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25 August 2010

To: Shipowners / Ship Managers / Ship Masters

Dear Sir/Madam,

PSC Inspection on Hours of Work/Rest

In the past four weeks, a total of three Hong Kong registered ships have been detained by PSC due to deficiencies relating to record of hours of rest for watchkeepers. This letter serves to draw particular attentions of all Hong Kong shipowners, ship managers and ship masters to observe the requirements of hours of work/rest under the STCW Convention and recommend using IMO/ILO model formats for the maintenance of records of hours of work and rest periods.

2. Australian Maritime Safety Authority (AMSA) publicised in their website (http://www.amsa.gov.au/Shipping_Safety/Port_State_Control/) recently that AMSA would carry out more focused examination on hours of rest as part of the initial PSC inspection. The inspection may include checking of logbooks (including cargo and other operational records) and interviewing with watchkeepers.

3. During PSC inspection in Australia, three Hong Kong registered vessels were detained due to the Masters unable to show the watchkeepers are rested as per STCW and the SMS does not adequately satisfy the requirements of the ISM code. The deficiencies related to records of rest hours of these vessels are summarized in Appendix 1.

4. Section A-VIII-1 of the STCW Convention stipulates the detailed requirements on minimum hours of rest of watchkeepers. The requirements are summarised hereunder:-

- *Minimum of ten hours (10hrs) of rest shall be provided in any 24-hour period;*

/...

- *Hours of rest may be divided into no more than two periods, one of which shall be at least six hours in length;*
- *The requirements for rest periods laid down above need not be maintained in the case of an emergency or drill or in other overriding operational conditions; and*
- *Notwithstanding the first two provisions above, the minimum period of ten hours may be reduced to not less than 6 consecutive hours provided any such reduction shall not extend beyond two days and not less than 70 hours of rest are provided each seven day period.*

5. According to STCW requirements, shipboard working arrangements shall be posted onboard in a place where it is easily accessible. In this connection, ship masters are recommended to provide a table, in the working language or languages of the ship and in English, with the shipboard working arrangements which shall contain for every watchkeepers at least:

- (a) the schedule of service at sea and service in port; and
- (b) the maximum hours of work or the minimum hours of rest.

A copy of the IMO/ILO model format (Appendix 2 of MSC/Circ. 1014) is appended herewith for easy reference.

6. For monitoring the compliance of hours of rest requirements, the Master are required maintaining an hours of rest/work record of all seafarers who keep watch on a ship and of their periods of watchkeeping in an appropriate form. Under Sec. 5 of the *Merchant Shipping (Seafarers)(Hours of Work) Regulation*, the record shall be made available for inspection at any time up to 6 months after the closure of the official log book of the ship. The IMO/ILO format of the record (Appendix 3 of MSC/Circ. 1014) is appended herewith for easy reference.

7. The Master and the seafarer should endorse the record of hours of rest. A copy of the record should be given to the seafarer. In addition, the master shall keep on board a copy of “*Merchant Shipping (Seafarers) (Hours Of Work) Regulation*” and make such copy temporarily available to any seafarer who so requests.

8. In case a seafarer is required to perform any hours of work necessary for the immediate safety of the ship or assist in other ships or persons in distress at sea, the master has the right to suspend the schedule of hours of work or hours of rest until the normal situation has been restore. Under this circumstance, the situation of emergency shall be entered in the log book, including the hours of work. Any seafarer who has performed work in the scheduled rest period shall be compensated with adequate period of rest. The work and rest hours shall be recorded accordingly.

/...

9. In Appendix 4, some common pitfalls in compliance of hours of rest/work requirements are listed for reference. The list is not exhaustive and is only a general guidance for the Management Company and Master in preparing the PSC inspection.

10. DPA of all the management company is requested to review their current practice or procedures in maintaining records of hours of rest/work. Please ensure vessels before entering any ports, in particulars Australian ports, has a proper recording system of hours of rest/work in place. Should there be any inadequacy, the Master should rectify it immediate. If there is doubt or difficulty in rectifying the irregularities, the ship's Master should consult and inform the Management Company without delay.

