

## **Shipping Consultative Committee**

### **Proposed Amendments to Merchant Shipping Regulations**

#### **Purpose**

1. The purpose of this paper is to seek members' views on the proposed amendments to the Hong Kong Merchant Shipping (Prevention of Oil Pollution) Regulations (Cap. 413A) (the Regulations) to implement the latest requirements of Annex I to MARPOL 73/78.

#### **Background**

2. MARPOL Annex I is devised for the prevention of pollution by oil from ships and is implemented through the Regulations in Hong Kong. Since MARPOL Annex I entered into force internationally in 1983, the Marine Environment Protection Committee ("MEPC") of IMO has adopted a large number of revisions to it. The MARPOL Annex I was completely revised by IMO in 2004 and the revised provisions were adopted via the IMO resolution MEPC. 117(52). Further amendments to MARPOL Annex I since 2004 are listed in the Appendix 1.

3. The last major amendment to the Regulations in Hong Kong for MARPOL Annex I was made in 1994, as a result there is a gap between the Regulations and the latest provisions of MARPOL Annex I. The principal objective of the amendment exercise is to enable the Regulations to give effect to the most updated requirements of MARPOL Annex I.

#### **Proposal**

4. It is intended to incorporate the provisions adopted in the MEPC Resolutions listed in Appendix 1 with the exception of MEPC.164(56), MEPC.216(63), MEPC.235(65), MEPC.238(65) and MEPC.246(66) to the Regulations. The excluded MEPC resolutions are either obligations of authorities

or amendments to IOPP Certificate. No legal enactment is required for those provisions as obligations of authority could be implemented by administrative measures and format of IOPP Certificate will not be included in the Regulations. The proposed amendments to the Regulations are set out in Appendix 2 for reference.

## **Consultation**

5. Consultations were made to the Shipping Consultative Committee in year 2005, 2006 and 2009 for incorporating resolutions MEPC.117(52), MEPC.141(54), MEPC.154(55), MEPC.186(59) and MEPC.187(59) in the Regulations. No adverse comment was received in those consultations.

6. Following two MEPC resolutions have not been submitted to the Shipping Consultative Committee in the previous meetings for discussion and are therefore attached herewith in Appendix 3 and 4 for members' consideration:

a. Resolution MEPC.189(60) is concerning with special requirements for the use or carriage of oils in the Antarctic area. With the exception of vessels engaged in securing the safety of ships or in a search and rescue operation, the carriage in bulk as cargo or carriage and use as fuel of the following:

- .1 crude oils having a density at 15°C higher than 900 kg/m<sup>3</sup>;
  - .2 oils other than crude oils, having a density at 15°C higher than 900 kg/m<sup>3</sup> or a kinematic viscosity at 50°C higher than 180 mm<sup>2</sup>/s;
- or

.3 bitumen, tar and their emulsions

shall be prohibited in the Antarctic area. The Resolution MEPC.189(60) has entered into force on 1.8.2011; and

b. Resolution MEPC.248(66) is concerning with the mandatory carriage of a stability instrument capable of verifying the compliance with intact and damage stability requirements for oil tankers. Oil tankers constructed before 1 January 2016 shall comply with the requirement at the first scheduled renewal survey of the ship after 1 January 2016 but not later than 1 January 2021. The Resolution MEPC.248(66) will likely enter into force on 1 January 2016.

## **Implementation of International Requirements**

7. HKSAR should keep in line with the international standards and implement the requirements mentioned in paragraphs 5 and 6 above by amending the Hong Kong Merchant Shipping (Prevention of Oil Pollution) Regulations (Cap. 413A).

## **Implications to shipowners**

8. Most of the amendments to MARPOL Annex I adopted before 2013 were entered into force globally not later than 1 August 2013. Ships engaged in international voyage should be complied with these amendments otherwise they have been subject to the intervention action by the port State inspection regime. As such, owners of HK registered ships engaged in international voyage should have no problem to comply with the amended Regulations. They should also have no technical difficulties to install a stability instrument on board oil tankers before 1 January 2016.

## **Endorsement sought**

9. Members' comments are invited on our above proposal to implement the international requirements for Hong Kong registered ships.

17 July 2014

Marine Department  
Multi-lateral Policy Division

**Amendments to MARPOL Annex I since 2004**

<b>Year</b>	<b>IMO Resolution</b>	<b>Enter Into Force</b>	<b>Amendments to MARPOL Annex I</b>	<b>SCC paper no.</b>
2004	MEPC.117(52)	01.01.2007	Provisions were completely revised and addition of regulation 22 and 23 on pump room bottom protection and accidental oil outflow performance respectively	SCC/121 of 12.10.2005
2006	MEPC.141(54)	01.08.2007	Amendments to regulations 1 and 21 and addition of regulation 12A on oil fuel tank protection	SCC/126 of 28.11.2006
2006	MEPC.154(55)	01.03.2008	Addition of regulation 1.11.10 on designation of the Southern South African waters as a special area	SCC/126 of 28.11.2006
2007	MEPC.164(56)	01.12.2008	Amendments to regulation 38 on reception facilities outside special areas	
2009	MEPC.186(59)	01.01.2011	Addition of a new chapter 8 concerning transfer of oil cargo between oil tankers at sea and subsequent amendment to the IOPP certificate	SCC/143 of 13.11.2009
	MEPC.187(59)	01.01.2011	Amendments to regulations 1, 12, 13, 17, 38 on tanks for oil residues (sludge)	SCC/143 of 13.11.2009
2010	MEPC.189(60)	01.08.2011	Addition of a new chapter 9 concerning the use or carriage of oils in the Antarctic area	
2012	MEPC.216(63)	01.08.2013	Amendments to regulation 38 on regional arrangement for port reception facilities	
2013	MEPC.235(65)	01.10.2014	Amendments to Form A and Form B of Supplements to the IOPP Certificate	
2013	MEPC.238(65)	01.01.2015	Amendments to MARPOL Annexes I to make mandatory the Code for Recognized Organizations	
2014	MEPC.246(66)	01.01.2016	Amendments to MARPOL Annex I to mandate the IMO Instruments Implementation Code (III Code)	
2014	MEPC.248(66)	01.01.2016	Amendments to MARPOL Annex I on mandatory carriage requirements for a stability instrument for oil tankers	

