

L.N. 174 of 2018

**Merchant Shipping (Seafarers) (Working and Living
Conditions) (Amendment) Regulation 2018**

(Made by the Secretary for Transport and Housing under sections 86,
96, 97, 119 and 134 of the Merchant Shipping (Seafarers) Ordinance
(Cap. 478))

**1. Merchant Shipping (Seafarers) (Working and Living Conditions)
Regulation amended**

The Merchant Shipping (Seafarers) (Working and Living
Conditions) Regulation (Cap. 478 sub. leg. AF) is amended as
set out in sections 2 to 5.

2. Section 2 amended (interpretation)

(1) Section 2(1), definition of *commencement date*—

Repeal

“Part 3”

Substitute

“this Regulation”.

(2) Section 2(1)—

Repeal the definition of *compliance report*

Substitute

“*compliance report* (合規報告) means a compliance report
issued—

(a) by the Authority under section 91;

(b) by the competent authority of a ML
Convention country under section 115; or

(c) by a recognized organization;”.

- (3) Section 2(1), Chinese text, definition of 《船上廚師公約》—

Repeal

“發證書公約”

Substitute

“發證公約”.

3. Section 18 amended (recruitment and placement agent in other countries)

- (1) Section 18(2)(d)—

Repeal subparagraph (iii)

Substitute

“(iii) the seafarer has an opportunity to examine and seek advice on the agreement before entering into it; and”.

- (2) Section 18(2)(d)(iv)—

Repeal

“it has been signed”

Substitute

“entering into it”.

4. Section 21 amended (Authority may permit exceptions)

Section 21—

Repeal

“Section A-VIII/1 of the STCW Convention”

Substitute

“section A-VIII/1 of the STCW Code”.

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Section 5

B4857

5. Section 62 amended (documentary evidence of financial security to be carried on ship)

Section 62(2)(a)—

Repeal

“A2-I”

Substitute

“A4-I”.

Frank CHAN Fan
Secretary for Transport and
Housing

12 October 2018

Explanatory Note

This Regulation amends the Merchant Shipping (Seafarers) (Working and Living Conditions) Regulation (Cap. 478 sub. leg. AF) (*principal Regulation*) to—

- (a) amend the definition of *compliance report* in section 2(1) of the principal Regulation to tally with that of *maritime labour certificate* in that section;
- (b) provide for one additional requirement that a recruitment and placement agent of seafarers operating in a country that is not a party to the Maritime Labour Convention, 2006 has to comply with;
- (c) improve the user friendliness of the principal Regulation; and
- (d) rectify textual errors.