



Maritime Labour Convention, 2006

Declaration of Maritime Labour Compliance – Part I

(Note: This Declaration must be attached to the ship's Maritime Labour Certificate)

Issued under the authority of the Government of the
Hong Kong Special Administrative Region of the People's Republic of China,
by the Marine Department

With respect to the provisions of the Maritime Labour Convention, 2006, the following referenced ship:

Name of Ship	IMO Number	Gross tonnage

is maintained in accordance with Standard A5.1.3 of the Convention.

The undersigned declares, on behalf of the abovementioned competent authority, that:

- (a) the provisions of the Maritime Labour Convention are fully embodied in the domestic requirements referred to the Annex attached;
- (b) these domestic requirements are contained in the domestic provisions referenced to the Annex attached; explanations concerning the content of those provisions are provided where necessary;
- (c) the details of any substantial equivalencies under Article VI, paragraphs 3 and 4, are provided in the section provided for this purpose below;
- (d) any exemptions granted by the competent authority in accordance with Title 3 are clearly indicated in the section provided for this purpose below; and
- (e) any ship-type specific requirements under domestic legislation are also referenced under the requirements concerned.

Substantial equivalencies

*(Note: Strike out the statement which is not applicable *)*

The following substantial equivalencies, as provided under Article VI, paragraphs 3 and 4, of the Convention, except where stated in the Annex attached:

.....
.....
No equivalency has been granted.

Exemptions

*(Note: Strike out the statement which is not applicable *)*

The following are exemptions granted by the competent authority as provided in Title 3 of the Convention:

.....
.....
No exemption has been granted.



Signature: _____
Name: _____
Title: _____
Place: _____
Date: _____

Annex

to the Declaration of Maritime Labour Compliance – Part 1

This Annex is drawn up by the Marine Department (HKMD) of the Hong Kong Special Administrative Region of the People's Republic of China (HKSAR), and each of the 14 items to be inspected in accordance with paragraph 1 of Standard A5.1.3 and stipulated in Appendix A5-I is provided with:

- (a) Concise information on the main content of the HKMD's requirement; and
- (b) Original text of the Regulations -
- (c) Forms, tables and sample (in the four attachments) established or adopted by HKMD.
 - Table of shipboard working arrangements on Hong Kong ships (under Reg. 2.3 of the Convention)
 - Record of hours of rest of seafarers (under Reg. 2.3 of the Convention)
 - Medical report form for use by the ships' masters and relevant onshore and on-board medical personnel (under Reg. 4.1 of the Convention)
 - A model complaint procedure on board ship (under Guideline B5.1.5.1)

1. Minimum age (Regulation 1.1)

- .1 Minimum age is 17 years.
- .2 Night work for seafarers under the age of 18 shall be prohibited except in limited circumstances as referred to Standard A1.1.3 (a) or (b) of the Convention.
- .3 Night shall cover a period of at least nine hours, starting no later than midnight and ending no earlier than 5 am.
- .4 The employment, engagement or work on board ship of any person under the age of 18 shall be prohibited where the work is likely to jeopardize their health or safety as identified by IMDG Code and materials in Chapter 17 of IBC Code as amended.
- .5 Seafarers under the age of 18 are not allowed to carry out any type of work prescribed in paragraph 2 of Guideline B4.3.10 unless they are trained, and provided with appropriate supervision and instruction. Notwithstanding the above, seafarers under the age of 18 shall not work in the following hazardous areas:
 - 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.

2. Medical certification (Regulation 1.2)

- .1 Every seafarer employed on board a Hong Kong registered ship applicable to the Convention shall be in possession of a valid medical certificate attesting that s/he is medically fit to perform the duties s/he is to carry out.
- .2 The nature of medical examination and certificate should follow the ILO/WHO Guidelines for Conducting Pre-sea and Periodic Medical Fitness Examinations for Seafarers and HKMD also accepts the following medical certificates issued under the STCW Convention 1978, as amended, or by another State Party to the ILO Convention concerning the Medical Examination of Seafarers, attesting to the holder's medical fitness for duty.
- .3 The medical certificate shall be issued by a qualified medical practitioner as prescribed in Standard A1.2.4 of the Convention. A list of approved medical practitioners in HKSAR can be found on MD's website¹.
- .4 Seafarers have the rights to have a further examination as stipulated in Standard A1.2.5 of the Convention.
- .5 Each medical certificate shall state in particular that the scopes of health conditions of the seafarer as stipulated in Standard A1.2.6 of the Convention.
- .6 The validity of the following medical certificate on board Hong Kong registered ships:
 - (a-i) in respect of a seafarer under 18 years of age, 1 year;
 - (a-ii) in respect of a seafarer 18 years of age and under 55 years of age, 2 years;
 - (a-iii) in respect of a seafarer 55 years of age and over, 1 year;
 - (a-iv) in respect of a seafarer serving or intending to serve² on bulk³chemical carriers, 1 year.
 - (b) Colour vision test is valid for no more than 6 years.
- .7 In urgent cases, HKMD may approve a seafarer to work without a valid medical certificate until the next port of call where the seafarer can obtain a medical certificate from a qualified medical

practitioner, provided that the period of permission granted does not exceed 3 months⁴ and the seafarer concerned is in possession of an expired medical certificate of recent date.

