約標準A3.1的要求(第478AF章第29條)。

- (a) paragraphs 7(b), 11(d) and 13; and

7(b), 11(d)和13段；及

(b) paragraphs 9(f) and (h) to (l) inclusive, with respect to floor area only.

9(f)及(h)至(l)段，僅涉及樓面面積。

- 5 The Director may, after consultation with the Advisory Board, exempt ships of less than 3,000 gross tonnage and special purpose ships constructed on or after 20 December 2018, if the Director considers it reasonable to do so, having regard to the space available on the ship, the effect of the exemption on the ship's structure and the safety of the persons on board the ship, in relation to the requirements under Standard A3.1 of the MLC (Section 30 of Cap. 478AF)-

如處長在顧及有關船舶上可用的艙間，該項豁免對該船舶的結構的影響及該項豁免對該船舶上的人的安全的影響後認為有關豁免屬合理，可在徵詢諮詢委員會的意見後，豁免在2018年12月20日當日或之後建造而總噸位少於3,000噸的船舶以及特殊用途船舶關於海事勞工公約標準A3.1的要求(第478AF章第30條)。

For ships of less than 3,000 gross tonnage – paragraphs 9(a), 9(m), 10(a), 11(b) and 15; and

對於總噸位少於3,000噸的船舶—9(a), 9(m), 10(a), 11(b)和15段；及

For special purpose ships – paragraph 9(a).

對於特殊用途船舶—9(a) 段。

- 6 The Director may allow variations in requirements set out in Schedule 2 of Cap. 478AF for a ship constructed on or after 20 December 2018 under Standard A3.1 of the MLC paragraphs 6(a) and 6(d), 9(g) and 11(e) (Section 31 of Cap. 478AF).

處長可容許在第478AF章附表2中對在2018年12月20日當日或之後建造的船舶在海事勞工公約標準A3.1 6(a)和6(d), 9(g)和11(e)段的要求作出更改(第478AF章第31條)。

## **9. On-board recreational facilities (MLC Regulation 3.1; Cap. 478AF, Sections 33, 34, and Schedule 3)**

船上康樂設施(海事勞工公約 規則 3.1，第478AF章第33, 34條及附表3)

- 1 For a Hong Kong ship constructed on or after 20 December 2018, the date when the MLC came into effect in Hong Kong, shipowners must provide on board the ship appropriate seafarers' recreational facilities, spaces, amenities and services, as adapted to meet the special needs of seafarers on board the ships. Shipowners must provide as a minimum a television, reading materials consisting of vocational and other books at no cost to the seafarer. The seafarers on board the ship must, if practicable, be provided with reasonable access to ship-to-shore telephone communications, and email and Internet facilities, with any charges for the use of these services being reasonable in amount (Section 33(1) and Schedule 3 of Cap. 478AF).

海事勞工公約於2018年12月20日在香港生效，對於在當日或之後建造的香港船舶，其船東須提供適當康樂設施、空間、適意設備及服務，該等設施、空間、設備及服務須經調適，以滿足該船舶上的海員的特殊需要。船東須最少提供電視機及包含職業書籍及其他書籍的讀物免費給予海員。如屬切實可行，船舶上的海員須獲提供合理便利，使用船對岸電話通訊、及電子郵件及互聯網設施。使用的收費，須屬合理(第478AF章第33(1)條及附表3)。

- 2 For a ship constructed before 20 December 2018, it must comply with the requirements of the Cap. 478I (Section 33(2) of Cap 478AF).

在2018年12月20日前建造的船舶，須符合根據第478I章的要求(第478AF章第33(2)條)。

- 3 The master or the master's appointed officer accompanied by another seafarer on board must carry an inspection of the ship once a week to ensure that the recreational and communication facilities for seafarers are clean and maintained in a good state of repair. The result of each inspection must be recorded into ship's official log book and be available for review by a port authority (Section 34 of Cap. 478AF).

船長或船長委任的高級船員由該船舶上另一名海員陪同，須每星期對該船舶進行一次檢查，以確保船上康樂及通訊設施清潔和保持獲妥善維修的狀況。每次檢查的結果須記入該船舶的正式航海日誌及應要求提供予港口當局以作檢視(第478AF章第34條)。

## **10. Food and catering (MLC Regulation 3.2; Cap. 478AF, Sections 36, 37, 38, 39, and Schedule 4)**

食物及膳食服務(海事勞工公約 規則 3.2，第478AF章第36, 37, 38, 39條及附表4)

- 1 The shipowner of a Hong Kong ship must ensure the seafarers working on board the ship are provided with provisions and drinking water, which must be suitable in respect of quantity, nutritional value, quality and variety, having regard to the number of seafarers on board, their religious and cultural background, and the duration and nature of the voyage, and be provided free of charge (Section 36 of Cap. 478AF).

