

**Extension of Protocol on Preparedness, Response and Co-operation to
Pollution Incidents by Hazardous and Noxious Substances, 2000 to the
Hong Kong Special Administrative Region**

Purpose

The paper is to inform members on the extension of application of the “Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances, 2000 (OPRC-HNS)” to the Hong Kong Special Administrative Region (HKSAR).

Background

2. In 1990, International Maritime Organization (IMO) adopted the “International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC)” which aimed at providing a global framework for international co-operation in combating major incidents or threats of marine oil pollution. The Convention entered into force in May 1995. Parties to the OPRC Convention are required to establish measures for dealing with pollution incidents, either nationally or in co-operation with other countries. Ships are required to carry a shipboard oil pollution emergency plan and report incidents of pollution to coastal authorities.

3. In recognition of the increasing threat of pollution incidents involving chemicals, IMO formally adopted the OPRC-HNS Protocol in March 2000. The Protocol entered into force globally in June 2007. It follows the principles of the OPRC 1990 ensuring that ships carrying hazardous and noxious liquid substances (HNS) are covered by preparedness and response regimes similar to those already in existence for oil incidents. If the Protocol is extended to HKSAR, all ships, including HK registered ships, non-HK registered ships within Hong Kong waters and local vessels defined under Merchant Shipping (Local Vessels) Ordinance Cap. 548, carrying HNS will have to comply with the relevant provisions of the Protocol. Enclosed please find a copy of the full text of the OPRC-HNS Protocol, 2000 for ease reference.

4. For the purposes of the OPRC-HNS Protocol, HNS means “*any substance other than oil which, if introduced into the marine environment, is likely to create hazards to human health, to harm living resources and marine life, to damage amenities, or to interfere with legitimate uses of the sea*”.

5. Article 3(1) of the Protocol deals with the provision of emergency plans on board. It requires ships carrying HNS shall have on board an approved “*Pollution Incident Emergency Plan (PIEP)*”. If a ship has on board a Shipboard Marine Pollution Emergency Plan (SMPEP) approved in accordance with regulation 17 of Annex II to the MARPOL Convention, the relevant provision under this Protocol is considered to have been met.

6. Article 3(1) of the Protocol also set out the obligations on the master of a ship carrying HNS or other persons having charge of such ships to report on any marine pollution incidents without delay, and to the fullest extent possible, to the nearest coastal State in order to facilitate necessary counter-pollution actions. Currently, mandatory reporting requirements for spillage incidents are contained in Regulation 4 of the Merchant Shipping (Reporting of Pollution Incidents) Regulations, Cap. 413C. In this respect, if any HNS spillage from a ship occurs in HK waters, the ship master, ship agent or owner are required to inform Marine Department immediately so that the HKSAR Government can activate the spill response plan at once.

7. Article 4(1)(b) of the Convention requires that Party to the Protocol shall establish a responding system which includes contingency plan for preparedness and response promptly and effectively to pollution incidents involving HNS spills. In order to comply with the requirements of OPRC-HNS Protocol, the HKSAR Government has formulated a “*Maritime Hazardous and Noxious Substances Spill Response Plan*” to combat pollution incidents by HNS in the waters of Hong Kong. The government departments responding to incidents involving HNS release at sea include the Environment Protection Department, Marine Department, Fire Services Department and other departments which can provide expertise advice or skills and dedicated equipment.

Proposal

8. If members are agreeable to the proposal, the HKSAR Government will, with the agreement of Mainland authorities, commence the procedures to extend the application of the “Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances, 2000” to the Hong Kong Special Administrative Region.

Action Requested

9. Members are invited to endorse the proposal in paragraph 8 above.

Multi-lateral Division
Marine Department
December 2011

Encl. Full text of the “*International Co-operation on Preparedness and Response to Pollution Incidents by Hazardous and Noxious Substances*”