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MARINE DEPARTMENT

Shipping Division

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11 November 2016

To: Shipowners / Ship Managers and Classification Societies

Dear Sir/Madam,

Amendments of 2014 to the Maritime Labour Convention, 2006

This circular letter provides information on the implementation of the amendments of 2014 to the Maritime Labour Convention, 2006 (2014 Amendments) for Hong Kong registered ships which are required to comply with the amendments to Regulation 2.5 (Repatriation) and Regulation 4.2 (Shipowners' liability) as from 18 January 2017. A copy of the 2014 Amendments is attached for your reference. The following is the summary of the new requirements.

Amendments under Regulation 2.5 (Repatriation)

I. Financial security to provide assistance to seafarers when abandoned

A financial security shall be provided to ensure that any seafarers employed on board the ship is provided with assistance when the seafarer is abandoned. The financial security shall meet the relevant provisions of the standard A2.5.2 of the 2014 Amendments.

II. Documentary evidence of financial security (repatriation) to be carried on ship

The ship must carry on board a financial security for repatriation in the form of a certificate or other documentary evidence issued by a provider of the security. The financial security shall be in English and contain the particular information set out in Appendix A2-I of the 2014 Amendments and shall be posted in a conspicuous position on board, which is accessible to all seafarers.

Amendments under Regulation 4.2 (Shipowners' Liability)

I Financial security relating to Shipowners' liability

A financial security shall be provided to ensure that payment of compensation for any liability claim brought in respect of any seafarer employed to work on board the ship. The financial

security shall meet the relevant provisions of the standard A4.2.2 of the 2014 Amendments.

II Documentary evidence of financial security (Shipowners' liability) to be carried on ship

The ship must carry on board a financial security for shipowners' liability in the form of a certificate or other documentary evidence issued by a provider of the security. The financial security shall be in English and contain the particular information set out in Appendix A4-I of the 2014 Amendments and shall be posted in a conspicuous position on board, which is accessible to all seafarers.

Declaration of Maritime Labour Compliance (DMLC) for Hong Kong Registered Ships

I DMLC-Part I

The DMLC-Part I for Hong Kong registered ships was issued on 15 March 2013. A supplement to the DMLC-Part I to include the abovementioned amendments on financial securities for Repatriation and Shipowners' Liability have been prepared as attached in Appendix I of this letter. For ships that are to be operating on or after 18 January 2017, shipowners are requested to comply with the amendments before 18 January 2017 in order to demonstrate its full compliance with the MLC, 2006 and the 2014 Amendments.

II DMLC-Part II

A copy of the revised DMLC-Part II to include the 2014 amendments is attached in Appendix II. Shipowners are required to send the completed revised DMLC-Part II to the RO for review. The completed set of the supplement with the revised DMLC-Part II endorsed by the RO is to be sent to the ship before 18 January 2017.

Should you have any query, please do not hesitate to contact the Senior Surveyor/Cargo Ships Safety Section at telephone number (852) 2852 4510, fax number (852) 2545 0556 or by email to "ss_css@mardep.gov.hk".

Yours faithfully,



(K.F. KWAN)

Senior Surveyor/Cargo Ships Safety Section
for Director of Marine

Encl.: Appendices I & II and the 2014 Amendment

Declaration of Maritime Labour Compliance – Part I (Supplement)

The Declaration of Maritime Labour Compliance–Part I for Hong Kong registered ships was initially issued in 2013. This document serves as a supplement to the abovementioned DMLC-Part I by including the two items as required by the Amendments of 2014 to the Maritime Labour Convention, 2006.

