

**Guidelines for shipowners of Hong Kong ships on the compliance with the
Declaration of Maritime Labour Compliance – Part I**

A. Introduction:

1. The purpose of these Guidelines is to assist shipowners of H.K. registered ships in understanding the HKMD's requirements in respect of the 14 items of the Declaration of Maritime Labour Compliance – Part I.
2. The MLC, 2006 comprises three related parts: the Articles, the Regulations, and the Code. The Articles and Regulations contain rights, principles and obligations of member States ratifying the MLC, 2006. The Codes sets out the details for the implementation of the Regulations and is comprised of two parts: Part A (mandatory Standards) and Part B (non—mandatory Guidelines). The Regulations and the Code are divided into the following five Titles:

Title 1: Minimum requirements for seafarers to work on a ship
Title 2: Conditions of employment
Title 3: Accommodation, recreational facilities, food and catering
Title 4: Health protection, medical care, welfare, and social security protection
Title 5: Compliance and enforcement
3. As required by the MLC 2006, the Maritime Labour Certificate and the Declaration of Maritime Labour Compliance (DMLC) are to be kept onboard the ship. The Maritime Labour Certificate is to certify that the ship meets the requirements of the MLC, 2006 and the seafarer's working and living conditions meet the related requirements. The DMLC contains Part I and Part II, which must be completed by the competent authority of Flag State and the shipowner respectively.
4. Hong Kong Marine Department (HKMD) will issue the Declaration of Maritime Labour Compliance (DMLC) Part I to each applicable Hong Kong ship stating the requirements as specified in *the Merchant Shipping (Seafarers) (Maritime Labour Convention) Regulation* that a Hong Kong ship is to be inspected to all of the requirements of the Convention, but only the 14 areas are inspected for certification for the issuance of a Maritime Labour Certificate pursuant to the MLC, 2006.
5. Shipowners are required to draw up DMLC Part II setting out the adopted measures for ongoing compliance with Hong Kong requirements. For certain DMLC issues (e.g. health and safety) that have been implemented under the international safety management (ISM)

system, shipowners can save the duplication of documents by referring these issues directly to shipboard ISM manual. ISM manual prepared in shipboard working language (e.g. Chinese) other than English as being referred to under DMLC Part II is acceptable to HKMD without the need to have an English translation.

6. Recognized organizations are authorized by HKMD to certify DMLC Part II for the compliance of Hong Kong requirements and issue the Maritime Labour Certificate.
7. Shipowners are required to re-submit DMLC Part II to recognized organizations for verification whenever there are changes or amendments made to the contents of the DMLC Part II.
8. In case of change of ship's name, shipowners shall apply to HKMD for the issuance of a new DMLC Part I.
9. On accommodation and recreational facilities relating to ship construction and equipment, a Hong Kong ship constructed before the date of the MLC, 2006 comes into effect in Hong Kong shall comply with ILO 92 in full and ILO 133 with exemptions as appropriate to be granted by HKMD but on ship basis. In that case, only items 8.2 and 9.2 of the DMLC Part I (Title 3) for ships built before the MLC, 2006 comes into effect in Hong Kong may be exempted.
10. Social security protection entitled to Hong Kong registered seafarers are the "medical care", "old-age benefit" and "invalidity benefit". Hong Kong is not bound to provide social security protection to non-Hong Kong registered seafarers working on board Hong Kong ships.
11. Hong Kong registered seafarers working on non-Hong Kong ships would be basically subject to the protection of the respective flag Administration. Hong Kong legislation in general, like local legislation elsewhere, does not have extraterritorial effect.

B. Guidelines:

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| | Article II/3 - In the event of doubt as to whether any categories of persons are to be regarded as seafarers for the purpose of this Convention, the question shall be determined by the competent authority in each Member after consultation with the shipowners' and seafarers' organizations concerned with this question. | Article II/3 | 1. the excluded categories of persons not considered as "seafarers" are to be : a licensed pilot who works as a pilot in the ship; b. the owner who has |

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| | | | <p>assumed the responsibility for the operation of the ship or a person (except the master) representing the owner;</p> <p>c. an officer of law enforcement agencies carrying out law enforcement duties;</p> <p>d. a person who works on board the ship solely within a port or at a port facility; or</p> <p>e. person* employed in a ship solely in connection with the construction, alteration, repair or testing of the ship, its machinery or equipment, and not directly in connection with the normal manning of the ship within the deck, engine room or catering department (Section 3(c) of Cap. 478L refers). * These persons are Auditors, Ship Superintendent, Surveyors and Temporary Riding Crew.</p> |
| | | Article VII | As the statutory body established under the Merchant Shipping (Seafarers) Ordinance (Cap.478), Seafarers' Advisory Board is the tripartite group to decide on those provisions in the MLC, 2006 that requiring |

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| | | | consultation with shipowners' and seafarers' organizations. |
| | <u>Minimum age</u> | | |
| | 1.1 The age of a seafarer working on board a Hong Kong ship shall not be less than 17 years. | Reg.1.1, 1.2 & A1.1.1 | The MLC requirement is 16 years old. The HK requirement is 17. |
| | <p>1.2 Seafarers under the age of 18 shall not engage in night work except in the following limited circumstances :</p> <p>(a) the effective training of the seafarers concerned, in accordance with established programmes and schedules, would be impaired; or</p> <p>(b) the specific nature of the duty or a recognized training programme requires that the seafarers covered by the exception perform duties at night and that the work will not be detrimental to their health or well-being.</p> <p>"Night" is defined as a period of at least 9 hours, starting no later than midnight and ending no earlier than 5 am.</p> | Reg.1.3, A1.1.2 & A1.1.3 | New requirements under HK legislation. |
| | 1.3 The employment, engagement or work of seafarers under the age of 18 on board a Hong Kong ship shall be prohibited where the work, as identified in the IMDG Code and products in Chapter 17 of IBC Code as amended, is likely to jeopardize their health or safety. | A1.1.4 | New requirements under HK legislation. |
| | 1.4 Seafarers under the age of 18 shall not be allowed to carry out any type of work prescribed in below unless they are trained, and provided with appropriate supervision and instruction. These types of work are : <p>(a) the lifting, moving or carrying of heavy</p> | B4.3.10 | New requirements under HK legislation. |

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| | loads or objects; (b) entry into boilers, tanks and cofferdams; (c) exposure to harmful noise and vibration levels; (d) operating hoisting and other power machinery and tools, or acting as signalers to operators of such equipment; (e) handling mooring or tow lines or anchoring equipment; (f) rigging; (g) work aloft or on deck in heavy weather; (h) nightwatch duties; (i) servicing of electrical equipment; (j) exposure to potentially harmful materials, or harmful physical agents such as dangerous or toxic substances and ionizing radiations; (k) the cleaning of catering machinery; and (l) the handling or taking charge of ships' boats. | | |
| | 1.5 Seafarers under the age of 18 shall not work in the following hazardous areas : <ul style="list-style-type: none"> - 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 voltage); - exposure to shocks, low frequency vibration, for example, working in fast rescue craft, may be associated with back pain and other spinal disorders. | | New requirements under HK legislation. |
| | <u>Medical certification</u> | | |
| | 2.1 Every seafarer employed on board Hong Kong ships shall be in possession of a valid medical fitness certificate attesting that s/he is medically fit to perform | Reg.1.2.1 & A1.2.1 | |

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| | the duties s/he is to carry out. | | |
| | 2.2 The nature of medical examination and certificate shall comply with the Guidelines on the medical examination of seafarers issued by ILO and IMO specifying the standards of medical fitness for seafarers in accordance with the STCW Convention 1978, as amended from time to time. | A1.2.2 | ILO-IMO "GUIDELINES ON THE MEDICAL EXAMINATIONS OF SEAFARERS" |
| | 2.3 Pursuant to Regulation I/9 of the STCW Convention 1978, as amended from time to time, and Cap.478O, the medical fitness certificate shall be issued by a qualified medical practitioner or, in the case of a certificate solely concerning eyesight, by a qualified medical practitioner or a qualified optometrist. A qualified medical practitioner for the issue of a medical certificate means a medical practitioner registered under Cap.161 and who is also listed in the Gazette published by HKMD as an approved medical practitioner under section 18 of Cap.478O, whilst a qualified medical practitioner for the issue of a certificate solely concerning eyesight means a medical practitioner registered under Cap.161. A qualified optometrist means the one registered under Cap.359. HKMD also accepts medical fitness certificates issued by medical practitioners under STCW Convention 1978, as amended from time to time, or certificates concerning eyesight by optometrists, of a country mutually recognized with Hong Kong under the STCW Convention, or by another State Party to ILO Convention concerning the Medical Examination of Seafarers, attesting to the holder's medical fitness for duty. Medical practitioners and optometrists must enjoy full professional independence in exercising their professional judgement. Medical fitness certificate referred herein can also be the one issued by the medical review panel under regulation 11(5)(a) and (b) of Cap.478O. | A1.2.3 & A1.2.4 | Regulations 11(5)(a) & 11(5)(b) should read as follows:- “(5)(a), having regard to the medical and visual standards specified in the Determinations, issue to the applicant a medical fitness certificate, with or without restriction as to capacity or geographical area and valid for such period as the panel shall specify, subject to the period of validity of the certificate as given under item 2.6 below; “(5)(b), expressed accordingly and valid for such a period as the panel shall specify, subject to the period of validity of the certificate as given under item 2.6; |

