

LOCAL VESSELS ADVISORY COMMITTEE

Amendments to the Merchant Shipping (Prevention of Oil Pollution) Regulations (Cap. 413A), the Merchant Shipping (Prevention of Pollution by Garbage) Regulation (Cap. 413O) and the Merchant Shipping (Prevention of Air Pollution) Regulation (Cap. 413P)

Purpose

This paper provides members with the relevant information on the amendments to the Merchant Shipping (Prevention of Oil Pollution) Regulations (Cap. 413A), the Merchant Shipping (Prevention of Pollution by Garbage) Regulation (Cap. 413O) and the Merchant Shipping (Prevention of Air Pollution) Regulation (Cap. 413P) to implement the amended Annexes I, II, V and VI of the International Convention for the Prevention of Pollution from Ships, 1973¹ (MARPOL) respectively.

Background

2. The 74th session of the Marine Environment Protection Committee of the International Maritime Organization adopted Resolutions MEPC.314(74) and MEPC.316(74) (see **Appendix**) respectively on 17 May 2019 to amend the requirements under MARPOL Annexes I, II, V and VI concerning Electronic Record Books newly added as an option to electronically record the required entries for discharges, transfers and other operations in lieu of the existing hard copy record books.

3. The aforesaid resolutions will enter into force on **1 October 2020**, whereas the following terms are applicable to local vessels using Oil Record Books, Cargo Record Books (for vessels carrying noxious liquid substances in bulk), Garbage Record Books and/or Ozone Depleting Substances (ODS) Record Books:

¹ MARPOL is supplemented by two protocols and six annexes, Annex I being “Regulations for the prevention of pollution by oil”, Annex II being “Regulations for the control of pollution by noxious liquid substances in bulk”, Annex III being “Prevention of pollution by harmful substances carried by sea in packaged form”, Annex IV being “Prevention of pollution by sewage from ships”, Annex V being “Prevention of pollution by garbage from ships” and Annex VI being “Prevention of air pollution from ships”.

- (a) The hard copy record books used on board in accordance with Cap. 413A, 413B (the Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) Regulations), 413O and 413P may be replaced by Electronic Record Books approved by the Director of Marine (the Director). As the adoption of Electronic Record Books is not mandatory, the existing hard copy record books may continue to be used on board.
- (b) If the ODS Record Books used in accordance with Section 39 of Cap. 413P form part of the electronic recording system of the ship, that system must be approved by the Director on or before the first International Air Pollution Prevention (IAPP) Certificate or the Hong Kong Air Pollution Prevention (HKAPP) Certificate renewal survey carried out after the legislative amendments entering into force, and then the ODS Record Books may be used as the relevant Electronic Record Books since then.

4. With regard to local legislative amendments, the provisions of Cap. 413B adopt a direct reference approach under which Cargo Record Books shall comply with Regulation 15.1 of MARPOL Annex II. Thus, there are no further amendments necessary for implementing Resolution MEPC.314(74) concerning requirements on the use of Electronic Record Books for cargoes. However, to implement the resolution concerning the use of electronic records for Oil Record Books, Garbage Record Books and ODS Record Books, amendments must be made to relevant provisions of Cap. 413A, 413O and 413P.

Way forward

5. To align with international standards, the Marine Department is drafting amendments to the relevant provisions of Cap. 413A, 413O and 413P for implementing the new requirements of the resolution. Members are invited to note that relevant amendments are expected to be submitted to the Legislative Council for consideration in the 2019-20 legislative session.

Appendix:

Resolution MEPC.314(74) – Amendments to MARPOL Annexes I, II and V (Electronic Record Books)

Resolution MEPC.316(74) – Amendments to MARPOL Annex VI (Electronic Record Books and EEDI regulations for ice-strengthened ships)

ANNEX 3

**RESOLUTION MEPC.314(74)
(adopted on 17 May 2019)**

**AMENDMENTS TO THE ANNEX OF THE INTERNATIONAL CONVENTION FOR THE
PREVENTION OF POLLUTION FROM SHIPS, 1973, AS MODIFIED BY THE
PROTOCOL OF 1978 RELATING THERETO**

Amendments to MARPOL Annexes I, II and V

(Electronic Record Books)

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING Article 38(a) of the Convention on the International Maritime Organization concerning the functions of the Marine Environment Protection Committee conferred upon it by international conventions for the prevention and control of marine pollution from ships,

RECALLING ALSO article 16 of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL), which specifies the amendment procedure and confers upon the appropriate body of the Organization the function of considering and adopting amendments thereto,

HAVING CONSIDERED, at its seventy-fourth session, proposed amendments to MARPOL Annexes I, II and V concerning Electronic Record Books, which were circulated in accordance with article 16(2)(a) of MARPOL,