香港船舶的船東須確保，在顧及船上海員人數、海員的宗教和文化背景，及航程的持續時間和性質後，向在該船舶上工作的海員提供糧食及飲用水。上述糧食及飲用水須在分量、營養價值、品質及種類方面，均屬適合及須是免費提供的(第478AF章第36條)。

2. The shipowner of a Hong Kong ship must ensure that the catering department of the ship is staffed in compliance with Schedule 4 of Cap. 478AF (Section 37 of Cap. 478AF). Catering staff shall be properly trained or instructed for their positions. The master of the ship must ensure that the catering department of the ship is so organized and equipped that adequate, balanced, nutritious and varied meals may be prepared and meals may be served in hygienic conditions (Section 38 of Cap. 478AF as amended).

香港船舶的船東須確保，該船舶的管事部的人手安排符合第478AF章附表4的要求(第478AF章第37條)。管事部的人員須接受適當的培訓或指導。船長必須確保船上的管事部的組織及設備足以準備足夠、均衡、富營養及多種類的膳食；及足以在合乎衛生的環境下，供應膳食(經修訂的第478AF章第38條)。

3. There must be a qualified cook in the catering department of a Hong Kong ship if the prescribed manning of the ship as set out in the Minimum Safe Manning Certificate, is not less than 10 persons. (Section 1 of Schedule 4 of Cap. 478AF) A seafarer is a qualified ships' cook if the seafarer is at least 18 years of age and-

如最低安全人手編配證明書規定的船舶配員不少於10人，則該香港船舶的管事部須有一名合資格廚師(第478AF章附表4第1條)。任何海員如年滿18歲並符合以下說明，即屬合資格廚師—

- (a) has completed a training course recognized by the Director, that covers practical cookery, food and personal hygiene, food storage, stock control and environmental protection and catering health and safety; or

已完成獲處長認可為對任職船上廚師提供足夠訓練的訓練課程涵蓋實操烹飪、食物及個人衛生、食物儲存、備料控制、環境保護及膳食健康和安全的；或

- (b) has worked as a ship's cook on board a seagoing ship, whether a Hong Kong ship or not, for not less than 12 months or has comparable experience and has completed a top-up course recognized by the Director; or

曾於在海域航行船舶(不論該船舶是否香港船舶)任職船上廚師不少於12個月，或有相若經驗；及已完成獲處長認可為對任職船上廚師提供足夠補充訓練的補足課程；或

- (c) is issued with a certificate of qualification as a ship's cook by the competent authority of a country that is a party to the "Ships Cooks Convention, 1946" (ILO Convention No.69), or of a MLC country (Section 2 of Schedule 4 of Cap. 478AF).

獲發擔任船上廚師的資格證明書(由《1946年船上廚師公約》(國際勞工組織公約第69號)締約成員的國家或海事勞工公約國的主管當局發出者)(第478AF章附表4第2條)。

4. The Director allows ships operating with a prescribed manning of less than 10 persons not to carry a qualified cook. If a ship is not required to have a qualified cook on board the ship, each seafarer processing food in the galley must be trained or instructed in food and personal hygiene as well as handling and storage of food (Section 3 of Schedule 4 of Cap. 478AF).

處長准許配員少於10人的船舶無須有合資格廚師。如某船舶上無須有合資格廚師，則每名在廚房處理食物的海員均須接受食物及個人衛生及食物處理及儲存訓練或指導(第478AF章附表4第3條)。

5. The master or the master's appointed officer accompanied by another seafarer employed in the catering department on board must carry an inspection of the ship once a week with respect to-

船長或船長委任的高級船員由另一名受僱在管事部工作的海員陪同，須每星期在該船舶對以下項目進行一次檢查—

- (a) the supply of food and drinking water;

糧食及飲用水的供給；

- (b) the spaces and equipment used for the storage and handling of food and drinking water; and

用作儲存和處理糧食及飲用水的空間及設備；及

- (c) the galley and other equipment for the preparation and service of meals.

用作準備和供應膳食的廚房及其他設備。

6. The master must ensure that the result of each inspection is entered in the ship's official log book and each entry is signed by all the persons who carried out the inspection (Section 39 of Cap.478AF).

船長須確保每次檢查的結果均記入該船舶的正式航海日誌及在該日誌中的每個記項，均由所有進行該次檢查的人士簽署(第478AF章第39條)。



**11. Health and safety and accident prevention (MLC Regulation 4.3; Cap. 478AF, Sections 41 and 42; Cap. 478F Sections 4, 7, 8 and Schedule 2)**

健康、安全及預防意外(海事勞工公約規則 4.3, 第478AF章第41及42條; 第478F章第4、7、8條及附表2)

**.1 Health and safety of seafarers (Section 41 of Cap. 478AF)**

海員的健康及安全(第478AF章第41條)

- (a) The shipowner has the duty to ensure, so far as is reasonably practicable, the health and safety of the seafarers on board the ship; and other persons on board the ship who may be affected by the shipowner's acts or omissions. The above duty shall extend to-

船東有責任在合理地切實可行的範圍內確保在該船上的海員及在該船上其他可能受該公司的作為或不作為影響的人士的健康及安全。該項責任所涵蓋的事項須包括—

- (i) the adoption, implementation and promotion of occupational safety and health policies and programmes; the provision of safe working environment, safety instruction, training and supervision;

採用、實施和推廣職業安全健康的政策及計劃; 提供安全的工作環境、安全指導、培訓和監督。

- (ii) the adoption of precautions to prevent occupational accidents, injuries and diseases on board the ship, including provision of measures and all necessary appropriately-sized personal protective equipment to reduce and prevent (i) the risk of exposure to harmful levels of ambient factors and chemicals; and (ii) the risk of injury and disease that may arise from the use of machinery and equipment on board the ship; and collaboration with others who employ persons who are at any time in the course of their employment on board the ship or engaged in loading or unloading activities in relation to the ship to protect the health and safety of all persons on board the ship.

