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12 August 2016

To: Shipowners, Ship Managers and Ship Masters

Dear Sir/Madam,

**Concentrated Inspection Campaign on
ILO Maritime Labour Convention
Period from 1 September to 30 November 2016
In Paris MOU region**

The Paris Memorandum of Understanding (Paris MOU) will launch a Concentrated Inspection Campaign (CIC) on ILO Maritime Labour Convention, 2006 (MLC2006) from 1 September to 30 November 2016 in the Paris MOU Region. CIC on the same or other subject may be launched in other MOU regions.

The purpose of this CIC is to verify that the minimum standards of working and living conditions had been implemented on board ships in ports of the Paris MOU regions. A ship will only be subjected to one inspection under this CIC during this period and the inspection will be carried out in conjunction with the normal Port State Control (PSC) inspection. Hence, a copy of the PSC inspection report (Form A and B) with the completed CIC questionnaire should be kept onboard for record purpose.

The ship's procedures and measures that are in place with respect to MLC2006 will be checked in detail for compliance with the requirements during the PSC inspection. Port State Control Officers (PSCOs) will utilize a list of 12 selected questionnaires to check that the required certificates and documentation are present, in particular those related to the seafarers on board. Additionally there will be questions related to the inspections of the accommodation, food and catering, and whether a safety committee has been established, records will be verified. When deficiencies are found, actions by the port State may vary from recording a deficiency and instructing the master to rectify it within a certain period of time.

To facilitate masters of Hong Kong registered ships in preparing for this CIC, Guidelines for Preparation of the Concentrated Inspection Campaign on MLC2006 for Hong Kong registered ships is enclosed in Annex 1 for your reference, and dissemination to your managed ships.

The questionnaire used by the PSCOs has been published on the website (<http://www.parismou.org/>) of the Paris MOU. A copy is attached in Annex 2 for reference.

Should you have any enquiry, please feel free to contact the undersigned.

Yours faithfully,

No Signature on website copy

(K. F. KWAN)
Senior Surveyor of Ships/Cargo Ships Safety
for Director of Marine

Encl.: Annex 1 and Annex 2

**Guidelines for Preparation of the Concentrated Inspection Campaign on
ILO Maritime Labour Convention
Period from 1 September to 30 November 2016
In Paris MOU region**

Introduction

The Paris Memorandum of Understanding (Paris MOU) on Port State Control (PSC) will launch a Concentrated Inspection Campaign (CIC) on the Maritime Labour Convention, 2006 (MLC2006). The aim of the CIC is to verify that the minimum standards for working and living conditions have been implemented on board. This inspection campaign will be held for a period of three months, commencing from 1 September 2016 and ending on 30 November 2016 in Paris MOU regions.

Purpose

The purpose of these guidelines serves as a guidance note to the Hong Kong registered ships to prepare for the CIC on MLC2006. It also aims to provide information to ship master and crew members on handling of individual questionnaire during CIC.

References

- (1) Maritime Labour Convention (MLC), 2006
- (2) Declaration of Maritime Labour Compliance (Part I) - HKMD
- (3) International Convention on Standards of Training, Certification and Watchkeeping (STCW) for Seafarers, 1978, as amended
- (4) International Management Code for the Safe Operation of Ships and for Pollution Prevention (International Safety Management (ISM) Code)
- (5) ILO Guidelines for Port State Control Officers carrying out inspections under the Maritime Labour Convention, 2006
- (6) ILO Guidelines for Flag State Control under the Maritime Labour Convention, 2006
- (7) Questionnaire for the Concentrated Inspection Campaign (CIC) on Maritime Labour Convention, 2006

CIC Questions and Guidelines for ship Master's Preparation

Q1 *Are seafarers under the age of 18 excluded from tasks that are likely to jeopardize their safety or health?*

The Master should ensure that:

- i. Seafarers under age 18 must not be assigned with any duties or tasks listed on the “Declaration of Maritime Labour Compliance – Part I” (DMLC Part I) as designated by the flag State to be likely to jeopardize the safety and health of persons under age 18;
- ii. Any seafarers under age 18 have not been assigned any duties or tasks that involve working at night; and
- iii. Any seafarers under age 18 are not employed or engaged or working as the ship’s cook.

The PSCO may request:

- i. Documentation identifying the birth dates or ages of seafarers;
- ii. Work schedules, indicating hours of work;
- iii. Documentation that sets out the assigned duties or tasks of seafarers; and
- iv. A list of the duties or tasks which may jeopardize the safety of seafarers under age 18.

Note: Ship will be considered for detention if any seafarer(s) under the age of 18 did not exclude from tasks that are likely to jeopardize their safety or health.