- .8 If the period of validity of a medical certificate expires of a voyage, the certificate shall continue in force until the next port of call where the seafarer can obtain a medical certificate from a qualified medical practitioner, provided that the period shall not exceeding 3 months from the date of expiry of such certificate.
- .9 Medical certificates for seafarers working on ships ordinarily engaged on international voyage must as a minimum be provided in English.

3. **Qualifications of Seafarers (Regulation 1.3)**

- .1 Seafarers shall not work on a ship unless they are trained or certified as competent or otherwise qualified to perform their duties and shall not be permitted to work on a ship unless they have successfully completed training for personal safety on board ship.
- .2 Training and certification in accordance with the mandatory instruments adopted by the International Maritime Organization shall be considered as meeting the requirements of Regulation 1.3.1 and 1.3.2. All officers and ratings on board ships comply with the provisions of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended.
- .3 Hong Kong, at the time of its ratification of this Convention, was bound by the Certification of Able Seamen Convention, 1946 (No. 74), shall continue to carry out the obligations under that Convention unless and until mandatory provisions covering its subject matter have been adopted by the International Maritime Organization and entered into force, or until five years have elapsed since the entry into force of this Convention in accordance with paragraph 3 of Article VIII, whichever date is earlier.

4. **Seafarers' employment agreements (Regulation 2.1)**

- .1(a) The terms and conditions for employment of a seafarer shall be set out or referred to in a clear written legally enforceable agreement and shall be consistent with the standards set out in the Code.
- .1(b) All seafarers are required to have a seafarer's employment 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 Convention.
- .1(c) Seafarers signing a seafarers' employment agreement shall be given 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.
- .1(d) The shipowner and seafarer concerned with the agreement shall each have a signed original of the seafarers' employment agreement.
- .1(e) Seafarers, including the ship's master can obtain clear information to the conditions of seafarers' employment, and such information, including a copy of the seafarers' employment agreement, is also accessible for review by officers of a competent authority, including those in ports to be visited.
- .1(f) Each seafarer shall be given a document containing a record of their employment on board ship. The document contains 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.
- .2 The document referred to in Standard A2.1.1 (e), i.e. record of employment onboard ship shall not contain any statement as to the quality of the seafarers' work or as to their wages. The record of employment 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. A seafarers' discharge book satisfy the requirement.
- .3 The particulars that are included in seafarers' employment agreement shall contain all the items required by Standard A2.1.4.
- .4 The minimum notice period for early termination of a seafarers' employment agreement shall not be shorter than seven days.
- .5 Seafarers are allowed to terminate the employment agreement at shorter notice or without notice without penalty for compassionate or other urgent reason.

5. **Use of any licensed or certified or regulated private recruitment and placement service (Regulation 1.4)**

- .1 All seafarers shall have access to an efficient, adequate and accountable system for finding employment on board ship without charge to the seafarer.
- .2 Seafarer recruitment and placement services operating in HKSAR shall conform to the standards set out in the Code.
- .3 In respect of seafarers who work on ships that fly Hong Kong flag, that shipowners who use seafarer recruitment and placement services that are based in countries or territories in which this Convention does not apply, ensure that those services conform to the requirements set out in the Code.
- .4 Private seafarer recruitment and placement services operating in HKSAR whose primary purpose is

the recruitment and placement of seafarers or which recruit and place a significant number of seafarers, they shall be operated only in conformity with a standardized system of licensing or certification.

- .5 HKMD closely supervises and controls all seafarer recruitment and placement services operating in HKSAR. Any licences or certificates or similar authorizations for the operation of private services in HKSAR are granted or renewed only after verification that the seafarer recruitment and placement service concerned meets the requirements of domestic laws and regulations.
- .6 Nothing in this Standard A1.4 of the Convention shall be understood as diminishing the obligations and responsibilities of shipowners.

