

For Discussion

On 3 December 2024

Legislative Council Panel on Economic Development

Updates on Marine Legislation

Legislative Amendments to Implement the Latest Requirements of the International Maritime Organization and to Facilitate the Provision of Pilotage Services

PURPOSE

This paper seeks members' views on the following legislative proposals –

- (i) To implement the requirements of a new convention of the International Maritime Organization (“IMO”), namely the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009 (“HKC”);
- (ii) To implement the latest amendments to four existing conventions of IMO, namely (a) the International Convention for the Safety of Life at

Sea, 1974 (“SOLAS”)¹; (b) the International Convention for the Prevention of Pollution from Ships, 1973 (“MARPOL”)² as modified by the Protocol of 1978 relating thereto; (c) the International Convention for the Control and Management of Ships’ Ballast Water and Sediments, 2004 (“BWM Convention”); and (d) the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (“STCW Convention”) (hereafter referred to collectively as “the Four Existing IMO Conventions”);

- (iii) To extend the area of the pilot boarding station located at Lam Kok Tsui (Black Point) on Urmston Road; and
- (iv) To reduce the additional pilotage dues for pilotage services in Mirs Bay.

¹ Different chapters of the Annex to SOLAS and appendix contain provisions relating to-

- (a) General Provisions (Chapter I);
- (b) Construction – Structure, subdivision and stability, machinery and electrical installations (Chapter II-1);
- (c) Construction – Fire protection, fire detection and fire extinction (Chapter II-2);
- (d) Life-saving appliances and arrangements (Chapter III);
- (e) Radiocommunications (Chapter IV);
- (f) Safety of navigation (Chapter V);
- (g) Carriage of cargoes and oil fuels (Chapter VI);
- (h) Carriage of dangerous goods (Chapter VII);
- (i) Nuclear ships (Chapter VIII);
- (j) Management for the safe operation of ships (Chapter IX);
- (k) Safety measures for high-speed craft (Chapter X);
- (l) Special measures to enhance maritime safety (Chapter XI-1);
- (m) Special measures to enhance maritime security (Chapter XI-2);
- (n) Additional safety measures for bulk carriers (Chapter XII);
- (o) Verification of compliance (Chapter XIII);
- (p) Safety measures for ships operating in polar waters (Chapter XIV);
- (q) Safety measures for ships carrying industrial personnel (Chapter XV); and
- (r) 1974 SOLAS Certificates (Appendix).

² Annexes to MARPOL govern various substances relating to –

- (a) Regulations for the prevention of pollution by oil (Annex I);
- (b) Regulations for the control of pollution by noxious liquid substances in bulk (Annex II);
- (c) Regulations for the prevention of pollution by harmful substances carried by sea in packaged form (Annex III);
- (d) Regulations for the prevention of pollution by sewage from ships (Annex IV);
- (e) Regulations for the prevention of pollution by garbage from ships (Annex V); and
- (f) Regulations for the prevention of air pollution from ships (Annex VI).

BACKGROUND

(A) *Requirements of HKC*

2. Ship recycling is a long-established practice for dealing with ships at the end of their service lives. Adopted in Hong Kong on 15 May 2009, HKC was developed by IMO in cooperation with the International Labour Organization and the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal to ensure that ship recycling does not pose any unnecessary risk to human health, safety or the environment. Under HKC, ships of 500 gross tonnage (“GT”) or above to be engaged on international voyages (“applicable ships”) have to be surveyed and carry an inventory of hazardous materials (“IHM”) onboard, which will be specific to each ship, so as to facilitate their safe and environmentally sound recycling. HKC also specifies the working and environmental conditions in ship recycling facilities (“SRFs”). Meanwhile, HKC shall not be applicable to local vessels, warships, naval auxiliary, or other ships owned or operated by a Party to the HKC and used only for non-commercial service.

3. When the Central People’s Government extends the applicability of HKC to Hong Kong, HKC shall apply to Hong Kong registered applicable ships, as well as SRFs operating in Hong Kong for the recycling of applicable ships.