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| | 2.4 Seafarers that have been refused a certificate or have had a limitation imposed on their ability to work, in particular with respect to time, field of work or trading area, shall be given the opportunity to have a further examination by another independent medical practitioner, or optometrist if concerning eyesight only. A seafarer that has been refused a certificate may also apply to the Superintendent for a medical review according to Cap.4780 s.11. | A1.2.5 | For s.11(b) of Cap. 4780, it should read: “the imposition of a restriction on a certificate in respect of the seafarer’s ability to work, including the type of ship, time, field of work or trading area,”. |
| | 2.5 Each medical fitness certificate shall state in particular that : (a) the hearing and sight of the seafarer concerned, and the colour vision in the case of a seafarer to be employed in capacities where fitness for the work to be performed is liable to be affected by defective colour vision, are all satisfactory; and (b) the seafarer concerned is not suffering from any medical condition likely to be aggravated by service at sea or to render the seafarer unfit for such service or to endanger the health of other persons on board. | A1.2.6 | |
| | 2.6 A medical fitness certificate issued shall specify the period, commencing with the date of the medical examination, for which the certificate shall remain valid, subject to the following maximum periods : (a) in respect of a seafarer under 18 years of age, 1 year; (b) in respect of a seafarer 18 years of age and under 55 years of age, 2 years; (c) in respect of a seafarer 55 years of age and over, 1 year; (d) in respect of a seafarer serving or intending to serve on bulk chemical carriers, 1 year; and (e) colour vision test is valid for no more | A1.2.7 | a. “Bulk chemical carrier” means a ship carrying in bulk any chemical listed in Chapter VI of the BC Code or Chapter 17 of the IBC Code, as amended. This will include liquid bulk chemical carriers and solid bulk chemical carriers. b. All medical fitness certificates shall specify the validity period of the |

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| | than 6 years. | | certificate counting from the date of the medical examination. As such, HKMD accepts a medical fitness certificate without specifying expiry date. c. |
| | 2.7 Pursuant also to Regulation I/9 of the STCW Convention 1978, as amended from time to time, shipowners shall apply to the Director in urgent cases to allow a seafarer to work without a valid medical fitness certificate until the next port of call where the seafarer can obtain a medical fitness certificate from a qualified medical practitioner, provided that the period of permission granted does not exceed 3 months and the seafarer concerned is in possession of an expired medical fitness certificate of recent date. | Reg.1.2.2 & A1.2.8 | If the medical certificate of a seafarer has been expired for 1 month, the seafarer may join a ship under emergency situation after obtaining HKMD's permission. However, the seafarer shall have his/her medical check by a qualified medical practitioner within 2 months after joining ship. |
| | 2.8 Pursuant also to Regulation I/9 of the STCW Convention 1978, as amended from time to time, that if the period of validity of a medical fitness certificate expires in the course of a voyage, the certificate shall continue in force until the next port of call where the seafarer can obtain a medical fitness certificate from a qualified medical practitioner, provided that the period shall not exceeding 3 months from the date of expiry of such certificate. | Reg.1.2.2 & A1.2.9 | |
| | 2.9 Medical fitness certificates for seafarers shall as a minimum be provided in English for Hong Kong ships. | A1.2.10 | |
| <u>Qualifications of seafarers</u> | | | |
| | 3.1 Seafarers shall not work on a ship unless they are trained or certified as competent or otherwise qualified to perform their duties. | Reg.1.3.1 | "Seafarer" is defined under Cap.478 which includes also 'master'. Please also refer to |

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| | | | the Guidelines above under Article II/3. |
| | 3.2 Seafarers shall not be permitted to work on a Hong Kong ship unless they have successfully completed the trainings required by Section A-VI/1 of the STCW Code, as amended from time to time. | Reg.1.3.2 | STCW Code : section A-VI para. 2.1.4 and Table A-VI/1-4. |
| | 3.3 All officers and ratings on board Hong Kong ships shall comply with the provisions of the STCW Convention, as amended from time to time. | Reg.1.3.3 & 1.3.4 | Certification of Able Seamen Convention, 1946 (ILO Convention No.74) is applicable to HKSAR. |
| | <u>Seafarers' employment agreements</u> | | |
| | 4.1 The terms and conditions for employment of a seafarer shall be set out or referred to in a clear written legally enforceable crew agreement and shall be consistent with the requirements stated in this item. | Reg.2.1 | |
| | 4.2 All seafarers employed for working on board Hong Kong ships shall have a crew agreement signed by both the seafarer and the shipowner or a representative of the shipowner providing them with decent working and living conditions on board the ship as required by this Schedule. | A2.1.1(a) | Crew agreement includes both : (a) the employment contract signed between seafarer and his employer; and (b) the article of agreement signed on board the ship which the seafarer has joined. MD accepts other forms of crew agreement signed between seafarers and employers but the employment terms and conditions have to meet MD's requirements. Also, irrespective of the form of agreement signed, seafarers |

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| | | | need to sign also the article of agreement on board ship. |
| | 4.3 Shipowners shall ensure that seafarers signing a crew agreement 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. | A2.1.1(b) | |
| | 4.4 The shipowner and seafarer concerned with the agreement shall each have a signed original of the crew agreement. | A2.1.1(c) | |
| | 4.5 Shipowners shall ensure that 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 crew agreement, is also accessible for review by authorised officers, including those in ports to be visited. | A2.1.1(d) | |
| | 4.6 Shipowners shall ensure that each 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. | A2.1.1(e) | |
| | 4.7 The document of record of employment shall 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. | A2.1.3 & B2.1.1 | Shipowners shall instruct masters not to make any entries on seafarers' employment record documents about seafarers' performance even though such documents provide the space for such entry. |

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| | <p>4.8 The crew agreement shall at least contain the following particulars :</p> <ul style="list-style-type: none"> (a) the seafarer's full name, date of birth or age, and birthplace; (b) the shipowner's name and address; (c) the place where and date when the crew agreement is entered into; (d) the capacity in which the seafarer is to be employed; (e) the amount of the seafarer's wages or, where applicable, the formula used for calculating them; (f) the amount of paid annual leave or, where applicable, the formula used for calculating it; (g) the termination of the agreement and the conditions thereof, including : <ul style="list-style-type: none"> (i) if the agreement has been made for an indefinite period, the conditions entitling either party to terminate it, as well as the required notice period, which shall not be less for the shipowner than for the seafarer; (ii) if the agreement has been made for a definite period, the date fixed for its expiry; and (iii) if the agreement has been made for a voyage, the port of destination and the time which has to expire after arrival before the seafarer should be discharged; (h) the health and social security protection benefits to be provided to the seafarer by the shipowner; (i) the seafarer's entitlement to repatriation. | A2.1.4 | <p>1. "Shipowners' liabilities" under DMLC Part I - item 4.12 and "Entitlement to leave" under DMLC Part I - item 4.13 shall also be included in crew agreement.</p> <p>2. For (f), HKMD interprets that paid annual leave is not a payment due to seafarers' work but is an entitlement under Reg. 2.4. As such, paid annual leave should therefore be meant for payment paid for a seafarer's leave which the seafarer can only have his leave at the end of his contract. Despite paid annual leave if so settled under the monthly payment of wages as mentioned under A2.2.2 is not deemed by HKMD as a violation of the MLC, 2006, HKMD recommends that paid annual leave should be settled at the end of contract. In view of HKMD's position, a shipowner retaining the paid annual leave until a seafarer has completed his contract is not considered as breaching the principle of MLC, 2006 under Reg.2.2. For the purpose of clarity, a crew agreement signed between</p> |

