

**For discussion on
2 May 2023**

Legislative Council Panel on Economic Development

Legislative Amendments to Implement the Latest Requirements of the International Maritime Organization

PURPOSE

This paper consults members on legislative amendments to seven pieces of local subsidiary legislation for the implementation of the latest amendments made to the International Convention for the Safety of Life at Sea, 1974, as amended (“SOLAS”)¹, the International Convention on Load Lines, 1966, as modified by the 1988 Protocol relating thereto (“1988 Load Lines Protocol”)², the International Convention for the Prevention of

¹ The Annex to SOLAS contains the following chapters and appendix:

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.
Chapter XIV:	Safety measures for ships operating in polar waters.
Appendix:	SOLAS Certificates

² Annex B to 1988 Load Lines Protocol contains the following annexes:

Annex I:	Regulations for determining Load Lines.
Annex II:	Zones, areas and seasonal periods.
Annex III:	Certificates.
Annex IV:	Verification of compliance.

Pollution from Ships, 1973 (“MARPOL”)³, the International Maritime Solid Bulk Cargoes Code (“IMSBC Code”)⁴, and the International Maritime Dangerous Goods Code (“IMDG Code”)⁵ of the International Maritime Organization (“IMO”). The legislative proposals cover –

- (a) the requirement for the installation of water level detector for certain multiple-hold cargo ships;
- (b) a unified interpretation of the accepted conditions of equilibrium after flooding;
- (c) the modernisation of the Global Maritime Distress and Safety

³ MARPOL contains the following annexes:

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.
Annex VI:	Regulations for the prevention of air pollution from ships.

⁴ IMSBC Code contains the following sections and appendices:

Section 1:	General provisions.
Section 2:	General loading, carriage and unloading precautions.
Section 3:	Safety of personnel and ship.
Section 4:	Assessment of acceptability of consignments for safe shipment.
Section 5:	Trimming procedures.
Section 6:	Methods of determining the angle of repose.
Section 7:	Cargoes which may liquefy.
Section 8:	Test procedures for cargoes which may liquefy.
Section 9:	Materials possessing chemical hazards.
Section 10:	Carriage of solid wastes in bulk.
Section 11:	Security provisions.
Section 12:	Stowage factor conversion tables.
Section 13:	References to related information and recommendations.
Appendix 1:	Individual schedules of solid bulk cargoes.
Appendix 2:	Laboratory test procedures, associated apparatus and standards.
Appendix 3:	Properties of solid bulk cargoes.
Appendix 4:	Index.
Appendix 5:	Bulk Cargo Shipping Names in three languages (English, Spanish and French).

⁵ IMDG Code contains provisions relating to:

Part 1:	General Provisions, Definitions and Training.
Part 2:	Classification.
Part 3:	Dangerous Goods List, Special Provisions and Exceptions.
Part 4:	Packing and Tank Provisions.
Part 5:	Consignment Procedures.
Part 6:	Construction and Testing of Packagings, Intermediate Bulk Containers (IBCs), Large Packagings, Portable Tanks, Multiple-Element Gas Containers (MEGCs) and Road Tank Vehicles.
Part 7:	Provisions Concerning Transport Operations.

- System (“GMDSS”);
- (d) regular revision of the IMSBC Code; and
- (e) regular revision of the IMDG Code.

2. In Hong Kong, the requirements of SOLAS, 1988 Load Lines Protocol and IMSBC Code are implemented through the Merchant Shipping (Safety) Ordinance (Cap.369) (“the Safety Ordinance”) and its subsidiary legislation. The requirements of MARPOL are implemented through the Merchant Shipping (Prevention and Control of Pollution) Ordinance (Cap.413) (“the Pollution Ordinance”) and its subsidiary legislation. The requirements of IMDG Code are implemented through the Safety Ordinance, the Pollution Ordinance, and the Merchant Shipping (Local Vessels) Ordinance (Cap.548) (“the Local Vessels Ordinance”) and their subsidiary legislation. Incorporating the latest IMO amendments into our local legislation will be achieved by amending the following seven pieces of subsidiary legislation⁶ –

- (a) Merchant Shipping (Safety) (Load Lines) Regulations (Cap.369AD) (“the Load Lines Regulation”);
- (b) Merchant Shipping (Safety) (Life-saving Appliances and Arrangements, Musters and Training) Regulation (Cap.369AY) (“the Life-saving Regulation”);
- (c) Merchant Shipping (Safety) (IMSBC Code) Regulation (Cap.369AZ) (“the IMSBC Code Regulation”);
- (d) Merchant Shipping (Safety) (Radiocommunications) Regulation (Cap.369BB) (“the Radiocommunications Regulation”);
- (e) Merchant Shipping (Safety) (Construction and Survey) Regulation (Cap.369BD) (“the Construction and Survey Regulation”);
- (f) Merchant Shipping (Prevention of Oil Pollution) Regulations (Cap.413A) (“the Oil Pollution Regulation”); and
- (g) Merchant Shipping (Local Vessels) (General) Regulation (Cap.548F) (“the Local Vessels General Regulation”).

⁶ The Secretary for Transport and Logistics is empowered under the Safety Ordinance (Cap.369), the Pollution Ordinance (Cap.413), and the Local Vessels Ordinance (Cap.548), to make amendments to the subsidiary legislation concerned.