1 ADOPTS, in accordance with article 16(2)(d) of MARPOL, amendments to MARPOL Annexes I, II and V, the text of which is set out in the annex to the present resolution;

2 DETERMINES, in accordance with article 16(2)(f)(iii) of MARPOL, that the amendments shall be deemed to have been accepted on 1 April 2020 unless prior to that date, not less than one third of the Parties or Parties the combined merchant fleets of which constitute not less than 50% of the gross tonnage of the world's merchant fleet, have communicated to the Organization their objection to the amendments;

3 INVITES the Parties to note that, in accordance with article 16(2)(g)(ii) of MARPOL, the said amendments shall enter into force on 1 October 2020 upon their acceptance in accordance with paragraph 2 above;

4 REQUESTS the Secretary-General, for the purposes of article 16(2)(e) of MARPOL, to transmit certified copies of the present resolution and the text of the amendments contained in the annex to all Parties to MARPOL;

5 REQUESTS ALSO the Secretary-General to transmit copies of the present resolution and its annex to Members of the Organization which are not Parties to MARPOL.

ANNEX

AMENDMENTS TO MARPOL ANNEXES I, II AND V

(Electronic Record Books)

MARPOL ANNEX I

REGULATIONS FOR THE PREVENTION OF POLLUTION BY OIL

Regulation 1 – Definitions

1 A new paragraph 39 is added as follows:

"39 *Electronic Record Book* means a device or system, approved by the Administration, used to electronically record the required entries for discharges, transfers and other operations as required under this Annex in lieu of a hard copy record book."

Regulation 17 – Oil Record Book Part I – Machinery space operations

2 The second sentence of paragraph 1 is replaced by the following:

"The Oil Record Book, whether as a part of the ship's official logbook, as an electronic record book which shall be approved by the Administration taking into account the Guidelines developed by the Organization*, or otherwise, shall be in the form specified in appendix III to this Annex."

3 In the second sentence of paragraph 4, the words "or group of electronic entries" are inserted after the words "each completed page".

Regulation 36 – Oil Record Book Part II – Cargo/ballast operations

4 The second sentence of paragraph 1 is replaced by the following:

"The Oil Record Book Part II, whether as a part of the ship's official logbook, as an electronic record book which shall be approved by the Administration taking into account the Guidelines developed by the Organization*, or otherwise, shall be in the Form specified in appendix III to this Annex."

5 In the second sentence of paragraph 5, the words "or group of electronic entries" are inserted after the words "each completed page".

* Refer to the *Guidelines for the use of electronic record books under MARPOL*, adopted by resolution MEPC.312(74)"

MARPOL ANNEX II

REGULATIONS FOR THE CONTROL OF POLLUTION OF NOXIOUS LIQUID SUBSTANCES IN BULK

Regulation 1 – Definitions

6 A new paragraph 22 is added as follows:

"22 *Electronic Record Book* means a device or system, approved by the Administration, used to electronically record the required entries for discharges, transfers and other operations as required under this Annex in lieu of a hard copy record book."

Regulation 15 – Cargo Record Book

7 The existing paragraph 1 is replaced by the following:

"Every ship to which this Annex applies shall be provided with a Cargo Record Book, whether as a part of the ship's official logbook, as an electronic record book which shall be approved by the Administration taking into account Guidelines developed by the Organization*, or otherwise, in the form specified in appendix II to this Annex."

8 In the first sentence of paragraph 4, the words "or group of electronic entries" are inserted after the words "each page".

MARPOL ANNEX V

REGULATIONS FOR THE PREVENTION OF POLLUTION BY GARBAGE FROM SHIPS

Regulation 1 – Definitions

9 A new paragraph 19 is added as follows:

"19 *Electronic Record Book* means a device or system, approved by the Administration, used to electronically record the required entries for discharges, transfers and other operations as required under this Annex in lieu of a hard copy record book."

Regulation 10 – Placards, garbage management plans and garbage record-keeping

10 The second sentence of the chapeau of paragraph 3 is replaced by the following:

"The Garbage Record Book, whether as a part of the ship's official logbook, or as an electronic record book which shall be approved by the Administration taking into account the Guidelines developed by the Organization*, or otherwise, shall be in the form specified in appendix II to this Annex:"

11 In the second sentence of paragraph 3.1, the words "or group of electronic entries" are inserted after the words "each completed page".