採取預防措施以預防在船上發生職業意外、損傷及疾病, 包括採取措施及提供一切所需且尺寸合適的個人防護設備, 以減少和預防 (i) 暴露於達致有害水平的環境因素及化學物的風險; 及 (ii) 因使用船上機器及設備而可能引致損傷及疾病的風險; 及與其他僱主合力保障船上所有人士的健康及安全, 而該等其他僱主所僱用的人士在其受僱期間有某段時間是在船上或是從事與有關船舶相關的裝卸活動的。

- (b) The company of a ship has the duty to prepare and revise a written statement of its health and safety policy for all persons on board the ship and to bring them to the notice of the seafarers on board: Provided that this requirement shall not apply to a company who employs less than 5 seafarers in aggregate on board ships.

船舶的公司, 有責任擬備和修訂一份書面陳述, 說明該公司在該船上所有人士的健康及安全方面的政策, 並有責任令在該船上的海員注意到該份陳述; 但這項規定不適用於僱用總計少於5名船上海員的公司。

- (c) The company of a ship must not levy or permit to be levied on any seafarer on board the ship any charge in respect of anything done or provided pursuant to any requirement of this Regulation (Section 6 of the Cap. 478C).

船舶的公司, 不得就依據本規例的規定作出或提供的任何事物, 向在該船上的海員徵收款項, 亦不得准許他人就該等事物向該等海員徵收款項(第478C章第6條)。

**.2 Appointment of safety officials and reporting of accidents, etc. (Section 42 of Cap. 478AF)**

安全人員的委任及意外的報告等(第478AF章第42條)

- (a) The shipowner must appoint a safety committee, safety officer and arrange for the officers and ratings to elect safety representative(s) for a Hong Kong ship in compliance with Sections 4 to 9 of Cap. 478R.

船東須委任一個安全委員會, 安全主任和安排讓高級船員及普通船員在香港船舶上按照第478R章第4至9條選出安全代表。

- (b) On the requirements of notification, reporting and investigation of accidents, dangerous occurrences and reporting of notifiable occupational diseases, the master or if he is not available, the most senior officer available shall report to the Superintendent of Hong Kong Marine Department in compliance with Sections 12 & 12A of Cap. 478R.

就意外或危險事故和應呈報職業病的通報、報告和調查的要求, 船長或如他不在場, 在場的最高級船員應根據第478R章第12和12A條向香港海事處總監報告。

**.3 Death in Hong Kong ship and death of seafarer employed in Hong Kong ship, Returns of deaths and Contents of returns (Sections 4, 7, 8 and Schedule 2 of Cap. 478F)**

在香港船舶上有人死亡及受僱在香港船舶上工作的海員死亡、死亡個案的申報及申報的內容(第478F章第4、7、8條及附表2)

- (a) Where any person dies in a Hong Kong ship; or any person employed in a Hong Kong ship dies outside Hong Kong, whether or not such death occurs in the ship, the master of the ship shall (i) make a return of the death in accordance with sections 7 and 8 of Cap. 478F; and as soon as practicable but, in any case, not later than 3

days after the death, notify the death to such person, if any, as the deceased has named to him as his next of kin (Section 4 of Cap. 478F).

凡任何人在香港船舶上死亡；或受僱在香港船舶上工作的人在香港境外死亡(不論他是否在該船舶上死亡)，該船舶的船長須按照第478F章第7及8條提交該宗死亡個案的申報；及在切實可行範圍內盡快(但無論如何不得遲於該人死亡後3日)將死訊通知死者生前曾向船長指名為其最近親的人(如有的話)(第478F章第4條)。

- (b) Any return of a death required to be made under section 4 of Cap. 478F shall be made by the master of the ship to the Superintendent of Mercantile Marine Office of Hong Kong Marine Department as soon as practicable after (but, in any case, not later than 6 months after) the death to which it relates (Section 7 of Cap. 478F relevant to death return).

根據第478F章第4條規定須予提交的死亡個案的申報，須由船長在有關的死亡個案發生後；或(視屬何情況而定)，在切實可行範圍內盡快(但無論如何不得遲於事發後6個月)向香港海事處商船海員管理處總監提交(第478F章第7條與死亡申報相關)。

- (c) A return of a death required to be made under Cap. 478F shall be in writing; shall be signed by the master of the ship as informant; and shall contain the particulars specified in Schedule 2 of Cap. 478F or so many of those particulars as the master may reasonably be able to obtain, having regard to the circumstances of the case (Return Of Deaths/Missing Persons “MD668”) (Section 8 of Cap. 478F relevant to death return).

