

LOCAL VESSELS ADVISORY COMMITTEE

Amendments to the Merchant Shipping (Prevention of Pollution by Garbage) Regulation (Cap. 413O) – Substances that are Harmful to the Marine Environment (HME Substances) and Form of Garbage Record Book

Purpose

This paper provides members with the relevant information on the amendments to the Merchant Shipping (Prevention of Pollution by Garbage) Regulation (Cap. 413O) to implement the amended Annex V¹ of the International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL Annex V).

Background

2. The 70th session of the Marine Environment Protection Committee of the International Maritime Organisation adopted Resolution MEPC.277(70) (see **Appendix**) on 28 October 2016, which mainly stated that solid bulk cargoes as defined in regulation VI/1-1.2 of the International Convention for the Safety of Life at Sea, 1974, as amended, other than grain, shall be classified in accordance with the new appendix I of MARPOL Annex V, and declared by the shipper as to whether or not they are harmful to the marine environment. The amendments also involved garbage categories with E-waste² being added as a new item.

3. The amendments also covered requirements for the Garbage Record Book, including making entries, its format as well as obtaining receipts from reception facilities. An entry shall be made in the Garbage Record Book for any reception by a port facility, discharge from ship or accidental loss. In the case

¹ Regulations for the Prevention of Pollution by Garbage from Ships

² “E-waste” means electrical and electronic equipment used for the normal operation of the ship or in the accommodation spaces, including all components, subassemblies and consumables, which are part of the equipment at the time of discarding, with the presence of material potentially hazardous to human health and/or the environment.

of any ship of less than 400 gross tonnage, an entry shall be made in the ship's official log-book of the details of the discharge or loss. Along with the Garbage Record Book, receipts obtained from reception facilities are also required to be kept on board the ship. The preservation period shall be two years after the date of the last entry in the Garbage Record Book.

4. The new requirements are applicable to Hong Kong ships wherever they may be and all ships within Hong Kong waters, local vessels are therefore also required to comply with the amended requirements. In view of the current situation that no local vessels carry solid bulk cargoes which are harmful to the marine environment and that discharge of cargo hold washing water containing residues shall be made not less than 12 nautical miles from the nearest land, the draft legislative amendments will pose no substantive effect on local vessels. The new requirements for discharge of garbage from ship and record are similar to the requirements stated in the existing sections 5, 6, 11(3) and 12 of Cap. 413O. There will be no substantive change.

Way Forward

5. Resolution MEPC.277(70) entered into force on 1 March 2018. To align with international standards, the Marine Department is drafting amendments to the relevant provisions of Cap. 413O for the implementation of the requirements of the resolution.

Marine Department
Multi-Lateral Policy Division
September 2019

Appendix

Resolution MEPC.277(70) –
HME substances and Form of Garbage Record Book

RESOLUTION MEPC.277(70)
(Adopted on 28 October 2016)

**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 Annex V

(HME substances and Form of Garbage Record Book)

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,

NOTING 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 seventieth session, proposed amendments to MARPOL Annex V concerning substances that are harmful to the marine environment (HME) and Form of Garbage Record Book,

1 ADOPTS, in accordance with article 16(2)(d) of MARPOL, amendments to MARPOL Annex 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 September 2017 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 March 2018 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 FURTHER 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 V (HME substances and Form of Garbage Record Book)

ANNEX V

REGULATIONS FOR THE PREVENTION OF POLLUTION BY GARBAGE FROM SHIPS

Regulation 4

Discharge of garbage outside special areas

1 In the second sentence of paragraph 1.3, the words "taking into account guidelines developed by the Organization" are replaced with the words "in accordance with the criteria set out in appendix I of this Annex".

2 A new paragraph 3 is added as follows:

"3 Solid bulk cargoes as defined in regulation VI/1-1.2 of the International Convention for the Safety of Life at Sea (SOLAS), 1974 , as amended, other than grain, shall be classified in accordance with appendix I of this Annex, and declared by the shipper as to whether or not they are harmful to the marine environment."

3 The existing paragraph 3 is renumbered as paragraph 4.

Regulation 6

Discharge of garbage within special areas

4 Paragraph 1.2.1 is replaced with the following:

".1 Cargo residues contained in hold washing water do not include any substances classified as harmful to the marine environment according to the criteria set out in appendix I of this Annex;"

5 A new paragraph 1.2.2 is added as follows:

".2 Solid bulk cargoes as defined in regulation VI/1-1.2 of the International Convention for the Safety of Life at Sea (SOLAS), 1974 , as amended, other than grain, shall be classified in accordance with appendix I of this Annex, and declared by the shipper as to whether or not they are harmful to the marine environment;"

6 A new paragraph 1.2.3 is added as follows:

".3 Cleaning agents or additives contained in hold washing water do not include any substances classified as harmful to the marine environment taking into account guidelines developed by the Organization;"

7 The existing paragraphs 1.2.2 to 1.2.4 are renumbered as paragraphs 1.2.4 to 1.2.6. The renumbered paragraph 1.2.6 is amended to read as follows:

".6 Where the conditions of subparagraphs .2.1 to .2.5 of this paragraph have been fulfilled, discharge of cargo hold washing water containing residues shall be made as far as practicable from the nearest land or the nearest ice shelf and not less than 12 nautical miles from the nearest land or the nearest ice shelf."

