

**Hong Kong Fleet Operation Advisory Committee**

**Proposed Legislative Amendments for the Implementation of SOLAS Chapter XV,  
the International Code of Safety for Ships Carrying Industrial Personnel  
and MARPOL amendments**

**Purpose**

This paper seeks members' views on the proposed legislative amendments to make a new regulation under the Merchant Shipping (Safety) Ordinance (Cap. 369) for the full implementation of new Chapter XV of the International Convention for the Safety of Life at Sea, 1974, as amended ("SOLAS")<sup>1</sup> and the International Code of Safety for Ships Carrying Industrial Personnel ("IP Code"), adopted by the International Maritime Organization ("IMO") on 10 November 2022 via the Resolution MSC.521(106) and Resolution MSC.527(106) respectively, which are expected to enter into force on 1 July 2024. Associated with the implementation of the IP Code, it is hereby also proposed to amend the Schedule of the Merchant Shipping (Fees) Regulations (Cap. 281F).

2. Furthermore, for the implementation of the latest amendments to the International

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<sup>1</sup> 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.

Convention for the Prevention of Pollution from Ships, 1973 (“MARPOL”)<sup>2</sup>, members’ views are also sought on the proposed legislative amendments to the following two local regulations:

- (a) the Merchant Shipping (Prevention of Pollution by Garbage) Regulation (Cap. 413O); and
- (b) the Merchant Shipping (Prevention of Air Pollution) Regulation (Cap. 413P).

## **Background**

### *SOLAS Chapter XV and IP Code*

3. SOLAS new Chapter XV “Safety Measures for Ships Carrying Industrial Personnel” (Resolution MSC.521(106)) is to provide minimum safety standards for ships that carry industrial personnel, and for the personnel themselves, and address specific risks of maritime operations within the offshore and energy sectors, such as personnel transfer operations. Such personnel may be engaged in constructing, maintaining, decommissioning, operating or servicing offshore facilities, such as wind farms, offshore oil and gas installations, aquaculture, ocean mining or similar activities.

4. The IP Code with respect to Resolution MSC.527(106) is to supplement existing IMO instruments to provide international safety standards for the carriage of industrial personnel onboard cargo ships and high-speed cargo craft. Using SOLAS and the 2000 HSC Code as a basis for regulatory compliance, the IP Code provides goals, functional requirements and additional regulations to facilitate the safe carriage and transfer of industrial personnel by addressing additional risks connected to such operations on ships.

5. The supplemental regulations of the IP Code address the following subjects: (i) safe transfer of personnel; (ii) subdivision and stability; (iii) machinery installations; (iv) electrical

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<sup>2</sup> 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

installations; (v) periodically unattended machinery spaces; (vi) fire safety; (vii) life-saving appliances; and (viii) dangerous goods. Additionally, the Hong Kong Marine Department and/ or our Recognized Organizations need to document the compliance with the IP Code of a ship through the issuance of an Industrial Personnel Safety Certificate (the “IP Safety Certificate”). The IP Code applies to cargo ships and high-speed cargo craft of 500 gross tonnage and upwards, constructed on or after 1 July 2024 (i.e. new ships), which carry more than 12 industrial personnel.

6. Existing ships constructed before 1 July 2024 that comply with the Interim Recommendations on the Safe Carriage of More Than 12 Industrial Personnel on Vessels Engaged on International Voyages (MSC.418(97)) adopted on 25 November 2016 shall comply with the applicable regulations in the IP Code as follows: -

- (a) existing cargo ships that carry more than 12 industrial personnel must comply with regulations III/1, III/2 (except for paragraph 2.1.7), IV/7 and IV/8 of the IP Code by the first intermediate or renewal survey, whichever occurs first, after 1 July 2024;
- (b) existing high-speed cargo craft that carries more than 12 industrial personnel must comply with regulations III/1, III/2 (except for paragraph 2.1.7), V/7 and V/8 of the IP Code by the third periodical or first renewal survey, whichever occurs first, after 1 July 2024; and
- (c) existing cargo ships or high-speed cargo crafts, irrespective of the date of construction, which have not been authorized to carry more than 12 industrial personnel prior to 1 July 2024, shall fully comply with and be certified in accordance with the IP Code before carrying more than 12 industrial personnel on board.

#### *MARPOL amendments*

7. IMO, on 16 December 2022, adopted Resolution MEPC.360(79) to amend MARPOL Annex V and Resolution MEPC.361(79) to amend MARPOL Annex VI. Both amendments will enter into force on 1 May 2024.

8. Resolution MEPC.360(79) lowers the gross tonnage (“GT”) threshold for a ship to be provided with a Garbage Record Book from 400 GT to 100 GT. From 1 May 2024, every ship of 100 GT and above is required to carry a Garbage Record Book onboard and comply with the relevant record-keeping requirements.

