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MARINE DEPARTMENT

Shipping Division

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26 July 2018

To: Shipowners / Ship Managers, Crew Manning Agents (Through Ship Managers)

Dear Sir/Madam,

Vessel Detention due to Violation of Seafarer Agreement

Please be advised that several Hong Kong registered ships have been detained at different ports of Australia and New Zealand since July 2018 due to incompliance with MLC, 2006 Title 2 Regulation 2.2. On one of the vessels, it was identified that members of the crew had not been paid in accordance with their Seafarer Employment Agreement (SEA) for a period of at least 5 months. In addition to a port state control detention, the vessel was further banned from Australian ports for 12 months.

Hong Kong Marine Department (MD) is deeply concerned about these violations and appeals to all concerned parties for their attention on the following:

- i) All seafarers shall be paid for their work regularly and in full in accordance with their employment agreements. Payments due to seafarers working on Hong Kong ships are to be made at no greater than monthly intervals and in accordance with applicable crew agreement;
- ii) Seafarers shall be given a monthly account of the payments due and the amounts paid, including 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;
- iii) Shipowners/Managers are required to take measures in accordance with sections 4 and 6 of Cap. 478A when provide seafarers with a means to transmit all or part of their earnings to their families or dependants or legal beneficiaries; and
- iv) Any charge for the service under paragraph iii) shall be reasonable in amount, and the rate of currency exchange shall be at the prevailing market rate and not unfavourable to the seafarer.

In order to ensure compliance on board Hong Kong registered ships, Marine Department strongly recommends all companies to include these MLC issues in the pre-arrival check prior to calling US and Australia ports.

Should you have any queries, please do not hesitate to contact the Cargo Ships Safety Section as follows:

Telephone number: (852) 2852 4510
Fax number: (852) 2545 0556
Email address: ss_css@mardep.gov.hk

Yours faithfully,

(No signature on website copy)

(C.L. FONG)

Senior Surveyor/Cargo Ships Safety Section
for Director of Marine