

**MERCHANT SHIPPING (SEAFARERS)
(EMPLOYMENT REGISTRATION BOOKS)
REGULATION**

(Cap. 478 sections 17 and 134)

[2 September 1996]

1. *(Omitted as spent)*

2. Interpretation

- (1) In this Regulation, unless the context otherwise requires—
“certificate” (證書) includes any certificate or similar document issued in accordance with the provisions of an international agreement applicable to Hong Kong so far as the agreement relates to the competency of seafarers or similar persons.
- (2) A seafarer to whom an employment registration book has been issued is referred to in this Regulation as the holder of it.

3. Application for employment registration book

- (1) Every seafarer who—
- (a) is registered; and
 - (b) is not the holder of an employment registration book,
- shall apply for an employment registration book.
- (2) An application for an employment registration book shall be made in person to the Superintendent in the prescribed form and the applicant shall submit with the application—
- (a) the latest employment registration book previously held by him, if any, unless it has been lost or destroyed;
 - (b) one copy each of a recent head and shoulders’ full face and side face photograph of himself measuring not more than 45 mm by 40 mm and not less than 40 mm by 30 mm; and
 - (c) such documents and other evidence as the Superintendent requires for consideration of the application.

4. Issue of first employment registration book

Subject to section 12, the Superintendent shall on receipt of—

- (a) an application for an employment registration book under section 3; and
- (b) the prescribed fee,

issue an employment registration book to the applicant.

5. Form and contents of employment registration book

- (1) An employment registration book shall be in the prescribed form and shall provide for there to be recorded in it from time to time, in relation to its holder, statements of the following particulars—
- (a) those specified in the Schedule;

- (b) the name of each ship in which he is employed, its port of registry, official number, gross or registered tonnage, type of ship and engine power, the capacity in which he is employed in the ship, the date on which and the place at which he begins to be so employed, and the description of each voyage and the date and place of his leaving the ship;
 - (c) dates and particulars of training courses (including pre-sea training courses) that he attends for the purposes of the Ordinance and the certificates or other qualifications, if any, obtained;
 - (d) records of tests of his eyesight;
 - (e) dangerous cargo endorsements; and
 - (f) such other particulars as the Superintendent thinks fit.
- (2) The Authority may, by notice in the Gazette, amend the Schedule.

6. Entries in employment registration book

- (1) Subject to section 7, entries in an employment registration book of the particulars referred to in—
- (a) section 5 may be made or corrected by the Superintendent or by a public officer authorized by him in that behalf; and
 - (b) section 5(1)(b) may be made by the master of the ship in which the holder is employed or by one of the ship's officers authorized by the master in that behalf.
- (2) Entries in an employment registration book of the particulars referred to in section 5(1)(b) relating to the ship, the capacity in which the seafarer is employed, and the date on which and the place at which the employment begins shall be made—
- (a) at the time the seafarer signs the crew agreement; or
 - (b) prior to or upon his discharge from the ship.
- (3) Any person authorized by subsection (1) to make or correct an entry in an employment registration book shall, upon the employment registration book being produced to him for that purpose, make the entry unless an entry of the same particulars appears to have been made in it.

7. Authorization of persons to make or correct entries in employment registration book

Notwithstanding section 6, the Superintendent may, if he thinks fit, on application authorize any person, other than a person already authorized by that section, to make or correct such entry in an employment registration book as is specified in the application.

8. Notification of entries and alterations

Where under this Regulation any person, other than the Superintendent or a public officer authorized by him, makes an entry, or in any manner corrects an entry, in an employment registration book he shall report the entry or correction to the Superintendent.

9. Alterations in employment registration book

- (1) No person other than a person authorized by section 6 or 7 shall make any mark or entry upon, or erase, cancel or alter any mark or entry made upon or otherwise deface or destroy an employment registration book.
- (2) Any person who contravenes subsection (1) commits an offence.

10. Production of employment registration book

- (1) The holder of an employment registration book shall produce it on demand at any time—
 - (a) to the Superintendent;
 - (b) to his employer and to the master of the ship in which the holder is employed; or
 - (c) to any other person authorized by section 6(1) or undersection 7 to make or correct an entry in it for the purpose of making or correcting that entry,whether or not such demand is made in Hong Kong.
- (2) The holder of an employment registration book who fails to produce it when required to do so in accordance with subsection (1) commits an offence.

11. Delivery of employment registration book

- (1) The master of a ship who is in Hong Kong and who is in possession of an employment registration book issued to a seafarer—
 - (a) who is not present when he is discharged, shall deliver it to the Superintendent within 48 hours after the discharge or as soon as practicable thereafter; or
 - (b) who has died, shall deliver it to the Superintendent at the time he makes a return of that seafarer's death.
- (2) Any person in Hong Kong, other than the master of a ship, who is in possession of an employment registration book issued to a seafarer shall, immediately after he becomes aware that the seafarer has been discharged from any ship, left behind in any country or has died, deliver it to the Superintendent.
- (3) The master of a ship, or other person, outside Hong Kong who is in possession of an employment registration book issued to a seafarer—
 - (a) who is not present when he is discharged;
 - (b) who is left behind in any country; or
 - (c) who has died,may send it by post to the Superintendent.
- (4) Any person who contravenes subsection (1) or (2) commits an offence.