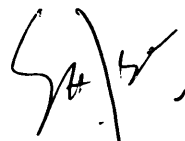
11. Maintaining a good record of HK flagged ships in PSC inspections requires continue efforts from all stakeholders. As such, we would keep working closely and cooperatively with all HK shipowners, management companies and the masters in achieving this target. Should you have any questions related to PSC inspections for Hong Kong ships, please feel free to contact Senior Surveyor/ Cargo Ships Safety Section at:

Telephone Number: - (852) 2852 4510

Fax Number: - (852) 2545 0556

e-mail Address: - ss_css@mardep.gov.hk

Yours faithfully,



(S.H. Tse)

Senior Surveyor/Cargo Ships Safety Section
for Director of Marine

Encl.

**Summary of Deficiencies Relating to Hours of Rest/Work
Detected in Australia (Jul-Aug 2010)**

Ship	Place of Inspection	Date of Detention	Deficiencies	Action Code
Ship 1	Port Hedland	27-07-2010	● Records of rest for watchkeeping personnel does not reflect actual hours of rest/worked	17
			● SMS fails to ensure watchkeeping rest hours are recored correctly. Master unable to ensure watchkeepers are rested as per STCW	30
Ship 2	Gladstone	17-08-2010	● Records of rest for watchkeeping personnel do not reflect actual hours of rest and hours worked	17
			● SMS fails to ensure watchkeeping rest hours are recorded correctly as evident by records of rest inspected for June and July 2010. Master unable to ensure watchkeepers are rested as per STCW.	30
Ship 3	Port Walcott	20-08-2010	● Master unable to provide verification (records) of hours of rest (fitness for duty) of crew in accordance with STCW section A-VIII-1	17
			● Above deficiency and no related documentation is objective evidence that the SMS does not adequately satisfy the requirements of the ISM code	30

APPENDIX 2

MODEL FORMAT FOR TABLE OF SHIPBOARD WORKING ARRANGEMENTS¹⁹

¹⁹ **International Maritime Organization (IMO) & International Labour Office (ILO) (1999)- *IMO/ILO Guidelines for the Development of Tables of Seafarers' Shipboard Working Arrangements and Formats of Records of Seafarers' Hours of Work or Hours of Rest*. IMO – London, United Kingdom**



Model format for table of shipboard working arrangements²⁰

Name of ship: _____ Flag of ship: _____ IMO number (if any): _____ Latest update of table: _____ () of () pages

The maximum hours of work or minimum hours of rest are applicable in accordance with : _____ (national law or regulation) issued in conformity with ILO's Seafarers' Hours of Work and the Manning of Ships Convention 1996 (No. 180) and with any applicable collective agreement registered or authorized in accordance with that Convention and with the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended, (STCW Convention).²¹

Maximum hours of work or minimum hours of rest²²: _____

Other requirements: _____

Position/Rank ²³	Scheduled daily work hours at sea		Scheduled daily work hours in port		Comments	Total daily work/rest ²⁴ hours	
	Watchkeeping (from - to)	Non-watchkeeping duties (from - to) ²⁴	Watchkeeping (from - to)	Non-watchkeeping duties (from - to) ²⁴		At sea	In port

Signature of Master _____

- ²⁰ The terms used in this model table are to appear in the working language or languages of the ship and in English.
- ²¹ See overleaf for selected extracts from ILO Convention 180 and the STCW Convention.
- ²² Delete as applicable.
- ²³ For those positions/ranks that are also listed in the ship's safe manning document, the terminology used should be the same as in that document.
- ²⁴ For watchkeeping personnel, the comments section may be used to indicate the anticipated number of hours to be devoted to unscheduled work and any such hours should be included in the appropriate total daily work hours column.

Selected texts from ILO Convention 180 and the STCW Convention

ILO Convention 180

- Art.5 paragraph 1. The limits on hours of work or rest shall be as follows: (a) maximum hours of work shall not exceed: (i) 14 hours in any 24-hour period; and (ii) 72 hours in any seven-day period; or (b) minimum hours of rest shall not be less than: (i) ten hours in any 24-hour period; and (ii) 77 hours in any seven-day period.
- Art. 5 paragraph 2. Hours of rest may be divided into no more than two periods, one of which shall be at least six hours in length, and the interval between consecutive periods of rest shall not exceed 14 hours.
- Art. 5 paragraph 6. Nothing in paragraphs 1 and 2 shall prevent the Member from having national laws or regulations or a procedure for the competent authority to authorize or register collective agreements permitting exceptions to the limits set out. Such exceptions shall, as far as possible, follow the standards set out but may take account of more frequent or longer leave periods or the granting of compensatory leave for watchkeeping seafarers or seafarers working on board ships on short voyages.
- Art. 7 paragraph 1. Nothing in this Convention shall be deemed to impair the right of the master of a ship to require a seafarer to perform any hours of work necessary for the immediate safety of the ship, persons on board or cargo, or for the purpose of giving assistance to other ships or persons in distress at sea.
- Art.7 paragraph 3. As soon as practicable after the normal situation has been restored, the master shall ensure that any seafarers who have performed work in a scheduled rest period are provided with an adequate period of rest.

