

Shipping Consultative Committee

Implementation of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 in the HKSAR

Introduction

1. International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (BWMC), was adopted on 13 February 2004 by a Diplomatic Conference of the International Maritime Organization (IMO). The Convention provides regulations and technical standards for the control and management of ballast water which aims to prevent the potentially devastating effects of the spread of harmful aquatic organisms carried by ships' ballast water and sediments from one region to another.

2. The Diplomatic Conference also adopted resolutions BWM/CONF/37 to invite IMO to develop Guidelines in order to ensure global and uniform application of the relevant requirements of the Convention. At present, all the guidelines mentioned to be developed in that resolution have been completed and adopted by the Marine Environment Protection Committee (MEPC) of IMO. A list of these guidelines is attached at Annex I for easy reference. Some of the guidelines that are of concern to shipowners and operators had been dispatched to the industry by means of the Merchant Shipping Information Notes (MSIN) in the past few years.

The Ballast Water Management Convention

3. The salient features of the Convention are as follow: -

- The Convention will apply to new and existing ships designed or constructed to carry ballast water and entering the jurisdictions of a State Party to the Convention. The Convention will not apply to ships only operating within one jurisdiction, naval ships and other State-owned ships, or ships with permanent ballast water in sealed tanks.
- For compliance with the requirements of the Convention, each ship shall have on board a Ballast Water Management Plan, a Ballast Water Record Book and a valid certificate. The Ballast Water Management Plan should be approved by the Administration or recognized organizations acting on its behalf.

- The Convention provides two ballast water discharge standards, namely, exchange standard¹ (D-1) and performance standard² (D-2). The exchange standard is considered as an interim measure. By 2014 or 2016, subject to the date of construction and ballast water capacity, all ships shall comply with the performance standard. The performance standard is achievable by using an approved ballast water treatment system (BWTS)³.

4. The Convention will enter into force 12 months after the date on which not less than 30 States have ratified the Convention and the combined merchant fleets of which constitute not less than 35 percent of the gross tonnage of the world's merchant shipping. Currently, there are 27 States representing 25.32% of the world fleet tonnage have ratified the Convention.

Impact of the Ballast Water Management Convention

5. Hong Kong aims to have the local legislation enter into force simultaneously with the global enforcement date of the Convention which is expected to be in 2012-13. Whilst the Convention is not yet entered into force internationally, actions to address the ballast water problems are increasingly occurring at national, regional and local levels. Article 9 of the Convention allows State Parties to verify that a ship in its ports or offshore terminal is carried onboard a copy of valid certificate. Before Hong Kong's formal acceptance of the Convention, a non-certificated HK ship calling at ports of State Parties may be subjected to detailed inspection confirming that: -

- the condition of the ship or its equipment is in compliance with the Convention; and
- the crew members are familiar with the shipboard procedures relating to ballast water management.

6. If the Convention is extended to HKSAR,

- it would prohibit the discharge of untreated ballast water into HK waters and require the provision of an approved ballast water treatment system on board all ships calling HK port by the due date as specified in the Convention, depending on the ballast water capacity and date of construction of the ship;

¹ The exchange standard can be achieved by utilizing sequential method, flow-through method or dilution method. The exchange of ballast water shall be performed at least 200Nm from the nearest land and in waters at least 200m in depth.

² The performance standard specified a set number of organisms permitted to be discharged per volume of water. This means the ballast water discharged by ships must not discharge more than 10 living organisms of more than 50 microns in dimension per cubic metre of water. Living organisms that are in between 10 to 50 microns in dimension should not be present in the discharged ballast water at a concentration of more than 10 organisms per milliliter. The performance standard also covers smaller organisms (microbes) such as *E. coli*.

³ As at Oct 2010, there are 27 and 18 BWTS making use of active substances received basic and final approval from IMO respectively. There are also 10 BWTS which received Type Approval Certificate from their respective Administrations. A list of these BWTS is attached in Annex II for reference.

- it would enable HKSAR or recognized organizations acting on its behalf to conduct the survey and issue the required certificate certifying that the ship is in full compliance with all aspects of the Convention.

Proposal

7. If agreeable, MD will commence the preparation of the necessary legislation to give effect to the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004. A copy of the Convention is attached for reference.

Consultation

8. Members are requested to give comments/views on the proposed acceptance of the BWMC by the Hong Kong Special Administrative Region.

Marine Department
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Encl: -

- Annex I – List of IMO BWMC Guidelines*
- Annex II – List of approved Ballast Water Treatment System as at 1-Oct-2010*
- Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004*