

立法會
Legislative Council

LC Paper No. LS61/18-19

**Paper for the House Committee Meeting
on 29 March 2019**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 22 March 2019**

Tabling in LegCo : Council meeting of 27 March 2019

Amendment to be made by : Council meeting of 17 April 2019 (or that of 15 May 2019 if extended by resolution)

**Merchant Shipping (Safety) (IMSBC Code) (Amendment)
Regulation 2019**

(L.N. 36)

Section 7(1) of the Merchant Shipping (Safety) (IMSBC Code) Regulation (Cap. 369AZ) requires the shipper of solid bulk cargoes¹ to be loaded on a ship to provide the master of the ship with certain information on the cargoes specified in the International Maritime Solid Bulk Cargoes Code ("IMSBC Code") adopted by the International Maritime Organization ("IMO"). Such information would enable the ship master to take the necessary precautions for the proper stowage and safe carriage of the cargoes. Under section 7(2)(a), the required information must include information on the cargoes specified in section 4.2.2 of the IMSBC Code, except information on whether the cargoes are harmful to the marine environment ("environmental information").

2. L.N. 36 is made by the Secretary for Transport and Housing under sections 107 and 112B of the Merchant Shipping (Safety) Ordinance (Cap. 369) to amend section 7(2)(a) of Cap. 369AZ to remove the above exception on information. The effect is that the information to be provided by the shipper of solid bulk cargoes must also include environmental information.

¹ Solid bulk cargo is defined in section 2 of Cap. 369AZ to mean any cargo, other than liquid cargo or gas cargo, consisting of a combination of particles, granules or any larger pieces of material generally uniform in composition, which is loaded directly into the cargo spaces of a ship without any intermediate form of containment.

3. According to paragraphs 4 and 5 of the Legislative Council ("LegCo") Brief (File Ref: THB(T) PML CR 8/10/80/13) issued by the Transport and Housing Bureau and the Marine Department in March 2019, L.N. 36 is made to implement in Hong Kong the latest amendments made to section 4.2.2 of the IMSBC Code adopted by IMO on 15 June 2017, which have entered into force internationally on 1 January 2019.

4. According to paragraph 10 of the LegCo Brief, the Hong Kong Fleet Operation Advisory Committee of the Marine Department ("Committee") was consulted in October 2018 on the proposal. Upon our enquiry, the Administration confirmed that the Committee supported the proposal.

5. As advised by the Clerk to the Panel on Economic Development ("Panel"), the Administration consulted the Panel on 26 November 2018 on the legislative proposal to incorporate into local legislation the latest requirements of the IMSBC Code. Members were generally supportive of the proposal.

6. L.N. 36 comes into operation on 23 May 2019.

Concluding observations

7. No difficulties have been identified in the legal and drafting aspects of L.N. 36.

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