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| | | | <p>seafarers and shipowners shall state clearly how the paid annual leave is to be settled, i.e. monthly, at the end of contract or other payment arrangements.</p> <p>3. Shipowners are suggested to note the IMO Assembly Resolution A.930(22). For the time being, shipowners are required to ensure the compliance by providing financial security from P&I Clubs until a clear form of financial security is determined by ILO.</p> |
| | 4.9 The minimum notice period to be given by the seafarers and shipowners for the early termination of a crew agreement shall not be shorter than seven days. | A2.1.5 | |
| | 4.10 Shipowners shall allow seafarers to terminate the crew agreement at shorter notice or without notice without penalty for compassionate or other urgent reason. | A2.1.6 | MD suggests shipowners to specify the grounds for early termination in crew agreements. |
| | <p>4.11 Where the language of the crew agreement and any applicable agreement is not in English, the following shall also be available in English :</p> <p>(i) a copy of a standard form of the agreement; and</p> <p>(ii) the portions of any applicable agreement that are subject to a port State inspection.</p> <p>The requirement for an English copy shall not apply to Hong Kong ships not engaging in international voyage.</p> | A2.1.2 | |

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| | <p>4.12 The following provisions stipulating “Shipowners’ liabilities” shall be included in the crew agreement :</p> <p>(a) shipowners shall bear the costs for seafarers working on Hong Kong ships in respect of sickness and injury of the seafarers occurring between the date of commencing duty and the date upon which they are deemed duly repatriated, or arising from their employment between those dates;</p> <p>(b) shipowners shall provide financial security to assure compensation in the event of the death or long-term disability of seafarers due to an occupational injury, illness or hazard, as set out in the seafarers’ crew agreement;</p> <p>(c) shipowners shall defray the expense of medical care, including medical treatment and the supply of the necessary medicines and therapeutic appliances, and board and lodging away from home until the sick or injured seafarer has recovered, or until the sickness or incapacity has been declared of a permanent character;</p> <p>(d) shipowners shall pay the cost of burial expenses in the case of death occurring on board or ashore during the period of engagement; and</p> <p>(e) shipowners shall take measures for safeguarding property left on board by sick, injured or deceased seafarers and for returning it to them or to their next of kin.</p> | A4.2.1 & A4.2.7 | In principle, financial security under (b) covered by insurance companies or P&I clubs is acceptable to HKMD. |
| | <p>4.13 The following provisions for “Entitlement to leave” shall be included in the crew agreement as :</p> <p>(a) The annual leave with pay entitlement shall be calculated on the basis of a minimum of 2.5 calendar days per month of employment. The length of service includes the period of traveling to join the ship and the period of his repatriation from abroad to his</p> | Reg.2.4.2, A2.4.2 & A2.4.3 | <p>1. Time to take annual leave would be subject to mutual agreement between seafarers and shipowners.</p> <p>2. HKMD does not require shore leave to be specified in the crew agreement.</p> |

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| | <p>proper return port. Justified absences from work shall not be considered as annual leave.</p> <p>(b) Any agreement to forgo the minimum annual leave with pay shall not be allowed.</p> | | <p>However, a crew agreement shall include the provision of seafarer's right of shore leave to benefit their health and well-being and the general wordings would be "no shore leave shall be granted and seafarer is not allowed to leave the ship without the consent of the master or his deputy and the local authorities, but such leave will be permitted where possible on completion of a seafarer's normal working hours".</p> <p>3. Annual leave calculation should take into account MLC,2006 guideline B2.4. For B2.4.4(a) whereby public holidays should not be taken as paid annual leave, shipowners should note that Hong Kong has 12 statutory public holidays per calendar year and where any of them falls on Sundays, the day following shall be treated as public holiday (Cap.57 s.39). Since seafarers working on board HK ships may come from various countries with different cultural background, there is no need to follow exactly the same statutory holiday dates as in</p> |

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| | | | HK. Arrangement of public holidays, as mutually agreed between seafarers and shipowners, made according to their nationalities is acceptable to HKMD but these public holidays shall not be less than 12 days per calendar year. |
| | <u>Use of any licensed or certified or regulated private recruitment and placement services</u> | | |
| | 5.1 Shipowners who employ Hong Kong registered seafarers to work on board Hong Kong ships shall comply with the requirements of Part VI and Part VII of Cap.478. | Reg.1.4.2 | Permitted seafarers' organization can perform the recruitment and placement services for HK registered seafarers to be serving onboard HK registered ships only. |
| | 5.2 Shipowners who use seafarer recruitment and placement services that are based in countries or territories in which the Convention does not apply for the employment of seafarers to work on board Hong Kong ships shall use the recruitment and placement services which conform to the following requirements : (a) not using means, mechanisms or lists intended to prevent or deter seafarers from gaining employment for which they are qualified; (b) no fees or other charges for seafarer recruitment or placement or for providing employment to seafarers are borne directly or indirectly, in whole or in part, by seafarers, other than the cost of the seafarer obtaining a national statutory medical certificate, the national seafarer's book and a passport or other similar personal travel documents, not including, however, the cost of visas, which shall be borne by the shipowner; | A1.4.5 & A1.4.9 | 1. Shipowners employing seafarers from countries that have not ratified the Convention shall ensure that the recruitment and placement services (RPS) supplying these seafarers are in compliance with the Convention by means of assessment such as a quality system. 2. MD interprets that the monetary loss as mentioned in (h) refers to the monthly wage as agreed between shipowner and seafarer and there should not be any unlimited liability for |

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| | <p>(c) the recruitment and placement services maintain an up-to-date register of all seafarers recruited or placed through them;</p> <p>(d) the recruitment and placement services inform the seafarers of their rights and duties under their employment agreements prior to or in the process of engagement and that proper arrangements are made for seafarers to examine their employment agreements before and after they are signed and for them to receive a copy of the agreements;</p> <p>(e) the recruitment and placement services have verified that seafarers recruited or placed by them are qualified and hold the documents necessary for the job concerned, and that the seafarers' employment agreements are in accordance with Hong Kong's crew agreement requirements;</p> <p>(f) the recruitment and placement services have made sure, as far as practicable, that the shipowner has the means to protect seafarers from being stranded in a foreign port;</p> <p>(g) the recruitment and placement services have examined and responded to any complaint concerning their activities and advise the Authority of Hong Kong of any unresolved complaint; and</p> <p>(h) the recruitment and placement services have established a system of protection, by way of insurance or an equivalent appropriate measure, to compensate seafarers for monetary loss that they may incur as a result of the failure of a recruitment and placement service or the relevant shipowner under the seafarers' employment agreement to meet its obligation to them.</p> | | <p>shipowners or RPS for this provision.</p> <p>3. The RPS must have insurance or other equivalent measure in place to cover these liabilities. The existence of such insurance or other equivalent measure is an obligation of the party State in which the RPS is located. HKMD accepts that such an obligation is in place. If the RPS is located in a non-party State, then the Shipowner must provide evidence to HKMD to show that the RPS has such financial security in place.</p> |
| | <u>Hours of work or rest</u> | | |
| | 6.1 Shipowners shall implement the normal working hours' standard for seafarers on the basis of an eight-hour day with one day of rest per week and rest | A2.3.3 | 1. Hong Kong adopts "hours of rest". |

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| | on public holidays. | | <p>2. Master is also a seafarer that shall follow Regulation 2.3 of the MLC, 2006.</p> <p>3. Apart from Sundays, HKSAR has twelve statutory public holidays each year</p> |
| | <p>6.2 Shipowners shall provide every position of seafarers on board Hong Kong ships with the minimum number of hours of rest which shall not be less than :</p> <p style="padding-left: 40px;">(i) ten hours in any 24-hour period; and</p> <p style="padding-left: 40px;">(ii) 77 hours in any seven-day period.</p> <p style="padding-left: 40px;">This minimum number of hours of rest applies to all seafarers on board.</p> <p style="padding-left: 40px;">Hours of rest – means time outside hours of works; this term does not include short breaks.</p> | A2.3.5 | Any 24-hour period means starting at any moment during a day must comprise at least ten hours of rest. |
| | 6.3 Shipowner may divide the hours of rest into no more than two periods, one of which shall be at least six hours in length, and the interval between consecutive periods of rest shall not exceed 14 hours. | A2.3.6 | |
| | <p>6.4 In order to ensure a continued safe operation of Hong Kong ships in exceptional conditions, certain exceptions from the above requirements for the rest periods are allowed for those watchkeeping seafarers and those whose duties involve designated safety, prevention of pollution and security duties provided that the rest period is not less than 70 hours in any 7 day period and on certain conditions, namely :</p> <p style="padding-left: 40px;">(a) such exceptional arrangements shall not be extended for more than two</p> | | The Manila amendments to the STCW, 1978 |