根據第478F章規定須予提交的死亡個案的申報須以書面形式提交；須由船長以申報人的身分簽署；及須載有第478F章附表2所指明的詳情或在顧及有關個案的情況下，須載有該等詳情中船長理當能夠盡量取得者(死亡/失蹤人士申報表 “MD668”) (第478F章第8條與死亡申報相關)。

**12. On-board medical care (MLC Regulation 4.1; Cap. 478AF, Sections 43, 44, 45, 46, 46A, 47, 48, and 49; Cap. 478X, Sections 4, 6, 7 and 8)**

船上醫療照顧(海事勞工公約 規則 4.1；第478AF章第43, 44, 45, 46, 46A, 47, 48及49條；第478X章第4, 6, 7及8條)

- .1 The shipowner of a ship must ensure that a seafarer working on board the ship is provided with medical care, that complies with all the following requirements. They are-

船舶的船東須確保，在該船舶上工作的海員，獲提供所有下列規定的醫療照顧:-

- (a) the medical care must be appropriate, for seafarers relevant to their duties and the special requirements related to working on board the ship.

對於海員要執行的職責，以及關乎在有關船舶上工作的特別要求，有關醫療照顧須屬適當。

- (b) The medical care must be as comparable as possible to that which is generally made available to workers ashore, including prompt access to the necessary medicines, medical equipment and facilities for diagnosis and treatment and to medical information and expertise.

有關醫療照顧，須盡可能相當於一般提供予岸上工作者的醫療照顧，包括迅速得到診斷及治療所需的藥物、醫療設備及設施；及醫療資訊及專門技能。

- (c) The seafarer may visit a qualified medical practitioner or qualified dentist without delay in a port of call, where practicable.

在切實可行範圍內，有關海員可在沒有延誤的情況下，在停靠港向合資格醫生或合資格牙醫求醫。

- (d) The medical care must be provided free of charge (Section 46 of Cap. 478AF).

有關醫療照顧，須是免費提供的(第478AF章第46條)。

- .2 The shipowners of a ship must ensure to comply with the following minimum requirements of medical care on board Hong Kong ships-

船舶的船東必須確保遵守以下香港船舶醫療照顧的最低要求—

- (a) All ships must carry medicine, medical stores, medical equipment and medical guides in compliance with Sections 4, 6, 7 & 8 of Cap. 478X and subject to regular inspection by authorized officer not exceeding 12 months with record containing the information on the date, including the officer's name and rank and the inspection result (Section 48 of Cap. 478AF). Notwithstanding the above, shipmasters shall comply with the following requirements-

所有船舶必須根據第478X章第4, 6, 7及8條的規定載有藥物，醫療物品和醫療設備和醫療指南並由獲授權高級船員檢查，期限不超過12個月，並記錄包含當日有關資料的記錄，包括高級船員的姓名和職級以及檢查結果(第478AF章第48條)。儘管有上述規定，船長應遵守以下要求:-

- (i) medicines are correctly stored and directions for their uses are checked;

藥物被正確儲存而其使用說明受到檢查。

- (ii) if the medicines or medical stores are perishable, the expiry date as defined in section 8 of Cap. 478X (Cap. 478X Section 6(3)(c)). Any expired medicines and medical stores must be replaced and be taken to a pharmacy to be destroyed (Section 8(2) of Cap. 478X).

如藥物或醫療物品屬易變質的，則須註明第8條(第478X章)所界定的到期日(第478X章第6(3)(c))

條)。過期藥物及醫療物品，均須予以更換並送往藥房予以銷毀(第478X章第8(2)條)。

(iii) all equipment required under Cap. 478X are functioning as required; and

第478X章要求的所有設備均按要求運行。

(iv) the ship must carry a copy of each of the following publications as amended from time to time-

船舶須載有以下刊物各一本(而凡不時有對該刊物作出修訂，則以該刊物經該等修訂的版本為準) —

[a] the “*International Medical Guide for Ships*” and the “*Quantification Addendum: International Medical Guide for Ships*” both are published by the World Health Organization; [b] the “*Medical First Aid Guide for Use in Accidents Involving Dangerous Goods*”, by the IMO; [c] the “*STCW Convention*”; and [d] the medical section of the “*International Code of Signals*”, by the IMO (Section 47 of Cap. 478AF).

[a] 《船舶國際醫療指引》及《指引補充本：船舶國際醫療指引》：由世界衛生組織出版；[b] 《涉及危險品意外醫療急救指引》：由IMO出版；[c] 《培訓公約》；及[d] 《國際訊號規則》的醫療章節：，由IMO出版(第478AF章第47條)。

(b) A ship carrying 100 or more persons and ordinarily engaged on international voyages of more than three days’ duration must carry a qualified medical practitioner who is responsible for providing medical care on board. He shall either be a registered medical practitioner by Section 2(1) of Cap. 161 or a person who is qualified to practise medicine in a country that is a party to the STCW Convention (Sections 43 and 44 of Cap. 478AF).

