

For discussion
on 25 January 2021

Legislative Council Panel on Economic Development

Proposed Legislative Amendments to Implement the Latest Requirements under Conventions of the International Maritime Organization

PURPOSE

This Paper consults Members on five legislative proposals to implement requirements under two conventions, namely the International Convention for the Safety of Life at Sea, 1974¹ (“SOLAS”) and the International Convention for the Prevention of Pollution from Ships, 1973² (“MARPOL”), of the International Maritime Organization (“IMO”) with regard to (i) provision of operational information to master of passenger ships for safe return to port after a flooding casualty ; (ii) damage control drills for passenger ships ; (iii) harmonization of survey periods of cargo ships, bulk carriers and oil tankers ; (iv) fire safety requirements for ships

¹ Different chapters of the Annex to SOLAS contain provisions relating to:

- Chapter I: General provisions;
- Chapter II-1: Construction—structure, subdivision and stability, machinery and electrical installations;
- Chapter II-2: Construction—fire protection, fire detection and fire extinction;
- Chapter III: Life-saving appliances and arrangements;
- Chapter IV: Radiocommunications;
- Chapter V: Safety of navigation;
- Chapter VI: Carriage of cargoes and oil fuels;
- Chapter VII: Carriage of dangerous goods;
- Chapter VIII: Nuclear ships;
- Chapter IX: Management for the safe operation of ships;
- Chapter X: Safety measures for high-speed craft;
- Chapter XI-1: Special measures to enhance maritime safety;
- Chapter XI-2: Special measures to enhance maritime security;
- Chapter XII: Additional safety measures for bulk carriers;
- Chapter XIII: Verification of compliance; and
- Chapter XIV: Safety measures for ships operating in polar waters.

² Annexes to MARPOL govern various substances as follows:

- Annex I: Regulations for the prevention of pollution by oil;
- Annex II: Regulations for the control of pollution by noxious liquid substances in bulk;
- Annex III: Regulations for the prevention of pollution by harmful substances carried by sea in packaged form;
- Annex IV: Regulations for the prevention of pollution by sewage from ships;
- Annex V: Regulations for the prevention of pollution by garbage from ships; and
- Annex VI: Regulations for the prevention of air pollution from ships.

carrying vehicles with fuel in their tanks in cargo spaces; and (v) fitting or designation of sampling point(s) for taking representative sample of the fuel oil in use on board ships.

LEGISLATIVE PROPOSALS

I. Provision of operational information to master of passenger ships for safe return to port after a flooding casualty

Background

2. Chapter II-1 of the Annex to SOLAS (“Chapter II-1”) sets out the mandatory requirements on the structure, stability, machinery and electrical installations of all ocean-going vessels (“OGVs”). To enhance the safety of passenger OGVs, IMO adopted a resolution to amend Chapter II-1 to extend to existing passenger ships constructed before 1 January 2014³ the requirements of providing operational information to master of ships for safe return to port after a flooding casualty. Provision of the required information should be by means of onboard stability computer or shore-based support. The new requirement, which entered into force on 1 January 2020, shall be complied with no later than the first renewal survey of the passenger ship concerned after 1 January 2025.

Legislative Proposal

3. In Hong Kong, the relevant requirements of Chapter II-1 are implemented generally through the Merchant Shipping (Safety) (Construction and Survey) Regulation (Cap. 369BD) (“the Construction and Survey Regulation”). The requirements therein apply to all Hong Kong-registered OGVs wherever they may be, and all OGVs within the waters of Hong Kong. To reflect the new requirement, we propose to amend the Construction and Survey Regulation accordingly.

³ Same requirements have already been applied to passenger ships constructed on or after 1 January 2014.

II. Damage control drills for passenger ships

Background

4. Chapter II-1 sets out the mandatory requirements on the structure, stability, machinery and electrical installations of OGVs. Chapter III of the Annex to SOLAS (“Chapter III”) sets out the requirements for life-saving appliances, as well as arrangements and emergency training and drills on ships. In order to enhance survivability of passenger ships after flooding, IMO adopted a resolution which brought amendments to both Chapters II-1 and III. The amendments require that damage control drill for flooding emergencies should be conducted on passenger ships every three months with a view to ensuring that crew members with assigned damage control responsibilities are familiarized with their duties and are proficient in the use of various systems and support for damage control. The amendments entered into force globally on 1 January 2020 and apply to all passenger OGVs irrespective of the date of construction.

Legislative proposal

5. In Hong Kong, the relevant requirements of Chapter II-1 and III are implemented via the Merchant Shipping (Safety) (Life-saving Appliances and Arrangements, Musters and Training) Regulation (Cap. 369AY) (“the Life-saving Regulation”). The requirements therein apply to all Hong Kong-registered OGVs wherever they may be, and all OGVs within the waters of Hong Kong. In order to comply with the latest international requirements, we propose to incorporate the amendments into our local legislation by amending the Life-saving Regulation.