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| | <p>consecutive weeks;</p> <p>(a) the intervals between two periods of exceptions shall not be less than twice the duration of the exception;</p> <p>(b) the hours of rest may be divided into no more than three periods, one of which shall be at least 6 hours and none of the other two periods shall be less than one hour in length;</p> <p>(c) the intervals between consecutive periods of rest shall not exceed 14 hours; and</p> <p>(d) exceptions shall not extend beyond two 24-hour periods in any 7-day period.</p> <p>Exceptions shall, as far as possible, take into account the guidance regarding prevention of fatigue in section B-VIII/1 of the Code of the STCW Convention, as amended from time to time.</p> | | |
| | <p>6.5 Shipowner shall arrange emergency drills in a manner that minimizes the disturbance of rest periods and does not induce fatigue. Seafarers shall have adequate compensatory rest period if normal period of rest is disturbed by call-outs to work. Seafarers concerned shall have sufficient rest.</p> | <p>A2.3.7</p> <p>A2.3.8</p> <p>A2.3.9</p> | |
| | <p>6.6 A table for the shipboard working arrangement shall be posted on board a Hong Kong ship. The table shall cover every position and shall contain at least :</p> <p>(a) the schedule of service at sea and service in port; and</p> <p>(b) the minimum hours of rest.</p> <p>This table, in the working language of the ship and in English, shall be placed in an easily accessible place and 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. The Director may specify any form of the table if deemed appropriate.</p> | <p>A2.3.10</p> <p>A2.3.11</p> | |

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| | <p>6.7 Records of seafarers' daily hours of rest, in the working language of the ship and in English as 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 from time to time, shall be maintained to allow monitoring of compliance with provisions under the above paragraph 6.2 to 6.6. Seafarers shall be given a copy of the records pertaining to them which shall be endorsed by the master, or a person authorized by the master, and by the seafarers.</p> | A2.3.12 | Any changes or amendments made to the records (such as the change of ship's name) shall be endorsed by master, or a person authorized by the master. |
| | <p>6.8 The master of a Hong Kong ship shall have the right to require a seafarer to perform any hours of work necessary for the immediate safety of the ship, person on board or cargo, or for the purpose of giving assistance to other ships or persons in distress at sea. Accordingly, the master may suspend the schedule of hours of rest and require a seafarer to perform any hours of work necessary until the normal situation has been restored. As soon as practicable after the normal situation has been restored, any seafarers who have performed work in a scheduled rest period shall be provided with an adequate period of rest by the master.</p> | A2.3.14 | This paragraph also covers issues such as marine pollution, security matters, ship detention or other overriding operational circumstances. |
| | <p>6.9 Shipowners and master of a Hong Kong ship shall comply with the following provisions for all young seafarers under the age of 18 :</p> <p>(a) at sea and in port :</p> <p>(i) working hours shall not exceed eight hours per day and 40 hours per week and overtime shall be worked only where unavoidable for safety reasons;</p> <p>(ii) sufficient time shall be allowed for all meals, and a break of at least one hour for the main meal of the day shall be assured; and</p> | B2.3 | |

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| | <p>(iii) a 15-minute rest period as soon as possible following each two hours of continuous work shall be allowed.</p> <p>(b) Exceptionally, the provisions of sub-paragraph (a) above need not be applied if :</p> <p>(i) they are impracticable for young seafarers in the deck, engine room and catering departments assigned to watchkeeping duties or working on a rostered shiftwork system; or</p> <p>(ii) the effective training of young seafarers in accordance with established programmes and schedules would be impaired.</p> <p>(c) Such exceptional situations shall be recorded, with reasons, and signed by the master.</p> <p>(d) Sub-paragraph (a) above does not exempt young seafarers from the general obligation on all seafarers to work during any emergency as provided for in paragraph 6.7 above.</p> | | |
| | | | |
| | <u>Manning levels for the ship</u> | | |
| | <p>7.1 Without prejudice to section 13 of Cap.478J, shipowners shall place a sufficient number of a crew on board a Hong Kong ship to ensure that the ship is operated safely, efficiently and with due regard to security under all conditions. The ship shall be manned by seafarers that is adequate, in terms of size and qualifications, to ensure the safety and security of the ship and its personnel, under all operating conditions, in accordance with the minimum safe manning certificate (MSM Certificate) issued by HKMD.</p> | A2.7.1 | |
| | <u>Accommodation</u> | | |
| 8.1 | A Hong Kong ship constructed on or after the | Reg.3.1.2 | The date of construction |

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| | date when the Convention comes into effect in Hong Kong shall comply with the following minimum requirements for on-board accommodation and recreational facilities : | | refers to the date when the keel is laid. |
| | <p>8.1.1(a) there shall be adequate headroom in all seafarer accommodation; the minimum permitted headroom in all seafarer accommodation where full and free movement is necessary shall be not less than 203 centimetres; HKMD may permit some limited reduction in headroom in any space, or part of any space, in such accommodation where it is satisfied that such reduction :</p> <p>(i) is reasonable; and</p> <p>(ii) will not result in discomfort to the seafarers.</p> | A3.1.6(a) | |
| | | | |
| | <p>8.1.1(b) the accommodation shall be adequately insulated as :</p> <p>(i) external bulkheads of sleeping rooms and mess rooms shall be adequately insulated. All machinery casings and all boundary bulkheads of galleys and other spaces in which heat is produced shall be adequately insulated where there is a possibility of resulting heat effects in adjoining accommodation or passageways. Measures shall also be taken to provide protection from heat effects of steam or hot-water service pipes or both.</p> <p>(ii) sleeping rooms, mess rooms, recreation rooms and alleyways in the accommodation space shall be adequately insulated to prevent condensation or overheating.</p> <p>(iii) the bulkhead surfaces and deckheads shall be of material with a surface easily kept clean. No form of construction likely to harbour vermin shall be used.</p> <p>(iv) the bulkhead surfaces and deckheads in sleeping rooms and mess rooms shall be capable of being easily kept clean and light in colour with a durable,</p> | A 3.1.6(b) & B3.1.1.1 – B3.1.1.6 | |

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| | <p>nontoxic finish.</p> <p>(v) the decks in all seafarer accommodation shall be of approved material and construction and shall provide a non-slip surface impervious to damp and easily kept clean.</p> <p>(vi) where the floorings are made of composite materials, the joints with the sides shall be profiled to avoid crevices.</p> | | |
| | <p>8.1.1(c) in ships other than passenger ships, as defined in Regulation 2(e) and (f) of the International Convention for the Safety of Life at Sea, 1974, as amended (the "SOLAS Convention"), sleeping rooms shall be situated above the load line amidships or aft, except that in exceptional cases, where the size, type or intended service of the ship renders any other location impracticable, sleeping rooms may be located in the fore part of the ship, but in no case forward of the collision bulkhead;</p> | A3.1.6(c) | |
| | <p>8.1.1(d) in passenger ships, and in special ships constructed in compliance with the IMO <i>Code of Safety for Special Purpose Ships, 1983</i>, as amended (hereinafter called "special purpose ships"), HKMD may, on condition that satisfactory arrangements are made for lighting and ventilation, permit the location of sleeping rooms below the load line, but in no case shall they be located immediately beneath working alleyways;</p> | A3.1.6(d) | |
| | <p>8.1.1(e) there shall be no direct openings into sleeping rooms from cargo and machinery spaces or from galleys, storerooms, drying rooms or communal sanitary areas; that part of a bulkhead separating such places from sleeping rooms and external bulkheads shall be efficiently constructed of steel or other approved substance and be watertight and gas-tight;</p> | A3.1.6(e) | |

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| | 8.1.1(f) the materials used to construct internal bulkheads, panelling and sheeting, floors and joinings shall be suitable for the purpose and conducive to ensuring a healthy environment; | A3.1.6(f) | |
| | 8.1.1(g) proper lighting and sufficient drainage shall be provided; and | A3.1.6(g) | |
| | 8.1.1(h) accommodation and recreational and catering facilities shall meet the requirements of DMLC Part I - item 11 (Health and safety and accident prevention) with respect to preventing the risk of exposure to hazardous levels of noise and vibration and other ambient factors and chemicals on board ships, and to provide an acceptable occupational and onboard living environment for seafarers. | A3.1.6(h) | |
| | <p>8.1.2 With respect to requirements for ventilation and heating :</p> <p>(a) sleeping rooms and mess rooms shall be adequately ventilated. The system of ventilation for sleeping rooms and mess rooms shall be controlled so as to maintain the air in a satisfactory condition and to ensure a sufficiency of air movement in all conditions of weather and climate with respect to the standards as stated in sections 16(2), 16(3), 16(4) and 16(7) of Cap.478I. Air-conditioning systems, whether of a centralized or individual unit type, shall be designed to :</p> <p>(a1) maintain the air at a satisfactory temperature and relative humidity as compared to outside air conditions, ensure a sufficiency of air changes in all air-conditioned spaces, take account of the particular characteristics of operations at sea and not produce excessive noises or vibrations; and (a2) facilitate easy cleaning and disinfection to prevent or control the spread of disease. Power for the operation of the air conditioning and other aids to ventilation shall be available at all times when seafarers are living or</p> | A3.1.7 (a) & B3.1.2 | |

