

Safety Seminar, February 2024

Marine Department (“MD”)

Participant’s questions and MD’s answers

Cargo Ship’s Safety

For more information regarding Cargo Ship’s Safety, please contact ss_css@mardep.gov.hk

Question 1

Are there written procedures/information/guidance regarding ship security in the Gulf of Aden and Red Sea?

MD:

MD issued the Security and Quality Advisory (SQA) No.74 on security situation in the Black Sea and the Azov Sea and SQA No.76 on security situation in the Red Sea on 31 August 2023 and 20 December 2023 respectively. They are available at https://www.mardep.gov.hk/filemanager/en/share/faq/pdf/sqa_74.pdf and https://www.mardep.gov.hk/filemanager/en/share/faq/pdf/sqa_76.pdf.

As the situation is continuously evolving, please review the latest information from the International Maritime Organization (IMO) at <https://www.imo.org/en/MediaCentre/HotTopics/Pages/Red-Sea.aspx>.

Question 2

Is it necessary to arrange Recognized Organization (RO) inspection after any use of a power reserve of Shaft Power Limit (SHaPoLi)/Engine Power Limit (EPL)?

MD:

In case of having used a power reserve, the ship should without delay notify its RO responsible for issuing the relevant certificate and the competent authority of the relevant port of destination with the information, including ship type, IMO number, ship size in DWT and/or GT, ship's limited shaft/engine power and ship's maximum unlimited shaft/engine power, position of the ship and timestamp when the power reserve was used, reason for using the power reserve, Beaufort number and wave height or ice condition in case of using the power reserve under adverse weather condition, supporting evidence (e.g. expected weather condition) in case of using the power reserve for avoidance action, records from the SHaPoLi/EPL system for the

electronically controlled engine during the use of the power reserve, and position of the ship and timestamp when the power limit was reactivated or replaced. Supporting evidence and records should be submitted to the RO for verification.

Any use of a power reserve should be recorded in the record page of the Onboard Management Manual (OMM) for SHaPoLi/EPL, signed by the master and should be kept on board. On an annual basis by 30 June every year, the RO should report to the IMO Secretariat uses of a power reserve over a 12-month period from 1 January to 31 December for the preceding calendar year with the information recorded as aforementioned, using the format as set out in the appendix to the 2021 Guidelines on the shaft/engine power limitation system to comply with the EEXI requirements and use of a power reserve. For details, please refer to Hong Kong Merchant Shipping Information Note (MSIN) No.13/2024 at <https://www.mardep.gov.hk/filemanager/en/share/msnote/pdf/msin2413.pdf>.

Question 3

Can the latest international and domestic shipping requirements that have come into effect be available on the MD website?

MD:

We regularly promulgate the latest international and domestic shipping requirements through Marine Department Notices (MDNs) and MSINs. They can be found on MD website at <https://www.mardep.gov.hk/en/legislation/notices/md-notices/index.html> and <https://www.mardep.gov.hk/en/legislation/notices/msin/index.html>.

Question 4

Does MD accept remote ISM Code internal shipboard audit?

MD:

ISM Code section 12.1 requires the Company should carry out internal safety audits on board at intervals not exceeding twelve months to verify whether safety and pollution-prevention activities comply with the safety management system. In exceptional circumstances, this interval may be exceeded by not more than three months. As such, the Company should have sufficient time to arrange an on-board ISM Code internal audit.

The Company should reach an agreement with the respective RO for the 3 months extension. RO should verify the documentary evidence of the exceptional circumstances for the 3 months extension during the next Safety Management Certificate (SMC) audit.

In addition, when an internal audit interval exceeds twelve months due to exceptional

circumstances, the next scheduled internal audit should not be considered from the date of the last internal audit, but from the former internal audit.

It is noted that a new Guidance on Assessments and Applications of Remote Surveys, ISM Code Audits and ISPS Code Verifications may be deliberated at IMO Sub-Committee on Implementation of IMO Instruments (III) in July 2024.

Question 5

Does MD accept remote statutory surveys?

MD:

In principle, remote surveys are not equivalent to a physical survey. Recently, Australian Maritime Safety Authority (AMSA) has identified several instances where Recognized Organizations (RO) have undertaken ineffective remote surveys. For details, please refer to AMSA website at <https://www.amsa.gov.au/remote-surveys>.

It is noted that a new Guidance on Assessments and Applications of Remote Surveys, ISM Code Audits and ISPS Code Verifications may be deliberated at IMO Sub-Committee on Implementation of IMO Instruments (III) in July 2024.

Question 6

Does MD have any additional requirements for the new SOLAS Regulation II-1/3-8 for towing and mooring equipment that will come into effect on 1 January 2024?

MD:

For existing ship, IMO requires that maintenance and inspection procedures should establish on board, including procedures for mooring operations, inspection and maintenance of mooring equipment, including mooring lines; procedures to allow the identification and control of mooring lines, tails and associated attachments; periodic inspection of mooring lines, mooring line tails and associated attachments as part of the onboard maintenance plan or equivalent maintenance management system, manufacturers' criteria for replacement of mooring lines should be available; and records of the original design concept, equipment, arrangements and specifications should be available on board.

The maintenance and inspection procedures should be verified on board at first Cargo Ship Safety Construction survey (annual, intermediate or renewal), on or after 1 January 2024.

MD has authorized ROs to carry out statutory surveys and audits for Hong Kong registered cargo ships and to issue the related certificates.

Seagoing Examination and Mercantile Marine Office

For more information regarding Mercantile Marine Office, please contact mmo_mdd@mardep.gov.hk

Question 7

Instead of settle the leave pay each month, might leave pay for a serving period be paid in sum when seafarer completed the SEA?

MD:

Regulation 2.2 Wages of the MLC Convention, 2006 requires that: “All seafarers shall be paid for their work regularly and in full in accordance with their employment agreements”. Accordingly, the paid leave shall be paid together with the wages not greater than monthly interval as per this conventional requirement. If the relevant SEA contains a specific clause detailing a specific formula for calculating and paying leave, the paid leave is to be paid according to the calculation result of this specific formula.