

Shipping Consultative Committee

Implementation of the International Convention on the Control of Harmful Anti-fouling Systems on Ships in the HKSAR

Introduction

1. The International Convention on the Control of Harmful Anti-Fouling Systems on Ships (AFS Convention) was adopted on 5 October 2001 by the International Maritime Organization (IMO). Under the AFS Convention, “anti-fouling system” means a coating, paint, surface treatment, surface, or device that is used on a ship to control or prevent attachment of unwanted organisms. The AFS Convention prohibits the use of harmful organotins in anti-fouling paints used on ships and will establish a mechanism to prevent the potential future use of other harmful substances in anti-fouling systems. The organotin compounds persist in water, killing sealife, harming the environment and possibly entering the food chain.

2. On 17 September 2007, IMO has issued a circular AFS.1/Circ.14 to notify that the AFS Convention has met the entry-into-force criteria and will enter into force internationally on **17 September 2008**. Related IMO documents can be found on MD’s website under the Hong Kong Merchant Shipping Information Note No. 39/2007.

3. The Government of the HKSAR plans to ratify the AFS Convention in Hong Kong. The requirements of the Convention should be implemented by means of a subsidiary legislation to the Merchant Shipping (Prevention and Control of Pollution) Ordinance (Cap. 413), provisionally entitled “Merchant Shipping (Control of Harmful Anti-Fouling Systems on Ships) Regulation”.

The Requirements of AFS Convention

4. The requirements of AFS Convention will apply to:
- (a) Ships of 400 gross tonnage and above engaged in international voyages (excluding fixed or floating platforms, FSUs and FPSOs) will be required to undergo an initial survey before the ship is put into service or before the

International Anti-fouling System Certificate is issued for the first time; and a survey when the anti-fouling systems are changed or replaced.

- (b) Ships of 24 metres or more in length but less than 400 gross tonnage engaged in international voyages (excluding fixed or floating platforms, FSUs and FPSOs) will have to carry a Declaration on Anti-fouling Systems signed by the owner or authorized agent. The Declaration will have to be accompanied by appropriate documentation such as a paint receipt or contractor invoice.
- (c) Ships engaged in non-international voyages (including local vessels and Mainland vessels, irrespective of their sizes), should comply with the measures similar to (b) above which will be duly established by this Administration.

5. The classification societies recognized by this Department have been delegated to carry out survey as required by the AFS Convention in accordance with the “Guidelines for Survey and Certification of Anti-fouling Systems on Ships” and to issue the “Statement of Compliance” on a non-mandatory basis pending the entry into force of the AFS Convention and the necessary local legislation to implement AFS Convention in HKSAR.

Implementation of International Requirements

6. Hong Kong is an associated member of IMO and hence is obliged to implement the requirements of the AFS Convention when they come into force internationally. In order to give effect to the AFS Convention in the HKSAR, it is necessary to enact a new legislation provisionally entitled “Merchant Shipping (Control of Harmful Anti-Fouling Systems on Ships) Regulation”.

Consultation

7. Members are requested to give comments/views on the proposed ratification of the AFS Convention in the HKSAR.

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