Regulation 10

Placards, garbage management plans and garbage record-keeping

8 In the chapeau of paragraph 3, the words "the appendix" is replaced with the words "appendix II".

9 Paragraph 3.2 is replaced with the following:

".2 The entry for each discharge into the sea under regulations 4, 5, 6 or section 5.2 of chapter 5 of part II-A of the Polar Code shall include date and time, position of the ship (latitude and longitude), category of the garbage and the estimated amount (in cubic metres) discharged. For discharge of cargo residues the discharge start and stop positions shall be recorded in addition to the foregoing;"

10 After the existing paragraph 3.2, new paragraphs 3.3 and 3.4 are inserted as follows:

".3 The entry for each completed incineration shall include date and time and position of the ship (latitude and longitude) at the start and stop of incineration, categories of garbage incinerated and the estimated amount incinerated for each category in cubic metres;

".4 The entry for each discharge to a port reception facility or another ship shall include date and time of discharge, port or facility or name of ship, categories of garbage discharged, and the estimated amount discharged for each category in cubic metres;"

11 The existing paragraph 3.3 is renumbered as 3.5 and between the words "Book" and "shall", the words "along with receipts obtained from reception facilities" are inserted.

12 The existing paragraph 3.4 is renumbered as 3.6 and is replaced with the following:

".6 In the event of any discharge or accidental loss referred to in regulation 7 of this Annex an entry shall be made in the Garbage Record Book, or in the case of any ship of less than 400 gross tonnage, an entry shall be made in the ship's official log-book of the date and time of occurrence, port or position of the ship at time of occurrence (latitude, longitude and water depth if known), the reason for the discharge or loss, details of the items discharged or lost, categories of garbage discharged or lost, estimated amount for each category in cubic metres, reasonable precautions taken to prevent or minimize such discharge or accidental loss and general remarks."

13 A new appendix I is added as follows and the existing appendix is renumbered as appendix II:

"Appendix I

Criteria for the classification of solid bulk cargoes as harmful to the marine environment

For the purpose of this Annex, cargo residues are considered to be harmful to the marine environment (HME) if they are residues of solid bulk cargoes which are classified according to the criteria of the United Nations Globally Harmonized System of Classification and Labelling of Chemicals (GHS) meeting the following parameters:

- .1 Acute Aquatic Toxicity Category 1; and/or
- .2 Chronic Aquatic Toxicity Category 1 or 2; and/or
- .3 Carcinogenicity Category 1A or 1B combined with not being rapidly degradable and having high bioaccumulation; and/or
- .4 Mutagenicity Category 1A or 1B combined with not being rapidly degradable and having high bioaccumulation; and/or
- .5 Reproductive Toxicity Category 1A or 1B combined with not being rapidly degradable and having high bioaccumulation; and/or
- .6 Specific Target Organ Toxicity Repeated Exposure Category 1 combined with not being rapidly degradable and having high bioaccumulation; and/or
- .7 Solid bulk cargoes containing or consisting of synthetic polymers, rubber, plastics, or plastic feedstock pellets (this includes materials that are shredded, milled, chopped or macerated or similar materials)."

Appendix II

Form of Garbage Record Book

14 Section 3 of the renumbered appendix II is replaced with the following:

"3 Description of the garbage

Garbage is to be grouped into categories for the purposes of recording in parts I and II of the Garbage Record Book (or ship's official log-book) as follows:

Part I

- | | |
|---|--------------------|
| A | Plastics |
| B | Food wastes |
| C | Domestic wastes |
| D | Cooking oil |
| E | Incinerator ashes |
| F | Operational wastes |
| G | Animal carcasses |
| H | Fishing gear |
| I | E-waste |

Part II

J Cargo residues (non-HME)

K Cargo residues (HME)"

15 The Record of Garbage Discharges in the renumbered appendix II is replaced with the following:

"RECORD OF GARBAGE DISCHARGES

PART I

For all garbage other than cargo residues as defined in regulation 1.2 (Definitions)

(All ships)

Ship's name	Distinctive number or letters	IMO number
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Garbage categories

A-Plastics	B-Food waste	C-Domestic wastes	D-Cooking oil
E-Incinerator ashes	F-Operational wastes	G-Animal carcasses	H-Fishing gear
			I-E-waste

Discharges under MARPOL Annex V regulations 4 (Discharge of garbage outside special areas), 5 (Special requirements for discharge of garbage from fixed or floating platforms) or 6 (Discharge of garbage within special areas) or chapter 5 of part II-A of the Polar Code

Date/ Time	Position of the ship (latitude/longitude) or port if discharged ashore or name of ship if discharged to another ship	Category	Estimated amount discharged		Estimated amount incinerated (m ³)	Remarks: (e.g. start/stop time and position of incineration; general remarks)	Certification/ Signature
			Into sea (m ³)	To reception facilities or to another ship (m ³)			
/ :							
/ :							
/ :							
/ :							

Date/ Time	Port or position of the ship (latitude/ longitude)	Category	Estimated amount lost or discharged (m ³)	Remarks on the reason for the discharge or loss and general remarks (e.g. reasonable precautions taken to prevent or minimize such discharge or accidental loss and general remarks)	Certification/ Signature

	longitude and water depth if known)				
/ :					
/ :					

Exceptional discharge or loss of garbage under regulation 7 (Exceptions)

Master's signature: _____ Date: _____

PART II
For all cargo residues as defined in regulation 1.2 (Definitions)
(Ships that carry solid bulk cargoes)

Ship's name	Distinctive number or letters	IMO number
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Garbage categories

J- Cargo residues (non-HME)	K- Cargo residues (HME)
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Discharges under regulations 4 (Discharge of garbage outside special areas) and 6 (Discharge of garbage within special areas)

Date/ Time	Position of the ship (latitude/longitude) or port if discharged ashore	Category	Estimated amount discharged		Start and stop positions of the ship for discharges into the sea	Certification/ Signature
			Into sea (m ³)	To reception facilities or to another ship (m ³)		
/ :						
/ :						
/ :						

Master's signature: _____ Date: _____ "