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Sirküler No: 794

Sayın Üyemiz,

Uluslararası Deniz Ticaret Odası'ndan (International Chamber of Shipping-ICS) alınan 06.07.2020 tarihli Ek'te sunulan yazıda, ICS Çin İrtibat Bürosu tarafından Haziran 2020 tarihinde yedinci raporun hazırlandığı bildirilmektedir.

Söz konusu raporda; Hong Kong Özel İdari Bölgesi'nde (Hong Kong The Special Administrative Regions - SAR) mürettebat değişimleri, gemi kiralamada yeni vergi sistemi, yeni vergi sisteminin armatör ve işletmeciler için olası sonuçları, yeni vergi sistemi kapsamında gemi kiracısı olunmasına yönelik belirlenen kriterler, denizcilik sektörüne yönelik mesleki rehberler ve %20 vergi indirimi gibi yerel denizcilik sektöründeki önemli gelişmeler hakkında bilgi verilmektedir. Söz konusu raporda ayrıca, Guangdong-Hong Kong-Makao Büyük Körfez Bölgesi'nde denizcilik işbirliğinin sağlanmasına yönelik yeni kılavuzun yayımlandığı, uluslararası deniz taşımacılığına yönelik gelişmeler ile ICS tarafından düzenlenen etkinlikler hakkında Çin denizcilik sektörü topluluğunun bilgilendirilmesi ve Asıl Temsilcinin Hong Kong Denizcilik ve Liman Kurulu'na yeniden atanması gibi konuların yer aldığı bildirilmektedir.

Yazıda devamla, Hong Kong Armatörler Birliği'nde (Hong Kong Shipowners Association-HKSOA) 24 Haziran 2020 tarihinde gerçekleştirilen bir webinarında, ICS Çin İrtibat Bürosu Asıl Temsilcisi Sayın Edward LIU'nun COVID-19 kapsamında mürettebat değişimlerine yönelik bir konuşma gerçekleştirdiği belirtilmektedir.

Konulara ilişkin detaylı bilgi ekte sunulmaktadır.

Bilgilerinize arz/rica ederim.

Saygılarımla,

*e-imza*

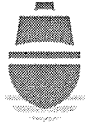
İsmet SALİHOĞLU  
Genel Sekreter

**Ek:** ICS'den alınan 06.07.2020 tarihli yazı. (11 sayfa)

Dağıtım:

- Tüm Üyeler (WEB Sayfası)





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6 July 2020

**ICS(20)32**

**TO: ALL FULL AND ASSOCIATE MEMBERS**

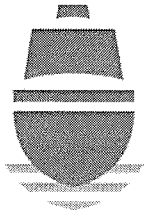
**Copy: SHIPPING POLICY COMMITTEE  
MARINE COMMITTEE  
LABOUR AFFAIRS COMMITTEE  
ENVIRONMENT SUB-COMMITTEE**

**CHINA DEVELOPMENTS - JUNE 2020**

**Action required: *To note the attached monthly report from the ICS (China) Liaison Office.***

Attached at **Annex A**, please find the monthly report prepared by the ICS (China) Liaison Office for June 2020. Attached at **Annex B**, please find Appendix 1 from the report detailing speech given by Principal Representative of the ICS (China) Liaison Office at HKSOA webinar on crew change.

Georgia Spencer-Rowland  
Policy Officer



# International Chamber of Shipping (China) Liaison Office

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## ICS (China) Liaison Office Monthly Report

June 2020

Note: From January 2020, the ICS (China) Liaison Office (the “Office”) is dedicated to issue a report to ICS members on a monthly basis. We hope in this regular written report to update ICS members of significant developments within the PRC that might affect or be of relevance to international ship operators, and the works done by the Office. This is the 7<sup>th</sup> report for June 2020.

### 1. Hong Kong SAR

This monthly report starts with Hong Kong SAR given many significant developments in the local shipping industry.

#### (1) Crew changes

Extraordinary breakthroughs by the Hong Kong SAR Government has positioned the territory as the premier hub for vital crew change operations.

On 8 June 2020, following several discussions with the Government, the Chief Secretary has exercised his powers to approve the exemption of crew members of goods vessels, including those without cargo operations, from compulsory quarantine under Cap. 599E to facilitate crew changes in Hong Kong.

