

Shipping Consultative Committee

Proposed Amendment to Merchant Shipping Regulations

Purpose

1. The purpose of this paper is to seek members' view on the proposal to amend Hong Kong Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) Regulations (Cap. 413B) to implement the Revised Annex II of MARPOL 73/78, which will enter into force internationally on 1 January 2007.

Backgrounds

2. IMO adopted Resolution MEPC.118(52) on 15 October 2004 which set out Amendments to the Annex of the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973. A copy of this resolution is enclosed for members' reference.

The New Requirements

3. The revised Annex II Regulations includes a new four-category categorization system for noxious and liquid substances. The new categories are:

i) *Category X*

Noxious Liquid Substances which, if discharged into the sea from tank cleaning or deballasting operations, are deemed to present a major hazard to either marine resources or human health and, therefore, justify the prohibition of the discharge into the marine environment;

ii) *Category Y*

Noxious Liquid Substances which, if discharged into the sea from tank cleaning or deballasting operations, are deemed to

present a hazard to either marine resources or human health or cause harm to amenities or other legitimate uses of the sea and therefore justify a limitation on the quality and quantity of the discharge into the marine environment;

iii) *Category Z*

Noxious Liquid Substances which, if discharged into the sea from tank cleaning or deballasting operations, are deemed to present a minor hazard to either marine resources or human health and therefore justify less stringent restrictions on the quality and quantity of the discharge into the marine environment; and

iv) *Other Substances*

Substances which have been evaluated and found to fall outside Category X, Y or Z because they are considered to present no harm to marine resources, human health, amenities or other legitimate uses of the sea when discharged into the sea from tank cleaning or deballasting operations. The discharge of bilge or ballast water or other residues or mixtures containing these substances are not subject to any requirements of MARPOL Annex II.

4. The revised Annex II also includes a number of significant changes, e.g. improvements in ship technology, such as efficient stripping techniques, have made possible significantly lower permitted discharge levels of certain products which have been incorporated into Annex II. The marine pollution hazards of thousands of chemicals have also been evaluated, giving a Hazard Profile which indexes the substance according to its bio-accumulation; bio-degradation; acute toxicity; chronic toxicity; long-term health effects; and effects on marine wildlife and on benthic habitats.

5. As a result of the hazard evaluation process and the new categorization system, vegetable oils which were previously categorized as being unrestricted will now be required to be carried in chemical tankers. The revised Annex II includes, under regulation 4 exemptions provision for the Administration to exempt ships certified to carry individually identified vegetable oils, subject to certain requirements relating to the location of the cargo tanks carrying the identified

vegetable oil.

Implementation of International Requirements

6. The provisions of the above new requirements will enter into force internationally on 1 January 2007. HKSAR has the obligation to keep abreast of international Conventions by implementing the new requirements. The implementation of these new requirements will be done by amending the Hong Kong Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) Regulations (Cap. 413B).

Consultation

7. Members are invited to comment on the above proposal to implement the Revised MARPOL Annex II on Hong Kong ships.

Marine Department
Multi-lateral Policy Division
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Encl. Resolution MEPC.118(52)