References:

MLC Standards A1.1 focus on paragraph 4
DMLC Part I

Q2 *Are all seafarers holding valid certificate(s) attesting medical fitness?*

The Master should ensure that all crew members hold valid medical certificates, the medical certificate should be:

- i. Valid and not expired;
- ii. Have been issued by a duly qualified medical practitioner;

- iii. Be provided as a minimum in English; and
- iv. Have a validity of not more than two (2) years (Remarks: For seafarers under 18 or age over 55 years of age whose certificates can only have a one (1) year validity)

The PSCO may request:

- i. Documentation indicating the crew members on board the ship, e.g. a crew list;
- ii. Medical certificates for all crew members;
- iii. Colour vision certificates for seafarers (where appropriate); and
- iv. Any authorizations or permits issued by the flag State to allow a seafarer to work without a valid, or with an expired, certificate in urgent cases (maximum validity of such authorizations or permits is three months)

Note: Ship will be considered for detention if any seafarer did not holding valid medical fitness certificate.

References:

MLC Standards A1.2, focus on paragraph 1
DMLC Part I

Q3 *Have all seafarers successfully completed their training for personal safety on board?*

The Master should ensure that all crew members hold valid certificate or document to prove that they are:

- i. Trained or certified as competent or otherwise qualified to perform their duties; and
- ii. Completed their training for personal safety on board.

The PSCO may request:

- i. Minimum Safe Manning Certificate (MSMC), crew list or other documentation that sets out the training or qualifications of individual crew members are required to hold in accordance with their assigned duties on board the ship; and
- ii. STCW certificates, training records or other documentation held by each crew member, as applicable, attesting to their training and qualification.

Note: Ship will be considered for detention if any seafarer did not complete their training for personal safety on board.

References:

MLC Standards A1.3, focus on paragraph 2

Shipboard familiarization: ISM Code, Section 6, and STCW Regulation I/14, paragraph 1.5

Safety familiarization: STCW Section A-VI/1, paragraph 1

Basic training: STCW Section A-VI/1, paragraph 2

Q4.1 & Q4.2 (Both questions are about seafarers' employment agreement issues)

Q4.1 Do all seafarers have a copy of their seafarers' employment agreement?

Q4.2 Are the seafarers' employment agreements in compliance with minimum standard required by MLC?

The Master should ensure:

- i. All crew members have each signed an original SEA on board the ship;
- ii. Seafarers' employment agreements (SEAs) contain the particulars required by the flag State laws and regulations (which should include the minimum particulars listed in para. 4 of the MLC standard A2.1);
- iii. SEAs are signed by both the seafarer and the shipowner or his/her representative; and
- iv. Where a collective bargaining agreement (CBA) forms all or part of the SEA for crew members, a copy of the CBA is available on board the ship with relevant provisions in English.

The PSCO may request:

- i. SEAs or other evidence of contractual for each crew member on board the ship;
- ii. A copy of any applicable CBAs forming all or part of the SEA for crew members, with the relevant provisions in English;
- iii. Records of employment, such as discharge books or seaman's books, for each crew member on board the ship.

Note: Ship will be considered for detention if more than one crew member do not have their original SEAs on board or the SEAs are not in compliance with the MLC standard.

References:

MLC Standards A2.1, focus on paragraph 1(a)

MLC Standards A2.1, focus on paragraph 4

Q5 *If private recruitment and placement service has been used, does it meet the requirements of the MLC, 2006?*

If any crew member(s) was/were recruited and placed on board the ship using private recruitment and placement service (RPS), the Master should identify:

- i. Where the RPS(s) used to recruit and place crew members were located in terms of territory or country;
- ii. Whether the MLC applies in that territory or country; and
- iii. What measures the shipowner has taken to ensure, as far as practicable, that any RPS(s) used meet the MLC requirements (if not located in a territory or country where the MLC applies)

Remarks: the Master may refer to the ILO website <<http://www.ilo.org/dyn/normlex/en/f?p=1000:80020:0::NO:80020>> for MLC implemented countries.

The PSCO may request:

If the RPS(s) in used is/are located in the territory of MLC applicable parties:

- i. For “Yes”, the PSCO should record “Yes” in the Questionnaire, the territory should be responsible to regulate the RPS(s);
- ii. For “No”, the master should explain how the shipowner has ensured as far as practicable that the RPS has met the MLC2006 requirement, in particular standard A1.4.5 of the convention. The Master should be able to demonstrate the compliance during the inspection.

References:

MLC Standards A1.4 focus on paragraph 2 and 9

Q6 *Are records of inspections of seafarer accommodations carried out by the master (or another designated person) available for review?*

The Master should ensure inspections of seafarer accommodation areas are being carried out in accordance with requirements in DMLC Part I, and following measures in DMLC Part II. In particular:

- i. Date or any records of their timing which would serve to evidence the inspections;

- ii. Contain information that could show the effectiveness of the inspections;
- iii. Inspections of seafarers' accommodation have been carried out by the Master or a person that has been designated by the Master to carry out the inspections; and
- iv. The contents of the inspections that could be shown to a PSCO during an inspection containing all the necessary elements.