* Refer to the *Guidelines for the use of electronic record books under MARPOL*, adopted by resolution MEPC.312(74)"

ANNEX 5

**RESOLUTION MEPC.316(74)
(adopted on 17 May 2019)**

**AMENDMENTS TO THE ANNEX OF THE PROTOCOL OF 1997 TO AMEND THE
INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS,
1973, AS MODIFIED BY THE PROTOCOL OF 1978 RELATING THERETO**

Amendments to MARPOL Annex VI

(Electronic Record Books and EEDI regulations for ice-strengthened ships)

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING Article 38(a) of the Convention on the International Maritime Organization concerning the functions of the Marine Environment Protection Committee conferred upon it by international conventions for the prevention and control of marine pollution from ships,

RECALLING ALSO article 16 of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocols of 1978 and 1997 relating thereto (MARPOL), which specifies the amendment procedure and confers upon the appropriate body of the Organization the function of considering amendments thereto for adoption by the Parties,

HAVING CONSIDERED, at its seventy-fourth session, proposed amendments to MARPOL Annex VI concerning Electronic Record Books and EEDI regulations for ice-strengthened ships, which were circulated in accordance with article 16(2)(a) of MARPOL,

1 ADOPTS, in accordance with article 16(2)(d) of MARPOL, amendments to MARPOL Annex VI, the text of which is set out in the annex to the present resolution;

2 DETERMINES, in accordance with article 16(2)(f)(iii) of MARPOL, that the amendments shall be deemed to have been accepted on 1 April 2020 unless prior to that date, not less than one third of the Parties or Parties the combined merchant fleets of which constitute not less than 50% of the gross tonnage of the world's merchant fleet, have communicated to the Organization their objection to the amendments;

3 INVITES the Parties to note that, in accordance with article 16(2)(g)(ii) of MARPOL, the said amendments shall enter into force on 1 October 2020 upon their acceptance in accordance with paragraph 2 above;

4 REQUESTS the Secretary-General, for the purposes of article 16(2)(e) of MARPOL, to transmit certified copies of the present resolution and the text of the amendments contained in the annex to all Parties to MARPOL;

5 REQUESTS ALSO the Secretary-General to transmit copies of the present resolution and its annex to Members of the Organization which are not Parties to MARPOL.

ANNEX

AMENDMENTS TO MARPOL ANNEX VI

(Electronic Record Books and EEDI regulations for ice-strengthened ships)

Regulation 2 – Definitions

1 Paragraph 42 is replaced by the following:

"42 *Polar Code* means the International Code for Ships Operating in Polar Waters, consisting of an introduction, parts I-A and II-A and parts I-B and II-B, adopted by resolutions MSC.385(94) and MEPC.264(68), as may be amended, provided that:

- .1 amendments to the environment-related provisions of the introduction and chapter 1 of part II-A of the Polar Code are adopted, brought into force and take effect in accordance with the provisions of article 16 of the present Convention concerning the amendment procedures applicable to an appendix to an annex; and
- .2 amendments to part II-B of the Polar Code are adopted by the Marine Environment Protection Committee in accordance with its Rules of Procedure."

2 A new paragraph 51 is added as follows:

"51 *Electronic Record Book* means a device or system, approved by the Administration, used to electronically record the required entries for discharges, transfers and other operations as required under this Annex in lieu of a hard copy record book."

Regulation 12 – Ozone-depleting substances

3 In the second sentence of paragraph 6, the words "recording system" are replaced by "record book**".

4 A new sentence is inserted at the end of paragraph 6 as follows:

"An electronic recording system referred to in regulation 12.6, as adopted by resolution MEPC.176(58), shall be considered an electronic record book, provided the electronic recording system is approved by the Administration on or before the first International Air Pollution Prevention (IAPP) Certificate renewal survey carried out on or after 1 October 2020, but not later than 1 October 2025, taking into account the Guidelines developed by the Organization**"

Regulation 13 – Nitrogen oxides (NO_x)

5 In paragraph 5.3, the words "or electronic record book*", " are inserted after the words "shall be recorded in such logbook".

** Refer to the *Guidelines for the use of electronic record books under MARPOL*, adopted by resolution MEPC.312(74)."

Regulation 14 – Sulphur oxides (SO_x) and particulate matter

6 In the last sentence of paragraph 6, the words "or electronic record book*," are inserted after the words "shall be recorded in such logbook".

Regulation 19 – Application

7 In the last sentence of paragraph 3, the words "cargo ships having ice-breaking capability" are replaced by the words "category A ships as defined in the Polar Code".

Appendix I

Form of International Air Pollution Prevention (IAPP) Certificate (Regulation 8)

8 In the introductory paragraph of Appendix I, the words "by resolution MEPC.176(58) in 2008" are deleted.

Appendix VIII

Form of International Energy Efficiency (IEE) Certificate

9 In the introductory paragraph, the words "by resolution MEPC.203(62)" are deleted.

Appendix X

Form of Statement of Compliance – Fuel Oil Consumption Reporting

10 In the introductory paragraph, the word "by" between "Pollution" and "Ships" in the first sentence is replaced by the word "from".

* Refer to the *Guidelines for the use of electronic record books under MARPOL*, adopted by resolution MEPC.312(74)."