6. Hours of work or rest (Regulation 2.3)

- .1 The meaning of hours of work and hour of rest is in accordance with the Standard A2.3.1 of the Convention.
- .2 HKMD adopts a minimum number of hours of rest which shall be provided in a given period of time for every position of seafarers on board.
- .3 The normal working hours' standard for seafarers is based on an eight-hour day with one day of rest per week and rest on public holidays⁵.
- .4 The minimum number of hours of rest pursuant to Standard A2.3.5 (b) of the Convention applies to all seafarers on board. Flexibility will be given to seafarers in accordance with the Convention and the Manila amendments to STCW 78. Hours of rest may be divided into no more than two periods as stipulated by Standard A2.3.6 of the Convention.
- .5 Emergency drills shall be conducted in a manner that minimizes the disturbance of rest periods and does not induce fatigue. Adequate compensatory rest period if normal period of rest is disturbed by call-outs to work. Seafarers concerned in respect of paragraphs 7 or 8 of Standard A2.3 shall have sufficient rest.
- .6 The posting of a table for the shipboard working arrangement containing every position in accordance with Standard A2.3.10 shall be placed in an easily accessible place. The table in Standard A2.3.10 is established in a standardize format (attachment 1) in the working language and in English.
- .7 Records of seafarers' daily hours of work or their daily hours of rest is established in a standard format (attachment 2) and is maintained to allow monitoring of compliance with paragraphs 5 to 11 inclusive of Standard A2.3. They are in the working language and in English. The seafarers shall receive 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.
- .8 This flag administration permits exceptions to the limits set out in paragraphs 5 and 6 of Standard A2.3. Such exceptions shall, as far as possible, follow the provisions of the Standard A2.3 but may take account of more frequent or longer leave periods or the granting of compensatory leave for watchkeeping seafarers or seafarers working on board ships on short voyages.
- .9 The master of a ship has 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 work or 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, the master shall ensure that any seafarers who have performed work in a scheduled rest period are provided with an adequate period of rest.
- .10 Guideline B2.3-Hours of work and hours of rest shall apply to all seafarers under the age of 18.

7. Manning levels for the ship (Regulation 2.7)

- .1 All Hong Kong registered ships have a sufficient number of seafarers on board to ensure that ships are operated safely, efficiently and with due regard to security. Every ship shall be manned by a crew 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 the competent authority, and to comply with the standards of this Convention.
- .2 When determining, approving or revising manning levels, the competent authority has taken into account the need to avoid or minimize excessive hours of work to ensure sufficient rest and to limit fatigue, as well as the principles in applicable international instruments, especially those of the International Maritime Organization, on manning levels.

8. Accommodation (Regulation 3.1)

- .1 Ships built on or after the date of the MLC 2006 comes into effect in Hong Kong are required to comply with requirements for on-board accommodation and recreational facilities that are set out in Regulation 3.1, Standard A3.1.6 to A3.1.17 and Guidelines B3.1.1 to B3.1.12, of the Convention
- .2 For ships constructed before the date of the MLC 2006 comes into effect in Hong Kong, the

<p>requirements relating to ship construction and equipment that are set out in the Accommodation of Crew Convention (Revised), 1949 (No.92), and the Accommodation of Crews (Supplementary Provisions) Convention 1970 (No. 133), shall continue to apply to the extent that they were applicable, prior to the date of the MLC 2006 comes into effect in Hong Kong, under Cap 4781.</p> <p>.3 Frequent inspections, not exceeding 7 days, to be carried out on board ships, 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's official log book and be available for review.</p>
<p>9. On-board recreational facilities (Regulation 3.1)</p> <p>.1 Ships built on or after the date of the MLC 2006 comes into effect in Hong Kong are required to comply with requirements for on-board accommodation and recreational facilities that are set out in Regulation 3.1 and Standard A3.1.6 to A3.1.17 of the Convention.</p> <p>.2 For ships constructed before the date of the MLC 2006 comes into effect in Hong Kong, the requirements relating to ship construction and equipment that are set out in the Accommodation of Crew Convention (Revised), 1949 (No.92), and the Accommodation of Crews (Supplementary Provisions) Convention 1970 (No. 133), shall continue to apply to the extent that they were applicable, prior to the date of the MLC 2006 comes into effect in Hong Kong, under Cap 4781.</p> <p>.3 Frequent inspections, not exceeding 7 days, to 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's official log book and be available for review.</p>
<p>10. Food and catering (Regulation 3.2)</p> <p>.1 Shipowners are required to 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, quality and variety.</p> <p>.2(a) Seafarers on board a ship shall be provided with food free of charge during the period of engagement</p> <p>.2(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>.2(c) Catering staff shall be properly trained or instructed for their positions.</p> <p>.3 Shipowners shall ensure that seafarers who are engaged as ships' cooks are trained, qualified and found competent.</p> <p>.4 The requirements under Standard A3.2.3 of the Convention 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. HKMD accepts ship cooks certified by the "Certification of Ships Cooks Convention, 1946 (No.69) issued by a Party to the Convention. HKMD also accepts ships' cooks qualified by experience as stipulated by Guideline B3.2.2.1(a) when they have served as ships' cooks not less than 12 months and completed an approved top-up course.</p> <p>.5 HKMD allows ships operating with a prescribed manning less than ten which, by virtue of the size of the crew or the trading pattern are not required 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.</p> <p>.6 It is required that frequent documented inspections be carried out on board ships not exceeding 7 days, by or under the authority of the master, with respect to:</p> <p>(a) supplies of food and drinking water;</p> <p>(b) all spaces and equipment used for the storage and handling of food and drinking water; and</p> <p>(c) galley and other equipment for the preparation and service of meals.</p> <p>.7 No seafarer under the age of 18 shall be employed or engaged or work as a ship's cook.</p>
<p>11. Health and safety and accident prevention (Regulation 4.3)</p> <p>.1(a) Shipowners are required to adopt, implement and promote of occupational safety and health policies and programmes on ships, including risk evaluation as well as training and instruction of seafarers.</p> <p>.1(b) Shipowners are required to provide reasonable precautions to prevent occupational accidents, injuries and diseases on board ship, 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;</p> <p>.1(c) Shipowners are required to provide on-board 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, taking account of preventive measures, including engineering and design control,</p>