Name of ship	IMO number	Gross tonnage

15	<p><u>Financial security to provide assistance to seafarers when abandoned (MLC Regulation 2.5)</u></p> <p>.1 A financial security must be in force in respect of a ship to ensure that any seafarer employed to work on board the ship is provided with assistance when the seafarer is abandoned.</p> <p>.2 The financial security-</p> <p>(a) must be in the form of an insurance policy;</p> <p>(b) must comply with the requirements set out in paragraphs 4, 8, 9, 10 and 12 of Standard A2.5.2 of the ML Convention;</p> <p>(c) must not be terminated before the expiry date of the security, unless the provider of the security has given to the Authority at least 30 days prior notice in writing; and</p> <p>(d) must not prejudice any right of recourse of the provider of the security against third parties.</p> <p>.3 A seafarer is regarded to be abandoned under the circumstances listed in paragraph 2 of Standard A2.5.2 of the ML Convention.</p> <p>.4 A ship must carry on board in respect of the financial security referred to MLC Regulation 2.5 -</p> <p>(a) a certificate or other documentary evidence a financial security issued by each provider of the security; and</p> <p>(b) have a copy of the certificate or other documentary evidence displayed in a conspicuous position on board the ship, which is accessible to the seafarers on it.</p> <p>.5 The certificate or other documentary evidence—</p> <p>(a) must contain the particulars and information set out in Appendix A2-I to the ML Convention; and</p> <p>(b) must be in English or accompanied by an English translation.</p>
16	<p><u>Financial security to secure compensation for liability claims (MLC Regulation 4.2)</u></p> <p>.1 A financial security must be in force in respect of a ship to ensure the payment of compensation for any liability claim brought in respect of any seafarer employed to work on board the ship under -</p> <p>(a) the law of Hong Kong;</p> <p>(b) the seafarer's employment agreement; or</p> <p>(c) any agreement voluntarily entered into between one or more shipowners' organizations and one or more seafarers' organizations that satisfies the following conditions -</p> <p>(i) the agreement relates to the working and living conditions of seafarers;</p> <p>(ii) the shipowner of the ship is a member of the shipowners' organization or at least one of the shipowners' organizations, as the case requires; and</p> <p>(iii) the seafarer is a member of the seafarers' organization or at least one of the seafarers' organizations, as the case requires.</p> <p>.2 The financial security -</p> <p>(a) must be in the form of an insurance policy;</p> <p>(b) must comply with the requirements set out in paragraphs 8(a), (b), (c), (d) and (e) and 13 of Standard A4.2.1 of the ML Convention; and</p> <p>(c) must not be terminated before the expiry date of the security, unless the provider of the security has given to the Authority at least 30 days prior notice in writing.</p> <p>.3 If a financial security referred to in subsection (1) is to be cancelled or terminated, the provider of the security must give the seafarers employed to work on board the ship at least 30 days prior notice in writing.</p> <p>.4 If a financial security referred to in subsection (1) is cancelled or terminated, the provider of the security must, by written notice within 30 days of the cancellation or termination, inform the Authority of the cancellation or termination.</p> <p>.5 Liability claim means a claim in respect of the death or long-term disability of a seafarer due to an occupational injury, illness or hazard.</p> <p>.6 A ship must carry on board in respect of the financial security referred to MLC Regulation 4.2 -</p> <p>(a) a certificate or other documentary evidence a financial security issued by each provider of the security; and</p> <p>(b) have a copy of the certificate or other documentary evidence displayed in a conspicuous position on board the ship, which is accessible to the seafarers on it.</p> <p>.7 The certificate or other documentary evidence -</p> <p>(c) must contain the particulars and information set out in Appendix A4-I to the ML Convention; and</p> <p>(d) must be in English or accompanied by an English translation.</p>

Date: 11 November 2016

Maritime Labour Convention, 2006
Declaration of Maritime Labour Compliance – Part II

Appendix II

Measures adopted to ensure ongoing compliance between inspections

The following measures have been drawn up by the shipowner, named in the Statement of Compliance to which this Declaration is attached, to ensure ongoing compliance between inspections :

(State below the measures drawn up to ensure compliance with each of the items in Part I)

1. Minimum age (Regulation 1.1)
.....
2. Medical certification (Regulation 1.2)
.....
3. Qualifications of seafarers (Regulation 1.3)
.....
4. Seafarers' employment agreements (Regulation 2.1)
.....
5. Use of any licensed or certified or regulated private recruitment and placement service (Regulation 1.4)
.....
6. Hours of work or rest (Regulation 2.3)
.....
7. Manning levels for the ship (Regulation 2.7)
.....
8. Accommodation (Regulation 3.1)
.....
9. On-board recreational facilities (Regulation 3.1)
.....
10. Food and catering (Regulation 3.2)
.....
11. Health and safety and accident prevention (Regulation 4.3)
.....
12. On-board medical care (Regulation 4.1)
.....
13. On-board complaint procedures (Regulation 5.1.5)
.....
14. Payment of wages (Regulation 2.2)

.....
15. Financial security for repatriation (Regulation 2.5)

.....
16. Financial security relating to shipowners' liability (Regulation 4.2)

.....

I hereby certify that the above measures have been drawn up to ensure ongoing compliance, between inspections, with the requirements listed in Part I (in the form of a table).



Name of shipowner : _____
Company address : _____
Name of the authorized signatory : _____
Title : _____
Signature of the authorized signatory : _____
Date : _____

The above measures have been reviewed by <the Marine Department> <Recognized Organization> (*strike out the statement which is not applicable*) and, following inspection of the ship, have been determined as meeting the purposes set out under Standard A5.1.3, paragraph 10(b), regarding measures to ensure initial and ongoing compliance with the requirements set out in Part I of this Declaration.



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

¹ *Shipowner* means the owner of the ship or another organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on shipowners in accordance with this Convention, regardless of whether any other organizations or persons fulfil certain of the duties or responsibilities on behalf of the shipowner. See Article II(1)(j) of the Convention.

(Revised on 11 November 2016)