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| | working on board and conditions so require. However, this power need not be provided from an emergency source. | | |
| | 8.1.2(b) ships, except those regularly engaged in trade of temperate climatic conditions, shall be equipped with air conditioning for seafarer accommodation, for any separate radio room and for any centralized machinery control room; | A3.1.7(b) | |
| | 8.1.2(c) all sanitary spaces shall have ventilation to the open air, independently of any other part of the accommodation; and | A3.1.7(c) | |
| | 8.1.2(d) adequate heat through an appropriate heating system shall be provided, except in ships exclusively on voyages in tropical climates. The system of heating the seafarer accommodation shall be in operation at all times when seafarers are living or working on board and conditions require its use. In all ships in which a heating system is required, the heating shall be by means of hot water, warm air, electricity, steam or equivalent. However, within the accommodation area, steam shall not be used as a medium for heat transmission. The heating system shall be capable of maintaining the temperature in seafarer accommodation at a satisfactory level under normal conditions of weather and climate likely to be met within the trade in which the ship is engaged. The standard of heating shall be in accordance with section 14(1) of Cap. 478I. Radiators and other heating apparatus shall be placed and, where necessary, shielded so as to avoid risk of fire or danger or discomfort to the occupants. | A3.1.7 (d) & B3.1.3 | |
| | 8.1.3 With respect to requirements for lighting : (a) subject to such special arrangements as may be permitted in passenger ships, sleeping rooms | A 3.1.8 & B3.1.4 | |

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| | and mess rooms shall be lit by natural light and provided with adequate artificial light. | | |
| | 8.1.3(b) In all ships, electric light shall be provided in the seafarer accommodation. If there are not two independent sources of electricity for lighting, additional lighting shall be provided by properly constructed lamps or lighting apparatus for emergency use. In sleeping rooms an electric reading lamp shall be installed at the head of each berth. | | |
| | 8.1.3(c) The standard of lighting shall be in accordance with section 15 of Cap. 478I. | | |
| | 8.1.4 When sleeping accommodation on board ships is required, the following requirements for sleeping rooms shall be applicable : (a) in ships other than passenger ships, an individual sleeping room shall be provided for each seafarer; in the case of ships of less than 3,000 gross tonnage or special purpose ships, exemptions from this requirement may be granted by HKMD after consultation with the Seafarers' Advisory Board; | A3.1.9(a) | |
| | 8.1.4(b) separate sleeping rooms shall be provided for men and for women; | A3.1.9(b) | |
| | 8.1.4(c) sleeping rooms shall be of adequate size and properly equipped so as to ensure reasonable comfort and to facilitate tidiness; | A3.1.9(c) | |
| | 8.1.4(d) a separate berth for each seafarer shall in all circumstances be provided; | A3.1.9(d) | |
| | 8.1.4(e) the minimum inside dimensions of a berth shall be at least 198 centimetres by 80 centimetres; | A3.1.9(e) | |

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| | <p>8.1.4(f) in single berth seafarers' sleeping rooms the floor area shall not be less than :</p> <p>(i) 4.5 square metres in ships of less than 3,000 gross tonnage;</p> <p>(ii) 5.5 square metres in ships of 3,000 gross tonnage or over but less than 10,000 gross tonnage; and</p> <p>(iii) 7 square metres in ships of 10,000 gross tonnage or over.</p> | A3.1.9(f) | |
| | <p>8.1.4(g) however, in order to provide single berth sleeping rooms on ships of less than 3,000 gross tonnage, passenger ships and special purpose ships, HKMD may allow a reduced floor area;</p> | A3.1.9(g) | |
| | <p>8.1.4(h) in ships of less than 3,000 gross tonnage other than passenger ships and special purpose ships, sleeping rooms may be occupied by a maximum of two seafarers; the floor area of such sleeping rooms shall not be less than 7 square metres;</p> | A3.1.9(h) | |
| | <p>8.1.4(i) on passenger ships and special purpose ships the floor area of sleeping rooms for seafarers not performing the duties of ships' officers shall not be less than :</p> <p>(i) 7.5 square metres in rooms accommodating two persons;</p> <p>(ii) 11.5 square metres in rooms accommodating three persons; and</p> <p>(iii) 14.5 square metres in rooms accommodating four persons.</p> | A3.1.9(i) | |
| | <p>8.1.4(j) on special purpose ships sleeping rooms may accommodate more than four persons; the floor area of such sleeping rooms shall not be less than 3.6 square metres per person;</p> | A3.1.9(j) | |

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| | <p>8.1.4(k) on ships other than passenger ships and special purpose ships, sleeping rooms for seafarers who perform the duties of ships' officers, where no private sitting room or day room is provided, the floor area per person shall not be less than :</p> <p>(i) 7.5 square metres in ships of less than 3,000 gross tonnage;</p> <p>(ii) 8.5 square metres in ships of 3,000 gross tonnage or over but less than 10,000 gross tonnage; and</p> <p>(iii) 10 square metres in ships of 10,000 gross tonnage or over.</p> | A3.1.9(k) | |
| | <p>8.1.4(l) on passenger ships and special purpose ships the floor area for seafarers performing the duties of ships' officers where no private sitting room or day room is provided, the floor area per person for junior officers shall not be less than 7.5 square metres and for senior officers not less than 8.5 square metres; junior officers are understood to be at the operational level, and senior officers at the management level;</p> | A3.1.9(l) | |
| | <p>8.1.4(m) the master, the chief engineer and the chief navigating officer shall have, in addition to their sleeping rooms, an adjoining sitting room, day room or equivalent additional space; ships of less than 3,000 gross tonnage may be exempted by HKMD from this requirement after consultation with the Seafarers' Advisory Board;</p> | A3.1.9(m) | |
| | <p>8.1.4(n) for each occupant, the furniture shall include a clothes locker of ample space (minimum 475 litres) and a drawer or equivalent space of not less than 56 litres shall be provided; if the drawer is incorporated in the clothes locker then the combined minimum volume of the clothes locker shall be 500 litres; it shall be fitted with a shelf and be able to be locked by the occupant so as to ensure privacy;</p> | A3.1.9(n) | |

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| | 8.1.4(o) each sleeping room shall be provided with a table or desk, which may be of the fixed, drop-leaf or slide-out type, and with comfortable seating accommodation as necessary. | A3.1.9(o) | |
| | <p>8.1.4(p) In addition to the above, the following general principles shall also be applicable :</p> <p>(i) There shall be adequate berth arrangements on board, making it as comfortable as possible for the seafarer and any partner who may accompany the seafarer.</p> <p>(ii) Where the size of the ship, the activity in which it is to be engaged and its layout make it reasonable and practicable, sleeping rooms shall be planned and equipped with a private bathroom, including a toilet, so as to provide reasonable comfort for the occupants and to facilitate tidiness.</p> <p>(iii) As far as practicable, sleeping rooms of seafarers shall be so arranged that watches are separated and that no seafarers working during the day share a room with watchkeepers.</p> <p>(iv) In the case of seafarers performing the duty of petty officers there shall be no more than two persons per sleeping room.</p> <p>(v) Consideration shall be given to extending the facility referred to in the above item 8.1.4(m), to the second engineer officer when practicable.</p> <p>(vi) Space occupied by berths and lockers, chests of drawers and seats shall be included in the measurement of the floor area. Small or irregularly shaped spaces which do not add effectively to the space available for free movement and cannot be used for installing furniture shall be excluded.</p> <p>(vii) Berths shall not be arranged in tiers of more than two; in the case of berths placed along the</p> | B3.1.5 | |

