

**Hong Kong Fleet Operation Advisory Committee**

**Proposed Legislative Amendments for the Implementation of SOLAS,  
MARPOL and BWM Convention amendments**

**Purpose**

This paper seeks members' views on the proposed legislative amendments for the implementation of the latest amendments to the International Convention for the Safety of Life at Sea, 1974 (SOLAS)<sup>1</sup>, the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 and 1997 relating thereto (MARPOL)<sup>2</sup> and the International Convention for the Control

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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;
Chapter XIV:	Safety measures for ships operating in polar waters; and
Chapter XV:	Safety measures for ships carrying industrial personnel.

<sup>2</sup> MARPOL contains the following Protocols and Annexes:

Protocol I:	Provisions concerning reports on incidents involving harmful substances;
Protocol II:	Arbitration;
Annex I:	Regulations for the prevention of pollution by oil;
Annex II:	Regulations for the control of pollution by noxious liquid substances in bulk;

and Management of Ships' Ballast Water and Sediments, 2004 (BWM Convention)<sup>3</sup>, of the International Maritime Organization (IMO). The proposed legislative amendments involve the following eight local regulations:

- (a) the Merchant Shipping (Safety) (Grain) Regulations (Cap.369AA);
- (b) the Merchant Shipping (Safety) (Navigational Equipment and Safety of Navigation) Regulation (Cap.369BA);
- (c) the Merchant Shipping (Safety) (Construction and Survey) Regulation (Cap.369BD);
- (d) the Merchant Shipping (Safety) (Fire Protection and Fire-fighting Appliances) Regulation (Cap.369BE);
- (e) the Merchant Shipping (Safety) (Ships Operating in Polar Waters) Regulation (Cap. 369BF);
- (f) the Merchant Shipping (Reporting of Pollution Incidents) Regulations (Cap. 413C);
- (g) the Merchant Shipping (Prevention of Air Pollution) Regulation (Cap. 413P); and
- (h) the Merchant Shipping (Control of Ballast Water and Sediments) Regulation (Cap. 413Q).

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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.

<sup>3</sup> Different Sections of the Annex to the BWM Convention contain provisions relating to:

Section A:	General Provisions;
Section B:	Management and Control Requirements for Ships;
Section C:	Special Requirements in Certain Areas;
Section D:	Standards for Ballast Water Management; and
Section E:	Survey and Certification Requirements for Ballast Water Management.

## **Background**

*New class of loading condition of the International Code for the Safe Carriage of Grain in Bulk (Grain Code) --- Chapter VI of SOLAS*

2. On 23 May 2024, IMO adopted amendments to the Grain Code by Resolution MSC.552(108) (**Appendix 1**) to introduce a new class of loading condition namely "specially suitable compartment, partly filled in way of the hatch opening, with ends untrimmed", and to specify in the new paragraphs 10.4 and 10.7 the requirements for the safe carriage of grain in bulk in such compartments ("the New Class of Loading Condition"). The amendments also include the calculation of assumed heeling moments and general assumptions relating to the New Class of Loading Condition. The amendments will enter into force on 1 January 2026.

*Mandatory reporting of lost/observed freight containers at sea --- Chapter V of SOLAS*

3. In addressing the concerns on the potential risks to safe navigation posed by containers lost from ships, IMO adopted amendments to Chapter V of SOLAS by Resolution MSC.550(108) (**Appendix 2**), to mandate in the new Regulations 31.2 and 32.3 the requirements on the reporting of the loss of freight container from ships or the observation of freight containers drifting at sea. The amendments will enter into force on 1 January 2026.