4. SRFs have been phased out in Hong Kong since the 1970s due to high operating costs associated with labour and land, combined with a low demand for recycled materials in the market. It is hence unlikely for there to be any SRFs recycling applicable ships in Hong Kong in future. On the

other hand, given Hong Kong's status as the fourth largest shipping register with more than 2 300 ships operating around the world, it is important to ensure the compliance of Hong Kong-registered applicable ships with HKC regardless of their locations.

5. HKC will come into force globally on 26 June 2025. While the extension of its applicability to Hong Kong by CPG is pending, in preparation for such extension and Hong Kong's implementation of HKC's requirements, a new ordinance and a new piece of subsidiary legislation ("the proposed HKC legislation") will have to be enacted. Details are set out in paragraphs 14 to 19 below.

(B) Latest amendments to the Four Existing IMO Conventions

6. The latest amendments to the Four Existing IMO Conventions are related to the following areas –

- (a) amended requirements for safe stowage of bulk grain under SOLAS;
- (b) new reporting requirements for the loss of freight container(s) from a ship or observation of freight container(s) drifting at sea under SOLAS;
- (c) new requirements for shipboard lifting appliances, anchor handling winches and their utilised loose gear under SOLAS;
- (d) amended requirements for prevention of fire and explosion, personal protective equipment and fire-fighting appliances and arrangements under SOLAS;
- (e) new requirements for ships operating in the Polar area under SOLAS;
- (f) new requirements for existing or new substances of dangerous goods under SOLAS;
- (g) new requirements for low-flashpoint fuel and gas fuel used onboard and

- replacement of steam system with marine diesel engine under MARPOL;
- (h) amended requirements for reporting of lost freight container(s) with harmful substance in packaged form under MARPOL;
 - (i) new requirements for electronic ballast water record book under BWM Convention; and
 - (j) new requirements on the minimum data required for verification of electronic certificates of seafarers and the newly adopted guidelines on their usage under STCW Convention.

7. The requirements of SOLAS are implemented in Hong Kong through the Merchant Shipping (Safety) Ordinance (“Cap. 369”) and its subsidiary legislation, while the requirements of MARPOL and BWM Convention are implemented through the Merchant Shipping (Prevention and Control of Pollution) Ordinance (“Cap. 413”) and its subsidiary legislation. As for the requirements of STCW Convention, they are implemented through the Merchant Shipping (Seafarers) Ordinance (“Cap. 478”) and its subsidiary legislation.

8. Incorporating the requirements of the aforesaid IMO conventions specified in paragraph 6(a) to (j) into our local legislation will be achieved by amending one existing ordinance and nine pieces of subsidiary legislation as set out in paragraphs 20 to 45.

(C) Extension of the area of pilot boarding station located at Lam Kok Tsui (Black Point) in Urmston Road

9. Pilotage services in Hong Kong are regulated by the Pilotage

Ordinance (“Cap. 84”) and its subsidiary legislation³, which encompass compulsory pilotage requirements⁴, pilotage dues, locations of pilot boarding stations, and other regulatory matters. To facilitate and regulate pilotage services, Schedule 2 to Cap. 84 specifies the locations and the respective areas of each pilot boarding station to ensure that pilots comply with the statutory requirements when boarding or disembarking from ships.

10. Given the heavy marine traffic and the unique geographical characteristics of the pilot boarding station on Urmston Road⁵, special attention is required when navigating through the channel. The Hong Kong Pilots Association Limited (“HKPA”), representing pilotage service providers, has proposed to the Pilotage Authority⁶ an extension of the radius of the pilot boarding station area at Lam Kok Tsui (Black Point) on Urmston Road from 0.5 to 1 nautical mile. This modification is intended to better align with the operational needs of pilots, thereby enhancing the navigational safety of ships and operational safety for both Hong Kong and Shenzhen pilots.

(D) Pilotage services and dues in Mirs Bay

11. To facilitate the provision of pilotage services in Mirs Bay in both

³ The subsidiary legislations are: -
(a) Pilotage Regulations (Cap. 84A);
(b) Pilotage (Disciplinary Procedure) Regulations (Cap. 84B);
(c) Pilotage Order (Cap. 84C); and
(d) Pilotage (Dues) Order (Cap. 84D).

⁴ To ensure the safe navigation of vessels within Hong Kong waters, ships of 3,000 GT or over, ships of 1,000 GT or over carrying dangerous goods, and gas carriers of any GT are required to be under the pilotage of licensed pilots within the waters of Hong Kong.

