

Hong Kong Fleet Operation Advisory Committee
Proposed Amendment to
Merchant Shipping (Safety) (IMSBC Code) Regulation
(Cap. 369 sub. leg. AZ)

Purpose

The purpose of this paper is to seek members' views on the proposal of amending the titled local legislation to implement the latest amendments to the "International Maritime Solid Bulk Cargoes Code" (the Code).

Background

2. The International Maritime Organization (IMO) has mandated the Code under the International Convention for the Safety of Life at Sea (SOLAS) internationally since 1 January 2011 to minimise the specific danger posed to ships when carrying solid bulk cargoes that may endanger ship's safety during voyage due to chemical reactions, loss of stability or improper distribution of cargoes.

3. The requirements of the Code are implemented in Hong Kong through the Merchant Shipping (Safety) (IMSBC Code) Regulation (Cap.369 AZ) (the Regulation) which was entered into force on 1 July 2016. The Regulation applies to ships registered in Hong Kong and non-Hong Kong ship while it is within the waters of Hong Kong. The Regulation prescribes the procedures for shipment of solid bulk cargoes and mandates precautions for loading, stowage, carriage and discharge of solid bulk cargoes.

4. The latest amendment of the Code under Resolution MSC.426(98) was adopted by IMO on 15 June 2017 and will be entered into force internationally on 1 January 2019. Since the Regulation when implemented in 2016 has adopted direct reference approach to cater for subsequent amendments made to the mandatory requirements of the Code, nearly all the amendments as set out in the Resolution MSC.426(98) can therefore be implemented in Hong Kong without the need for legislation amendment. One particular amendment contained in the Resolution MSC.426(98), however, is to convert a recommendatory requirement under Section 4.2.2 of the Code into a mandatory requirement whereby "*shipper shall provide information of solid bulk cargoes that may*

be harmful to the marine environment to the master of the ship.”. Such particular amendment is not covered by the Regulation.

Proposed Legislation Amendment

5. In order to comply fully with the latest amendments of the Code, we propose to amend Section 7(2)(a) of the Regulation requiring that shipper prior to the loading of solid bulk cargoes on ship must provide the master of the ship with information of cargo whether or not the cargo is harmful to the marine environment in accordance with Annex V of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, as amended.

Consultation

6. Members’ comments, if any, are sought on our proposal to implement the amendments to the Code by amending the Regulation as stated in paragraph 5.

October 2018

Multi-lateral Policy Division

Enclosures:

Appendix: IMO Res. MSC.426(98)