To avoid any confusion, in April 2020, the Marine Department already issued notices about crew changes with cargo operations.

Briefly, for cargo vessels without cargo operation which intend to apply to enter the Hong Kong waters for crew change, they should comply with the following conditions: -

- (a) Out-going crew members who have completed their service on board would be required to stay onboard the vessel during their stay in Hong Kong and travel directly to the airport for repatriation to their home countries so as to minimise contact with the local community.
- (b) In-coming crew members should only arrive Hong Kong when their vessels are berthed in Hong Kong and should get onboard immediately upon arrival. If there is a genuine need for them to stay in Hong Kong whilst awaiting to board, the shipping companies/agents should arrange for them an accommodation for self-isolation until getting onboard.
- (c) If there is a genuine need for crew to stay in Hong Kong whilst awaiting to board, the shipping companies/agents should arrange them in accommodation for self-isolation until getting onboard: point to point transfers should be arranged by the shipping companies/for crew members to and from the vessel.

Figures released by the Hong Kong Department of Immigration show a steep climb in the number of seafarers repatriating to their home countries, or joining ships through Hong Kong, following the introduction of the above new regime facilitating seafarers' transit.

The number of crew joining their ship in Hong Kong between 1 February 2020 to 21 June 2020 was 3,724. Of that figure, 1,382 crew were able to join their ship(s) between 8 June to 21 June, reflecting a sharp increase compared to the period before the new rules came into existence.

The number of crew signing off for repatriation from Hong Kong from 1 February to 21 June 2020 was 5,160. Of that number 1,326 crew signed off between 8 June and 21 June 2020, again reflecting a proportionate increase.

On 28 June 2020, the Hong Kong SAR Government further agreed to relax crew change restrictions for passenger ships too. The Chief Secretary has given approval to exempt crew members of passenger ships from the compulsory quarantine arrangement. Subject to meeting certain specific conditions to minimize public health risks, crew change for passenger ships will be allowed.

On 30 June 2020, the Hong Kong Marine Department outlined evolution of Hong Kong's seafarer transit policy. In this regard, please see: <http://www.hongkongmaritimehub.com/marine-department-outlines-evolution-of-hong-kongs-seafarer-transit-policy/>.

Currently these arrangements are the most forward thinking in the world in terms of trade sustainability and the welfare of thousands of seafarers who have been reaching the limits of their tolerance after exceeding the terms of their contracts, sometimes by many months. These significant developments on facilitation of crew change have been achieved by the unrelenting lobbying of the Hong Kong Shipowners Association (the "HKSOA") together with other local shipping organisations.

On 30 June 2020, Hong Kong's Centre for Health Protection revealed that 11 crew members of a Panama-flagged containership were tested positive for COVID-19, upon arrival at the Ningbo port, having joined the ship in Hong Kong on 24 June. Accordingly, the Office would like to join the HKSOA to call the global shipping industry for cooperating and supporting the community efforts to prevent the spread of Covid-19, when Hong Kong as a leading shipping centre has set an excellent example to facilitate crew change.

## (2) A new tax regime for ship leasing

The Hong Kong SAR Government published in the Gazette on 19 June 2020 the Inland Revenue (Amendment) (Ship Leasing Tax Concessions) Ordinance 2020 to implement the 2019 Policy Address initiative of providing tax concessions to qualifying ship lessors and qualifying ship leasing managers. The Ordinance takes retrospective effect from April 1, 2020.

A Government spokesman said, "*Ship leasing is a high value-added maritime service with strong growth potential. The newly introduced tax incentive is expected to attract more companies to Hong Kong to develop ship leasing business. This will enhance Hong Kong's competitiveness as a ship leasing centre in the Asia-Pacific region, and help attract related maritime business establishments to set up a presence in Hong Kong, thereby*

*bolstering Hong Kong's maritime cluster and reinforcing our position as an international maritime and financial centre."*

The Ordinance provides tax exemption for qualifying profits derived from ship leasing activities in relation to operating leases and funding leases carried out by ship lessors. At the same time, to facilitate the operation of ship lessors, qualifying profits derived from ship leasing management activities (e.g. setting up or managing a special purpose vehicle for owning a leased ship, arranging for the procurement or leasing of ships, and managing leases) carried out by ship leasing managers for ship lessors can generally enjoy half-tax concession (i.e. a tax rate of 8.25 per cent). The Ordinance has built in anti-abuse provisions to safeguard the integrity of the tax system and comply with the latest international tax rules.