LEGISLATIVE PROPOSALS

I. Requirement for the installation of water level detector for certain multiple-hold cargo ships

Background

3. Chapter II-1 of SOLAS sets out the mandatory requirements on the structure, stability, machinery and electrical installations of all ocean-going vessels (“OGVs”). To enhance the safety of multiple-hold non-bulk cargo ships on international voyages, the IMO has stipulated the requirement of water level detector for multiple-hold cargo ships (other than bulk carriers and tankers) constructed on or after 1 January 2024. Such ships will be required to be fitted with water level detectors in each cargo hold intended for dry cargoes and located below the freeboard deck, regardless of length. The amendments to SOLAS⁷ will enter into force internationally on 1 January 2024.

Legislative Proposal

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

II. Unified interpretation of the accepted conditions of equilibrium after flooding

Background

5. Annex I to Annex B of 1988 Load Lines Protocol sets out mandatory requirements for determining load lines of all OGVs, and Chapter 4 of Annex I to MARPOL sets out mandatory requirements for the cargo area of oil tankers. To align with the existing requirements under SOLAS regarding satisfactory conditions of equilibrium after flooding, for

⁷ Resolution MSC.482(103).

the purpose of damage stability calculation, the IMO has amended the existing requirements under 1988 Load Lines Protocol⁸ and MARPOL⁹. Upon amendments, the final damage waterline in equilibrium after flooding could be above the lower edge of openings, only if the openings are fitted with required access closing device and meet the required operating criteria. The amendments will enter into force internationally on 1 January 2024 for all new and existing ships.

Legislative Proposal

6. In Hong Kong, the requirements of Annex B to 1988 Load Lines Protocol are implemented through the Load Lines Regulation (Cap.369AD), and that the requirements of MARPOL Annex I are implemented through the Oil Pollution Regulation (Cap.413A). The requirements of the 1988 Load Lines Protocol applies to all Hong Kong-registered OGVs wherever they may be, and all non-Hong Kong OGVs within the waters of Hong Kong, while the requirements of MARPOL applies to all aforementioned OGVs as well as local vessels. To implement the new requirements, we propose to amend the Load Lines Regulation and the Oil Pollution Regulation.

III. Modernisation of the Global Maritime Distress and Safety System (“GMDSS”)

Background

7. Chapter III of SOLAS sets out the requirements for life-saving appliances, as well as arrangements and emergency training and drills on ships. Chapter IV of SOLAS sets out mandatory requirements on the radiocommunication equipment installations of OGVs. IMO adopted amendments¹⁰ to complete the modernisation of the GMDSS, so as to enable future use of modern communication systems in GMDSS and remove obsolete requirements.

8. The amendments contain a complete replacement text of Chapter IV of SOLAS, and amongst others, the provisions related to two-way very

⁸ Resolution MSC.491(104).

⁹ Resolution MEPC.343(78).

¹⁰ Resolution MSC.496(105).

high frequency (“VHF”) radiotelephone apparatus and the search and rescue locating devices are relocated from Chapter III to Chapter IV of SOLAS. The amendments will enter into force internationally on 1 January 2024.

Legislative Proposal

9. In Hong Kong, the relevant requirements of Chapter III and Chapter IV of SOLAS are implemented through the Life-saving Regulation (Cap.369AY) and the Radiocommunications Regulation (Cap.369BB) respectively. 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 requirements, we propose to amend the Radiocommunications Regulation and the Life-saving Regulation.

IV. Regular revision of the IMSBC Code

Background

10. The IMSBC Code sets out instructions on the procedures for the safe stowage and shipment of certain type of solid bulk cargoes. The IMSBC Code is reviewed regularly by the IMO to keep pace with the latest development and changes in the marine transportation industry. IMO adopted latest amendments¹¹ to the IMSBC Code, including changes in cargo definitions, reclassification of substances, and addition of new cargo schedules, which will come into force internationally on 1 December 2023.

Legislative Proposal

11. In Hong Kong, the requirements of the IMSBC Code are implemented through the IMSBC Code Regulation (Cap.369AZ). The requirements therein apply to all Hong Kong-registered OGVs wherever they may be, and all non-Hong Kong OGVs within the waters of Hong Kong. To implement the new requirements, we propose to amend the IMSBC Code Regulation.

¹¹ Resolution MSC.500(105).

V. Regular revision of the IMDG Code

Background

12. The IMDG Code sets out the requirements for classification, labelling, packing and documentation of dangerous goods in packaged form when carried by sea. To keep pace with the latest development and changes in the marine transportation industry, the IMDG Code is scheduled for amendments every two years. The latest amendments¹² to the IMDG Code will come into force internationally on 1 January 2024, for updating the technical and transportation requirements of existing substances and inclusion of new substances as dangerous goods.

Legislative Proposal

13. The new requirements will apply to all Hong Kong ships and all ships within the waters of Hong Kong. In Hong Kong, the requirements of the IMDG Code will be applied directly through the Safety Ordinance (Cap.369) and the Pollution Ordinance (Cap.413) and their subsidiary legislation for OGVs. For local vessels, we propose to amend the Local Vessels General Regulation (Cap.548F).

¹² Resolution MSC.501(105).

CONSULTATION

14. The Hong Kong Fleet Operation Advisory Committee and the Local Vessels Advisory Committee of the Marine Department were consulted in March 2023 on the abovementioned legislative proposals. No adverse comment was received from members of the two committees.

ADVICE SOUGHT

15. Members are invited to comment on the proposals. Subject to the drafting progress, we plan to introduce the legislative proposals into the Legislative Council for negative vetting in the second half of 2023 to ensure a timely implementation of the latest IMO requirements in Hong Kong.

Transport and Logistics Bureau
Marine Department
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