

**For discussion
On 15 January 2004**

**Legislative Council Panel on Economic Services
Marine-related Subsidiary Legislation**

INTRODUCTION

This paper briefs Members on the following marine-related subsidiary legislation-

- (a) two regulations under the Merchant Shipping (Prevention and Control of Pollution) Ordinance, Cap. 413;
- (b) the Merchant Shipping (Prevention and Control of Pollution) (Specification of Substances) (Amendment) Order; and
- (c) the Shipping and Port Control (Amendment) Regulation.

PROPOSALS

A. Two Regulations under the Merchant Shipping (Prevention and Control of Pollution) Ordinance, Cap. 413

2. The International Convention for the Prevention of Pollution from Ships (“MARPOL”) is an international convention developed by the International Maritime Organisation (“IMO”) to prevent pollution of the marine environment by ships. In March 2000, IMO passed a resolution to adopt Annex IV of MARPOL (MARPOL Annex IV), which aims at preventing marine pollution by sewage from ships. With ratification by a sufficient number of the Contracting Parties, MARPOL Annex IV entered into force on 27 September 2003. Other signatories to MAPROL may ratify Annex IV if they wish to implement it.

3. MARPOL Annex IV applies to oceangoing vessels which are of 400 gross tonnage or above, or which carry more than 15 persons. It requires ships to be equipped with sewage treatment plants or holding equipment for retention of sewage on board. It sets out requirements for surveys conducted by authorized surveyors and the issue of International Sewage Pollution Prevention Certificates by the relevant authority. The

Annex also requires the Contracting Parties to provide adequate reception facilities for sewage and set out the circumstances in which discharge into the sea may be allowed.

4. To keep the standard of Hong Kong registered ships in line with international standards and help minimise pollution caused by sewage from ships, we propose to implement MARPOL Annex IV in the Hong Kong Special Administrative Region (HKSAR). To do so, two pieces of subsidiary legislation, namely the Merchant Shipping (Prevention of Pollution by Sewage) Regulation and the Merchant Shipping (Prevention and Control of Pollution) (Fees) Regulation need to be made. The former will specify the requirements of MARPOL Annex IV as described in paragraphs 2 and 3 above. The latter will set the level of fees for survey carried out by a government surveyor. The level of fees will be the same as those currently charged for similar services in other existing Regulations under Cap. 413. The major provisions of the above two regulations are at **Annex I**.

5. When the two regulations are ready, we will seek the assistance of the Central People's Government (CPG) in depositing an instrument of acceptance with IMO and specifying the date on which MARPOL Annex IV should be applied to HKSAR. We have already obtained the in-principle agreement of the CPG for doing so.

Consultation

6. The technical sub-committee of the Hong Kong Shipowners Association and the Shipping Consultative Committee were consulted in November and December 2002 respectively, and they raised no objection to the application of MARPOL Annex IV to the HKSAR.

B. Merchant Shipping (Prevention and Control of Pollution)(Specification of Substances) (Amendment) Order (“Amendment Order”)

7. The International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties (“the Convention”) and the Protocol Relating to Intervention on the High Seas in Cases of Pollution by Substances other than Oil (“the Protocol”) establish measures to be taken when there is a grave and imminent risk of pollution caused by either oil or other substances. Both the Convention and the Protocol are applicable to

the HKSAR. The list of “substances other than oil” is specified in the Merchant Shipping (Prevention and Control of Pollution) (Specification of Substances) Order, Cap. 413F.

8. IMO amends the list of “substances other than oil” from time to time to reflect technical advancement and new chemicals regulated by the Protocol in marine transportation. On 11 October 2002, IMO adopted Resolution MEPC 100(48) to revise the list. Anticipating that the revision will enter into force on 22 June 2004, we propose to amend Cap. 413F accordingly by making the above Amendment Order.

9. Since the Amendment Order is highly technical and in line with internationally accepted standard, no public consultation is considered necessary.

C. Shipping and Port Control (Amendment) Regulations

10. We propose to establish three restricted zones to enhance the safety of waterborne activities at or near popular beach areas.

11. The specification of restricted zones aims at separating high-speed waterborne activities (such as water skiing) from other slow-speed waterborne activities (such as swimming). Vessels navigating inside the restricted zones are required to proceed at a speed of not exceeding 5 knots, between 8 a.m. to 12:00 midnight on any Saturday or public holiday or on any day during the period from 1 July to 15 September. Currently, there are 19 restricted zones in Hong Kong and they are specified in the Eighteenth Schedule to the Shipping and Port Control Regulations, Cap. 313A.