⁵ The channel to and from western Shenzhen ports areas is relatively short and narrow, and is occasionally subject to strong winds and currents.

⁶ Section 3 of Cap. 84 provides that the Director of Marine shall be the Pilotage Authority.

Hong Kong and Mainland waters by one single pilot either from Hong Kong or Shenzhen, the Framework Agreement on Pilotage Cooperation in Mirs Bay (“Framework Agreement”) was signed between the Marine Department (“MD”) and the Transport Bureau of Shenzhen Municipality, and came into effect on 1 June 2022. The cooperation established under the Framework Agreement has been smooth. As of 31 October 2024, approximately 17 600 vessel trips have benefitted from savings in time and cost through this collaborative effort.

12. Pilotage dues are charged by pilotage service providers for the pilotage services rendered. Such dues, including the standard dues and additional dues where applicable, are prescribed in the Schedule to the Pilotage (Dues) Order (Cap. 84D) (“the Order”)⁷. Standard dues are dependent on the GT of a vessel, while the additional dues apply to specific routes (e.g. services in remote water areas) or under specified circumstances (e.g. service requested on short notice). Pilotage dues are reviewed periodically⁸ by pilotage service providers (represented by HKPA) and users (represented by the Hong Kong Liner Shipping Association). Proposals on pilotage dues adjustment as mutually agreed by the aforesaid parties will be considered by the Director of Marine as the Pilotage Authority, having regard to the advice of the statutory Pilotage Advisory Committee (“PAC”).

13. In the past, for pilotage services in Mirs Bay, the remoteness of the pilot boarding stations concerned and the rough sea conditions in Mirs Bay

⁷ Part 1 of the Schedule specifies the standard pilotage dues. Part 2 of the Schedule specifies the additional pilotage dues. Part 3 of the Schedule specifies the dues payable where the engagement of a pilot is cancelled or altered.

⁸ The Order was last revised in December 2022 via the Pilotage (Amendment) Bill 2022 to, inter alia, increase the pilotage dues by an average of 9.7 percent as mutually agreed by the pilotage service users and providers. For details, please refer to –
https://www.legco.gov.hk/yr2022/english/brief/tlbpmclcr8102010pt4_20221012-e.pdf.

resulted in a longer transit time and the need to use tug boats to assist in pilotage operations. In view of the change of modus operandi of pilotage services in Mirs Bay, for example the use of smaller pilot boats which reduces the cost of operation, the pilotage service users and providers have mutually agreed to reduce the concerned additional pilotage dues.

LEGISLATIVE PROPOSALS

(I). Requirements for the safe and environmentally sound recycling of ships under HKC

14. Although some objectives of HKC are aligned with the objectives of some of our local legislation⁹, the provisions in HKC for applicable ships, as well as SRFs in respect of worker safety, hazardous material control and environment protection could not be fully implemented by existing local legislation, as the relevant provisions do not tally. In order to better implement HKC, we propose enacting the proposed HKC legislation. The provisions of the proposed HKC legislation shall not be in derogation of the provisions of any other legislation.

⁹ Including but not limited to:-

- (a) Factories and Industrial Undertakings Ordinance (Cap. 59);
- (b) Public Health and Municipal Services Ordinance (Cap. 132);
- (c) Pesticides Ordinance (Cap. 133);
- (d) Air Pollution Control Ordinance (Cap. 311);
- (e) Shipping and Port Control Ordinance (Cap. 313);
- (f) Waste Disposal Ordinance (Cap. 354);
- (g) Water Pollution Control Ordinance (Cap. 358);
- (h) Noise Control Ordinance (Cap. 400);
- (i) Ozone Layer Protection Ordinance (Cap. 403);
- (j) Merchant Shipping (Control of Harmful Anti-Fouling Systems on Ships) Regulation (Cap. 413N);
- (k) Dumping at Sea Ordinance (Cap. 466);
- (l) Environmental Impact Assessment Ordinance (Cap. 499);
- (m) Occupational Safety and Health Ordinance (Cap. 509); and
- (n) Hazardous Chemicals Control Ordinance (Cap. 595).

