

For discussion on
27 February 2006

Legislative Council Panel on Economic Services

Subsidiary Legislation to Implement International Maritime Convention

Purpose

This paper briefs Members on three pieces of proposed subsidiary legislation under the Merchant Shipping (Prevention and Control of Pollution) Ordinance (Cap. 413) to implement:

- (a) Annex VI to the “International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto” (MARPOL); and
- (b) amendments to Annex I to MARPOL.

Proposals

2. MARPOL is an international convention adopted by the International Maritime Organization (IMO) for the prevention of pollution to the marine environment from ships. There are six technical Annexes to MARPOL. The legislative processes for the implementation of all but Annex VI through the Merchant Shipping (Prevention and Control of Pollution) Ordinance (Cap. 413) have been completed in Hong Kong.

3. MARPOL Annex VI and the amendments to MARPOL Annex I have, at different stages, come into force internationally before or in May 2005. They apply to all ships, except where expressly provided for in the Annexes to MARPOL.

The proposed Merchant Shipping (Prevention of Air Pollution) Regulation to implement MARPOL Annex VI

4. In September 1997, the International Conference of Parties to MARPOL held in London adopted the Protocol of 1997 to add a new

Annex VI for preventing air pollution from ships. Annex VI specifies the requirements on the control of emissions of ozone depleting substances, nitrogen oxides (NO_x), sulphur oxides (SO_x) and volatile organic compounds from ships. To ensure compliance with the control over emission from ships, MARPOL Annex VI requires the surveys and inspections of ships and the issue of International Air Pollution Prevention Certificate (IAPP) for ships of 400 gross tonnages or above. It further specifies the quality of fuel oil and regulates shipboard incineration.

5. We intend to implement MARPOL Annex VI through the proposed Merchant Shipping (Prevention of Air Pollution) Regulation by empowering the Director of Marine to ensure compliance with the international standards on control of air pollution from ships, and to specify the ship survey requirements and the conditions for the issue of the necessary IAPP. We would also include in the proposed regulation the requirements on local suppliers of fuel to ships. MARPOL Annex VI provides for exclusion from the application of the provisions on NO_x emission to diesel engines installed on local vessels which were constructed or which underwent a major conversion before 19 May 2005. Accordingly, we propose to exclude those engines from complying with the relevant NO_x emission requirements.

Proposed amendments to the Merchant Shipping (Prevention and Control of Pollution) (Fees) Regulation (Cap. 413L)

6. To ensure consistent compliance with the standards for controlling air pollution from ships, survey and certification of ships would be required. We propose to authorize Classification Societies to carry out the relevant survey and certification work. This is consistent with the existing practices of Marine Department whereby recognized organizations are authorized to do most surveys and functions in relation to ship safety and ship and port facility security, while Marine Department would focus on regulation and law enforcement function. Since the survey and certification services may still be rendered by Government surveyors, the Merchant Shipping (Prevention and Control of Pollution) (Fees) Regulation (Cap. 413L) will be amended to include surveys and certificates within the meanings of the proposed Merchant Shipping (Prevention of Air Pollution) Regulation, and the fees to be charged by the Government surveyors for the survey and issue of certificates. The fees are to be charged by hour and at the same level as those currently charged for similar services under Cap. 413L, e.g. HK\$3270 will be charged for the first hour of survey conducted within Hong Kong by a Government surveyor, and \$1115 will be charged for each subsequent hour.

For survey conducted outside of Hong Kong, a fee of \$7645 will be charged for each period of 24 hours during which the surveyor is absent from Hong Kong for providing the service.

7. The major provisions of the proposed Merchant Shipping (Prevention of Air Pollution) Regulation and the amendments to Merchant Shipping (Prevention and Control of Pollution) (Fees) Regulation are summarized at Annex for Members' easy reference.

Annex

Proposed amendments to the Merchant Shipping (Prevention of Oil Pollution) Regulations (Cap. 413A) to implement amendments to MARPOL Annex I

8. MARPOL Annex I deals with the prevention of oil pollution from ships. It came into force internationally on 2 October 1983. The Merchant Shipping (Prevention of Oil Pollution) Regulations (Cap. 413A) give effect to the provisions of MARPOL Annex I in Hong Kong.