9. Resolution MEPC.361(79) designates the Mediterranean Sea Emission Control Area for Sulphur Oxides and Particulate Matter (SOx ECA) with boundaries defined in Appendix VII to MARPOL Annex VI. This Resolution further specifies that ships operating in that SOx ECA are exempted from the relevant requirements<sup>3</sup> for 12 months following entry into force of the amendment, i.e. until 1 May 2025, in accordance with Regulation 14.7 of MARPOL Annex VI<sup>4</sup>.

## **Proposed Legislative Amendments**

### *SOLAS Chapter XV and IP Code*

10. It is proposed to implement SOLAS Chapter XV and the IP Code in Hong Kong through the making of the new Merchant Shipping (Safety) (Ships Carrying Industrial Personnel) Regulation, Cap. 369XX (to be assigned) (“the new Regulation”). The principal objectives of the proposed new Regulation are:

- (i) to give power to the Director of Marine to ensure that Hong Kong registered ships carrying industrial personnel comply with the relevant requirements in the IP Code; and
- (ii) to specify the survey and certification requirements for these ships and the conditions under which the certificate may be issued.

11. The new Regulation should also contain the requirements of safety-related provisions, certification and survey stipulated in the IP Code.

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<sup>3</sup> The relevant requirements are set out in Regulations 14.4, 14.5 and 14.6 of MARPOL Annex VI concerning the sulphur content of fuel oil used on board, documented sulphur content by fuel oil supplier, and the fuel oil changeover procedure and record.

<sup>4</sup> Regulation 14.7 of MARPOL Annex VI reads, “during the first 12 months immediately following entry into force of an amendment designating a specific emission control area under paragraph 3 of this regulation, ships operating in that emission control area are exempt from the requirements in paragraphs 4 and 6 of this regulation and from the requirements of paragraph 5 of this regulation insofar as they relate to paragraph 4 of this regulation.”

12. With regard to the IP Safety Certificate, this will be issued to ships that comply with the requirements of SOLAS Chapter XV and the IP Code. Hence, we propose to update the reference made to the new Regulation with IP Safety Certificate in the Schedule, Part 1 and Part 2 of the Merchant Shipping (Safety) Ordinance (Cap. 369) with a view to enabling those actions to be done by electronic means.

13. Furthermore, we will need to update the Schedule to Part II of the Merchant Shipping (Fees) Regulations (Cap. 281F) in order to govern the new fee chargeable associated with survey work of ships carrying industrial personnel for issuing an IP Safety Certificate.

### *MARPOL*

14. By the virtue of direct reference approach (“DRA”), Cap. 413P can readily implement the designation of Mediterranean Sea SOx ECA without legislative amendments. The relevant requirements within such SOx ECA effected by Sections 17(2) and 18 of Cap. 413P<sup>5</sup> will immediately become effective and applicable to Hong Kong ships upon the entry into force of the amendment adopted by resolution MEPC.361(79), i.e. 1 May 2024.

15. The existing Cap. 413P does not give effect the 12-month exemption provision of Regulation 14.7 of MARPOL Annex VI (para. 9 above refers). Therefore, the legislative amendment to Cap. 413P is needed so that Hong Kong ships can be exempted from complying with Sections 17(2) and 18 of Cap. 413P, aligning with MARPOL requirements.

16. Subject to legal advice, we propose to amend the following local regulations to fully implement the requirements adopted by Resolution MEPC.360(79) and Resolution MEPC.361(79):

- (a) Cap. 413O: to effect the amendments to MARPOL Annex V through the amendments made to Sections 11(2)(a), 11(2)(b) and 12(1) of Cap. 413O for compliance with the applicable requirements of Resolution MEPC.360(79) to make Garbage Record Book mandatory for ships of 100 GT and above; and

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<sup>5</sup> Sections 17(2) and 18 of Cap. 413P set out the sulphur content limit of fuel oil used within SOx ECA and the requirements of fuel oil changeover and record-keeping on entering or leaving SOx ECA.

- (b) Cap. 413P: to effect the exemption within SOx ECA provided in MARPOL Annex VI by inserting a new section to expressly give effect to the 12-month transitory exemption for ships operating in a newly designated SOx ECA as provided in Regulation 14.7 of MARPOL Annex VI.

### **Views Sought**

17. Members' comments, if any, are sought on the proposed legislative amendments as stated in paragraphs 10 to 16 above.

### **Multi-lateral Policy Division**

#### **Marine Department**

**4 September 2023**

#### Enclosures:

Appendix 1: IMO Resolution MSC.521(106)

Appendix 2: IMO Resolution MSC.527(106)

Appendix 3: IMO Resolution MEPC.360(79)

Appendix 4: IMO Resolution MEPC.361(79)