substitution of processes and procedures for collective and individual tasks, and the use of personal protective equipment.

- .1(d) Shipowners are required for inspecting, reporting and correcting unsafe conditions and for investigating and reporting on-board occupational accidents.
- .2(a) Relevant international instruments are taken into account, such as “Code of Safe Working Practices for Merchant Seamen” and other publications mentioned in Guideline B4.3.1 dealing with occupational safety and health protection in general and with specific risks, and address all matters relevant to the prevention of occupational accidents, injuries and diseases that may be applicable to the work of seafarers and particularly those which are specific to maritime employment.
- .2(b) The obligation of shipowners including those stipulated in Guideline B4.3.4, seafarers and others concerned are specified to comply with the applicable standards and with the ship’s occupational safety and health policy and programme with special attention being paid to the safety and health of seafarers under the age of 18. .
- .2(c) The duties of the master or a person designated by the master, or both, are specified to take specific responsibility for the implementation of and compliance with the ship’s occupational safety and health policy and programme.
- .2(d) The authority of the ship’s seafarers appointed or elected as safety representatives to participate in meetings of the ship’s safety committee is specified. Such a committee shall be established on board a ship on which there are five or more seafarers.
- .3 Compliance with the requirements of “Code of Safe Working Practices for Merchant Seamen” published by HMSO of UK on the acceptable levels of exposure to workplace hazards on board ships and on the development and implementation of ships’ occupational safety and health policies and programmes shall be considered as meeting the requirements of Standard A4.3.
- .4 Shipowners are required to report occupational accidents, injuries and diseases to the flag administration.
- .5 Hong Kong Marine Department disseminates information concerning particular hazards on board ships to shipowners.
- .6 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 the competent authority.

12. On-board medical care (Regulation 4.1)

- .1(a) Shipowners are to provide occupational health protection and medical care, including essential dental care⁶, for seafarers relevant to their duties, as well as of special provisions specific to work on board ship.
- .1(b) Shipowners are to 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 have the right to visit a qualified medical doctor or dentist without delay in ports of call, where practicable.
- .1(c) Medical care and health protection services while a seafarer is on board ship or landed in a foreign port are provided free of charge to seafarers,
- .1(d) Shipowners are to provide measures of a prevention character such as health promotion and health education programmes in addition to the treatment of sick or injured seafarers.
- .2 “Medical report form for use by the ships’ masters and relevant onshore and on-board medical personnel” (attachment 3) of the “International Medical Guide for Ships”, or equivalent, is adopted for use 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.
- .3 The Regulation establishes requirements for on-board hospital and medical facilities and equipment and training on Hong Kong registered ships. The training on ships is based on Guideline B4.1.1.2.
- .4(a) All ships shall carry a medicine chest, medical equipment and a medical guide, the specifics of which shall be prescribed and subject to regular inspection not exceeding 12 months, by the competent authority or by a recognized organization duly authorized or by shipmasters; the domestic requirements has taken into account the type of ship, the number of persons on board and the nature, destination and duration of voyages and relevant domestic and international recommended medical standards. Notwithstanding the above, shipmasters shall ensure (a) the ship is carrying the medical stores which are required by the regulation; (b) such medicines are correctly stored and directions for their uses are checked; (c) any perishable medicines have been replaced; (d) all equipment are functioning as required; and (e) the ship is carrying the latest edition of the International Medical Guide for Ships and other guides mentioned in paragraphs 2 and 6 of Guideline B4.1.1.
- .4(b) Ships 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; the regulation also specifies which other ships shall be required to carry a medical doctor, taking

into account, inter alia, such factors as the duration, nature and conditions of the voyage and the number of seafarers on board.