15. The proposed HKC legislation intends to regulate all the ship recycling requirements by the HKC, on both applicable ships in Hong Kong and Hong Kong-registered applicable ships anywhere else (including outside Hong Kong). It will also regulate the working and environmental conditions in SRFs in Hong Kong.

16. Under HKC, ships sent for recycling are required to carry an IHM onboard. SRFs are also required to provide “Ship Recycling Plans” specifying how each ship will be recycled based on its particular characteristics and its IHM, which are to be approved by the competent authority of the recycling State.

17. The proposed HKC legislation will require applicable ships to be issued with an “International Certificate on Inventory of Hazardous Materials” with a validity of five years after each initial or renewal survey by MD or its Recognised Organizations (“ROs”), to ensure that the IHM continues to correctly reflect the hazardous materials on the ship. For SRFs, a “Document of Authorization to conduct Ship Recycling” (“DASR”), also with a validity of five years, will be issued by MD or its ROs to each authorised SRF in Hong Kong. The DASR will list any limitations that are imposed on an SRF, such as the size or type of ships to be recycled, and the quantity of any specific hazardous materials that an SRF may not be qualified to accept.

18. The proposed HKC legislation will also require applicable ships to only be recycled at SRFs (both in Hong Kong, if any in the future, and outside Hong Kong) that are authorised in accordance with the HKC. Meanwhile, all authorised SRFs in Hong Kong, if any in the future, shall only recycle

applicable ships that comply with or meet the requirements of HKC. The proposed HKC legislation will further require an applicable ship, prior to the commencement of the recycling, to be issued with an “International Ready for Recycling Certificate” by MD or by its ROs following a final survey to confirm the validity of the IHM and the suitability of the selected SRF.

19. In order to allow Hong Kong to follow closely any future amendments to the HKC, we propose to adopt the direct reference approach in the proposed HKC legislation as far as possible.

(II). Amended requirements for safe stowage of bulk grain under SOLAS

IMO requirements

20. Chapter VI of the Annex to SOLAS mandates the International Code for the Safe Carriage of Grain in Bulk (“Grain Code”), which sets out detailed technical requirements for the safe carriage of grain in bulk onboard a cargo ship. The requirements are implemented generally through the Merchant Shipping (Safety) (Grain) Regulations (“Cap. 369AA”). IMO has adopted the new requirements of the Grain Code by Resolution MSC. 552(108), which introduces a new class of loading condition, “specially suitable compartment, partly filled in way of the hatch opening, with ends untrimmed”, and sets out pertinent requirements that the bulk grain loaded in such compartments shall be filled to a level equal to or above the bottom edge of the hatch end beams, but may be at its natural angle of repose outside the periphery of the hatch opening, and that such compartment may qualify for the grant of dispensation from trimming the ends of that compartment.

These new requirements will enter into force on 1 January 2026.

Proposed legislative amendments

21. We propose to amend Cap. 369AA to define the new class of loading condition and specify the requirements for the safe carriage of grains in such specially suitable compartments.

(III). New reporting requirements for the loss of freight container(s) from a ship or observation of freight container(s) drifting at sea under SOLAS

IMO requirements

22. Chapter V of the Annex to SOLAS (“SOLAS V”) sets out the mandatory requirements for safe navigation of ships engaged on international voyages. The requirements are implemented generally through the Merchant Shipping (Safety) (Navigational Equipment and Safety of Navigation) Regulation (“Cap. 369BA”). IMO has adopted amendments to SOLAS V by Resolution MSC. 550(108) to require the master or the company of a ship involved in the loss of freight container(s) to report the incident without delay with the required information to the nearest coastal State, any ship in the vicinity and the flag State. The master of any ship which observes freight container(s) drifting at sea is also required to report such observation without delay with the required information to the nearest coastal State and any ship in the vicinity. These new requirements will enter into force on 1 January 2026.

Proposed legislative amendments

23. We propose to amend Cap. 369BA to include these new requirements in relation to the loss of freight container(s) from a ship or observation of freight container(s) drifting at sea.

(IV). New requirements for shipboard lifting appliances, anchor handling winches and their utilised loose gear under SOLAS

IMO requirements

24. Chapter II-1 of the Annex to SOLAS (“SOLAS II-1”) sets out mandatory requirements for the structure, stability, machinery and electrical installations of all ships engaged on international voyages. The requirements are implemented generally through the Merchant Shipping (Safety) (Construction and Survey) Regulation (“Cap. 369BD”).

