

Frequently Asked Questions (FAQ) for extension of the MLC, 2006 with 2014 amendments to Hong Kong

This FAQ addresses a number of implementation issues involving the extension of the MLC, 2006 with amendments (2014) to MLC to Hong Kong.

Under the MLC, all Hong Kong registered ships of 500 gross tonnage and above engaged on international voyages must obtain a Declaration of Maritime Labour Compliance (DMLC Part I & II) and a Maritime Labour Certificate (MLC Certificate) on or after 20 December 2018. The following is a list of implementation issues frequently asked by the industry.

1. How can the ship obtain the 2018 version of DMLC Part I on or before 20 December 2018?
Marine Department (MD) Cargo Ships Safety (CSS) Section will contact the shipowner / company individual on or before mid-of-November 2018. Shipowner / company should provide the necessary information as requested by CSS Section promptly. CSS Section will issue the DMLC Part I shortly after receiving the shipowner / company response (application) and notify the company to collect at HKMD office.
2. How can I obtain the MLC Certificate on or before 20 December 2018?
Shipowner / company should contact the respective RO now and follow the RO's instruction for obtaining the MLC Certificate.
3. Would the MLC Certificate include the amendments (2016) to MLC, 2006?
No, the amendments (2016) to MLC, 2006 have not been extended to Hong Kong at present. Therefore, the MLC Certificate will not include the endorsement column for renewal inspection regarding the amendments (2016) to MLC, 2006.
4. **Could RO issue the MLC Certificate without the 2018 version of DMLC Part I signed by MD on or before 20 December 2018?**
Yes, RO could issue the MLC Certificate now with the current DMLC Part I (i.e. the 15 March 2013 and 11 November 2016 version DMLC Part I) without the latest 2018 version of DMLC Part I signed by MD.
5. Could RO issue the MLC Certificate without attending the respective ship?
Yes, the RO could issue the MLC Certificate without attending the ship as per section 70 of Merchant Shipping (Seafarers)(Working and Living conditions) Regulation, Cap. 478AF.
6. Could RO issue the MLC Certificate on or before 20 December 2018?
Yes, RO could issue the MLC Certificate on or before 20 December 2018. However, the MLC Certificate will become valid on 20 December 2018.
7. Would RO make a statement on the MLC Certificate or issue a separate statement for when the MLC Certificate will become valid?
Yes, RO could make a statement on the MLC Certificate or issue a separate statement for when the MLC

Certificate will become valid, say "This certificate becomes valid on 20 Dec 2018".

8. Should the master present the MLC Certificate for port clearance on or before 20 December 2018?
No, the MLC Certificate will become valid on or after 20 December 2018. The current Statement of Compliance should be used for port clearance until 20 December 2018.
9. Is it necessary to resubmit the DMLC Part II for RO re-approval?
No, the current DMLC Part II is remained valid. As part of the implementation, the replacement of the downloaded versions (dated 15 March 2013 and 11 November 2016) DMLC Part I with the latest mandatory 2018 version of DMLC Part I which contains the national requirements on the MLC for compliance with 16 areas of the MLC, 2006. The existing DMLC Part II on board will not be affected by the replacement of the latest mandatory DMLC Part I. There is no further need to replace the existing DMLC Part II for such ships.
10. **When completing MLC interim/renewal/initial inspection onboard from now on till 19 Dec 2018, does the ship requires to obtain the MLC "Statement of Compliance"?**
Yes, RO should issue both MLC "Statement of Compliance" and MLC Certificate onboard when completing MLC interim/renewal/initial inspection onboard **from now on till 19 December 2018.** The ship should **keep the MLC "Statement of Compliance" on board until 20 December 2018.** The MLC Certificate could be placed in an envelope in the custody of Master, and take out to use/replace the MLC "Statement of Compliance" on 20 December 2018.
11. **Should the shipowner / company need to update / re-issue the DMLC Part II after obtaining the 2018 version DMLC Part I?**
It is **not necessary to update / re-issue the DMLC Part II after obtaining the 2018 version DMLC Part I.** **However, if time allowed, it is highly recommended** for shipowner / company to update/re-issue DMLC Part II and submit to RO during MLC initial, intermediate or renewal inspection.
12. Should the current Statement of Compliance be continuous valid on or after 20 December 2018?
No, the current Statement of Compliance will be invalid on or after 20 December 2018. Therefore, the current Statement of Compliance should be returned to the respective RO or obsolete as per the ISM Safety Management System.