12. Lost, etc., employment registration book

- (1) Subject to subsection (2), where an employment registration book issued to a seafarer has been lost, defaced or destroyed, the Superintendent may, upon payment of the prescribed fee, issue to the seafarer another employment registration book in like terms, and any such employment registration book so issued shall, for the purposes of this Regulation, have the same effect as the employment registration book lost, defaced or destroyed, as the case may be.
- (2) The Superintendent—
 - (a) shall not issue an employment registration book pursuant to subsection (1) to a seafarer unless the seafarer supplies the Superintendent with such information as the Superintendent requires to satisfy the Superintendent that the employment registration book which it will replace has in fact been lost, defaced or destroyed; and
 - (b) may waive or reduce the prescribed fee referred to in subsection (1) where he is satisfied that the employment registration book concerned has been lost, defaced or destroyed without fault on the part of the seafarer to whom it was issued.

13. Effect of lack of space in employment registration book

- (1) Where the space provided in a seafarer's employment registration book for entries of any particulars referred to in section 5(1)(b) is full, the seafarer shall apply as soon as possible to have the employment registration book renewed.
- (2) An application for the renewal of an employment registration book under subsection (1) shall be made in person to the Superintendent and the applicant shall deliver to the Superintendent—
 - (a) the employment registration book presently held by him;
 - (b) one copy each of a recent head and shoulders' full face and side face photograph of himself measuring not more than 45 mm by 40 mm and not less than 40 mm by 30 mm; and
 - (c) any further documents that are or information that is required by the Superintendent.

14. Issue of subsequent employment registration book

The Superintendent shall on receipt of—

- (a) an application for renewal of an employment registration book under section 13; and
- (b) the prescribed fee,

issue an employment registration book to the applicant.

15. Notification of errors in employment registration book

- (1) Where it appears to a seafarer that any entry in his employment registration book is not correct, he shall forthwith inform the Superintendent.
- (2) Any seafarer who knowingly contravenes subsection (1) commits an offence.

16. Surrender of employment registration book

- (1) Where it appears to the Superintendent that—
 - (a) the holder of an employment registration book was not entitled to the employment registration book at the time it was issued to him; or
 - (b) an employment registration book is in the possession of a person other than the person to whom it was issued,
the holder or other person who is in possession of the employment registration book shall, on demand made by the Superintendent, surrender it to him.
- (2) Where—
 - (a) the name of the holder of an employment registration book is removed from the register under Part V of the Ordinance; or
 - (b) the registration of the holder of an employment registration book is suspended under Part V of the Ordinance,
the holder or other person who is in possession of the employment registration book shall, on demand made by the Superintendent, surrender it to him.
- (3) Any person who fails to comply with any demand under subsection (1) or (2) commits an offence.

17. Penalty

Any person who commits an offence under this Regulation shall be liable on conviction to a fine at level 2.

18. Saving

- (1) Where a service record book has been issued under the repealed Regulations to a person and—
 - (a) the book was valid immediately before the commencement of the Ordinance; and
 - (b) the person is, or is deemed under Part XV of the Ordinance to be, a registered seafarer,
the book shall be deemed to be an employment registration book issued under this Regulation to that person, and the provisions of this Regulation shall apply accordingly.
- (2) For the purposes of subsection (1), “repealed Regulations” (已廢除的規例) means the Merchant Shipping (Recruiting of Seamen) (Service Record Books) Regulations (Cap. 135 sub. leg. A) repealed by the Ordinance.

SCHEDULE

[s. 5]

PARTICULARS TO BE RECORDED IN AND CONTENTS OF EMPLOYMENT REGISTRATION BOOKS

1. The name of the person to whom an employment registration book is issued (in English and (where applicable) in Chinese with commercial code number).
2. Home address and telephone number.
3. The date and place of birth.
4. If a married woman, her maiden surname and date of her marriage.
5. Colour of eyes.
6. Distinguishing marks (if any).
7. Height in metres.
8. The number of previous employment registration book held (if any).
9. Signature of issuing authority and date of issue.
10. Particulars and date of register listings and cancellations, including part of register in which listed.
11. Any listing on a company roster together with the dates of listing and cancellation.
12. The grade, number and date of issue of any certificate of competency or licence held.
13. In the case of a cadet, the name of employer and whether a navigating or engineering cadet.
14. Department of ship in which employed.
15. The name, relationship and address of next-of-kin.
16. Date and rating on registration and any change in rating with date of such change.
17. Record of medical examinations (including X-ray examinations).
18. Hong Kong identity card number.
19. Mercantile Marine Office number.
20. Personal photographs.
21. Thumbprints and signature or mark.
22. Name of ship and description of voyage.

23. Date and place of joining the ship.
24. Date and place of leaving the ship.
25. Endorsements.
26. Date on which the seafarer's registration was last renewed under section 10(4) of the Ordinance and the date on which the seafarer will next have had a continuous 3 year period of registration for the purposes of that section.