運載100名或多於100名人士及通常行走國際行線且航程為時多於3日的船舶上須載有合資格醫生負責在船舶上提供醫療照顧。他須是第161章第2(1)條所界定的註冊醫生或任何有資格在屬《培訓公約》締約成員的國家從事醫科執業的人(第478AF章第43及44條)。

(c) If a ship is not required to have a qualified medical practitioner on board, the shipowner of the ship must ensure that there is either at least one qualified seafarer who is in charge of medical care and administering medicine on board as part of his regular duties or at least one seafarer on board competent to provide medical first aid. The qualified seafarer in charge of medical care on board shall have satisfactorily completed training in medical care that meets the requirements as specified in section A-VI/4, paragraphs 4, 5 and 6 of the STCW Code. A seafarer designated to provide medical first aid shall have satisfactorily completed training in medical first aid that meets the requirements as specified in section A-VI/4, paragraphs 1, 2 and 3 of the STCW Code. Both types of designated seafarers are required to undergo approved refresher courses within the previous 5 years to enable them to maintain and increase their knowledge and skills and to keep up-to-date with new developments (Section 45 of Cap. 478AF).

假如船舶上無需有合資格醫生，該船舶的船東須確保船上有最少一名合資格海員負責提供醫療照顧和施用藥物或有最少一名勝任提供醫療急救的海員。該名負責提供醫療照顧和施用藥物的海員須達到《培訓規則》A-VI/4節第4、5及6段指明的醫療照顧合格標準。指定提供醫療急救的海員須達到《培訓規則》A-VI/4節第1、2及3段指明的醫療急救合格標準。兩種指定海員皆須在過去5年內，曾參加認可的醫療照顧複習課程以使他們能保持和增加他們的知識及技能及跟上最新的發展(第478AF章第45條)。

(d) If a seafarer dies on board a ship or ashore in the course of employment, the shipowner of the ship must arrange the delivery of the body or ashes of the seafarer and bear the costs of delivery (Section 46A of Cap. 478AF).

如某海員在受僱期間，在某船舶上或岸上死亡，該船舶的船東須安排該海員遺體或骨灰的送交及承擔送交的費用。(第478AF章第46A條)。

### **13. On-board complaint procedures (MLC Regulation 5.1.5; Cap. 478AF, Sections 51, 52, and 53)**

船上投訴程序(海事勞工公約 規則 5.1.5；第478AF章第51, 52及53條)

.1 The master of a ship must ensure that the on board complaint procedures for ship comply with all the following requirements-

船舶的船長須確保該船舶的投訴程序符合下列所有的規定:-

(a) The complaint procedures seek to resolve the complaint at the lowest level of ranking. However, in all cases, the complaint procedures also allow the complainant to complain directly to the master; and

投訴程序謀求在最低層級解決有關投訴。然而,在任何情況下投訴程序亦容許投訴人直接向船長投訴; 及

(b) the complainant may be accompanied or represented by another seafarer chosen by the complainant during the complaint process, and there are safeguards to protect the complainant from any adverse action that may be taken by a person against the complainant for lodging the complaint (Section 51 of Cap.478AF).

投訴人在投訴過程中，可由自己所選擇的另一名海員陪同或代表，和有保障措施保護投訴人，使其免因提出投訴而遭人採取不利行動(第478AF章第51條)。

- .2 The master of a ship must appoint a person on board the ship who may, on the confidential basis provide a complainant with impartial advice on the complaint lodged and assist the complainant in dealing with the complaint procedures (Section 52 of Cap. 478AF).

船舶的船長須委任有關船舶上一名人士，該人須能在保密情況下就提出的投訴向有關投訴人提供不偏不倚的意見及協助該投訴人處理有關投訴程序(第478AF章第52條)。

- .3 The master of a ship must ensure that each seafarer on board the ship is provided with a copy of the complaint procedures, the name of the aforementioned person appointed by the master and the contact information of the Superintendent of Mercantile Marine Office, or the competent authority of the seafarer's country of residence (Section 53 of Cap. 478AF).

船舶的船長須確保，該船舶上的每名海員，均獲提供一份投訴程序文本，上述獲船長委任的人士的姓名和商船海員管理處總監的聯絡資料或該海員的居住國的主管當局的聯絡資料(第478AF章第53條)。

#### **14. Payment of wages (MLC Regulation 2.2; Cap. 478AF, Sections 55, 55A, 56 and 57; Cap.478A)**

支付工資(海勞勞工公約規則 2.2；第478AF章第55, 55A, 56及57條；第478A章)

- .1 The shipowner of a Hong Kong ship must pay a seafarer working on board his ship, in accordance with the employment agreement entered into with the seafarer, the wages and any additional payments due to the seafarer in full and at regular intervals not exceeding one month (Section 55 of Cap.478AF).