- .4(c) Ships which do not carry a medical doctor are required to have either at least one seafarer on board who is in charge of medical care and administering medicine as part of their regular duties as required by Guideline B4.1.1.1(a) or at least one seafarer on board competent to provide medical first aid as required by Guideline B4.1.1.1(b); 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 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (“STCW”); seafarers designated to provide medical first aid shall have satisfactorily completed training in medical first aid that meets the requirements of STCW. Both designated seafarers prescribed by Guidelines B4.1.1.1(a) and B4.1.1.1(b) are required to undergo refresher course as stipulate by Guideline B4.1.1.3.
5. Shipmasters can contact nearby medical care centres, Rescue Coordination Centres (RCC) or Hong Kong Maritime Rescue Coordination Centre (HK MRCC)⁷, as appropriate, to seek medical advice. HK MRCC is available 24 hours a day and will arrange onward transmission of medical messages and medical advices between a ship and Hong Kong Port Health Office. The service provided by HK MRCC is available free of charge to all ships irrespective of the flag that they fly.

13. On-board complaint procedures (Regulation 5.1.5)

- .1 All Hong Kong registered ships applicable to the Convention are required to have on-board procedures for the fair, effective and expeditious handling of seafarer complaints alleging breaches of the requirements of Maritime Labour Convention 2006 (including seafarers’ rights).
- .2 On board complaint procedures are in place on board to meet the requirements of Regulation 5.1.5. Such 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 authorities⁸.
- .3 The on-board complaint procedures⁹ 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. The term “victimization” covers any adverse action taken by any person with respect to a seafarer for lodging a complaint which is not manifestly vexatious or maliciously made.
- .4 In addition to a copy of their seafarers’ employment agreement, all seafarers shall be provided with a copy of the on-board complaint procedures applicable on the ship. This shall include contact information for the competent authority in the flag State 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.

14. Payment of wages (Regulation 2.2)

- .1 All seafarers shall be paid for their work regularly and in full in accordance with their employment agreements. Payments due to seafarers working on ships are made at no greater than monthly intervals.
- .2 Seafarers shall be given a monthly account of the payments due and the amounts paid, including wages, additional payments and the rate of exchange used where payment has been made in a currency or at a rate different from the one agreed to.
- .3 Shipowners are required to take measures, such as those set out in Standard A2.2.4, to provide seafarers with a means to transmit all or part of their earnings to their families or dependants or legal beneficiaries.
- .4 Measures to ensure that seafarers are able to transmit their earnings to their families include:
- (a) a system for enabling seafarers, at the time of their entering employment or during it, to allot, if they so desire, a proportion of their wages for remittance at regular intervals to their families by bank transfers or similar means; and
 - (a) a requirement that allotments should be remitted in due time and directly to the person or persons nominated by the seafarers.
- .5 Any charge for the service under paragraphs 3 and 4 of this Standard shall be reasonable in amount, and the rate of currency exchange, unless otherwise provided, shall, in accordance with domestic laws or regulations, be at the prevailing market rate or the official published rate and not unfavourable to the seafarer.

Notes:

1. A list of approved medical practitioners can be downloaded from the following website:
http://www.mardep.gov.hk/en/pub_services/pdf/regmp.pdf
2. Intending to serve: A seafarer holds a medical certificate with validity of 2 years. If he has served 9 months on other ship / or working ashore, when he joins a bulk chemical carrier afterwards, the validity of his original medical certificate will be cut short to 12 months. Hence, the medical certificate that the seafarer is holding will be valid for 3 months in this case before he has his medical check by a medical practitioner.
3. Bulk chemical carriers include liquid bulk and solid bulk chemical carriers.
4. MD in principle does not allow a seafarer to join ship without a valid medical certificate. If the medical certificate of a seafarer has been expired for 1 month, the seafarer may join a ship under emergency situation after granting permission from HKMD. The seafarer shall have his medical check by a qualified medical practitioner within 2 months after joining ship.
5. HKSAR has eleven labour holidays each year.
6. Essential dental care means basic treatment for the relief of acute episodes of infection and pain.
7. Hong Kong Maritime Rescue Coordination Centre (HK MRCC - 24 hours):
Tel: (852) - 2233 7999
Fax: (852) - 2541 7714
E-mail: hkmrcc@mardep.gov.hk
Tlx: 82952 MRCC HX
8. Hong Kong Mercantile Marine Office (HK MMO) is one of the external authorities:
Marine Department, Mercantile Marine Office, 3/F., Harbour Building, 38 Pier Road, Central, Hong Kong.
Tel: (852)-2852 3075
Fax: (852)-2545 4669
E-mail: mmo_mdd@mardep.gov.hk
9. A model for on-board compliant-handling procedures in accordance with Guidelines B5.1.5 is provided in attachment 4

ATTACHMENTS

Note: the following four attachments are the forms
/sample adopted by HKMD (i.e. referring to the
introductory note, item (c) of the Annex)