*Requirements for onboard lifting appliances and anchor handling winches --- Chapter II-1 of SOLAS*

4. IMO adopted amendments to Chapter II-1 of SOLAS by resolution MSC.532(107) (**Appendix 3**), to introduce in the new Regulation 3-13 the requirements for new lifting appliances to be designed, constructed and installed in

accordance with the requirements of a classification society that is recognized by the Administration or standards accepted to the Administration, and for new anchor handling winches to be designed, constructed, installed and tested to the satisfaction of the Administration based on relevant IMO guidelines. The amendments further require all lifting appliances and anchor handling winches to be operationally tested, thoroughly examined, inspected, operated, and maintained based on relevant IMO guidelines. The amendments also provide that malfunction of lifting appliances, anchor handling winches and loose gear shall not be assumed as making the ship unseaworthy or as a reason for delaying the ship in port, provided that action has been taken to take such equipment into account in planning and executing a safe voyage. The amendments will enter into force on 1 January 2026.

*Amended requirements for fire and explosion prevention, firefighting appliances & arrangements etc. --- Chapter II-2 of SOLAS*

5. On 10 November 2022, IMO in its 106<sup>th</sup> session of Maritime Safety Committee (MSC) adopted amendments to Chapter II-2 of SOLAS by Resolution MSC.520(106) (**Appendix 4**), to introduce safety enhancements on the use of fuel oil onboard ships, including the requirements on the verification of the flashpoint of fuel oil and for the fuel oil supplier to confirm by declaration that the fuel oil delivered on board a ship complies with the applicable requirements relating to the prevention of fire and explosion specified in Regulation 4.2.1, Chapter II-2 of SOLAS. The amendments will enter into force on 1 January 2026.

6. IMO also adopted, in its 107<sup>th</sup> session of MSC, amendments to Chapter II-2 of SOLAS by Resolution MSC.532(107) (**Appendix 3**), to prohibit the use or storage of firefighting media containing perfluorooctane sulfonic acid (PFOS) for firefighting on board ships. This prohibition applies to both fixed and portable

firefighting systems on board new and existing ships. This includes the requirement for the prohibited substances to be delivered to appropriate shore-based reception facilities when removed from a ship. The amendments to will enter into force on 1 January 2026.

7. In addition, to reduce the risk of fire on ships, IMO, in its 108<sup>th</sup> session of MSC on 23 May 2024, adopted Resolutions MSC.550(108) (**in Appendix 2**), to amend Regulation 20, Chapter II-2 of SOLAS on the protection of vehicles, special category, open and closed ro-ro spaces, and weather decks intended for the carriage of vehicles. These amendments address principal fire protection measures, such as fixed water-based fire-extinguishing systems to be provided for protecting weather decks, special arrangements of openings in ro/ro spaces, new requirements for the provision of continuous video monitoring for passenger ships etc. The amendments will enter into force on 1 January 2026.

*Amended requirements for specific ships operating in polar waters --- Chapter XIV of SOLAS*

8. Chapter XIV of SOLAS and Polar Code set out mandatory requirements on the structure, stability, machinery installations, fire safety/protection, life-saving appliances and arrangement, safe navigation, communication, manning and training, and environmental protection matters relevant to ships operating in polar waters. On 8 June 2023, IMO adopted amendments to Polar Code by Resolution MSC.538(107) (**Appendix 5**) to insert new Chapters 9-1 and 11-1 in Part I-A setting out the new navigation safety and voyage planning requirements for three types of “specified ships”<sup>4</sup>. IMO further adopted amendments to Chapter XIV of SOLAS by Resolution

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<sup>4</sup> (i) fishing vessels of 24 metres in length overall and above; (ii) pleasure yachts of 300 gross tonnage and upwards not engaged in trade; and (iii) cargo ships of 300 gross tonnage and upwards but below 500 gross tonnage.

MSC.532(107) (**Appendix 3**) to require that these specified ships must comply with the requirements of the new Chapters 9-1 and 11-1 of Part I-A of the Polar Code. The amendments will enter into force on 1 January 2026.