The following message is quoted from an email of 11 June 2020 from the HKSOA to its members in relation to a brief elaboration of the new tax regime:-

[Quote]

#### A new tax regime for ship leasing

Please be advised that [on 10 June 2020], the Legislative Council passed the government bill to amend the Inland Revenue Ordinance (IRO) to introduce a new tax regime to promote ship leasing (**tax rate: 0%**) and ship leasing management (**tax rate: 8.25%**, i.e. half of corporate profits tax rate of 16.5%) in Hong Kong.

#### Implications for traditional shipowners and operators

- "A traditional ship owner operator may continue to enjoy the tax concessions under s.23B of the IRO in respect of the charter hire derived from the business of operating ships irrespective of whether the charter party exceeds one year or not because s.23B does not have any provision that specifies the term of a charter-party."

- "On the other hand, the new regime, which targets the ship lessors that are not ship operators, only applies to an operating lease (other than a sublease in respect of which no lease term is specified) or a funding lease with a term exceeding one year."

- "s.23B works independently from, and is not affected by, the new regime. When determining whether s.23B or the new regime is applicable, the crux of the matter is whether the ship owner is a ship operator or a ship lessor."

#### Criteria to qualify as a ship lessor under the new tax regime

- "The eligibility for s.23B or the new regime hinges on whether: the person is a ship operator carrying out chartering activity incidental to the business of operating ships; or the person is a ship lessor carrying out ship leasing activities solely. This is a questions of facts to be considered with regard to all relevant circumstances of each case, including the functions performed and risks assumed by the person. However, the new regime only applies to leases (other than a sublease which is an operating lease) with a term exceeding one year."

- "In order to be eligible to elect for the new regime, a ship owner or ship operator carrying out other businesses may set up a standalone corporation as a special purpose vehicle engaging solely ship leasing activities."

Practice guidelines for the industry

- The government has taken note of the [HKSOA] suggestions for clear, practical tax reporting guidelines for the shipping industry, including certain information for ease of comparison between s.23B and the new tax regime.

- The Inland Revenue Department will provide technical and practical guidance in relation to the ship leasing regime in its Departmental Interpretation and Practice Notes (DIPNs).

The 20% tax base concession

- The proposed 20% tax base concession for ship lessors has been worked out with reference to not only the aircraft leasing regime, but also the rates of depreciation allowances (including initial allowance and annual allowance) for ships as stipulated in the IRO. It is considered that "the 20% tax base concession could reasonably and adequately compensate a ship lessor for the loss of depreciation allowances under the new regime".

- "All in all, the new ship leasing regime and the current s.23B regime provide profits tax exemption respectively to the eligible ship lessors or ship operators. In any case, a traditional ship operator, if so eligible, can continue to enjoy tax exemption under the current s.23B regime."

[End quote]

**2. New guideline to promote maritime coordination in Guangdong-Hong Kong-Macau Greater Bay Area**

On 24 June 2020, the Chinese Ministry of Transport unveiled a new guideline to promote maritime coordination in the Guangdong-Hong Kong-Macao Greater Bay Area.

The guideline aims to elevate cooperation between maritime watchdogs to a level where resources are better shared, different standards are further mutually recognized and law enforcement bodies receive greater mutual assistance.

Efforts will be made to improve the area's maritime cooperation mechanism, enhance water traffic safety and actively promote the green development of shipping.

The guideline also calls for continuous improvement in water emergency search and rescue capabilities, an environment more conducive to the development of the shipping industry and coordinated development in the area.

Development goals for maritime services to be achieved by 2022 and 2035 were also outlined by the guideline.

Yang Xinzhai, the deputy director of China Maritime Safety Administration, said at the press conference that the Ministry of Transport will beef up efforts to deepen the maritime collaborative mechanism of the Greater Bay Area, strengthen safety guarantee of water transportation, actively promote green shipping development, continuously improve the waterborne emergency search and rescue capabilities, help optimize the Greater Bay Area's shipping development environment and push forward regional coordinated development. He pointed out that the country aimed to build the Greater Bay Area into a pioneer zone of water transportation and maritime service nationwide, a pilot zone of maritime reform and innovation-driven development, and a demonstration area of high-quality maritime development by 2035.