香港船舶的船東，須按照與在該船上工作的海員訂立僱用協議，向該海員定期(相隔不超過1個月)全數支付到期須支付的工資及任何額外款項(第478AF章第55條)。

- .2 The shipowner of a Hong Kong ship must provide a seafarer who works on board his ship with a monthly written account setting out-

香港船舶的船東，須每月向在該船上工作的海員提供一份書面帳目，該帳目須列出一

- (a) the amount of wages and any additional payments payable and paid to the seafarer during the month;

在有關月份內須支付予並已支付予該海員的工資額及任何額外款項；

- (b) details of all deductions from the amount payable; and

所有從須支付款項中扣除的款項的詳情；及

- (c) the currency or rate of exchange used where payment has been made in a currency or at a rate different from the one agreed to in the employment agreement concerned (Section 56 of Cap. 478AF).

如款項並不是以有關僱用協議中議定的貨幣單位或匯率支付予該海員——該款項的貨幣單位或匯率(第478AF章第56條)。

- .3 The shipowner of a Hong Kong ship must ensure that a seafarer working on board his ship may allot all or part of the seafarer's wages to a person nominated by the seafarer subject to Cap. 478A\*. Any charge for the service is reasonable in amount, and if applicable, and the rate of exchange for the allotment is agreed between the shipowner and the seafarer or the prevailing market rate (Section 57 of Cap 478AF).

在第478A章\*的規限下，香港船舶的船東須確保在該船上工作的海員可將自己的全部或部分工資，分配予該海員提名的某位人士。家屬糧的收費(如有的話)的款額屬合理，(如適用的話)家屬糧的匯率是 有關船東與有關海員議定的匯率或當時市場匯率(第478AF章第57條)。

- \*(a) Times and intervals of payments under allotment notes.

根據家屬糧授權書付款的時間及相隔期間。

Unless the seafarer's shipowner or the master otherwise agrees-

除非海員的船東或船長另有協議，否則 —

- (i) the first sum payable under an allotment note shall be payable not less than 1 month from the date on which the allotment note is issued and subsequent sums shall become payable at regular intervals of not less than 1 month reckoned from the date when the first sum is payable; and

根據家屬糧授權書須支付的第一筆款項，須於家屬糧授權書發出之日起計不少於1個月的日期支付，而其後的款項，則須自第一筆款項須予支付的日期起計每相隔不少於1個月的固定 期間支付；及

- (ii) no sum shall be payable under an allotment note before the seafarer has earned any of the wages allotted by it.

在海員未賺到可由家屬糧授權書分配的工資前，不得根據家屬糧授權書支付款項。

- (b) Form of allotment notes-

家屬糧授權書的格式 —

- (i) An allotment note shall be in the form prescribed in the Schedule of Cap.478A;

家屬糧授權書須以第478A章附表訂明的格式發出。

- (ii) The Director may, by notice published in the Gazette, amend the Schedule (Sections 6 & 7 of Cap. 478A).

處長可藉憲報公告修訂附表(第478A章第6及7條)。

- .4 All seafarers shall continue to be paid wages and provided all entitlements under the employment agreement including the remittance of any allotments as provided in paragraph 4 of Standard A2.2 of the MLC during the entire period of captivity as a result of piracy or armed robbery until the seafarer is released and duly repatriated, or where the seafarer dies while in captivity, until the date of death (Section 55A of Cap. 478AF—to be in force on a date as announced).

須繼續向所有海員支付工資並提供船員協議規定的所有權利，包括在因海盜行為或武裝搶劫船舶行為而被扣押的整個期間，按照海事勞工公約標準A2.2第4段的規定匯出任何家屬糧，直至海員被釋放並被正式遣返，或海員在被囚禁期間死亡，直至死亡之日(第478AF章第55A條—實施日期有待公告)。

#### **15. Financial security for repatriation (MLC Regulation 2.5; Cap. 478AF, Sections 59 and 60)**

遣返的財務擔保(海事勞工公約 規則 2.5；第478AF章第59及60條)

- .1 A financial security must be in force in respect of a Hong Kong ship to ensure that any seafarer employed to work on board the ship is provided with assistance when the seafarer is abandoned.

須就香港船舶設有有效財務擔保，以確保任何受僱在該船舶上工作的海員，於被遺棄時獲提供援助。

- .2 The financial security –

上述財務擔保須符合以下規定—

- (a) must be in the form of an insurance policy;

採用保險單的形式；

- (b) must comply with the requirements set out in paragraphs 4, 8, 9, 10 and 12 of Standard A2.5.2 of the MLC;

符合海事勞工公約標準A2.5.2第4、8、9、10及12段所列的規定；

- (c) must not be terminated before the expiry date of the security, unless the provider of the security has given to the Director at least 30 days prior notice in writing; and

除非該擔保的提供者已向處長給予最少30日的事先書面通知，否則不得在該擔保的屆滿日期前終止；及

- (d) must not prejudice any right of recourse of the provider of the security against third parties.