12. High-speed waterborne activities are increasingly popular in Hong Kong and give rise to safety concerns. To address public concerns and enhance marine safety, the Marine Department has conducted a review on navigational safety and recommended setting up new restricted zones in Discovery Bay, Repulse Bay and Tai Tam Bay areas. The three proposed restricted zones will be specified in the Eighteenth Schedule to Cap. 313A. Their locations are shown on the map at **Annex II**.

Consultation

13. The Committee on Boating and Yachting and the Provisional Local Vessel Advisory Committee were consulted in November and

December 2002 respectively and supported the proposal. Waterborne activity users of the concerned areas have also been consulted and supported the proposal.

ADVICE SOUGHT

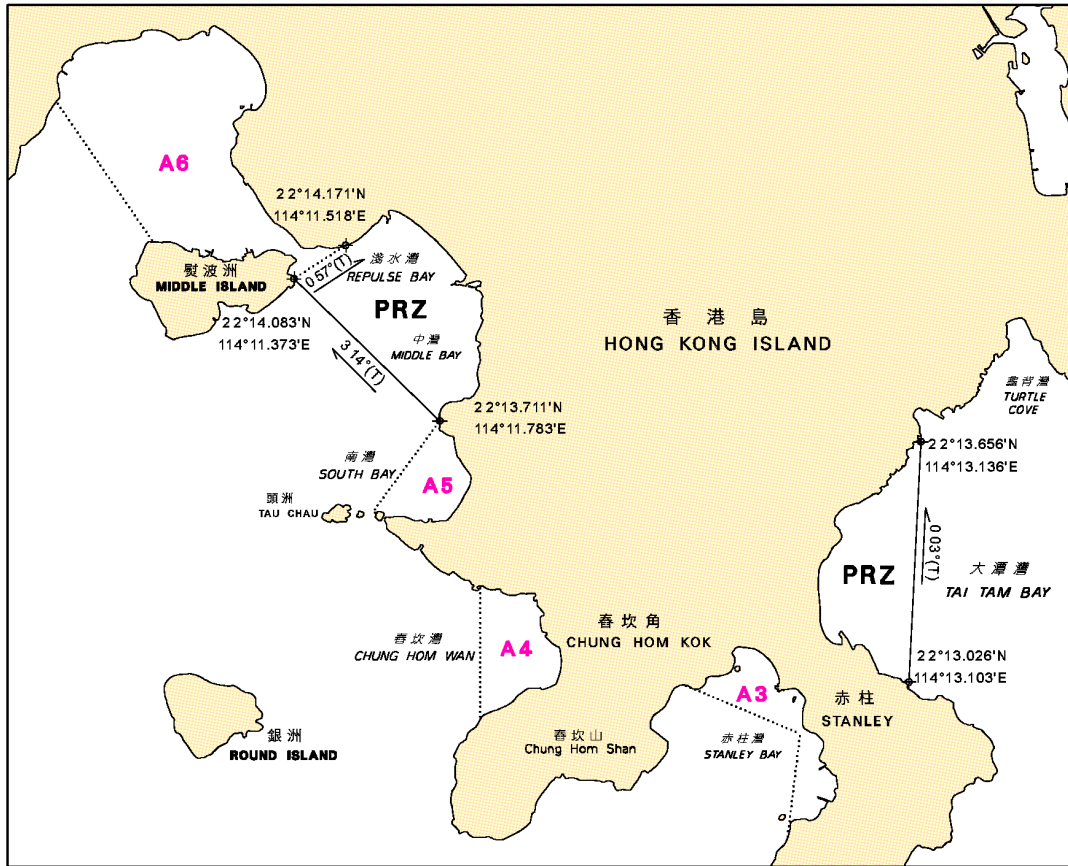
14. Members are invited to comment on and support the above proposals.

Economic Development and Labour Bureau
January 2004

Main Provisions to implement MARPOL Annex IV

1. Define the scope of the Regulations. The Regulations will apply to oceangoing vessels built on or after 27 September 2003 which are of 400 gross tonnage or above, or which carry more than 15 persons. The above two types of oceangoing vessels which were built before 27 September 2003 will be provided with a grace period and are only required to follow the Regulations after 27 September 2008.
2. Specify the equipments to be fitted on board and the requirements for survey conducted by authorized surveyors.
3. Empower the Director of Marine to issue International Sewage Pollution Prevention Certificates to compliant vessels upon completion of survey.
4. Set out the restrictions and methods of discharging sewage from ships to sea.
5. Prescribe the fees for surveys and certification service carried out by government surveyors. The level of fees will be the same and at the same hourly rates as those currently charged for similar services in other existing Regulations under Cap. 413.

擬設立限制區的界線：淺水灣和大潭灣
 Boundaries of Proposed Restricted Zones (PRZ) :
 Repulse Bay and Tai Tam Bay



擬設立限制區的界線：大白灣
 Boundaries of Proposed Restricted Zones (PRZ) :
 Discovery Bay