STCW Convention

Section A-VIII/1 of the STCW Code (Mandatory)

1. All persons who are assigned duty as officer in charge of a watch or as a rating forming part of a watch shall be provided a minimum of 10 hours rest in any 24-hour period.
2. The hours of rest may be divided into no more than two periods, one of which shall be at least 6 hours in length.
3. The requirements for rest periods laid down in paragraph 1 and 2 need not be maintained in the case of an emergency or drill or in other overriding operational conditions.
4. Notwithstanding the provisions of paragraphs 1 and 2, the minimum period of ten hours may be reduced to not less than 6 consecutive hours provided that any such reduction shall not extend beyond two days and not less than 70 hours of rest are provided each seven day period.

5. Administrations shall require that watch schedules be posted where they are easily accessible.

Section B-VIII/1 of the STCW Code (Guidance)

3. In applying regulation VIII/1, the following should be taken into account:

- .1 provisions made to prevent fatigue should ensure that excessive or unreasonable overall working hours are not undertaken. In particular, the minimum rest periods specified in Section A-VIII/1 should not be interpreted as implying that all other hours may be devoted to watchkeeping or other duties;
- .2 that the frequency and length of leave periods, and the granting of compensatory leave, are material factors in preventing fatigue from building up over a period of time;
- .3 the provisions may be varied for ships on short-sea voyages, provided special safety arrangements are put in place.

APPENDIX 3

MODEL FORMAT FOR RECORDS OF HOURS OF WORK OR HOURS OF REST OF SEAFARERS²⁵

²⁵ **International Maritime Organization (IMO) & International Labour Office (ILO) (1999)-** *IMO/ILO Guidelines for the Development of Tables of Seafarers' Shipboard Working Arrangements and Formats of Records of Seafarers' Hours of Work or Hours of Rest.* IMO – London, United Kingdom



Model format for record of hours of work or hours of rest of seafarers¹

Name of ship: _____ IMO number (if any): _____ Flag of ship: _____
Seafarer (full name): _____ Position / rank: _____
Month and year: _____ Watchkeeper:² yes ☐ no ☐

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Record of hours of work/rest³

Please mark periods of work or rest, as applicable, with an X, or using a continuous line or arrow.

COMPLETE THE TABLE ON THE REVERSE SIDE

The following national laws, regulations and/or collective agreements governing limitations on working hours or minimum rest periods apply to this ship:

I agree that this record is an accurate reflection of the hours of work or rest of the seafarer concerned.

Name of master or person authorized by master to sign this record _____

Signature of master or authorized person _____ Signature of seafarer _____

A copy of this record is to be given to the seafarer. This form is subject to examination and endorsement under procedures established by _____
(name of competent authority)

¹ The terms used in this model table are to appear in the working language or languages of the ship and in English.

² Check ☒ as appropriate.

³ Delete as appropriate.

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[illegible]

¹ For completion and use in accordance with the procedures established by the competent authority in compliance with the relevant requirements of the Seafarers' Hours of Work and the Manning of Ships Convention, 1998 (Convention No. 180).

² Additional calculations or verifications may be necessary to ensure compliance with the relevant requirements of the *Seafarers' Hours of Work and the Manning of Ships Convention, 1996* (Convention No. 180) and the *International Convention on Standards of Training, Certification and Watchkeeping, 1978, as amended* (STCW Convention).

Common Pitfalls in Compliance of Hours of Rest/Work Requirements

SHIPBOARD WORKING ARRANGEMENTS TABLE

- No shipboard working arrangements table
- Shipboard working arrangements table not posted
- Shipboard working arrangements table not in working language or in English
- Shipboard working arrangements table not accessible to crew
- Required information not provided in the table or does not conform to the applicable standard

RECORDS OF HOURS OF WORK OR REST

- Records of work or rest are not available or are not maintained.
- Evidence of exceeding the limits of work and no record of suspension of the schedule
- Evidence of false records