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| | <p>ship's side, there shall be only a single tier where a sidelight is situated above a berth.</p> <p>(viii) The lower berth in a double tier shall be not less than 30 centimetres above the floor; the upper berth shall be placed approximately midway between the bottom of the lower berth and the lower side of the deckhead beams.</p> <p>(ix) The framework and the lee-board, if any, of a berth shall be of approved material, hard, smooth, and not likely to corrode or to harbour vermin.</p> <p>(x) If tubular frames are used for the construction of berths, they shall be completely sealed and without perforations which would give access to vermin.</p> <p>(xi) Each berth shall be fitted with a comfortable mattress with cushioning bottom or a combined cushioning mattress, including a spring bottom or a spring mattress. The mattress and cushioning material used shall be made of approved material. Stuffing of material likely to harbour vermin shall not be used.</p> <p>(xii) When one berth is placed over another, a dust-proof bottom shall be fitted beneath the bottom mattress or spring bottom of the upper berth.</p> <p>(xiii) The furniture shall be of smooth, hard material not liable to warp or corrode.</p> <p>(xiv) Sleeping rooms shall be fitted with curtains or equivalent for the sidelights.</p> <p>(xv) Sleeping rooms shall be fitted with a mirror, small cabinets for toilet requisites, a book rack and a sufficient number of coat hooks.</p> | | |
| 8.1.5 | <p>With respect to requirements for mess rooms :</p> <p>(a) mess rooms shall be located apart from the sleeping rooms and as close as practicable to the</p> | A3.1.10(a) | |

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| | galley; ships of less than 3,000 gross tonnage may be exempted by HKMD from this requirement after consultation with the Seafarers' Advisory Board. | | |
| | <p>8.1.5(b) The principles applied to mess room as stated in below shall be applied :</p> <p>(i) Mess room facilities may be either common or separate as decided by the Authority after consultation with the Advisory Board. Where separate mess room facilities are to be provided to seafarers, then separate mess rooms shall be provided for :</p> <p style="padding-left: 40px;">(i-1) master and officers; and</p> <p style="padding-left: 40px;">(i-2) petty officers and other seafarers.</p> <p>(ii) On ships other than passenger ships, the floor area of mess rooms for seafarers shall be not less than 1.5 square metres per person of the planned seating capacity.</p> <p>(iii) In all ships, mess rooms shall be equipped with tables and appropriate seats, fixed or movable, sufficient to accommodate the greatest number of seafarers likely to use them at any one time.</p> <p>(iv) There shall be available at all times when seafarers are on board :</p> <p style="padding-left: 40px;">(iv-1) refrigerator, which shall be conveniently situated and of sufficient capacity for the number of persons using the mess room or mess rooms;</p> <p style="padding-left: 40px;">(iv-2) facilities for hot beverages; and</p> <p style="padding-left: 40px;">(iv-3) cool water facilities.</p> <p>(v) Where available pantries are not accessible to mess rooms, adequate lockers for mess utensils and proper facilities for washing utensils shall be provided.</p> <p>(vi) The tops of tables and seats shall be of damp-resistant material.</p> | A3.1.10(b) & B3.1.6 | |

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| | 8.1.6 With respect to requirements for sanitary facilities : (a) all seafarers shall have convenient access on the ship to sanitary facilities meeting minimum standards of health and hygiene and reasonable standards of comfort, with separate sanitary facilities being provided for men and for women; | A3.1.11(a) | |
| | 8.1.6(b) there shall be sanitary facilities within easy access of the navigating bridge and the machinery space or near the engine room control center; ships of less than 3,000 gross tonnage may be exempted by HKMD from this requirement after consultation with the Seafarers' Advisory Board; | A3.1.11(b) | |
| | 8.1.6(c) in all ships a minimum of one toilet, one wash basin and one tub or shower or both for every six persons or less who do not have personal facilities shall be provided at a convenient location; | A3.1.11(c) | |
| | 8.1.6(d) with the exception of passenger ships, each sleeping room shall be provided with a washbasin having hot and cold running fresh water, except where such a washbasin is situated in the private bathroom provided; | A3.1.11(d) | |
| | 8.1.6(e) in passenger ships normally engaged on voyages of not more than four hours' duration, shipowners or master of the ship may apply to HKMD for the approval of special arrangements or to a reduction in the number of facilities required; | A3.1.11(e) | |
| | 8.1.6(f) hot and cold running fresh water shall be available in all wash places. | A3.1.11 | |
| | 8.1.6(g) In addition to the above, the following principles shall be applicable : (i) Washbasins and tub baths shall be of | B3.1.7 | |

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| | <p>adequate size and constructed of approved material with a smooth surface not liable to crack, flake or corrode.</p> <p>(ii) All toilets shall be of an approved pattern and provided with an ample flush of water or with some other suitable flushing means, such as air, which are available at all times and independently controllable.</p> <p>(iii) Sanitary accommodation intended for the use of more than one person shall comply with the following :</p> <p style="padding-left: 40px;">(iii-1) floors shall be of approved durable material, impervious to damp, and shall be properly drained;</p> <p style="padding-left: 40px;">(iii-2) bulkheads shall be of steel or other approved material and shall be watertight up to at least 23 centimetres above the level of the deck;</p> <p style="padding-left: 40px;">(iii-3) the accommodation shall be sufficiently lit, heated and ventilated;</p> <p style="padding-left: 40px;">(iii-4) toilets shall be situated convenient to, but separate from, sleeping rooms and wash rooms, without direct access from the sleeping rooms or from a passage between sleeping rooms and toilets to which there is no other access; this requirement does not apply where a toilet is located in a compartment between two sleeping rooms having a total of not more than four seafarers; and</p> <p style="padding-left: 40px;">(iii-5) where there is more than one toilet in a compartment, they shall be sufficiently screened to ensure privacy.</p> <p>(iv) The laundry facilities provided for seafarers' use shall include :</p> <p style="padding-left: 40px;">(iv-1) washing machines;</p> <p style="padding-left: 40px;">(iv-2) drying machines or adequately heated and ventilated drying rooms; and</p> | | |

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| | (iv-3) irons and ironing boards or their equivalent. | | |
| | 8.1.7 With respect to requirements for hospital accommodation : (a) Ships carrying 15 or more seafarers and engaged in a voyage of more than three days' duration shall be provided with separate hospital accommodation to be used exclusively for medical purposes; the hospital accommodation shall, in all weathers, be easy of access, provide comfortable housing for the occupants and be conducive to their receiving prompt and proper attention. | A3.1.12 | |
| | 8.1.7(b) The hospital accommodation shall be designed so as to facilitate consultation and the giving of medical first aid and to help prevent the spread of infectious diseases. | B3.1.8.1 | |
| | 8.1.7(c) The arrangement of the entrance, berths, lighting, ventilation, heating and water supply shall be designed to ensure the comfort and facilitate the treatment of the occupants. | B3.1.8.2 | |
| | 8.1.7(d) Every hospital shall be provided with at least one bed for every 50 or fraction of 50 members of the crew. | B3.1.8.3 | |
| | 8.1.7(e) Sanitary accommodation shall be provided for the exclusive use of the occupants of the hospital accommodation, either as part of the accommodation or in close proximity thereto. Such sanitary accommodation shall comprise a minimum of one toilet, one washbasin and one tub or shower. | B3.1.8.4 | |
| | 8.1.8 Appropriately situated and furnished laundry facilities shall be provided in accordance with the requirements under section 31 of Cap.478I. | A 3.1.13 | |

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| | 8.1.9 All ships shall have a space or spaces on open deck to which the seafarers can have access when off duty, which are of adequate area having regard to the size of the ship and the number of seafarers on board. | A 3.1.14 | |
| | 8.1.10 All ships shall be provided with separate offices or a common ship's office for use by deck and engine departments; ships of less than 3,000 gross tonnage may be exempted by HKMD from this requirement after consultation with the Seafarers' Advisory Board. | A 3.1.15 | |
| | 8.1.11 Ships regularly trading to mosquito-infested ports shall be fitted with appropriate devices as required under section 37 of Cap. 478I. | A 3.1.16 | |
| | 8.1.12 Other facilities : Where separate facilities for engine department personnel to change their clothes are provided, they shall be : (a) located outside the machinery space but with easy access to it; and (b) fitted with individual clothes lockers as well as with tubs or showers or both and washbasins having hot and cold running fresh water. | B3.1.9 | |
| | 8.1.13 Bedding, mess utensils and miscellaneous provisions : (a) clean bedding and mess utensils shall be supplied by the shipowner to all seafarers for use on board during service on the ship, and such seafarers shall be responsible for their return at times specified by the master and on completion of service in the ship; (b) bedding shall be of good quality, and plates, cups and other mess utensils shall be of approved material which can be easily cleaned; and | B3.1.10 | |