### **3. Keep updating the Chinese shipping community of the ICS events and international shipping developments**

As continuous efforts in promoting the ICS' presence in China, the Principal Representative has published 2 press statements through the WeChat accounts of the Chinese shipping medias, such as Beyond Shipping, China Shipping Gazette, and Xinde Marine News etc.

(1) 15 June 2020: ICS Publications embraces digitalisation

Beyond Shipping: <https://mp.weixin.qq.com/s/n2NkRlbQh60GsofHtcaqvww>

Xinde Marine: [https://mp.weixin.qq.com/s/WhDTmG007H3rFLG4G\\_4ikA](https://mp.weixin.qq.com/s/WhDTmG007H3rFLG4G_4ikA)

(2) On 24 June 2020, the Principal Representative of the Office was invited to join a webinar held by the HKSOA on the topic of "Crew change under COVID-19". Together with other panel speakers including, inter alia, Mr. SF Wong (Deputy Director of Hong Kong Marine Department), Mr. Lu Peng (Site Director of Shenzhen Maritime Safety Administration), Capt. Zhou Jianfeng (CEO of Wah Kwong Maritime Transport Holdings Limited), Mr. Jay K. Pillai (Director of Pacific Basin Shipping (HK) Limited), Capt. M.S. Nagarajan (Executive Director of Fleet Management Limited) and other distinguished guests, the Principal Representative shared the efforts of the ICS on crew change since the outbreak of COVID-19. Re the Principal Representative's speech note, please see **Appendix 1**.

(3) 30 June 2020: Global shipping fleet to sound horns on 8 July to remind governments over need for urgent crew change

Xinde Marine (through People's Daily):  
<https://wap.peopleapp.com/article/rmh14328327/rmh14328327>

### **4. Principal Representative reappointed to Hong Kong Maritime and Port Board**

Edward Liu, Principal Representative of the Office, has been reappointed by the Secretary for Transport and Housing as a co-opted member of the Hong Kong Maritime and Port Board (HKMPB), the advisory body of the Transport and Housing Bureau of the Hong Kong SAR Government, and will serve for a two-year period.

HKMPB provides a high-level platform for the government to work in partnership with the industry on a long-term development of Hong Kong's maritime and port industry.

During his previous tenure (from April 2018 to April 2020), the Principal Representative served on the Maritime and Port Development Committee. Through this latest terms, which spans 2020 to 2022, he will be a member of the Promotion and External Relations Committee, which advises on strategies and measures to promote Hong Kong as a maritime services hub and a competitive port.

Apart from this governmental appointment, the Principal Representative is now also serving as members of Advisory Committee on Promotion of Arbitration, Steering Committee on Mediation, and Aviation Development and Three-Runway System Advisory Committee, all of which are advisory bodies to the relevant departments of the Hong Kong SAR Government.

Stay healthy and safe!

Best regards,

Edward Liu  
Principal Representative  
International Chamber of Shipping (China) Liaison Office





# International Chamber of Shipping (China) Liaison Office

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## **Speech given by Edward Liu, the Principal Representative of the ICS (China) Liaison Office, at HKSOA webinar on crew change under COVID-19 on 24 June 2020**

Ladies and gentlemen,

Good afternoon. It gives me great pleasure to represent the International Chamber of Shipping today to join the webinar held by the Hong Kong Shipowners Association on crew changes during COVID-19. I would like to thank the Hong Kong Shipowners Association, Hong Kong's major local industry organization with a strong presence in both international and national maritime arenas, for organizing this webinar to help the industry cope with the challenges of carrying out crew changes.

### **ICS**

If I may, I would like to take a few minutes first to give a quick introduction on the ICS as well as its China Liaison Office to you all. We are the principal global trade association for ship owners and operators, concerned with all regulatory, operational and legal issues, as well as employment affairs that may affect international shipping. Our membership comprises the world's national shipowners' associations from Asia, Europe and the Americas, including the Hong Kong Shipowners' Association. The Asian Shipowners' Association is also our regional partner.