不得影響該擔保的提供者向第三者追償的任何權利。

- .3 A seafarer is regarded to be abandoned under the circumstances listed in paragraph 2 of Standard A2.5.2 of the MLC (Section 59 of Cap. 478AF).

在海事勞工公約標準A2.5.2第2段所列的情況下，海員即視作被遺棄(第478AF章第59條)。

- .4 A Hong Kong ship must carry on board in respect of the financial security referred to paragraph 15.1—

香港船舶須載有第15.1段所提述的財務擔保—

- (a) a certificate or other documentary evidence issued by each provider of the security; and

每個財務擔保提供者發出的證書或其他文件證據；及

- (b) have a copy of the certificate or other documentary evidence displayed in a conspicuous position on board the ship, which is accessible to the seafarers on it.

有一份該證書或其他文件證據的複本，展示於該船舶上一個顯眼位置，該位置須是該船舶上的海員可到達的。

- .5 The certificate or other documentary evidence –

上述證書或其他文件證據 —

- (a) must contain the particulars and information set out in Appendix A2-I to the MLC; and

須載有海事勞工公約附錄A2-I所列的詳情及資料；及

- (b) must be in English or accompanied by an English translation (Section 60 of Cap. 478AF).

須採用英文，或附有英文譯本(第478AF章第60條)。

#### **16. Financial security relating to shipowners' liability (MLC Regulation 4.2; Cap. 478AF, Sections 61 and 62)**

關乎船東責任的財務擔保(海事勞工公約 規則 4.2；第478AF章第61及62條)

Financial security to ensure compensation for liability claims-

財務擔保須確保責任索償獲賠償

- .1 A financial security must be in force in respect of a Hong Kong ship to ensure the payment of compensation for any liability claim brought in respect of any seafarer employed to work on board the ship under—

須就香港船舶設有有效財務擔保，以在按以下情況受僱在該船舶上工作的海員遭到責任索償時，確保就該項索償支付賠償—

- (a) the law of Hong Kong;

根據香港法律；

- (b) the seafarer's employment agreement; or

根據該海員的僱用協議；或

- (c) any agreement voluntarily entered into between one or more shipowners' organizations and one or more seafarers' organizations that satisfies the following conditions –

根據由一個或多於一個船東組織與一個或多於一個海員組織自願訂立的、符合以下條件的任何協議——

- (i) the agreement relates to the working and living conditions of seafarers;  
該協議關乎海員的工作及生活條件；
- (ii) the shipowner of the ship is a member of the shipowners' organization or at least one of the shipowners' organizations, as the case requires; and  
該船舶的船東是該船東組織(或該等船東組織最少其中之一)的成員(視情況所需而定)；及
- (iii) the seafarer is a member of the seafarers' organization or at least one of the seafarers' organizations, as the case requires.

該海員是該海員組織(或該等海員組織最少其中之一)的成員(視情況所需而定)。

2 The financial security –

上述財務擔保須符合以下規定——

- (a) must be in the form of an insurance policy;  
採用保險單的形式；
- (b) must comply with the requirements set out in paragraphs 8(a), 8(b), 8(c), 8(d), 8(e) and 13 of Standard A4.2.1 of the MLC; and  
符合海事勞工公約標準A4.2.1第8(a)、8(b)、8(c)、8(d)、8(e)及13段所列的規定；及
- (c) must not be terminated before the expiry date of the security, unless the provider of the security has given to the Director at least 30 days prior notice in writing.

除非該擔保的提供者已向處長給予最少30日的事先書面通知，否則不得在該擔保的屆滿日期前終止。

3 If a financial security referred to in paragraph 16.1 is to be cancelled or terminated, the provider of the security must give the seafarers employed to work on board the ship at least 30 days prior notice in writing.

如第16.1段提述的財務擔保將要被取消或終止，該擔保的提供者須向受僱在有關船舶上工作的海員，給予最少30日的事先書面通知。

4 If a financial security referred to in paragraph 16.1 is cancelled or terminated, the provider of the security must, by written notice within 30 days of the cancellation or termination, inform the Director of the cancellation or termination.

如第16.1段提述的財務擔保被取消或終止，該擔保的提供者須在此事發生的30日內，將此事以書面告知處長。

5 Liability claim means a claim in respect of the death or long-term disability of a seafarer due to an occupational injury, illness or hazard (Section 61 of Cap. 478AF).