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| | (c) towels, soap and toilet paper for all seafarers shall be provided by the shipowner. | | |
| | <p>8.1.14 Prevention of noise and vibration :</p> <p>(a) Accommodation and recreational and catering facilities shall be located as far as practicable from the engines, steering gear rooms, deck winches, ventilation, heating and air-conditioning equipment and other noisy machinery and apparatus.</p> <p>(b) Acoustic insulation or other appropriate sound-absorbing materials shall be used in the construction and finishing of bulkheads, deckheads and decks within the sound-producing spaces as well as self-closing noise-isolating doors for machinery spaces.</p> <p>(c) Engine rooms and other machinery spaces shall be provided, wherever practicable, with soundproof centralized control rooms for engine-room personnel. Working spaces, such as the machine shop, shall be insulated, as far as practicable, from the general engine-room noise and measures shall be taken to reduce noise in the operation of machinery.</p> <p>(d) The limits for noise levels for working and living spaces shall be in conformity with the ILO international guidelines on exposure levels, including those in the ILO code of practice entitled <i>Ambient factors in the workplace</i>, 2001, and, where applicable, the specific protection recommended by the International Maritime Organization, and with any subsequent amending and supplementary instruments for acceptable noise levels on board ships. A copy of the applicable instruments in English or the working language of the ship shall be carried on board and shall be accessible to seafarers.</p> <p>(e) No accommodation or recreational or catering facilities shall be exposed to excessive vibration.</p> | B3.1.12 | |

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| | 8.2 For ships constructed before the date when the Convention comes into effect in Hong Kong, shipowners shall comply with the requirements of Cap.478I. | Reg.3.1.2 | A Hong Kong ship constructed before the date of the MLC, 2006 comes into effect in Hong Kong shall comply with ILO 92 in full and ILO 133 with exemptions as appropriate being granted by HKMD. |
| | 8.3 Shipowners shall ensure that frequent inspections are carried out onboard the ship, not exceeding every 7 days, by or under the authority of the master, to ensure that seafarer accommodation is clean, decently habitable and maintained in a good state of repair. The result of each such inspection shall be recorded into ship' official log book and be available for review. | A3.1.18 | |
| | 8.4 HKMD may, after consultation with the Seafarers' Advisory Board, exempt ships of less than 200 gross tonnage where it is reasonable to do so, taking account of the size of the ship and the number of persons on board, in relation to this "Accommodation" requirements : (a) items 8.1.2(b), 8.1.6(d) and 8.1.8; and (b) items 8.1.4(f) and (h) to (l) inclusive, with respect to floor area only. | A3.1.20 | |
| | <u>On-board recreational facilities</u> | | |
| | 9.1 For a Hong Kong ship constructed on or after the date when the Convention comes into effect in Hong Kong, shipowners shall provide appropriate seafarers' recreational facilities, amenities and services, as adapted to meet the special needs of seafarers who must live and work on ships. In addition to the requirements relevant to recreation facilities as stated in item 8 above, other minimum requirements are : | A3.1.17 & B3.1.11.1 | The date of construction refers to the date when the keel is laid. |

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| | (a) Shipowners shall review the recreational facilities and services frequently to ensure that they are appropriate in the light of changes in the needs of seafarers resulting from technical, operational and other developments in the shipping industry. | | |
| | 9.1(b) Furnishings for recreational facilities shall as a minimum include a bookcase and facilities for reading, writing and, where practicable, games. | B3.1.11.2 | |
| | 9.1(c) A canteen shall be provided where practicable. | B3.1.11.3 | |
| | 9.1(d) Taking into consideration the guidelines in Part B, shipowners shall provide as a minimum a television, reading materials containing vocational and other books and space for recreational activities at no cost to the seafarers. The seafarers shall be given reasonable access to ship-to-shore telephone communications, and email and Internet facilities, where available, with any charges for the use of these services being reasonable in amount. | B3.1.11.4 | |
| | 9.1(e) Every effort shall be given to ensuring that the forwarding of seafarers' mail is as reliable and expeditious as possible. Efforts shall also be considered for avoiding seafarers being required to pay additional postage when mail has to be re-addressed owing to circumstances beyond their control. | B3.1.11.5 | |
| | 9.1(f) Measures shall be considered to ensure, subject to any applicable laws, that whenever possible and reasonable seafarers are expeditiously granted permission to have their partners, relatives and friends as visitors on board their ship when in port. Such measures shall meet any concerns for security | B3.1.11.6 | |

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| | clearances. | | |
| | 9.1(g) Consideration shall be given to the possibility of allowing seafarers to be accompanied by their partners on occasional voyages where this is practicable and reasonable. Such partners shall carry adequate insurance cover against accident and illness; the shipowners shall give every assistance to the seafarer to effect such insurance. | B3.1.11.7 | |
| | 9.2 For ships constructed before the date when the Convention comes into effect in Hong Kong, shipowners shall comply with the requirements of Cap.478I. | Reg.3.1.2 | A Hong Kong ship constructed before the date of the MLC, 2006 comes into effect in Hong Kong shall comply with ILO 92 in full and ILO 133 with exemptions as appropriate being granted by HKMD. |
| | 9.3 Frequent inspections, not exceeding every 7 days, shall be carried out on board ships, by or under the authority of the master, to ensure that seafarer on board recreational facilities are clean and maintained in a good state of repair. The result of each such inspection shall be recorded into ship' official log book and be available for review. | A3.1.18 | |
| | <u>Food and catering</u> | | |
| | 10.1 Shipowners shall maintain the minimum standards for food and catering be provided on board a Hong Kong ship as follows : (a) Shipowners shall provide food and drinking water supplies, having regard to the number of seafarers on board, their religious requirements and cultural practices as they pertain to food, and the duration and nature of the voyage, shall be suitable in respect of quantity, nutritional value, | A3.2.2 | |

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| | <p>quality and variety.</p> <p>(b) The organization and equipment of the catering department shall be such as to permit the provision to the seafarers of adequate, varied and nutritious meals prepared and served in hygienic conditions.</p> <p>(c) Catering staff shall be properly trained or instructed for their positions.</p> | | |
| 10.2 | Seafarers on board a Hong Kong ship shall be provided with food free of charge during the period of engagement. | Reg.3.2.2 | |
| 10.3 | Seafarers who are engaged as ships' cooks shall be trained, qualified and found competent. | A3.2.3 | |
| 10.4 | The requirements in item 10.3 above shall include a completion of a training course approved or recognized by HKMD, which covers practical cookery, food and personal hygiene, food storage, stock control and environmental protection and catering health and safety. | A3.2.4 | HKMD accepts ship cooks certified by the "Certification of Ships Cooks Convention, 1946" (ILO Convention No.69) issued by a Party to the Convention. HKMD also accepts ships' cooks qualified by experience when they have served as ships' cooks not less than 12 months and completed an approved top-up course. |
| 10.5 | HKMD allows ships operating with a prescribed manning of less than ten which, by virtue of the size of the seafarers or the trading pattern not to carry a fully qualified cook. Anyone processing food in the galley shall be trained or instructed in areas including food and personal hygiene as well as handling and storage of food on board ship. | A3.2.5 | |
| 10.6 | Frequent documented inspections shall be | A3.2.7 | This is the current legislation |

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| | <p>carried out on board Hong Kong ships not exceeding every 7 days, by or under the authority of the master, together with a member of the seafarers employed in catering on the ship with respect to :</p> <ul style="list-style-type: none"> (a) supplies of food and drinking water; (b) all spaces and equipment used for the storage and handling of food and drinking water; and (c) galley and other equipment for the preparation and service of meals. <p>The results of each inspection carried out shall be recorded by the master in the official log book and the entry shall be signed by him and a seafarer employed in catering on the ship.</p> | | <p>requirement under Cap.478E s.6 where all HK ships have to comply with at present and without change in future.</p> |
| 10.7 | <p>No seafarer under the age of 18 shall be employed or engaged or work as a ship's cook on board Hong Kong ships.</p> | A3.2.8 | |
| | <u>Health and safety and accident prevention</u> | | |
| 11.1 | <p>Shipowners shall adopt, implement and promote occupational safety and health policies and programmes on Hong Kong ships, including risk evaluation as well as training and instruction of seafarers. Shipowners conducting risk evaluation in relation to management of occupational safety and health shall refer to appropriate statistical information from their ships and from general statistics provided by HKMD.</p> | A4.3.1(a) | <ol style="list-style-type: none"> 1. UK's "Code of Safe Working Practices for Merchant Seamen" shall be used as the guidelines for HK ships. 2. Shipowners should inform HK seafarers working on board non-HK ships that they are not covered by Cap.282 on employment injury benefits unless the seafarers are recruited or engaged in Hong Kong and their employers have agreed to submit to the |