25. IMO’s Resolution MSC. 532(107) requires that the design, construction and installation of lifting appliances and anchor handling winches installed onboard shall comply with the applicable requirements of a recognised classification society or standards acceptable to the relevant administration according to the date of the installation; and that lifting appliances, anchor handling winches regardless of the installation date and their utilised loose gear shall be operationally tested, thoroughly examined, inspected, operated and maintained, based on the guidelines developed by the IMO. These requirements will enter into force on 1 January 2026.

Proposed legislative amendments

26. We propose to amend Cap. 369BD to include these new requirements on shipboard lifting appliances, anchor handling winches and their utilised loose gear.

(V). Amended requirements for prevention of fire and explosion, personal protective equipment and fire-fighting appliances and arrangements under SOLAS

IMO requirements

27. Chapter II-2 of the Annex to SOLAS (“SOLAS II-2”) sets out mandatory requirements on fire protection, fire detection and fire extinction, including the requirements for prevention of fire and explosion, suppression of fire and special requirements for the protection of vehicle, special category, ro-ro spaces, and weather decks intended for carriage of vehicles. The requirements are implemented generally through the Merchant Shipping (Safety) (Fire Protection and Fire-fighting Appliances) Regulation (“Cap. 369BE”).

28. IMO has adopted resolutions MSC. 520(106), MSC. 532(107), MSC. 550(108) and MSC. 555(108), introducing new requirements below relating to (a) declaration on fuel oil conformity, bunker delivery note, verification of fuel oil flashpoint, along with fuel oil suppliers' responsibilities; (b) prohibition of the use, storage onboard ships and requirement for shore delivery of fire extinguishing media containing perfluorooctane sulfonic acid; and (c) principal fire protection measures

including fixed fire-extinguishing systems, such as fixed water-based fire-extinguishing systems protecting weather decks, fixed fire detection and fire alarm systems and continuous video monitoring system for the protection of vehicle, special category, open and closed ro-ro spaces and weather decks intended for the carriage of vehicles.

Proposed legislative amendments

29. To implement these new requirements, we propose to amend Cap. 369BE and add the above new requirements (a) to (c) in paragraph 28.

(VI). New requirements for ships operating in the polar area under SOLAS

IMO requirements

30. Chapter XIV of the Annex to SOLAS (“SOLAS XIV”) mandates the International Code for Ships Operating in Polar Waters (“Polar Code”). The Polar Code specifies a set of mandatory technical requirements on fire safety and protection, life-saving appliances and arrangement, safe navigation, communication, training and environmental protection matters relevant to operating ships in polar waters. The requirements are implemented generally through the Merchant Shipping (Safety) (Ships Operating in Polar Waters) Regulation (“Cap. 369BF”).

31. IMO has adopted new requirements in SOLAS XIV and the Polar Code by Resolution MSC. 532 (107) and MSC. 538 (107) respectively, which extend the applicability of SOLAS XIV and the Polar Code to three types of

specific ships¹⁰ and require that such ships shall comply with the requirements in relevant parts of the Polar Code on safe navigation and voyage planning when operating in polar waters. These requirements will enter into force on 1 January 2026.

Proposed legislative amendments

32. We propose to amend Cap. 369BF and require that the three types of specific Hong Kong registered ships shall comply with relevant requirements on safe navigation and voyage planning of the Polar Code when operating in polar waters.

(VII). New requirements for existing or new substances of dangerous goods under SOLAS

IMO requirements

33. Chapter VII of the Annex to SOLAS mandates the International Maritime Dangerous Goods Code (“IMDG Code”). The IMDG Code sets out the requirements for classification, labelling, packing and documentation of dangerous goods in packaged form when carried by sea. It was scheduled to be amended every two years to update the technical and transportation requirements of existing substances or introduce new substances as dangerous goods. IMO has adopted a new version of the IMDG Code by Resolution MSC. 556(108). The requirements of the IMDG Code apply to

¹⁰ The three types of specific ships are:-
(a) fishing vessels of 24 metres in length overall and above;
(b) pleasure yachts of 300 GT and above not engaged in trade; and
(c) cargo ships of 300 GT and above but below 500 GT.

local vessels in Hong Kong, and are implemented through the Merchant Shipping (Local Vessels) (General) Regulation (“Cap. 548F”), which currently refers to the previous version of the IMDG Code amended by Resolution MSC. 501(105) in 2022. The new 2024 edition of the IMDG Code is expected to enter into force on 1 January 2026.

