



ISM/ISPS/MLC 동향

36 Myeongji ocean city 9-ro,
Gangseo-gu, Busan, 618-814
Republic of Korea

Phone : +82-70-8799-8348

Fax : +82-70-8799-8319

E-mail: shinsh@krs.co.kr

Person in charge : Shin Seung-Han

수신(Recipients): MLC 담당자, MLC 인증검사원

번호(No.) : 2016-13

날짜(Date)

: 2016년 11월 29일

제 목(subject) : **홍콩 기국의 해사노동협약(MLC, 2006) 1차 개정안 발효 안내 및 적용**

2013년 8월20일 발효된 2006 해사노동협약의 제1차 개정안이 2017년1월18일 발효됨에 따라 그 변경 내용과 적용 절차에 대하여 홍콩기국의 국내요건을 아래와 같이 안내 드리오니 선주 및 MLC 인증 검사원께서는 업무에 참조하시기 바랍니다.

1. 요약

1) 유기된 선원에 대한 재정보증

- 선박에 고용된 선원이 유기 되었을 때 구제하기 위한 재정보증을 제공하여야 하며, 2014 개정안의 A2.5.2항을 만족하여야 한다.
- 선박은 재정보증 제공자가 발급한 송환에 대한 재정보증의 문서 증거가 선내에 비치되어야 하며, 선내에 접근하기 쉬운 눈에 잘 띄는 곳에 게시되어야 한다.
- 재정보증의 문서 증거는 개정안 협약 부록 A2-1에서 요구하는 정보를 포함하여야 하며, 영어로 작성되어야 한다.

2) 선주의 책임에 대한 재정보증

- 선내에서 근로를 위해 고용된 선원에 대한 법적 책임의 요구를 보상하는 것을 보장하는 재정보증을 제공하여야 하며, 2014 개정안의 A4.2.2항을 만족하여야 한다.

2. DMLC PART I & II

1) DMLC PART I

- 기국 동향지(SD/S 800/1)의 Appendix I에 개정안 반영된 DMLC PART I 제공
- 선주는 개정안 발효일(2017.01.18) 시점에서 운항되는 선박들에 대하여 2017.01.18 이 전까지 2014개정안이 반영된 MLC 요건을 준수하여야 한다.

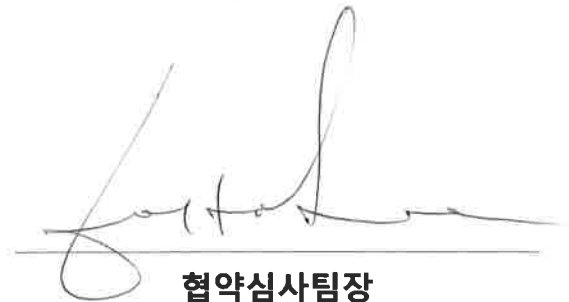
2) DMLC PART II

- 2014 개정안이 반영된 DMLC PART II 서식은 기국 동향지(SD/S 800/1)의 Appendix II에 서 제공
- 선주는 개정안이 반영된 DMLC PART II 재검토를 위하여 RO에게 송부하여야 한다.

- RO에 의해 승인된 DMLC PART II 개정본은 2017.01.18 전까지 선박에 비치되어야 한다.

3. 선주 준비 사항

- Korea Register에 등록된 홍콩기국의 선박을 운용하는 모든 선사는 DMLC PART I과 개정된 DMLC PART II를 재승인 받기 위하여 kr-dmlc@krs.co.kr로 신청해 주시기 바라며, 2017.01.18전까지 재승인된 자료를 선내에 비치하시기 바랍니다.
- 홍콩기국의 기타 지침에 따라 DMLC PART II 재검토 중에는 별도의 재정정보증 증거자료 제출은 요구되지 않습니다.
- 재발행된 DMLC PART II와 MLC 증서는 우편으로 송부할 예정입니다. -끝-



협약심사팀장



ISM/ISPS/MLC circular

36 Myeongji ocean city 9-ro,
Gangseo-gu, Busan, 618-814
Republic of Korea

Phone : +82-70-8799-8348

Fax : +82-70-8799-8319

E-mail: shinsh@krs.co.kr

Person in charge : Shin Seung-Han

Recipients: PIC for MLC, MLC inspector

No. : 2016-13 Date : 29 Nov. 2016

subject: HONG KONG FLAG – Information for MLC, 2006 Amendments and transitional measures

First amendments for Maritime Labour Convention, 2006 will be entered into force at 18 January 2017. Therefore, for Hong Kong flag vessel, please be aware of the detail information and transitional measures to be in compliance with on time as below and this information shall be considered to shipowners and MLC inspector on field task.

1. Summary of Amendments

1) Financial Security for cases of abandonment

- 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 and it shall be met with provisions of the A2.5.2 of the 2014 Amendments.
- 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.
- It shall be in English and contain the particular information set out in Appendix A2-I of 2014 Amendments.

2) Financial security for contractual claim

- 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 and it shall be met with the provisions of the standard A4.2.2 of the 2014 Amendments.

2. DMLC PART I & II

1) DMLC PART I

- A supplement to the DMLC Part I to include the above mentioned amendments on financial securities have been prepared as attached in Appendix I(Circular SD/S 800/1).
- Shipowners are requested to comply with the amendments before 18 January 2017 in order to demonstrate its full compliance with eh MLC, 2006 and the 2014 Amendments.

2) DMLC PART II

- A copy of the revised DMLC Part II(form) to include the 2014 amendments is attached

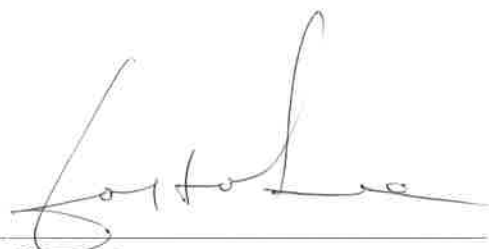
in Appendix II(Circular SD/S 800/1).

- Shipowner are required to send the completed revised DMLC Part II to the RO for review.
- The revised DMLC Part II endorsed by the RO is to be sent to the ship before 18 January 2017.

3. Preparation

Shipowner:

- Shipowner shall be requested to apply for re-reviewing and re-issuing the DMLC Part II(including MLC certificate) to us(kr-dmlc@krs.co.kr) for Hog Kong flag vessels as soon as possible and the re-issued documents shall be sent to the vessels before 2017.01.18.
- During re-reviewing DMLC Part II, following extra instruction from Hong Kong flag, the evidences for financial security do not have to be submitted to us for reviewing.
- The re-issued document shall be sent to you by post mail. -End-



General Manager of Statutory

System Certificate Team

海事處

船舶事務科

香港 中環 統一碼頭道 38 號
海港政府大樓 24 樓

電話號碼 : (852) 2852 4510
傳真號碼 : (852) 2545 0556

網站 Web Site : <http://www.mardep.gov.hk>
電郵地址 E-mail : ss_css@mardep.gov.hk
貴署檔案 Your Ref. : ---
本處檔案 Our Ref. : SD/S 800/1



MARINE DEPARTMENT

Shipping Division

24/F., Harbour Building,
38 Pier Road, Central, Hong Kong

Tel No. : (852) 2852 4510
Fax No.: (852) 2545 0556

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 :

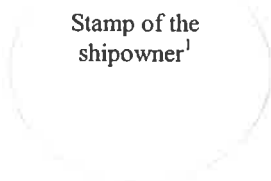
(State below the measures drawn up to ensure compliance with each of the items in Part I)

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)