As most of you know, in November 2019, the ICS established its first-ever overseas office in Hong Kong: China Liaison Office and I was very privileged to be the first Principal Representative of the ICS in China and based in Hong Kong SAR. The establishment of this office reflects the great importance which ICS members attach to good relations with the Chinese Government and other major stakeholders within the Chinese shipping industry, in particular the China Shipowners' Association. In view of the critical role that China now plays throughout the maritime sector, choosing Hong Kong as the venue of the ICS China Liaison Office also presents our aim and ambition of helping to shape the future of shipping.

You have no doubt come across a lot of media reports about COVID-19 disruptions across different industries around the world. As a result of COVID-19 pandemic, crew mobility has been disturbed, leaving seafarers quarantined onboard ships. I would like to take today's opportunity to share with you ICS' efforts on crew change during COVID-19, including the holding of meetings, publication of guidance and research results, raising awareness on the issue of crew change through initiatives, as well as the release of statements and joint letters.

### **ICS' efforts on leading and facilitating crew change**

Shortly after the COVID-19 outbreak, in February 2020, our President Mr. Esben Poulsson and our Secretary General, Mr. Guy Platten, respectively wrote letters to Mr. XU Lirong and Mr. ZHANG Shouguo, President and Executive Vice-President of the CSA to express, on behalf of the ICS, their sincere support and sympathy to the Chinese shipping community during this

devastating coronavirus outbreak. Both Mr. XU Lirong and Mr. ZHANG Shouguo replied in writing just one day after. In their letters, Mr. Xu and Mr. Zhang expressed that CSA is willing to collaborate with ICS to minimise the negative impact of epidemic on shipping industry.

The ICS have so far issued three guidance to shipowners and the shipping industry since January 2020:

- The January guidance was to advise our membership to take steps that limit the spread of COVID-19 following the WHO recommendations, which stated that if certain measures were taken, there should be no “unnecessary restrictions of international traffic”, meaning ports and global shipping could continue to operate. Our advice to shipowners included providing exit screening at ports in the affected areas, implementing health information campaigns and collaborating with public health authorities. Through implementing the measures, we aimed at avoiding the needless closure of any port, so that shipping could continue to be the conduit for 90% of world trade.
- In early March, we published a 22-page guidance for shipping industry in collaboration with prominent international bodies including the WHO, the International Maritime Organization (IMO), the European Centre for Disease Prevention and Control (ECDC), and the International Maritime Health Association (IMHA). The document contained advice on managing Port Entry Restrictions, Pre-boarding Screening, Education, and dealing with Suspected Cases of Infection. We offered practical Protective Measures Against COVID-19 for Seafarers, including an Outbreak Management Plan. We also provided posters which could be printed out and placed onboard ships, a Sample Pre-Boarding Passenger Locator Form and a WHO COVID-19 Support and Logistics Supplies List.
- In late May, we issued an updated version of the guidance for the global shipping industry with the same prominent international bodies and the International Labour Organization to ensure ship operators and crew can safely deal with seafarers struggling with medical conditions during the coronavirus pandemic. This 48-page guidance was issued in light of alarming reports that some seafarers suffering from non-COVID related medical conditions were being denied medical attention by port authorities. The guidance served as a reassurance to national governments and port authorities that crew changes could and must be carried out in a safe and effective manner especially when there were critically ill crew members on board. Comprehensive recommendations on safe port entry, shipboard measures to address risks associated with COVID-19, managing an outbreak of COVID-19 on board ships and other medical issues were provided. This ensured that no other seafarers were subjected to prolonged period without medical assistance if they needed it.

Apart from the updated guidance, we and more than 18 global associations in the maritime transportation sector have also assisted the IMO in developing the 12-step plan entitled “Recommended Framework of Protocols for Ensuring Safe Ship Crew Changes and Travel during the COVID-19 pandemic”. The 12-step plan was issued to 174 member states, assisting governments to put in place coordinated procedures to facilitate the safe movement of seafarers, providing them with a roadmap to free seafarers from the COVID-19 lockdown and allow appropriate exemptions from them to join or leave ships. We were calling shipping companies or masters to fill in the Crew Change Report Form for every successful or unsuccessful crew change attempted during the COVID-19 pandemic so as to encourage Governments to implement the 12-step protocols.