*Amended requirements for reporting of discharge of harmful substances in packaged form --- MARPOL Protocol I*

9. MARPOL Protocol I sets out the provisions concerning the duty of a ship to report to the nearest coastal State of any incident which involves the discharge of harmful substances in packaged form. MARPOL Protocol I further defines that harmful substances in packaged form means substances which are identified as marine pollutants in the International Maritime Dangerous Goods Code (“IMDG Code”). In light of the new reporting requirements under Chapter V of SOLAS<sup>5</sup>, IMO adopted amendments to MARPOL Protocol I by Resolution MEPC.384(81) (**Appendix 6**) to stipulate that reporting of loss of freight container(s) containing harmful substances (i.e. marine pollutants) in packaged form shall be made in accordance with the new reporting requirements under Chapter V of SOLAS. The amendments will enter into force on 1 January 2026.

*New requirements for low-flashpoint fuels and gas fuels --- MARPOL Annex VI*

10. MARPOL Annex VI sets out the requirements on bunker delivery note and representative sample of fuel oil (except gas fuel) delivered for use on board a ship. On 22 March 2024, IMO adopted amendments to MARPOL Annex VI by Resolution MEPC.385(81) (**Appendix 7**) to make bunker delivery note requirements applicable to low-flashpoint fuels and gas fuels, while excluding from the requirements for a representative sample. The amendments will enter into force on 1 August 2025.

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<sup>5</sup> SOLAS V is amended by Resolution MSC.550(108), which was adopted on 23 May 2024 and the new requirements will be implemented by a separate legislative amendment to the Merchant Shipping (Safety) (Navigational Equipment and Safety of Navigation) Regulation (Cap.369BA) (paragraphs 3 refers).

*New requirements for electronic record book --- BWM Convention*

11. The BWM Convention requires an applicable ship to carry on board a Ballast Water Record Book, which may be an electronic record system, to record entries for each ballast water operation. On 22 March 2024, IMO adopted amendments to the BWM Convention by Resolution MEPC.383(81) (**Appendix 8**) to require that an electronic Ballast Water Record Book on board a ship shall be approved by the Administration taking into account the relevant IMO guidelines and that the master of the ship shall verify a group of electronic entries in a timely manner. The amendments will enter into force on 1 October 2025.

**Proposed Legislative Amendments**

12. Subject to legal advice, we propose to amend the following local regulations to fully implement the requirements adopted by Resolutions MSC.520(106), MSC.532(107), MSC.538(107), MSC.550(108), MSC.552(108), MEPC.384(81), MEPC.385(81) and MEPC.383(81):

- (a) Cap.369AA – to effect the amendments to Grain Code adopted by Resolution MSC.552(108) by amending Cap. 369AA to (i) add a new definition for “specially suitable compartment, partly filled in way of the hatch opening, with ends untrimmed”, (ii) insert a new subparagraph in the Schedule to prescribe the requirements of the new paragraph 10.4 of the Grain Code, and (iii) amend the Schedule to prescribe the requirements of amended paragraph 10.7 of the Grain Code.
- (b) Cap.369BA – to effect the amendments to Chapter V of SOLAS adopted

by Resolution MSC.550(108) by amending Cap. 369BA to (i) add a new definition for “company”, and (ii) insert subsections to prescribe the requirements of the new Regulations 31.2 and 32.3 of SOLAS Chapter V.

- (c) Cap. 369BD – to effect the amendments to SOLAS Chapter II-1 adopted by Resolution MSC.532(107) by amending Cap. 369BD to (i) add a new definition for “Lifting appliance, anchor handling winch and loose gear”, and (ii) amend section 4 and insert a new subsection therein, to prescribe the requirements of the new Regulation 3-13 of SOLAS II-1.
- (d) Cap. 369BE – to effect the amendments to SOLAS Chapter II-2 by amending Cap. 369BE to (i) insert a new subsection to prescribe the requirements specified in Regulation 4.2.1 of SOLAS II-2 and amend section 4(1) to prescribe the requirements of Regulation 4.2.1.6 of SOLAS II-2 adopted by MSC.520(106), (ii) insert a new subsection to prescribe the requirements specified in Regulation 10.10.1.2 of SOLAS II-2 adopted by MSC.338(91) which is specified in MSC.520(106), (iii) insert a new subsection to prescribe the requirements specified in Regulation 2.10 of SOLAS Chapter II-2 and amend section 6 to prescribe the requirements of Regulation 10.11.2 of SOLAS Chapter II-2 adopted by MSC.532(107), and (iv) insert new subsections to prescribe the requirements specified in Regulations 20.4.1, 20.4.4, 20.6.2.3 of SOLAS Chapter II-2 for passenger ships constructed before 1 July 2002 and the applicable requirements specified in regulation 20.4.1 of SOLAS II-2 for cargo ships constructed before 1 July 2002 which are adopted by MSC.550(108), and amend section 15 to provide that it is an offence if a ship, the owner and the master of the ship contravene the above requirements.

