



香港商船資訊

HONG KONG MERCHANT SHIPPING INFORMATION NOTE

Amendments of 2022 to the Maritime Labour Convention, 2006, as amended

To : Shipowners, Ship Managers, Ship Operators, Recognized Organizations, Masters, Officers and Crew

Summary

The purpose of this Note is to advise parties concerned on the coming into force of the 2022 amendments to the Maritime Labour Convention, 2006, as amended (“**2022 Amendments**”) on 23 December 2024.

1. The 110th Session of the International Labour Conference of the ILO approved the 2022 Amendments on 6 June 2022 to protect the benefit and safety of seafarers. The 2022 Amendments will enter into force globally on 23 December 2024 and the local legislation, i.e. Merchant Shipping (Seafarers) (Health and Safety: General Duties) (Amendment) Regulation 2024 (L.N. 20 of 2024), Merchant Shipping (Seafarers) (Working and Living Conditions) (Amendment) Regulation 2024 (L.N. 21 of 2024) and Merchant Shipping (Seafarers) (Returns of Birth, Deaths and Missing Persons) Regulation (Amendment of Schedules) Notice 2024 (L.N. 22 of 2024) (collectively referred to as “**Amendment Regulation**”) that give effect to the 2022 Amendments in Hong Kong will come into operation on the same date.

2. The 2022 Amendments are summarized as follows:

- (i) ‘Standard A1.4 – Recruitment and placement’ – Members who rectified the Maritime Labour Convention, 2006 (“**Members**”) shall ensure that seafarers are informed, prior to or in the process of engagement, of their rights by the private recruitment agency in respect of failure of a recruitment and placement services under the established system of protection;
- (ii) ‘Standard A2.5.1 – Repatriation’ - Members shall facilitate the prompt repatriation of seafarers, including when they are deemed abandoned;

- (iii) ‘Standard A3.1 – Accommodation and recreational facilities’ – Members shall ensure that the facilities provided shall include social connectivity as detailed in the Guidelines B3.1.11 and B4.4.2, i.e. shipowners should provide seafarers on board reasonable access to ship-to-shore telephone communications and internet access each with reasonable charge, and Members should, so far as is reasonably practicable, provide seafarers on board in ports or anchorages with internet access, with reasonable charges;
- (iv) ‘Standard A3.2 – Food and catering’ – Members shall ensure that the food and drinking water supplies for seafarers on board shall be free of charge and the catering department shall be such as to permit the provision to the seafarers of adequate, varied, balanced and nutritious meals;
- (v) ‘Standard A4.1 - Medical care on board ship and ashore’ – Members shall ensure prompt disembarkation of seafarers in need of medical care and shall facilitate the repatriation by the shipowner of the body or ashes of seafarers who died during ships’ voyages according to the wishes of the seafarers or their next of kin;
- (vi) ‘Standard A4.3 – Health and safety protection and accident prevention’ – Under the replaced paragraph 1(b), Members shall ensure provision of all necessary appropriately-sized personal protective equipment to prevent occupational accidents, injuries and diseases on board ship in addition to the existing precautions;
- (vii) ‘Standard A4.3 – Health and safety protection and accident prevention’ – Under a new paragraph 5(a), Members shall ensure that death incidents happened on board shall be adequately investigated, recorded and reported on an annual basis to ILO; and
- (viii) ‘Appendix A2-I – Evidence of financial security’ under paragraph 2 of Regulation 2.5 and ‘Appendix A4-I – Evidence of financial security’ under Regulation 4.2 – item (g) is replaced to include the registered owner if different from the shipowner.

3. Copies of the 2022 Amendments and the Amendment Regulation can be found on the website of Marine Department (<https://www.mardep.gov.hk/en/msnote/msin.html>) as Annexes I and II respectively to this MSIN. The provisions of the 2022 Amendments in paragraphs 2(ii), 2(iii) and 2(viii) above are already covered by the existing legislation under the Merchant Shipping (Seafarers) Ordinance (Cap.478) and no legislative amendment is therefore required.

4. Shipowners, ship managers, ship operators and masters of Hong Kong registered ships should abide by the Amendment Regulation mentioned above.

5. To ensure the implementation of above amendments, enhancement of the seafarers employment agreement may be necessary to including the following:

- the provision to ensure the seafarers being informed of their rights under the monetary loss compensation due to the failure of a recruitment and placement service;
- the information of social connection means provided on board ship including its reasonable charges;
- adequate, varied, balanced and nutritious food provided on board ship free of charge in accordance with the particular seafarers;
- the arrangement of repatriation of the body or ashes of deceased seafarers in accordance with the wishes of the seafarers or their next of kin;
- appropriately-sized personal protective equipment and measures to be provided to seafarers to reduce and prevent the risk of exposure to harmful levels/injury/disease.

6. Enquiries on this Merchant Shipping Information Note relevant to the 2022 Amendments may be directed to the Mercantile marine Office at “mmo_mdd@mardep.gov.hk”.

Marine Department
Local Vessel and Examination Division

13 November 2024