Table of shipboard working arrangements on Hong Kong Ships

Name of ship			IMO number			
Call Sign			Latest update of table			
The minimum hours of rest are applicable in accordance with the Chapter 478 D Merchant Shipping (Seafarers) (Hours of Work) Regulation issued in conformity with Maritime Labour Convention, 2006's Hours of work and hours of rest.						
Minimum hours of rest			Other requirements			
Position/rank	Scheduled daily work at sea		Scheduled daily work hours in port		Comments	Total daily rest hours
	Watchkeeping (from-to)	Non-watchkeeping duties (from -to)	Watchkeeping (from-to)	Non-watchkeeping duties (from -to)		At sea
Signature of master						
<ol style="list-style-type: none"> 1. The terms used in this table are to appear in the working language of the ship and in English. 2. See overleaf for selected extracts from Maritime Labour Convention, 2006 under Chapter 478 Merchant Shipping (Seafarer) Ordinance. 3. For those positions/rank that are also listed in the ship's minimum safe manning certificate, the terminology used should be the same as in that document. 4. For watchkeeping personnel, the comment section may be used to indicate the anticipated number of hours to be devoted to unscheduled work and any such hours should be included in the appropriate total daily work hours column. 5. The above table should contain for every position i.e. watchkeepers and non-watchkeepers. 						

Standard A2.3 – Hours of work and hours of rest

1. For the purpose of this Standard, the term:
 - (a) *hours of work* means time during which seafarers are required to do work on account of the ship;
 - (b) *hours of rest* means time outside hours of work; this term does not include short breaks.
2. HKSAR shall within the limits set out in paragraphs 5 to 8 of this Standard fix a minimum number of hours of rest which shall be provided in a given period of time.
3. HKSAR acknowledges that the normal working hours' standard for seafarers, like that for other workers, shall be based on an eight-hour day with one day of rest per week and rest on public holidays.
4. In determining the national standards, each Member shall take account of the danger posed by the fatigue of seafarers, especially those whose duties involve navigational safety and the safe and secure operation of the ship.
5. The limits on hours of rest shall be as follows:

minimum hours of rest shall not be less than:

 - (i) 10 hours in any 24-hour period; and
 - (ii) 77 hours in any seven-day period.
6. Hours of rest may be divided 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.
7. Musters, fire-fighting and lifeboat drills, and drills prescribed by national laws and regulations and by international instruments, shall be conducted in a manner that minimizes the disturbance of rest periods and does not induce fatigue.
8. When a seafarer is on call, such as when a machinery space is unattended, the seafarer shall have an adequate compensatory rest period if the normal period of rest is disturbed by call-outs to work.
9. Seafarers concerned in respect of paragraph 7 or 8 of this Standard should have sufficient rest.
10. The posting, in an easily accessible place, of a table with the shipboard working arrangements, which shall contain for **every** position at least:
 - (a) the schedule of service at sea and service in port; and
 - (b) the minimum hours of rest required by national laws.
11. The table referred to in paragraph 10 of this Standard shall be established in a standardized format in the working language or languages of the ship **and** in English.

12. HKSAR requires that records of seafarers' daily hours of rest be maintained to allow monitoring of compliance with paragraphs 5 to 11 inclusive of this Standard. The records shall be in a standardized format established by HKSAR taking into account any available guidelines of the International Labour Organization or shall be in any standard format prepared by the Organization. They shall be in the languages required by paragraph 11 of this Standard. The seafarers shall receive 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.

13. Nothing in paragraphs 5 and 6 of this Standard shall prevent a Member from having national laws or regulations permitting exceptions to the limits set out. Such exceptions shall, as far as possible, follow the provisions of this Standard but may take account of more frequent or longer leave periods or the granting of compensatory leave for watchkeeping seafarers or seafarers working on board ships on short voyages.

14. Nothing in this Standard shall be deemed to impair the right of the master of a ship to require a seafarer to perform any hours of work necessary for the immediate safety of the ship, persons 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 work or 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, the master shall ensure that any seafarers who have performed work in a scheduled rest period are provided with an adequate period of rest.

Guideline B2.3 – Hours of work and hours of rest**Guideline B2.3.1 – Young seafarers**

1. At sea and in port the following provisions should apply to all young seafarers under the age of 18:
 - (a) working hours should not exceed eight hours per day and 40 hours per week and overtime should be worked only where unavoidable for safety reasons;
 - (b) sufficient time should be allowed for all meals, and a break of at least one hour for the main meal of the day should be assured; and
 - (c) a 15-minute rest period as soon as possible following each two hours of continuous work should be allowed.
2. Exceptionally, the provisions of paragraph 1 of this Guideline need not be applied if:
 - (a) 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
 - (b) the effective training of young seafarers in accordance with established programmes and schedules would be impaired.
3. Such exceptional situations should be recorded, with reasons, and signed by the master.
4. Paragraph 1 of this Guideline does not exempt young seafarers from the general obligation on all seafarers to work during any emergency as provided for in Standard A2.3, paragraph 14.