Proposed legislative amendments

34. We propose to amend the definition of the IMDG Code in Cap. 548F by adopting the direct reference approach to allow the legislation to stay up-to-date as far as practicable with the new requirements of the IMDG Code as adopted by IMO.

(VIII). New requirements for low-flashpoint fuel and gas fuel used onboard and replacement of steam system with marine diesel engine under MARPOL

IMO requirements

35. Annex VI to MARPOL sets out the requirements for bunker delivery notes and representative samples of fuel oil (except gas fuel) delivered for use onboard ships, which apply to both ships and fuel oil suppliers. Annex VI to MARPOL also sets out three nitrogen oxides (“NOx”) emission standards for marine diesel engines installed onboard, to which the application of three NOx emission standards is determined according to a ship’s construction date and whether its engine is a non-identical replacement engine or an additional engine. The relevant requirements are implemented through the Merchant Shipping (Prevention

of Air Pollution) Regulation (“Cap. 413P”).

36. IMO has adopted Resolution MEPC. 385(81) to amend MARPOL Annex VI regulations to make bunker delivery note requirements applicable to low-flashpoint fuels and gas fuels, while exempting these fuels from the requirement of representative samples. Following the amendments, fuel oil suppliers delivering low-flashpoint fuels or gas fuels are required to provide to ships of 400 GT or above with bunker delivery notes containing information related to the characteristics of such fuels. Annex VI of MARPOL is also amended to provide that a marine diesel engine replacing a steam system is to be considered as non-identical replacement engine instead of an additional engine to determine the applicable NOx emission standard requirement. These new requirements will enter into force on 1 August 2025, and apply to Hong Kong registered ships and local fuel oil suppliers in Hong Kong.

Proposed legislative amendments

37. We propose to amend Cap. 413P to add definitions for low-flashpoint fuels and gas fuels; to require fuel oil suppliers to provide ships with bunker delivery notes; to require ships to keep bunker delivery notes onboard for low-flashpoint fuels and gas fuels as currently required for other fuel oils, and exempt low-flashpoint fuels and gas fuels from the requirement of representative samples; as well as to provide that replacing a steam system on a ship engaged in non-international voyages is considered as replacing a non-identical engine for the purpose of Cap.413P.

(IX). Amended requirements for reporting of lost freight container(s) with harmful substances in packaged form under MARPOL

IMO requirements

38. Protocol I of the MARPOL (“MARPOL Protocol I”) sets out provisions concerning the duty of a ship’s master or other person in charge of a ship to report to the nearest coastal State of any incident which involves discharge or probable discharge to sea of harmful substances in packaged form, the contents of such report and the reporting procedures. The requirements of Protocol I of MARPOL are implemented through the Merchant Shipping (Reporting of Pollution Incidents) Regulations (“Cap. 413C”).

39. In light of the new reporting requirements under SOLAS V, IMO has amended Article V of MARPOL Protocol I by adopting Resolution MEPC. 384(81) to require that reporting of loss of freight container(s) containing harmful substances in packaged form shall be made in accordance with the new reporting requirements under SOLAS V. The amendments will enter into force on 1 January 2026.

Proposed legislative amendments

40. To implement this new requirement on reporting of lost freight container(s) with harmful substances in packaged form, we propose to add a new provision in Cap. 413C.

(X). New Requirements for electronic ballast water record book under BWM Convention

IMO requirements

41. The BWM Convention regulates the transfer of ships' ballast water. It requires a relevant ship to carry onboard a Ballast Water Record Book, which may be an electronic record system to record entries for each ballast water operation. The requirements of the BWM Convention are implemented through the Merchant Shipping (Control of Ballast Water and Sediments) Regulation ("Cap. 413Q").