責任索償指就某海員因某職業損傷、患病或災患而致的死亡或長期殘疾的索償(第478AF章第61條)。

Documentary evidence of financial security to be carried on ship-

船舶須載有財務擔保的文件證據

6 A Hong Kong ship must carry on board in respect of the financial security referred to in paragraph 16.1-  
香港船舶須載有第16.1段所提述的財務擔保——

- (a) certificate or other documentary evidence issued by each provider of the security; and  
每個財務擔保提供者發出的證書或其他文件證據；及
- (b) have a copy of the certificate or other documentary evidence displayed in a conspicuous position on board the ship, which is accessible to the seafarers on it.  
有一份該證書或其他文件證據的複本，展示於該船舶上一個顯眼位置，該位置須是該船舶上的海員可到達的。

7 The certificate or other documentary evidence –  
上述證書或其他文件證據——

- (a) must contain the particulars and information set out in Appendix A4-I to the MLC and  
須載有海事勞工公約附錄A4-I所列的詳情及資料；及
- (b) must be in English or accompanied by an English translation (Section 62 of Cap. 478AF).  
須採用英文，或附有英文譯本(第478AF章第62條)。

Note:

附註：

Cap. 161:	<i>Medical Registration Ordinance</i>
第 161 章：	醫生註冊條例
Cap. 478:	<i>Merchant Shipping (Seafarers) Ordinance</i>
第 478 章：	商船(海員)條例
Cap. 478A:	<i>Merchant Shipping (Seafarers) (Allotments) Regulation</i>
第 478A 章：	商船(海員)(家屬糧)規例
Cap. 478C:	<i>Merchant Shipping (Seafarers) (Health and Safety: General Duties) Regulation</i>
第 478C 章：	商船(海員)(健康及安全：一般責任)規例
Cap. 478F:	<i>Merchant Shipping (Seafarers) (Returns of Births, Deaths and Missing Persons) Regulation</i>
第 478F 章：	商船(海員)(出生、死亡及失蹤個案的申報)規例
Cap. 478I:	<i>Merchant Shipping (Seafarers) (Crew Accommodation) Regulation</i>
第 478I 章：	商船(海員)(船員艙房)規例
Cap. 478J:	<i>Merchant Shipping (Seafarers) (Certification of Officers) Regulation</i>
第 478J 章：	商船(海員)(高級船員資格證明)規例
Cap. 478L:	<i>Merchant Shipping (Seafarers) (Crew Agreements, Lists of Crew and Discharge of Seafarers) Regulation</i>
第 478L 章：	商船(海員)(船員協議、船員名冊及海員解職)規例
Cap. 478O:	<i>Merchant Shipping (Seafarers) (Medical Examination) Regulation</i>
第 478O 章：	商船(海員)(體格檢驗)規例
Cap. 478R:	<i>Merchant Shipping (Seafarers) (Safety Officials and Reporting of Accidents, Dangerous Occurrences and Occupational Diseases) Regulation</i>
第 478R 章：	商船(海員)(安全人員和意外、危險事故及職業病報告)規例
Cap. 478X:	<i>Merchant Shipping (Seafarers) (Medical Stores) Regulation</i>
第 478X 章：	商船(海員)(醫療物品)規例
Cap. 478AF:	<i>Merchant Shipping (Seafarers) (Working and Living Conditions) Regulation</i>
第 478AF 章：	商船(海員)(工作及生活條件)規例
STCW Convention:	<i>International Convention on Standards of Training, Certification and Watchkeeping for Seafarers</i>
《培訓公約》：	海員培訓、發證和值班標準國際公約
STCW Code:	<i>Seafarers' Training, Certification and Watchkeeping Code</i>
《培訓規則》：	海員培訓、發證和值班規則
IBC Code:	<i>Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk</i>
《國際散裝化學品規則》：	國際散裝運輸危險化學品船舶構造和設備規則
IMDG Code:	<i>International Maritime Dangerous Goods Code</i>
《危險貨物守則》：	國際海運危險貨物守則



(Seal or stamp of the authority, as appropriate)  
(適用的當局印章)

Name:

姓名: XXX

Title:

職位: XXX

Signature:

簽字: (XXX)

Place:

地點: Hong Kong

Date:

日期: 23 DECEMBER 2024

## Substantial equivalencies

實質上等效的規定

(Note: Strike out the statement which is not applicable)

(注：刪除不適用的聲明)

~~The following substantial equivalencies, as provided under Article VI, paragraphs 3 and 4, of the Convention, except where stated above, are noted (insert description if applicable):~~

~~按海事勞工公約第六條第3及4段，實質上等效的規定如下（加入適用的內容）：~~

.....  
.....

No equivalency has been granted.

未授予等效規定。



(Seal or stamp of the authority, as appropriate)  
(適用的當局印章)

Name:

姓名: .....XXX.....

Title:

職位: .....XXX.....

Signature:

簽字: .....(XXX).....

Place:

地點: .....Hong Kong.....

Date:

日期: .....23 DECEMBER 2024.....

## Exemptions

豁免

(Note: Strike out the statement which is not applicable)

(注：刪除不適用的聲明)

~~The following exemptions granted by the competent authority as provided in Title 3 of the Convention are noted:~~

~~主管當局授予海事勞工公約標題三的豁免如下：~~

.....  
.....

No exemption has been granted.

未授予豁免。



(Seal or stamp of the authority, as appropriate)  
(適用的當局印章)

Name:

姓名: .....XXX.....

Title:

職位: .....XXX.....

Signature:

簽字: .....(XXX).....

Place:

地點: .....Hong Kong.....

Date:

日期: .....23 DECEMBER 2024.....