

# MERCHANT SHIPPING (SEAFARERS) (HOURS OF WORK) REGULATION

(Cap. 478 sections 96, 119 and 134)

[2 September 1996] *L.N. 342 of 1996*

1. *(Omitted as spent)*

## 2. Interpretation

In this Regulation, unless the context otherwise requires—

“employer” (僱主) means the person for the time being employing the master;

“other ship” (非香港船舶) means a ship other than a Hong Kong ship; (*L.N. 102 of 1998*)

“ship” (船、船舶) means a Hong Kong ship.

*(L.N. 102 of 1998)*

## 3. Application

(1) This Regulation shall apply to—

(a) all ships of any size;

(b) all other ships of any size while such other ships are within the waters of Hong Kong,

except any such ship or such other ship which is a fishing vessel. (*L.N. 102 of 1998*)

(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.

## 4. Hours of work

(1) Subject to section 6, a seafarer employed on a ship as officer in charge of a watch or as a rating forming part of a watch shall be provided a minimum of 10 hours of rest in any 24-hour period.

(2) The hours of rest referred to in subsection (1) may be divided into not more than 2 periods, one of which shall be at least 6 hours in length.

(3) Notwithstanding subsections (1) and (2), the 10 hours of rest referred to in subsection (1) may be reduced to not less than 6 consecutive hours provided that any such reduction shall not extend beyond 2 days and not less than 70 hours of rest are provided in any 7-day period.

*(L.N. 102 of 1998)*

## 5. Records

(1) A record of the names of all seafarers who keep watch on a ship and of their periods of watchkeeping shall be maintained in the official log book of the ship or in some other suitable form.

- (2) If the record required by this section to be kept is kept in some form other than the official log book, it shall be made available for inspection by a surveyor of ships or other person authorized for the purpose by the Authority, and shall be so made available at any time up to 6 months after the closure of the official log book in which the record would otherwise appear. *(L.N. 102 of 1998)*
- (3) The record referred to in subsection (1) shall be posted on board in a place where it is easily accessible. *(L.N. 102 of 1998)*

## **6. Exemptions**

Notwithstanding section 4, a seafarer may participate in a navigational, engine room or machinery watch although he has not had the rest periods specified in section 4(1) in the following circumstances and during the 24 hours immediately thereafter—

- (a) when the ship is engaged in an emergency operation or emergency drill, including rescue, salvage, towage, wreck location, buoyage operations, oil pollution, fire fighting or public health duties; and
- (b) during the existence of an emergency threatening the safety of the ship or the life of any person.

*(L.N. 102 of 1998)*

## **7. Copies of Regulation to be kept on board**

The master of a ship shall keep on board a copy of this Regulation and make such copy temporarily available to any seafarer who so requests, and the employer shall ensure that such ship carries a copy of this Regulation.

## **8. Offences and penalties**

- (1) The master of a ship who, without reasonable excuse, requires or permits a seafarer to participate in a watch in contravention of section 4 commits an offence and is liable on conviction to a fine at level 3.
- (2) The master of a ship who, without reasonable excuse, contravenes section 5 or 7 commits an offence and is liable on conviction to a fine at level 1.
- (3) An employer who, without reasonable excuse, permits a contravention of section 4 commits an offence and is liable on conviction to a fine at level 5.
- (4) An employer who, without reasonable excuse, contravenes section 7 commits an offence and is liable on conviction to a fine at level 2.