III. Harmonization of survey periods of cargo ships, bulk carriers and oil tankers

Background

6. Chapter XI-1 of the Annex to SOLAS (“Chapter XI-1”) stipulates specific requirements with regard to survey of bulk carriers and oil tankers

through the mandatory International Code on the Enhanced Programme of Inspections during Survey of Bulk Carriers and Oil Tankers (“ESP Code”). Under the ESP Code, bulk carriers and oil tankers can commence intermediate survey three months before the second anniversary date and the survey can be progressed during the succeeding year and completed three months after the third anniversary date (i.e. 18-month window). IMO adopted a resolution to amend Chapter XI-1 allowing cargo ships, which are not subject to the ESP Code, to follow the same 18-month survey window for intermediate survey under the provisions of the ESP Code. The amendments entered into force globally on 1 January 2020.

Legislative Proposal

7. In Hong Kong, the requirements of ESP Code and Chapter XI-1 are implemented via the Construction and Survey Regulation. The requirements therein apply to all Hong Kong-registered OGVs wherever they may be, and all OGVs within the waters of Hong Kong. In order to comply with the latest international requirements, we propose to amend the Construction and Survey Regulation.

IV. Fire safety requirements for ships carrying vehicles with fuel in their tanks in cargo spaces

Background

8. Chapter II-2 of the Annex to SOLAS (“Chapter II-2”) stipulates the fire safety requirements for all OGVs and specific measures for passenger ships, cargo ships and tankers to prevent the occurrence of fires, to control fires and explosions, as well as to reduce the risk to life and of damages to ships, their cargo and the environment. IMO adopted a resolution to clarify the application of fire safety requirements for OGVs which carry vehicles that have fuel in their tanks. The resolution specifies that if the vehicles so carried have fuel in their tanks, provided that the vehicles are stored within the cargo spaces⁴ on board the ships and they do not move on board using its own propulsion, it is suffice for the OGVs concerned to comply with the applicable fire safety requirements of

⁴ Cargo spaces should exclude vehicle, special category and ro-ro spaces.

Regulation 19 of Chapter II-2. This amendment entered into force on 1 January 2020 and applies to all OGVs.

Legislative proposal

9. In Hong Kong, the fire safety requirements in Chapter II-2 are implemented through the Merchant Shipping (Safety) (Fire-fighting Appliances and Fire Protection) Regulation (Cap. 369BE) (“the Fire Safety Regulation”). The requirements apply to all Hong Kong-registered OGVs wherever they may be, and all OGVs within the waters of Hong Kong. In order to comply with the latest international requirements, we propose to incorporate the IMO’s resolution by amending the Fire Safety Regulation.

V. Fitting or designation of sampling point(s) for taking representative sample of the fuel oil in use on board ships

Background

10. Annex VI to MARPOL (“Annex VI”) was adopted in 1997 to prohibit the emissions of ozone-depleting substances and regulate the emission of air pollutants such as sulphur oxides and nitrogen oxides from ships. To regulate the emission of air pollutants, Annex VI prohibits ships to use, or carry for use, of non-compliant fuel oil⁵. For verifying the compliance of fuel oil used on board, IMO amended the Annex VI requiring ships of 400 gross tonnage and above to fit or designate sampling point(s) for taking representative sample of fuel oil in use on board the ship. The new requirement will come into force on 1 April 2022.

Legislative proposal

11. In Hong Kong, Annex VI is implemented through the Merchant Shipping (Prevention of Air Pollution) Regulation (Cap. 413P) (“the Air Pollution Regulation”). The requirements therein apply to all Hong Kong ships wherever they may be, and all non-Hong Kong ships within the waters of Hong Kong. To reflect the new requirement, we propose to amend the

⁵ According to Regulation 14.1 of Annex VI, the sulphur content of fuel oil used or carried for use on board a ship shall not exceed 0.5% m/m.

Air Pollution Regulation.

CONSULTATION

12. The Hong Kong Fleet Operation Advisory Committee of the Marine Department (“MD”) was consulted in September 2020 on the abovementioned legislative proposals to implement the latest international requirements to the SOLAS. The Hong Kong Fleet Operation Advisory Committee and the Local Vessels Advisory Committee of MD were also consulted in November 2020 on the legislative proposal to implement the latest requirements to the MARPOL. Members supported the proposals.

ADVICE SOUGHT

13. Members are invited to comment on the proposals. Subject to the drafting progress, we plan to introduce the legislative proposals into the Legislative Council within the 2020-21 legislative year.

Transport and Housing Bureau
Marine Department
January 2021