(Attachment 2)

RECORD OF HOURS OF REST OF SEAFARERS (1)

Name of Ship: _____ IMO number (if any): _____

Seafarer(full name): _____ Position/rank: _____

Month of year: _____ Watchkeeper (2): yes no **Record of hours of rest**

Please mark periods of rest, as applicable, with X, or using a continuous line or arrow.

COMPLETE THE TABLE ON THE REVERSE SIDE

The following domestic regulations governing limitations on minimum rest periods apply to this ship:

Cap.478D Merchant Shipping (Seafarers)(Hours of Work) Regulation, _____

I agree that this record is an accurate reflection of the hours of rest of the seafarer concerned.

Name of master or person authorized by master to sign this record: _____

Signature of master or authorized person: _____ Signature of seafarer: _____

A copy of this record is to be given to the seafarer.

(1) The terms used in this table are to appear in the working language or languages of the ship and in English.

(2) Tick as appropriate.

(Attachment 3)**Medical report form for use by the ships' masters and relevant onshore and on-board medical personnel**

(Note: According to Para. 2 of the Standard A4.1 of the Maritime Labour Convention, 2006, this form when completed, and its contents shall be kept confidential and shall only be used to facilitate the treatment of seafarers.)

✓ What to do

- Provide the doctor with **all** possible information about the patient, using the form provide below:
 - complete the form before calling for assistance, except in emergencies;
 - when giving the doctor details of a patient's symptoms or past illnesses miss nothing out, however long it takes;
 - do not leave out points you may judge to be unimportant.
- Make sure you understand clearly and can record, preferably with the help of an electronic recording device, **all** the advice and instructions given by the doctor.
- Repeat back to the doctor any advice given, to make sure you have fully understood it.
- As soon as possible after the call, note the details of the exchange in the patient's records and in the ship's records.
- Since the doctor may not be aware of the contents of your ship's medical chest, have ready a complete list of the drugs and appliances available on board.

Forms to be used in communicating to a doctor information about a patient's illness (part A) or injury (part B) as stated Chapter 25 (P. 291 - P. 296) of "International Medical Guide for Ships (3rd Edition)" – See attachment below.

Part A – Medical Advice for external assistance (In the case of illness)
(A) IN THE CASE OF ILLNESS

- 1 Routine information about the ship
 - 1.1 Name of ship
 - 1.2 Call sign
 - 1.3 Date and time (GMT)
 - 1.4 Course, speed, position, and cargo
 - 1.5.1 Port of destination....., which is hours/days away
 - 1.5.2 Nearest port, which is hours/days away
 - 1.5.3 Alternative port, which is hours/days away
 - 1.6 Local weather (if relevant)

- 2 *Routine information about the patient*
 - 2.1 Surname
 - 2.2 Other names
 - 2.3 Rank
 - 2.4 Job on board (specify kind of work, not just the grade)
 - 2.5 Age and sex

- 3 *Details of illness*
 - 3.1 When did the illness first begin?
 - 3.2 Has the illness occurred before? If so, when?
 - 3.3 How did the illness begin (suddenly, slowly, etc.)?
 - 3.4 What did the patient *first* complain of?
 - 3.5 List *all* the patient's complaints and symptoms.
 - 3.6 Describe the course of the *present* illness from the start of the illness to the present time.
 - 3.7 Give details of *past* illnesses/injuries/operations
 - 3.8 List serious illnesses of parents, brothers, and sisters, if known (family history).
 - 3.9 List social pursuits and previous occupations, including hobbies (social and occupational history).
 - 3.10 List *all* medicines/tablets/drugs that the patient was taking *before the present illness began* and indicate the dose(s) and how often taken (see 6.1).
 - 3.11 Does the patient smoke? If so, how much and how often?
 - 3.12 Does the patient drink alcohol? If so, how much (on how many days a week, on average, and how many drinks a day, on average)?
 - 3.13 Does the patient take any herbal or folk medicines? If so, how are they taken?
 - 3.14 Does the patient use recreational drugs? If so, how are they taken?

4 *Results of examination of patient*

- 4.1 Note temperature, pulse, blood pressure, and respiration.
- 4.2 Describe the general appearance of the patient (healthy, obviously ill, pale, etc.).
- 4.3 Describe the appearance of affected parts of the body (consider faxing or e-mailing a digital photograph).
- 4.4 Describe your observations about the affected parts of the body (swelling, tenderness, lack of movement, etc.).
- 4.5.1 What tests have you done (urine, blood, other) and what were the results?
- 4.5.2 Give the results, if available, of any previous blood tests, X-rays, or other investigations.

5 *Diagnosis*

- 5.1 What is your diagnosis?

6 *Treatment*

- 6.1 List **ALL** given or frequency of administration (see 3.10).
- 6.2 Describe how the patient responded to the treatment.

7 *Problems*

- 7.1 What problems are you worrying about now?
- 7.2 What do you need advice about?