The PSCO may request:

- i. Records of inspections of seafarers' accommodation that contain the date of the inspections, the result of the inspections and identifying the person who performed the inspections;
- ii. Relevant section of the DMLC Part II that indicates measures adopted by the shipowner for the frequent inspection of the seafarer accommodation on board the ship, and the DMLC Part I, but only if considered necessary to provide to the PSCO the relevant requirements as implemented in the flag States national laws and regulations;
- iii. Relevant checklist or procedures to show consistency; and
- iv. To conduct inspection for the condition of seafarers' accommodation.

References:

MLC Standards A3.1 focus on paragraph 18

DMLC Part I and Part II

Q7 Are frequent inspections carried out by or under the authority of the master, with respect to supplies of food and drinking water, all spaces and equipment used for the storage and handling of food and drinking water, and galley and other equipment for the preparation and service of meals documented?

The Master should ensure that inspections of supplies of food, drinking water and the galley are being carried out in accordance with the requirements in the DMLC Part I and Part II, in particular:

- i. Records of inspections are dated or there is otherwise indication in the records of their timing which would serve to evidence their frequency;
- ii. Records of inspection refer to them having been carried out by the Master or a person designated by the Master to carry out the inspections; and
- iii. Records are in a format and/or document that could be shown to a PSCO during an inspection referencing the different elements of the requirements inspected.

The PSCO may request:

- i. Records of inspections of supplies of food, drinking water and the galley that contain date of the inspections, details, result and person who perform the inspections;
- ii. Relevant section of the DMLC Part II that indicates measures adopted by the shipowner for the frequent inspection of the seafarer accommodation on board the ship, and the compliance of relevant section of DMLC Part I requirements;
- iii. Relevant checklist or procedures if any to show consistency; and
- iv. To request the Master to demonstrate to conduct inspection of supplies of food, drinking water and the galley.

References:

MLC Standards A3.2, focus on paragraph 7.

DMLC Part I and Part II

Q8 *Has a ship's safety committee been established on board regarding ships on which there are five or more seafarers?*

The Master should ensure that the establishment, authority and operation of a ship's safety committee are in compliance with the DMLC Part I, and followed the measures adopted by the shipowner set out in the DMLC Part II, in particular:

- i. A ship's safety committee has been formally established; and
- ii. The authority of the ship's seafarers appointed or elected as safety representatives has been specified in any documentation or plans and procedures for the ship's safety committee.

The PSCO may request:

- i. Documentation indicating the membership and meetings of the ship's safety committee (e.g. records and minutes of the meetings, etc.);
- ii. Relevant section of the DMLC Part II that indicates measures adopted by the shipowner related to the ship's safety committee on board the ship, and the compliance of relevant sections of DMLC Part I requirements;
- iii. Documentation such as the on board accident reports or reports of risk assessments undertaken for the management of occupational safety and health on the ship, that may refer to the ship's safety committee; and

- iv. Documentation specifying the authority of the ship's seafarers appointed or elected as safety representatives to participate in meetings of the ship's safety committee.

References:

MLC Standards A4.3, focus on paragraph 2(d).

Q9 *For a ship not being required to carry a medical doctor, is there on board at least one seafarer, holder of a certificate of training in medical first aid or in medical care that meets the requirements of STCW?*

The Master should ensure that:

- i. If the ship does not carry a medical doctor, either at least one seafarer on board who is in charge of medical care and administering medicine as part of his regular duties or at least one seafarer on board competent to provide medical first aid; and
- ii. Persons in charge of medical care on board who are not medical doctors shall have satisfactorily completed training in medical care that meets the requirements of the STCW Convention, i.e. holding the relevant certificate of proficiency (CoP) in accordance with the STCW Convention (where not included/endorsed in the holder's certificate of competency (CoC)).

The PSCO may request the master to show:

- i. The CoPs or CoCs held by the seafarers designated to take charge of medical care or seafarers designated to provide medical first aid on board ship. The CoPs or CoCs should be issued in accordance with the STCW Convention;
- ii. The comparison with those holding the relevant STCW certification, documentation that identifies the seafarer(s) designated to take charge of medical care and/or designated to provide medical first aid on board the ship; and
- iii. Evidence of medical first aid training has been including in CoCs issued in accordance with STCW Regulations II/1, II/2, II/3, III/1, III/2, III/3, III/6 and VII/2.

Note: Ship will be considered for **detention** if there is no one in charge of medical care and administering medicine as part of their regular duties or at least one seafarer on board competent to provide medical first aid that meets the requirement of STCW.