- (e) Cap. 369BF – to effect the amendments to SOLAS Chapter XIV and the Polar Code adopted by resolutions MSC.532(107) and MSC.538(107) by amending Cap. 369BF to (i) add a new definition for “specified ship”, (ii) insert a new section to prescribe the requirements for specified ships to comply with new Chapters 9-1 and 11-1 of the Polar Code, and (iii) provide that it is a defence for a person who had taken all reasonable steps to prevent the commission of the offence under the new section.
- (f) Cap. 413C – to effect the amendments to MAPROL Protocol I adopted by Resolution MEPC.384(81) by amending Cap. 413C to add a new provision to stipulate that reporting of the loss of freight container(s) containing marine pollutants in packaged form shall follow the requirements in Regulations 31 and 32 of SOLAS Chapter V. Consequently, regulation 8 of Cap. 413C regarding penalties will be amended to specify that contravention of the new reporting requirements is an offence and will be subject to the same penalty level as prescribed in that regulation.
- (g) Cap. 413P – to effect the amendments to MARPOL Annex VI adopted by Resolution MEPC.385(81) by amending Cap. 413P to (i) revise the definition of “fuel oil”, and add new definitions for “gas fuel” and “low-flashpoint fuel” in accordance with the amended MARPOL Annex VI, and (ii) require a ship of 400 gross tonnage or above supplied with low-flashpoint fuels or gas fuels to keep the bunker delivery note on board for three years, while the requirements of retaining representative samples are not applicable to such fuels.

(h) Cap. 413Q – to effect the amendments to the BWM Convention adopted by Resolution MEPC.383(81) by amending Cap. 413Q to (i) require that an electronic Ballast Record Book to be used on board a Hong Kong registered ships must be approved by the Director of Marine or a recognized organization (“RO”)<sup>6</sup> after taking into account the IMO guidelines, and (ii) require that, in respect of the electronic Ballast Record Book, the master of the ship shall verify the electronic entries of ballast water operations by batch in a timely manner.

### **Direct Reference Approach**

13. The requirements in the SOLAS, MARPOL, and BWM Convention are technical in nature and are updated from time to time by IMO. To allow our local legislation to stay up-to-date as far as practicable with the new requirements, we propose adopting a direct reference approach (“DRA”) in the legislative proposals, wherever applicable.

### **Views Sought**

14. Members’ comments, if any, are sought on the proposed legislative amendments as stated in paragraphs 12 – 13 above.

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

#### **Marine Department**

**November 2024**

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<sup>6</sup> Refers to a classification society authorized by the Director of Marine to perform statutory certification and services for Hong Kong registered ships under Section 37 of Cap. 413Q. A list of RO can be found in the link below: <https://www.mardep.gov.hk/en/faq/services-for-cargo-ships-registered-in-hong-kong/survey-audit-and-certification-arrangements/index.html>

Enclosures:

Appendix 1: IMO Resolution MSC.552(108)

Appendix 2: IMO Resolution MSC.550(108)

Appendix 3: IMO Resolution MSC.532(107)

Appendix 4: IMO Resolution MSC.520(106)

Appendix 5: IMO Resolution MSC.538(107)

Appendix 6: IMO Resolution MEPC.384(81)

Appendix 7: IMO Resolution MEPC.385(81)

Appendix 8: IMO Resolution MEPC.383(81)