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| | | | jurisdiction of Hong Kong Court. |
| | 11.2 Shipowners shall provide reasonable precautions to prevent occupational accidents, injuries and diseases on board Hong Kong ships, including measures to reduce and prevent the risk of exposure to harmful levels of ambient factors and chemicals as well as the risk of injury or disease that may arise from the use of equipment and machinery on board ships. | A4.3.1(b) | |
| | 11.3 The on-board occupational safety and health policies and programmes for the prevention of occupational accidents, injuries and diseases and for continuous improvement in occupational safety and health protection, involving seafarers' representatives and all other persons concerned in their implementation as set out in item 11.5 below, shall take account of preventive measures, including engineering and design control, substitution of processes and procedures for collective and individual tasks, and the use of personal protective equipment. | A4.3.1(c) | |
| | 11.4 Shipowners shall provide protective equipment or other accident preventions safeguards with provisions requiring their use by seafarers. Special attention shall be paid to the safety and health of seafarers under the age of 18. | A4.3.2(b) | |
| | 11.5 Shipowners shall specify the duties of the master or a person designated by the master, or both, in the ship's occupational safety and health policies and programmes for the specific responsibility for the implementation of and compliance with such policies and programmes. Shipowners shall also specify the authority of the ship's seafarers appointed or elected as safety representatives to participate in meetings of the ship's safety committee. Such a committee shall be | A4.3.2(a) | |

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| | established on board a Hong Kong ship on which there are five or more seafarers. | | |
| | 11.6 Shipowners are required to report occupational accidents, injuries and diseases to the Mercantile Marine Office of the Marine Department and correcting unsafe conditions. | A4.3.5 | |
| | 11.7 The contents of the on-board occupational safety and health policies and programmes shall, to the least, in compliance with sections 4, 5, 6, 7 of Cap.478C and Standard A4.3. | A4.3.6 | |
| | <u>On-board medical care</u> | | |
| | <p>12.1 Shipowners shall implement measures that provide for health protection and medical care, including essential dental care, for seafarers working on board Hong Kong ships as follows :</p> <p>(a) Shipowners shall provide occupational health protection and medical care, including essential dental care, for seafarers relevant to their duties, as well as of special provisions specific to work on board a Hong Kong ship.</p> <p>(b) Shipowners shall provide seafarers health protection and medical care as comparable as possible to that which is generally 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. Seafarers shall be allowed to visit a qualified medical doctor or dentist without delay in ports of call, where practicable.</p> <p>(c) Medical care and health protection services while a seafarer is on board ship or landed in a foreign port shall be provided by shipowners free of charge to seafarers.</p> <p>(d) Shipowners shall provide measures of a</p> | A4.1.1 | “Essential dental care” means basic treatment for the relief of acute episodes of infection and pain. |

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| | prevention character such as health promotion and health education programmes in addition to the treatment of sick or injured seafarers. | | |
| | 12.2 Shipowners shall arrange that the “Medical report form for use by the ships’ masters and relevant onshore and on-board medical personnel” of the “International Medical Guide for Ships” as amended from time to time, or equivalent shall be used by ships’ masters and relevant onshore and on-board medical personnel. The form, when completed, and its contents shall be kept confidential and shall only be used to facilitate the treatment of seafarers. | A4.1.2 | “Ship master’s report form” under chapter 25 (pages 291-296) of the “International Medical Guide for Ships” (3 rd edition) is fairly enough for the initial reporting when seeking medical opinions between sick crew/master and port health doctor during radio medical advice. The four forms in Annex A (pages 455-461) can be used as shipmaster’s copy (Ship Master Report Form), calling for medical evaluation (ship’s identity and navigational status form), used when patient being evacuated (patient health status form and primary physician’s report form). |
| | 12.3 Shipowners shall comply with Cap.478X of the requirements for on-board hospital and medical care facilities and equipment. Medical training on Hong Kong ships for seafarers shall be based on the contents of the “ <i>International Medical Guide for Ships</i> ”, as amended from time to time, the “ <i>Medical First Aid Guide for Use in Accidents Involving Dangerous Goods</i> ”, as amended from time to time, the “ <i>Document for Guidance – An International Maritime Training Guide</i> ”, as amended from time to time, and the medical section of the “ <i>International Code of</i> | A4.1.3 | |

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| | <i>Signals</i> ”, as amended from time to time. | | |
| | <p>12.4 Shipowners shall comply with the following minimum requirements of medical care on board Hong Kong ships :</p> <p>(a) All ships shall carry medicine stores, medical equipment and medical guide in compliance with Cap.478X and subject to regular inspection by authorized officer and by shipmasters not exceeding 12 months. Notwithstanding the above, shipmasters shall comply the following requirements :</p> <p>(i) medicines are correctly stored and directions for their uses are checked;</p> <p>(ii) any perishable medicines have been replaced;</p> <p>(iii) all equipment required under Cap.478X are functioning as required; and</p> <p>(iv) the ship is carrying the “International Medical Guide for Ships”, as amended, the “<i>Medical First Aid Guide for Use in Accidents Involving Dangerous Goods</i>”, as amended, the “<i>Document for Guidance – An International Maritime Training Guide</i>”, as amended and the medical section of the “<i>International Code of Signals</i>”, as amended.</p> | A4.1.4(a) | |
| | <p>12.4(b) Any Hong Kong ship carrying 100 or more persons and ordinarily engaged on international voyages of more than three days’ duration shall carry a qualified medical doctor who is responsible for providing medical care. He shall either be a medical practitioner as defined in Cap.1 or a qualified medical doctor from a country mutually recognized with Hong Kong under the STCW Convention, as amended. Shipowner of any Hong Kong ship carrying 100 or more persons and ordinarily engaged on international voyage but with voyage not</p> | A4.1.4(b) | |

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| | more than three days' duration shall apply to HKMD, providing with information of the conditions and nature of the voyage and the number of seafarers on board, for a decision if a qualified medical doctor is required to be carried on board. | | |
| | 12.4(c) Ships which do not carry a medical doctor shall have 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. 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, as amended, including practical training and training in life-saving techniques such as intravenous therapy, which will enable the persons concerned to participate effectively in coordinated schemes for medical assistance to ships at sea, and to provide the sick or injured with a satisfactory standard of medical care during the period they are likely to remain on board. Seafarers designated to provide medical first aid shall have satisfactorily completed training in medical first aid that meets the requirements of the STCW Convention, as amended, which will enable such persons to take immediate, effective action in case of accidents or illnesses likely to occur on board a ship and to make use of medical advice by radio or satellite communication. Both types of designated seafarers are required to undergo, at approximately five year intervals, refresher courses to enable them to maintain and increase their knowledge and skills and to keep up-to-date with new developments. | A4.1.4(c) | |
| | <u>On-board complaint procedures</u> | | |
| 13.1 | All Hong Kong ships shall have on-board | Reg.5.1.5 | |

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| | complaint procedures for the fair, effective and expeditious handling of seafarer complaints alleging breaches of the requirements of the MLC, 2006. | | |
| | 13.2 On board complaint procedures shall seek to resolve complaints at the lowest level possible. However, in all cases, seafarers shall have a right to complain directly to the master and, where they consider it necessary, to appropriate external authorities. | A5.1.5.2 | |
| | 13.3 The on-board complaint procedures shall include the right of the seafarer to be accompanied or represented during the complaints procedure, as well as safeguards against the possibility of victimization of seafarers for filing complaints. | A5.1.5.3 | |
| | 13.4 In addition to a copy of their crew agreement, all seafarers shall be provided with a copy of the on-board complaint procedures applicable on the ship. This shall include contact information of HKMD, and where different, in the seafarers' country of residence, and the name of a person or persons on board the ship who can, on a confidential basis, provide seafarers with impartial advice on their complaint and otherwise assist them in following the complaint procedures available to them on board the ship. | A5.1.5.4 | |
| | <u>Payment of wages</u> | | |
| | 14.1 All seafarers shall be paid for their work regularly and in full in accordance with their crew 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. | A2.2.1 | |
| | 14.2 Seafarers shall be given a monthly account of the payments due and the amounts paid, including | A2.2.2 | <i>Basic pay or wages</i> means the pay, however composed, |

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| | 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. | | for normal hours of work; it does not include payments for overtime worked, bonuses, allowances, paid leave or any other additional remuneration – B2.2.1(b). Overtime rate will be an amount agreed between seafarers and employers but shall not be less than one and one-quarter times the basic pay or wages per hour in accordance with B2.2.2(c) of the MLC, 2006. |
| | 14.3 Shipowners are required to take measures in accordance with section 6 of Cap. 478A to provide seafarers with a means to transmit all or part of their earnings to their families or dependants or legal beneficiaries. | A2.2.3 | |
| | 14.4 Any charge for the service under item 14.3 shall be reasonable in amount, and the rate of currency exchange shall be at the prevailing market rate and not unfavourable to the seafarer. | A2.2.5 | |