

Local Vessels Advisory Committee

Amendment to the Merchant Shipping (Prevention of Pollution by Garbage) Regulation (Cap. 413O)

Purpose

This paper seeks members' views on the proposed amendment to the Merchant Shipping (Prevention of Pollution by Garbage) Regulation (Cap. 413O) to implement the amended Annex V to the International Convention for the Prevention of Pollution from Ships, 1973 ("MARPOL Annex V"), that concern local vessels.

Background

2. At its 79th session on 16 December 2022, the Marine Environment Protection Committee of the International Maritime Organization ("IMO") adopted Resolution MEPC.360(79) (**Appendix 1**) to amend the requirements of MARPOL Annex V concerning the Garbage Record Book. The amendment will enter into force on 1 May 2024 and applies to the local vessels.

Summary of the relevant amendments applicable to local vessels

3. To further reduce the discharge of garbage from shipping, the IMO expands the requirements for a ship to be provided with a Garbage Record Book by lowering the threshold from 400 gross tonnage ("GT") to 100 GT and will enter into force on 1 May 2024. Following the entry into force of the amendment, every ship of 100 GT and above is required to carry a Garbage Record Book onboard and record every discharge of garbage in accordance with MARPOL Annex V requirements.

Legislative Proposals

4. To align with international standards applicable to local vessels, the Marine Department is drafting amendment to Cap.413O to implement the new requirements of resolution MEPC.360(79).

Advice Sought

5. The relevant legislative amendment is expected to be submitted to the Legislative Council for consideration in February 2024. Members are invited to provide views on the legislative proposal for the aforementioned new requirements of MARPOL Annex V.

Marine Department
Multi-lateral Policy Division

December 2023

Appendix:

Appendix 1 Resolution MEPC.360(79)

تعديلات عام 2022 على الاتفاقية الدولية لمنع التلوث من السفن لعام 1973 ،
في صيغتها المعدلة ببروتوكول عام 1978 المتعلق بها

المرفق V لاتفاقية ماربول

(المرفق الإقليمية لاستقبال النفايات ضمن المياه القطبية الشمالية وسجل القمامة)

القرار (MEPC.360(79))

《经 1978 年议定书修订的〈1973 年国际防止船舶造成污染公约〉》
的 2022 年修正案

《防污公约》附则 V 修正案

(北极水域内的区域接收设施和垃圾记录簿)

第 MEPC.360(79)号决议

**2022 AMENDMENTS TO THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF
POLLUTION FROM SHIPS, 1973, AS MODIFIED BY THE
PROTOCOL OF 1978 RELATING THERETO**

MARPOL ANNEX V

(Regional reception facilities within Arctic waters and Garbage Record Book)

Resolution MEPC.360(79)

RESOLUTION MEPC.360(79)
(adopted on 16 December 2022)

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

MARPOL ANNEX V

(Regional reception facilities within Arctic waters and 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,

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 amendments thereto for adoption by the Parties,

HAVING CONSIDERED, at its seventy-ninth session, proposed amendments to MARPOL Annex V concerning regional reception facilities within Arctic waters and Garbage Record Book, 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 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 November 2023 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 May 2024 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 ALSO REQUESTS 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

(Regional reception facilities within Arctic waters and Garbage Record Book)

Regulation 8 – Reception facilities

1 In the first sentence of paragraph 2.2, the words "sub-paragraph 3.1" are replaced by the words "paragraph 2.1".

2 Paragraph 3 is replaced by the following:

"3 The following States may satisfy the requirements in paragraphs 1 and 2.1 of this regulation through regional arrangements when, because of those States' unique circumstances, such arrangements are the only practical means to satisfy these requirements:

- .1 small island developing States; and
- .2 States the coastline of which borders on Arctic waters, provided that regional arrangements shall cover only ports within Arctic waters of those States.

Parties participating in a regional arrangement shall develop a Regional Reception Facilities Plan, taking into account the guidelines developed by the Organization.

The Government of each Party participating in the arrangement shall consult with the Organization, for circulation to the Parties of the present Convention on:

- .1 how the Regional Reception Facilities Plan takes into account the guidelines developed by the Organization;
- .2 particulars of the identified Regional Ships Waste Reception Centres, taking into account the guidelines developed by the Organization; and
- .3 particulars of those ports with only limited facilities."

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

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

"3 Every ship of 100 gross tonnage and above and every ship which is certified to carry 15 or more persons engaged in voyages to ports or offshore terminals under the jurisdiction of another Party to the Convention and every fixed or floating platform shall be provided with a Garbage Record Book."

4 Paragraph 3.6 is replaced by 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 100 gross tonnage, an entry shall be made in the ship's official logbook 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."