Furthermore, we have issued joint open letters to different parties. In our joint letter to United Nations agencies in March, we and the International Transport Workers' Federation (ITF) requested for professional seafarers being treated as other international key workers such as airline crew and medical personnel, and be granted appropriate exemptions from any national travel restrictions when joining or leaving their ships, in order to keep the world's maritime supply chains functioning. In May, we, International Trade Union Confederation (ITUC) and ITF urged the UN Secretary General to ensure governments were adopting the 12-step protocols issued by the IMO. Moreover, we have issued a joint open letter with the International Association of Ports and Harbors (IAPH) to G20 leaders to call for immediate action to be taken to protect global supply chains from the impact of COVID-19. Another joint open letter to G20 leaders we issued was with ITF, to call on governments to show respect for seafarers and coordinate a global strategy with key stakeholders to ease restrictions and facilitate the changeover of ships' crews. We and the International Air Transport Association (IATA) have also jointly called on governments to take urgent measures to facilitate crew change flights for seafarers.

With the encouragement from the ITF and us, on International Workers' Day, ships across the world sounded their horns as part of the #HeroesAtSeaShoutout initiative, aimed at reminding governments of the plight and sacrifice of the world's 1.2 million seafarers who were keeping the world supplied through the COVID-19 pandemic, and highlighting the need for action by governments to facilitate crew change immediately.

The above efforts showed that we were very concerned with the impacts brought by COVID-19 on the industry, and we had tried our best to facilitate crew changes during the pandemic through different ways.

There is still a ray of light in spite of the challenges for ship operators and seafarers amid COVID-19. Our new research in May has shown that, for users of our ISD Watchkeeper software, incidents of non-conformities continued to drop to increasingly lower levels over the past year. This result represented input from 4,000 ships operating across the world, and showed that the seafarers were still able to get the important rest that they needed and the breaks they deserved to mitigate fatigue.

### **Call-to-action**

At this very moment, 1.2 million seafarers are on over 55,000 ships across the world ensuring that global supply chains remain open and countries are kept supplied with the food, fuel, raw materials and goods that we all rely upon, including the supply of vital medical equipment. This fragile supply chain and global trade is now at threat of logjam due to government inaction and bureaucracy.

Since the outbreak of the virus, COVID-19 related restrictions and the drastic reduction of air traffic have prevented 400,000 seafarers from routine changeovers. This critical issue is increasingly taking on a humanitarian dimension for those crews which have already spent many months at sea, and which urgently need to be repatriated to their home countries and to be replaced. Apart from the need for shipping companies to comply with international regulations and contractual obligations, service periods on board ships cannot be extended indefinitely due to the dangerous impacts this has for the health and well-being of ship crew and, most importantly, safe ship operations. The seafarers are at risk from adverse health effects, including fatigue and mental health issues. Putting this off is no longer an option.

We thus urge governments to recognize the critical role that seafarers play in global supply chains,

and provide immediate and consistent exceptions from COVID-19 restrictions to allow crew changeovers. In this regard, we have put forward five suggestions to facilitate crew changes:-

- (1) for consulates to be able to prioritize visa provision and passports so that seafarers can transit in their countries both to and from a vessel. If this is not possible, we suggest offering a visa waiver program for seafarers during the pandemic.
- (2) to allow seafarers to stay in designated hotels whilst awaiting transit to and from their ships.
- (3) to allow more flights into and out of countries to facilitate crew changes.
- (4) for port states to offer medical care to seafarers with non-COVID cases, including access to medical care, opticians and dentistry.
- (5) to work towards a common global universal test agreed for all countries, that is, a PCR test which is consistent internationally and will be accepted at all ports and airports, so that seafarers are not subjected to multiple different tests in order to join or leave their ships.

The shipping industry has done its work and put in place 12-step protocols, which governments have been given by the UN. But still, seafarers remain trapped. States have a duty to protect human rights that are “built on the fundamental obligation of governments”. Government leaders must cut through the bureaucracy, lift the continuing imposition of travel restrictions on these key workers and focus on this issue now. The solutions do not need money and they do not need complicated negotiations. The time for leadership is now.

Thank you once again for hosting this webinar. I wish you all good health and harmony. In today’s world, they are surely the most precious wishes we can hope to give and to receive.

Thank you very much.

Edward Liu  
Principal Representative  
The International Chamber of Shipping (China) Liaison Office