42. IMO has amended the BWM Convention by Resolution MEPC.383(81) to require that an electronic Ballast Water Record Book onboard a ship shall be approved by the Administration taking into account the relevant IMO guidelines and that the master of a ship shall verify a group of electronic entries in a timely manner. The new requirements will enter into force on 1 October 2025 and apply to Hong Kong registered ships engaged on international voyages and non-Hong Kong ships within the waters of Hong Kong.

Proposed legislative amendments

43. We propose to amend Cap. 413Q to implement the new requirements and empower the Director of Marine to recognise relevant organisations to approve an electronic Ballast Water Record Book in respect of Hong Kong registered ships.

(XI). New requirements on the minimum data required for verification and the newly adopted Guidelines on the Use of Electronic Certificates of Seafarers under STCW Convention

IMO requirements

44. The STCW Convention prescribes minimum standards for the training, certification and watchkeeping of seafarers. The requirements of STCW Convention on matters relating to seafarers' electronic certificates are dealt with in Cap. 478. IMO adopted amendments to the STCW Convention by Resolution MSC. 540 (107), which introduces a new definition of "original form" to cover seafarers' certificates both in paper and electronic forms, and requires that the minimum data required for verification of a certificate must be accessible from the seafarer concerned if the certificate is in electronic form. The amendments also require that "the Guidelines on the Use of Electronic Certificates of Seafarers (MSC. 1/Circ. 1665 dated 28 June 2023)" should be referred to when processing matters related to seafarers' electronic certificates.

Proposed legislative amendments

45. We propose to amend Cap. 478 to specify the minimum data required for verification of seafarers' electronic certificates, and to specify that the "Guidelines on the Use of Electronic Certificates of Seafarers" (MSC. 1/Circ. 1665 dated 28 June 2023) should be the relevant guidelines for matters relating to electronic certificates of seafarers.

(XII). Extension of the area of pilot boarding station located at Lam Kok Tsui (Black Point) on Urmston Road

46. Following discussions with pilotage service users and a thorough evaluation of the navigational and geographical characteristics of Urmston Road, we propose an amendment to item 3 in Schedule 2 to Cap. 84 by extending the radius of the existing pilot boarding station area at Lam Kok Tsui (Black Point) on Urmston Road from 0.5 nautical mile to 1 nautical mile.

(XIII). Reduction of the additional pilotage dues for pilotage services in Mirs Bay

47. As mutually agreed by the pilotage service providers and users, we propose amendments to paragraphs 5D and 5E in Part 2 of the Schedule to the Order by reducing the amount of additional pilotage dues from \$10,350 to \$4,230 in paragraph 5D and from \$12,150 to \$7,400 in paragraph 5E.

CONSULTATION

48. The Hong Kong Fleet Operation Advisory Committee (“HKFOAC”) of MD was consulted on **(I)** in July 2018. Members supported the proposal.

49. The consultation with HKFOAC on **(II)** to **(VI)**, **(VIII)**, **(IX)** and **(X)**, and the consultation with Local Vessels Advisory Committee of MD on **(VII)**, **(VIII)** and **(IX)** are in progress.

50. On **(XI)**, the use of electronic seafarers' certificates has already been enabled upon the passage of the Shipping Legislation (Electronic Certificates and Electronic Log-books) (Amendment) Bill 2023 on 13 July 2023, which commenced operation on 21 July 2023. In that legislative exercise, the HKFOAC and the Seafarers' Advisory Board of MD, as well as the Legislative Council ("LegCo") Panel on Economic Development, have been consulted.

51. On **(XII)** and **(XIII)**, we have consulted the PAC on the proposed legislative amendments. Members endorsed the two proposals on 25 July 2024 and 30 August 2024 respectively.

LEGISLATIVE TIMETABLE

52. Subject to the progress in refining and drafting the proposed legislation, we plan to introduce **(I)** into the LegCo in April 2025 and **(II)** to **(XI)** by May 2025 to ensure timely implementation of the latest IMO requirements in Hong Kong. For legislative proposals **(XII)** and **(XIII)**, we plan to introduce them into the LegCo for negative vetting in January 2025.

ADVICE SOUGHT

53. Members are invited to comment on the legislative proposals set out in this paper.

Transport and Logistics Bureau

Marine Department

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