9. IMO has since adopted four sets of technical amendments to MARPOL Annex I. The amendments cover, amongst other things, the phasing-out scheme for single-hull oil tankers, introduction of the harmonized system of survey and certification to standardize the period of validity of MARPOL certificates, the revised specifications for the design, operation and control of crude oil washing system, new construction requirements of products carriers between 20,000 and 30,000 deadweight tonne which may carry persistent oil products, and requirements to ban the carriage of Heavy Grade Oil in single-hull oil tankers.

10. We propose to amend Cap. 413A to align it with the four sets of technical amendments to MARPOL Annex I.

Consultation

11. The Technical Sub-Committee of the Hong Kong Shipowners Association and the Shipping Consultative Committee have been consulted on the proposed implementation of MARPOL Annex VI. For locally licensed vessels, we have consulted the Technical Sub-Committee of the Provisional Local Vessel Advisory Committee and the High Speed Craft Consultative Committee. The industry has no objection to the air pollution requirements under MARPOL Annex VI.

12. On amendments to Cap. 413A, we have consulted the shipping industry through the Port Operations Committee, the Provisional Local Vessels Advisory Committee and the Shipping Consultative Committee. They have no objection to the proposed amendments.

Advice Sought

13. Members are invited to comment on and support the above proposals.

Economic Development and Labour Bureau
20 February 2006

Main provisions to implement MARPOL Annex VI

Proposed Merchant Shipping (Prevention of Air Pollution) Regulation

- Define the scope of the Regulation. The Regulation will apply to all ships, except where expressly provided otherwise in Annex VI.
- Empower the Director of Marine to ensure compliance with the provisions of Annex VI by Hong Kong registered ships and foreign ships while they are in Hong Kong.
- Specify the survey and certification requirements for Hong Kong ships, and the conditions under which certificate may be issued or cancelled.
- Specify the requirements that local suppliers of fuel to ships must comply with under Annex VI.
- Stipulate requirements for control of emissions from ships with respect to Ozone-depleting substances, Nitrogen oxides (NO_x), Sulphur oxides (SO_x) and Volatile organic compounds (VOCs).
- Provide for requirements for shipboard incineration.

Amendments to Merchant Shipping (Prevention and Control of Pollution) (Fees) Regulation (Cap. 413L)

- Prescribe the fees for surveys and certification services carried out by government surveyors. The level of fees will be set at the same hourly rates as those currently charged for similar services under Cap. 413L. A summary of the relevant rates is set out below:

Survey services within Hong Kong	Hourly Rate
<ul style="list-style-type: none">• First Hour• Subsequent hours	<p>\$ 3270 \$ 1115</p>
Survey services outside Hong Kong	Rate for a 24-hour period
<ul style="list-style-type: none">• A 24-hour period	<p>\$ 7645</p>

Additional fees for survey services outside office hours	Hourly Rate
<ul style="list-style-type: none">• Weekday, between 7 a.m. and 9 a.m. or between 5 p.m. and 7 p.m.	\$ 1115
<ul style="list-style-type: none">• Saturday, between 7 a.m. and 9 a.m.	\$ 1115
<ul style="list-style-type: none">• Weekday, before 7 a.m. or after 7 p.m.	\$ 2215
<ul style="list-style-type: none">• Saturday, before 7 a.m.	\$ 2215
<ul style="list-style-type: none">• Saturday, between the hours from noon to midnight	\$ 3270
<ul style="list-style-type: none">• Sunday	\$ 3270
<ul style="list-style-type: none">• General Holiday	\$ 3270
Issue of Certificates	Fees
<ul style="list-style-type: none">• Issue of certificate	\$ 565
<ul style="list-style-type: none">• Issue of a certified true copy of a certificate	\$ 565
<ul style="list-style-type: none">• Alternation to a certificate	\$ 565

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