

MERCHANT SHIPPING (SEAFARERS) (CODE OF SAFE WORKING PRACTICES) REGULATION

(Cap. 478 sections 96 and 134)

[2 September 1996]

1. *(Omitted as spent)*

2. Interpretation

(1) In this Regulation, unless the context otherwise requires—

“Code” (守則) means the United Kingdom Department of Transport publication entitled “Code of Safe Working Practices for Merchant Seamen”, published in 1991 by Her Majesty’s Stationery Office, as in force from time to time;

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

“seagoing” (海域航行), in relation to a ship, means any ship other than one which is navigated exclusively within inland waters or in areas where port regulations apply;

“ship” (船、船舶) means a Hong Kong ship.

(2) In this Regulation, unless the context otherwise requires, any requirement in respect of the Code shall include a like requirement in respect of the Chinese language translation thereof published in such manner as the Authority thinks fit; and the Authority shall, upon payment of the prescribed fee, provide a copy of that Chinese language translation to any person who applies to him in that behalf.

3. Application

(1) This Regulation applies to all seagoing ships except any such ship which is a fishing vessel.

(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. Ships to carry copies of the Code

(1) In a ship in which are employed the master and not more than 14 other seafarers, there shall be carried not less than 2 copies of the Code, of which one copy shall be kept in the custody of the master, and one copy in a place readily accessible to seafarers in the ordinary course of their duties.

(2) In a ship in which are employed the master and more than 14 other seafarers, there shall be carried not less than one copy of the Code in the custody of each of the following seafarers—

- (a) the master;
- (b) the chief officer;
- (c) the chief engineer officer;
- (d) either the purser or the catering officer;

- (e) the safety officer appointed pursuant to section 4 of the Merchant Shipping (Seafarers) (Safety Officials and Reporting of Accidents and Dangerous Occurrences) Regulation (Cap. 478 sub. leg. R);
 - (f) where a safety representative has been appointed pursuant to section 4 of the Merchant Shipping (Seafarers) (Safety Officials and Reporting of Accidents and Dangerous Occurrences) Regulation (Cap. 478 sub. leg. R), that safety representative; and
 - (g) where a safety committee has been appointed pursuant to section 4 of the Merchant Shipping (Seafarers) (Safety Officials and Reporting of Accidents and Dangerous Occurrences) Regulation (Cap. 478 sub. leg. R), each member of that committee who requests a copy,
- and in addition there shall be carried in different places (including the ship's library, if any) readily accessible to seafarers in the ordinary course of their duties, not less than one copy of the Code (hereinafter referred to as the "reference copy") for every 25 seafarers employed in the ship.
- (3) On being so requested by any seafarer employed in the ship, the master or any of the persons referred to in subsection (2) (b) to (f), as the case may be, shall make temporarily available to that seafarer a copy of the Code.

5. Notices of location of reference copies of the Code

Where reference copies of the Code are required by this Regulation to be carried in a ship, the master shall cause to be displayed in different places in the ship, being places to which each seafarer has access in the ordinary course of his duties, not fewer than 3 clearly legible notices in the English and Chinese languages specifying the places where the reference copies are kept.

6. Ship to carry sufficient copies of the Code

The employer shall ensure in respect of a ship that the ship carries sufficient copies of the Code for the requirements of section 4 to be complied with, including one copy for each member of the committee referred to in section 4(2)(g).

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) A seafarer who is required by section 4(3) to make a copy of the Code available to any seafarer who so requests and who fails without reasonable excuse to do so, commits an offence and is liable on conviction to a fine at level 3.
- (2) The master of a ship who fails without reasonable excuse to comply with section 5 or 7 commits an offence and is liable on conviction to a fine at level 1.

- (3) An employer who contravenes section 6 commits an offence and is liable on conviction to a fine at level 3 unless he shows that he has taken all reasonable steps to ensure that sufficient copies of the Code are carried on the ship.
- (4) An employer who without reasonable excuse contravenes section 7 commits an offence and is liable on conviction to a fine at level 2.
- (5) A person who, without the consent of the employer or master, knowingly removes from a ship a copy of the Code carried in compliance with this Regulation commits an offence and is liable on conviction to a fine at level 1.