

MERCHANT SHIPPING (SEAFARERS) (PASSENGER SHIPS—TRAINING) REGULATION

(L.N. 139 of 2016)

(Cap. 478, sections 72, 73, 96 and 134)

[20 February 1998]

1. Interpretation

In this Regulation, unless the context otherwise requires—

company (公司), in relation to a ship, means—

- (a) the registered owner of the ship; or
- (b) a person who has assumed responsibility for the operation of the ship from the owner and who, on assuming the responsibility, has agreed to take over the obligations imposed on the owner of the ship under the Convention; (L.N. 139 of 2016)

Convention (《公約》) means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as from time to time revised or amended by any revision or amendment to any provision of such Convention that applies to Hong Kong; (L.N. 139 of 2016)

“passenger ship” (客船) means a ship carrying more than 12 passengers; (L.N. 139 of 2016)

“ro-ro passenger ship” (滾裝客船) means a ro-ro passenger ship as defined in Regulation I/1 of the Convention; (L.N. 139 of 2016)

seagoing passenger ship (載客海船) means a passenger ship other than one which navigates exclusively in one or more of the following areas—

- (a) inland waters;
- (b) waters within, or closely adjacent to, sheltered waters;
- (c) areas where port regulations apply; (L.N. 139 of 2016)

“STCW Code” (《培訓規則》) means the Seafarers’ Training, Certification and Watchkeeping Code published by the International Maritime Organization, as from time to time revised or amended by any revision or amendment to any provision of such Code that applies to Hong Kong. (L.N. 104 of 2001; L.N. 139 of 2016)

(16 of 2013 s. 82; L.N. 139 of 2016)

2. Application

(1) Subject to subsection (1A), this Regulation applies to—

- (a) all seagoing passenger ships that are Hong Kong ships; and
- (b) all seagoing passenger ships that—
 - (i) are not Hong Kong ships;
 - (ii) are within the waters of Hong Kong; and

- (iii) have entered those waters in the normal course of business or for operational reasons. (*L.N. 139 of 2016*)

- (1A) This Regulation does not apply to—
 - (a) ships owned or operated by a government and engaged only on governmental non-commercial service;
 - (b) fishing vessels;
 - (c) pleasure yachts not engaged in trade; or
 - (d) wooden ships of primitive build. (*L.N. 139 of 2016*)
- (2) The Authority may grant exemptions from all or any of the provisions of this Regulation for classes of cases or individual cases on such conditions, if any, as he thinks fit and may, subject to giving reasonable notice, alter or cancel any such exemption.

3. (*Repealed L.N. 139 of 2016*)

4. **Training**

- (1) The company and the master of a ship must ensure that the following seafarers on the ship have completed training in crowd management as specified in section A-V/2, paragraph 1 of the STCW Code— (*L.N. 139 of 2016*)
 - (a) master;
 - (b) officers; and
 - (c) ratings and other personnel designated on the muster list to assist passengers in emergency situations.
- (2) (*Repealed L.N. 139 of 2016*)
- (3) The company and the master of a ship must ensure that all personnel on the ship who provide direct service to passengers in passenger spaces have completed safety training as specified in section A-V/2, paragraph 2 of the STCW Code. (*L.N. 139 of 2016*)
- (4) The company and the master of a ro-ro passenger ship must ensure that the following seafarers on the ship have completed approved training in passenger safety, cargo safety and hull integrity as specified in section A-V/2, paragraph 4 of the STCW Code— (*L.N. 139 of 2016*)
 - (a) master;
 - (b) chief mates;
 - (c) chief engineer officers;
 - (d) second engineer officers;
 - (e) every person assigned immediate responsibility for—
 - (i) embarking and disembarking passengers;
 - (ii) loading, discharging or securing cargo; or
 - (iii) closing hull openings.
- (5) The company and the master of a ship must ensure that the following seafarers on the ship have completed approved training in crisis management and human behaviour as specified in section A-V/2, paragraph 3 of the STCW Code—(*L.N. 139 of 2016*)

- (a) master;
 - (b) chief mates;
 - (c) chief engineer officers;
 - (d) second engineer officers;
 - (e) any person designated on the muster list to have the responsibility for the safety of passengers in emergency situations.
- (6) The company and the master of a ship must ensure that the seafarers, except the master, on the ship required to be trained in accordance with subsection (1), (4) or (5)— (*L.N. 139 of 2016*)
- (a) undertake, at intervals not exceeding 5 years, refresher training approved by the Authority; or
 - (b) provide, at intervals not exceeding 5 years, evidence to the satisfaction of the Authority that they have achieved the required standard of competence within the previous 5 years. (*L.N. 104 of 2001*)
- (6A) The company of a ship must ensure that the master on the ship required to be trained in accordance with subsection (1), (4) or (5) undertakes, at intervals not exceeding 5 years, refresher training approved by the Authority. (*L.N. 104 of 2001*)
- (7) For the purposes of subsections (6) and (6A), repetition of the initial training may be regarded as satisfactory completion of the refresher training. (*L.N. 104 of 2001*)
- (8) In this section—
- approved training** (認可訓練) means training approved by—
- (a) the Authority; or
 - (b) the government of a state party to the Convention. (*L.N. 139 of 2016*)

(L.N. 139 of 2016)

5. Documentary evidence

The company and the master of a ship must ensure that every seafarer on the ship required to be trained in accordance with section 4(1), (3), (4) or (5) has obtained from the person who provided the training documentary evidence on the seafarer's completion of the training.

(L.N. 139 of 2016)

6. Offences and penalties

- (1) A company who contravenes section 4(1), (3), (4), (5), (6) or (6A) or 5 commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 2 years.
- (2) A master who contravenes section 4(1), (3), (4), (5) or (6) or 5 commits an offence and is liable on conviction to a fine at level 3 and to imprisonment for 2 years.

(L.N. 139 of 2016)