References:

MLC Standards A4.1, focus on paragraph 4(c).

STCW Regulation VI/4 and Section A-VI/4 of the STCW Code

Q10 *Are all seafarers provided with a copy of on-board complaint procedures applicable on the ship?*

The Master should ensure that:

- i. There is an on-board complaint procedures applicable to the ship, in accordance with DMLC Part I. The complaint procedures shall include the measures adopted by the shipowner in the relevant section of the DMLC Part II;
- ii. All seafarers have been provided with a copy of the on-board complaint procedures applicable on the ship; and
- iii. When and how seafarers on the ship were provided with a copy of the on-board complaint procedures. The seafarers should be conversant with the complaint procedures.

The PSCO may request the master to:

- i. Show the complaint procedures on board the ship;
- ii. Ensure a copy of the on-board complaint procedures provided to all seafarers;
- iii. Advise when and how seafarers on board the ship were provided with the complaint procedures; and
- iv. Reference to the relevant section of the DMLC Part I and Part II may also assist in indicating the measures adopted with regard to providing seafarers with a copy of the applicable on-board complaints procedure.

Note: Ship will be considered for detention if there are no complaint procedures on board or repeated deficiencies are found on the seafarers related to complaint procedures.

References:

MLC Standards A5.1.5, focus on paragraph 4.

DMLC Part I and Part II.

Q11 Have all seafarers received monthly accounts of their payments due and amounts paid?

The Master should ensure that:

- i. Seafarers are paid for work regularly in full no greater than monthly intervals in accordance with their crew agreement.
- ii. Seafarers should be given a monthly accounts of payments due and amounts paid (e.g. pay slips) include information on wages, additional payments and the rate of exchange used where payment has been made in a currency or at a rate different from the one agreed to; and
- iii. Payroll records, pay slips and receipts that wages are paid shall be in accordance with conditions and particulars specified in the SEA or relevant CBAs.

The PSCO may request:

- i. Payroll records showing monthly amount paid to seafarers;
- ii. Evidence to show copies of individual monthly payment slips or receipts given to seafarers ; and
- iii. To confirm that wages are being paid at intervals no greater than one month in accordance with that the SEA and/or CBA where applicable.

Note: Ship will be considered for detention if more than one seafarer is not received monthly account of their salary payment

References:

MLC Standards A2.2, focus on paragraph 2.

DMLC Part I and Part II

Q12 Was the ship detained as result of the CIC?

The Master should ensure that the results of the CIC are properly reported and collated in the report. A “No” is record when the ship is not detained in the CIC questionnaire.

- The End -



Questionnaire for the Concentrated Inspection Campaign (CIC) on Maritime Labour Convention, 2006

Ship's name	
IMO Nr	
Date of inspection	

N°	QUESTIONS	YES	NO	N/A
1*	Are seafarers under the age of 18 excluded from tasks that are likely to jeopardize their safety or health? Standards A 1.1. para. 4			
2*	Are all seafarers holding valid certificate(s) attesting medical fitness? Standard A 1.2. para. 1			
3**	Have all seafarers successfully completed their training for personal safety on board? Regulation 1.3. para. 2			
4.1**	Do all seafarers have a copy of their seafarers' employment agreement? Standards A 2.1. para 1 (a)			
4.2**	Are the seafarers' employment agreements in compliance with minimum standard required by MLC? Standards A 2.1. para 4			
5	If private recruitment and placement service has been used, does it meet the requirements of the MLC, 2006? Standard A 1.4. para. 2 and para 9			
6	Are records of inspections of seafarer accommodations carried out by the master (or another designated person) available for review? Standard A 3.1. para. 18			
7	Are frequent inspections carried out by or under the authority of the master, with respect to supplies of food and drinking water, all spaces and equipment used for the storage and handling of food and drinking water, and galley and other equipment for the preparation and service of meals documented? Standard A 3.2 para. 7			
8	Has a ships safety committee been established on board regarding ships on which there are five or more seafarers? Standard A 4.3. para. 2d			
9*	For a ship not being required to carry a medical doctor, is there on board at least one seafarer, holder of a certificate of training in medical first aid or in medical care that meets the requirements of STCW? Standard A.4.1. para. 4c			
10**	Are all seafarers provided with a copy of on-board complaint procedures applicable on the ship ? Standard A 5.1.5 para.4			
11**	Have all seafarers received monthly accounts of their payments due and amounts paid? Standard A2.2, para. 2			
12	Was the ship detained as result of the CIC?			

Note: Questions 1 to 11 answered with a "NO" MUST be accompanied by a relevant deficiency on the Report of Inspection. If the box "No" is ticked off for questions marked with an "**", the ship may be considered for detention. If the box "No" is ticked off for questions marked with an "***", and if the deficiency found is repeated (occure more than 1 time), the ship may be considered for detention.