

High Speed Craft Consultative Committee (HSCCC)

**Proposal to the amendments of the
Merchant Shipping (Control of Harmful Anti-Fouling Systems on
Ships) Regulation (Cap. 413N)**

Purpose

This paper seek members' views on the proposed amendments of the Merchant Shipping (Control of Harmful Anti-Fouling Systems on Ships) Regulation (Cap. 413N) to implement the adopted amendments to Annexes 1 and 4 of the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001 (AFS Convention).

Background

2. On 17 June 2021, the 76th session of the Marine Environment Protection Committee (MEPC) of the International Maritime Organization (IMO) adopted resolution MEPC.331(76) (as enclosed) in relation to the amendments to Annexes 1 and 4 to the AFS Convention regarding controls on cybutryne and revision of model form of the International Anti-Fouling System Certificate (IAFSC) in the Appendix 1 to Annex 4. The major amendments to AFS Convention are as follows:

- (i) to establish control of ships bearing an anti-fouling system that contains cybutryne, taking effect from 1 January 2023; and

(ii) to address the control of cybutryne in the IAFSC.

The following two control measures are added to the table in Annex 1 of AFS Convention:

Item	Anti-fouling system	Control measures	Application	Effective date	Remarks
1	Cybutryne CAS No. 28159-98-0	Ships shall not apply or re-apply anti-fouling systems containing this substance	All ships	01-Jan-2023	Requirements of Cap. 413N ¹
2	Cybutryne CAS No. 28159-98-0	Ships bearing an anti-fouling system that contains this substance in the external coating layer of their hulls or external parts or surfaces on 1 January 2023 shall either: (1) remove the anti-fouling system; or (2) apply a coating that forms a barrier to this substance leaching from the underlying non-compliant anti-fouling system	All ships except: (1) fixed and floating platforms, FSUs, and FPSOs that have been constructed prior to 1 January 2023 and that have not been in dry-dock on or after 1 January 2023; (2) ships not engaged in international voyages; and (3) ships of less than 400 gross tonnage engaged in international voyages, if accepted by the coastal State(s)	At the next scheduled renewal of the anti-fouling system after 1 January 2023, but no later than 60 months following the last application to the ship of an anti-fouling system containing cybutryne	The scope of application does not cover vessels engaging in cross-boundary voyage.

Table 1

The Legislative Proposal

3. In order to keep in line with the international maritime standards

¹ Cap. 413N mandatorily requires ships engaged on international voyages: (i) ships of 400 GT or above to carry an International Anti-fouling System Certificate; and (ii) ships of 24 meters or more in length, less than 400 GT to carry owner's declaration on using compliance anti-fouling paints with relevant supporting documents.

For local vessels and ships other than above, the proposed amendments to Cap. 413N will prohibit the use of anti-fouling materials with cybutryne in addition to organotin compounds but will not set any mandatory requirements on survey, certification or documentation.

applicable to Hong Kong ships, subject to legal advice, we propose to amend Cap. 413N for the implementation of MEPC.331(76) (**Annex 1**) which will enter into force on 1 January 2023.

Proposed requirements for High Speed Craft (HSC) engaging in cross-boundary voyage²

4. (i) **Requirements under Item 1 – Table 1**

Since it is applicable to all ships, including HSC engaging in cross-boundary voyage, all shipowners shall ensure the compliance. While for record purpose, shipowners of HSC are recommended to provide their vessel of 24 meters or more in length with a “Declaration on Anti-Fouling Systems” (the Declaration) signed by the owner or authorized agent and subsequently endorse on each occasion that new coating(s) is applied to the HSC’s Anti-Fouling Systems. The Declaration shall have to be accompanied by appropriate documentation such as a paint receipt or contractor invoice. The sample declaration form is attached in **Annex 2**.

(ii) **Requirements under Item 2 – Table 1.**

The scope of application does not cover HSC engaging in cross-boundary voyage. For the purpose of preserving the marine environment of Hong Kong, shipowners are recommended to comply the requirements and carry the

² “Cross-boundary voyage” means a voyage-
(a) between Hong Kong and a port outside Hong Kong; and
(b) which is not an international voyage.

same declaration as in Annex 2.

5. The implementation of the above amendments will have no material effect on the operation of vessels engaging in cross-boundary voyage.

Views Sought

6. Members' views, if any, are sought on the proposals as stated in paragraph 4 above.

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Enclosures:

Annex 1: IMO Resolution MEPC.331(76) -- Amendments Annexes 1 and 4 to the AFS Convention (controls on cybutryne and form of the International Anti-Fouling System Certificate)

Annex 2: Sample form of Declaration on Anti-Fouling System