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Panel on Economic Development
Meeting on 16 December 2014

Background brief on
legislative proposals to implement International Maritime Convention

Purpose

This paper summarizes the views and concerns expressed by Members on issues related to the legislative proposals under the Merchant Shipping (Prevention and Control of Pollution) Ordinance (Cap. 413)("the Ordinance").

Background

International Convention for the Prevention of Pollution from Ships

2. The International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto ("MARPOL"), is an international convention developed by the International Maritime Organization ("IMO") to prevent pollution of the marine environment by ships. There are six technical annexes to MARPOL which are implemented in Hong Kong through the Ordinance.

Annex I - Regulations for the Prevention of Pollution by Oil

3. The Merchant Shipping (Prevention of Oil Pollution) Regulations (Cap. 413A) give effect to the provisions of MARPOL Annex I in Hong Kong. MARPOL Annex I deals with the prevention of oil pollution from ships' operational measures as well as accidental discharges. It came into force internationally on 2 October 1983. IMO has since adopted four sets of technical amendments to MARPOL Annex I covering, among others, 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 carrier 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.

Annex IV - Prevention of Pollution by Sewage from Ships

4. MARPOL Annex IV, which aims at preventing marine pollution by sewage from ships, entered into force on 27 September 2003. It applies to oceangoing vessels which are of 400 gross tonnages or above, or which carry more than 15 persons. It also requires ships to be equipped with sewage treatment plants or holding equipment for retention of sewage on board. In addition, MARPOL Annex IV sets out requirements for surveys conducted by authorized surveyors and the issue of International Sewage Pollution Prevention Certificates by the relevant authority. It also requires the Contracting Parties to provide adequate reception facilities for sewage and set out the circumstance in which discharge into the sea may be allowed.

5. To keep the standard of Hong Kong registered ships in line with international standards and help minimize pollution caused by sewage from ships, the Administration implemented MARPOL Annex IV in Hong Kong through two pieces of subsidiary legislation made in 2004, namely, the Merchant Shipping (Prevention of Pollution by Sewage) Regulation and the Merchant Shipping (Prevention and Control of Pollution)(Fees) Regulation. The level of fees set for the required survey carried out by a government surveyor was the same as those charged for similar services in other existing Regulations under the Ordinance.

6. In July 2011, IMO adopted the most recent amendments to MARPOL Annex IV which entered into force on 1 January 2013. The amendments introduce the Baltic Sea as a special area under MARPOL Annex IV and add new discharge requirements for passenger ships while in a special area.

Annex V - Prevention of Pollution by Garbage from Ships

7. MARPOL Annex V, which entered into force on 31 December 1988, deals with different types of garbage and specifies the distance from land and the manner in which they may be disposed of. Its most important feature is the complete ban imposed on the disposal into the sea of all forms of plastics.

8. In July 2011, IMO adopted extensive amendments to MARPOL Annex V which prohibits the discharge of all garbage into the sea, except as provided otherwise, under specific circumstances. The amendments came into force on 1 January 2013.

International Convention on the Control of Harmful Anti-fouling Systems on Ships

9. Anti-fouling paints are used to coat the bottoms of ships to prevent sealife such as algae and molluscs attaching themselves to the hull – thereby slowing down the ship and increasing fuel consumption. In the early days of sailing ships, lime and arsenic were respectively used to coat ships' hulls, until the modern chemicals industry developed effective anti-fouling paints using metallic compounds. But studies have shown that these chemicals persist in the water, killing sealife, harming the environment and possibly entering the food chain.

10. The International Convention on the Control of Harmful Anti-fouling Systems on Ships, which was adopted by IMO on 5 October 2001, prohibits the use of harmful organotins in anti-fouling paints used on ships and establishes a mechanism to prevent the potential future use of other harmful substances in anti-fouling system. The convention entered into force on 17 September 2008.

Previous discussions

11. Members of the Economic Development Panel ("the Panel")¹ were not briefed on MARPOL Annex V and the International Convention on the Control of Harmful Anti-fouling Systems on Ships during the previous and the current legislative sessions. The Panel discussed the legislative proposals relating to MARPOL Annexes IV and I during the meetings on 15 January 2004 and 27 February 2006 respectively.

12. Concerns were raised about the discharge of effluents from ocean-going vessels and the related controlling mechanism under MARPOL Annex IV. The Administration advised that MARPOL Annex IV applied to ocean-going vessels which were of 400 gross tonnages or above, or which carried more than 15 persons. Most of these vessels were already equipped with sewage treatment plants or holding equipment for retention of sewage on board. According to MARPOL Annex IV, sewage that had been treated could be discharged into the sea not less than three nautical miles from the nearest land. As for untreated sewage, they might be discharged into the sea not less than 12 nautical miles from the nearest land. Disposal of garbage including oil and floating materials into the sea from a ship were also subject to control as provided for in existing legislation.

¹ The Panel on Economic Services was renamed as the Panel on Economic Development from the 2007-2008 session.

Latest position

13. At the panel meeting on 16 December 2014, the Administration will brief Panel members on legislative proposals to make/amend four regulations under the Ordinance to implement amendments to MARPOL Annexes I, IV and V and the International Convention on the Control of Harmful Anti-fouling Systems on Ships.

Council Business Division 4
Legislative Council Secretariat
10 December 2014

List of relevant papers

Issued by	Meeting date/ Issue date	Paper
Panel on Economic Services	27 February 2006	Agenda Minutes Information paper issued by the Administration
	15 January 2004	Agenda Minutes Information paper issued by the Administration
International Maritime Organization	--	MARPOL Annexes Ant-fouling systems