8 *Other comments*

9 *Comments by the doctor*

Part B – Medical Advice for external assistance (In the case of injury)
(B) IN THE CASE OF INJURY

1 Routine information about the ship

- 1.1 Name of ship
- 1.2 Call sign
- 1.3 Date and time (GMT)
- 1.4 Course, speed, position, and cargo
- 1.5.1 Port of destination....., which is hours/days away
- 1.5.2 Nearest port, which is hours/days away
- 1.5.3 Alternative port, which is hours/days away
- 1.6 Local weather (if relevant)

2 Routine information about the patient

- 2.1 Surname
- 2.2 Other names
- 2.3 Rank
- 2.4 Job on board (specify kind of work, not just the grade)
- 2.5 Age and sex

3 History of the injury or injuries

- 3.1 **Exactly** how did the injury or injuries occur?
- 3.2 Did the patient lose any blood? If so, how much?
- 3.3 When did the injury or injuries occur?
- 3.4 How long before the accident did the patient last eat or drink?
- 3.5 What does the patient complain of? (List the complaints in order of importance or severity.)
- 3.6 List all past illnesses/injuries/operations.
- 3.7 List **ALL** medicines/tablets/drugs that the patient was taking **before the present injury or injuries** occurred, indicating doses and frequency or administration.
- 3.8 Has the patient been taking any alcohol?
- 3.9 Do you think the patient might have taken narcotic drugs, amphetamine, etc.?
- 3.10 Does the patient remember everything that happened? If not, how long before the accident is his or her last clear memory?
- 3.11 Did the patient lose consciousness, even for a very short time? If so, for how long and when in relation to the injury?

4 Results of examination of patient

- 4.1 Note temperature, pulse, blood pressure, and respiration.

- 4.2 Describe the general condition of the patient.
- 4.3 List what you believe to be the patient's injuries in order of importance and severity.
 - 4.5.1 What tests have you done (urine, blood, other) and what were the results?
 - 4.5.2 Give the results, if available, of any previous blood tests, X-rays, or other investigations.
- 5 *Treatment*
 - 5.1 Describe first aid the other treatment you have administered since the injury or injuries occurred.
 - 5.2 List **ALL** the medicines/tablets/drugs that the patient has taken or been given, and indicate the dose(s), the number of times given, and frequency of administration.
 - 5.3 How has the patient responded to the treatment?
- 6 *Problems*
 - 6.1 What problems are worrying you now?
 - 6.2 What do you need advice about?
- 7 *Other comments*
- 8 *Comments by the doctor*

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(Attachment 4)**A MODEL COMPLAINT PROCEDURE ON BOARD SHIP**

1. In order to help avoid problems of victimization of seafarers making complaints about matters under this Convention, it is encourage the nomination of a person on board who can advise seafarers on the procedures available to them and, if requested by the complainant seafarer, also attend any meetings or hearings into the subject matter of the complaint.

A seafarer who wishes to express a grievance should follow the procedure as listed hereunder:

2. The seafarer should first approach the head of the section in which he is employed and explain his grievance.
 - (a) In the Deck Department, the head of the section is generally the Bosun or CPO(D).
 - (b) In the Engine-room Department, the head of the section is generally the No. 1 Fireman, No. 1 Motorman or CPO(E).
 - (c) In the Catering Department, the head of the section is generally the Chief Steward, Leading Steward or Steward Grade I.
3. The seafarer should make his complaint verbally and in an orderly manner and at a time when the complaint or grievance can be heard properly.
4. The head of the section will resolve the complaint or grievance if that is possible, or refer the complaint or grievance to the head of Department.
5. The head of Department should interview the complainant as soon as convenient, after each complaint or grievance has been referred to him.
6. If the seafarer concerned is not satisfied with the way his grievance has been handled, he may request an interview with the Master. The Head of Department will arrange for the seafarer to see the Master, who will then handle the case personally.
7. Seafarers should at all times have the right to be accompanied and to be represented by another seafarer of their choice on board the ship concerned.

8. All complaints and the decisions on them should be recorded and a copy provided to the seafarer concerned.
9. If a complaint cannot be resolved on board, the matter should be referred ashore to the shipowner, who should be given an appropriate time limit for resolving the matter, where appropriate, in consultation with the seafarers concerned or any person they may appoint as their representative.
10. In all cases seafarers should have a right to file their complaints directly with the master and the shipowner and competent authorities, including the Superintendent of Mercantile Marine Office in Hong Kong. The Master shall afford the seafarer such facilities as necessary for the seafarer to transmit his appeal to the organization of his choice.

Hong Kong Mercantile Marine Office (HK MMO) is one of the external authorities:
Marine Department, Mercantile Marine Office, 3/F., Harbour Building, 38 Pier Road, Central,
Hong Kong.

Tel: (852)-2852 3075
Fax: (852)-2545 4669
E-mail: mmo_mdd@mardep.gov.hk

---End of the model of complaint procedure on board ship---