**Proposed amendments to the  
Merchant Shipping (Prevention of Oil Pollution) Regulations (Cap. 413A)**

The proposed amendments to the Regulations are listed in the followings:

1. Pump-room bottom protection

A new section is added to the Regulations to specify the pump-room be provided with a double bottom space. The purpose of the double bottom space is to protect the pump-room in case of stranding (Reg. 22 of MARPOL Annex I refers).

2. Accidental oil outflow performance

Reg. 23 of MARPOL Annex I stipulates that oil tankers of 5000 tonnes deadweight and above delivered on or after 1 January 2010 shall meet an accidental oil outflow parameter in the event of collision or stranding. For oil tankers of less than 5000 tonnes deadweight, the regulation imposes limitation on the length of each cargo tank. Due to the technical nature of the regulation, it is proposed to implement this provision via direct reference approach.

3. Oil fuel tank protection

A new section is added to the Regulations to restrict the location of oil fuel tanks of all ships with an aggregate oil fuel capacity of 600m<sup>3</sup> and above delivered on or after 1 August 2010. The purpose of the provision is to protect the oil fuel tanks in the event of collision or stranding (Reg. 12A of MARPOL Annex I refers).

4. Designation of special areas

Following sea areas are to be designated as special area to enhance the protection of these areas against oil pollution by ships (Reg. 1 of MARPOL Annex I refers):

- a. the North West European waters;
- b. the Oman area of the Arabian Sea; and
- c. the Southern South African waters.

5. Transfer of oil cargo between oil tankers at sea

A new section is added to the Regulations to require oil tankers of 150 gross tonnage and above engaged in the transfer of oil cargo at sea shall have on board an approved operations plan written in the working language of the ship (Reg. 41 of MARPOL Annex I refers).

6. Special requirements for Antarctic area

With the exception of vessels engaged in securing the safety of ships or in a search and rescue operation, the carriage or use of some specified oils are prohibited (Reg. 43 of MARPOL Annex I refers).

7. Oil tankers carrying heavy grade oil as cargo

A new section is added to the Regulations to set out the requirements for oil tankers which cannot meet the double hull condition for the carriage of heavy grade oil as cargo, provided that the operation shall not go beyond the date on which the ship reaches 25 years after delivery (Reg. 21 of MARPOL Annex I refers).

8. Intact stability

A new section is added to the Regulations to specify the intact stability oil tankers of 5000 tonnes deadweight and above delivered on or after 1 February 2002. The provision is to ensure the ship has adequate stability under the worst possible conditions of cargo and ballast loading including intermediate stages of liquid transfer operations (Reg. 27 of MARPOL Annex I refers).

9. Stability instrument

Oil tankers shall be fitted with a stability instrument capable of verifying compliance with intact and damage stability requirements. Oil tankers constructed before 1 January 2016 shall comply with the requirement at the first scheduled renewal survey of the ship after 1 January 2016 but not later than 1 January 2021 (Reg. 28(6) of MARPOL Annex I refers, which will likely enter into force on 1 January 2016).

**ANNEX 10****RESOLUTION MEPC.189(60)  
Adopted on 26 March 2010****AMENDMENTS TO THE ANNEX OF THE PROTOCOL OF 1978 RELATING TO  
THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF  
POLLUTION FROM SHIPS, 1973****(Addition of a new chapter 9 to MARPOL Annex I)**

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 (the Committee) conferred upon it by international conventions for the prevention and control of marine pollution,

NOTING Article 16 of the International Convention for the Prevention of Pollution from Ships, 1973 (hereinafter referred to as the "1973 Convention") and article VI of the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973 (hereinafter referred to as the "1978 Protocol") which together specify the amendment procedure of the 1978 Protocol and confer upon the appropriate body of the Organization the function of considering and adopting amendments to the 1973 Convention, as modified by the 1978 Protocol (MARPOL 73/78),

HAVING CONSIDERED draft amendments to Annex I of MARPOL 73/78,

1. ADOPTS, in accordance with Article 16(2)(d) of the 1973 Convention, the amendments to Annex I of MARPOL 73/78 concerning the addition of a new chapter 9 on Special requirements for the use or carriage of oils in the Antarctic area;
2. DETERMINES, in accordance with Article 16(2)(f)(iii) of the 1973 Convention, that the amendments shall be deemed to have been accepted on 1 February 2011 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 per cent 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 the 1973 Convention, the said amendments shall enter into force on 1 August 2011 upon their acceptance in accordance with paragraph 2 above;
4. REQUESTS the Secretary-General, in conformity with Article 16(2)(e) of the 1973 Convention, to transmit to all Parties to MARPOL 73/78 certified copies of the present resolution and the text of the amendments contained in the annex; and
5. REQUESTS FURTHER the Secretary-General to transmit to the Members of the Organization which are not Parties to MARPOL 73/78 copies of the present resolution and its annex.

ANNEX

**AMENDMENTS TO MARPOL ANNEX I TO ADD  
CHAPTER 9 – SPECIAL REQUIREMENTS FOR THE USE OR  
CARRIAGE OF OILS IN THE ANTARCTIC AREA**

A new chapter 9 is added as follows:

**"CHAPTER 9 – SPECIAL REQUIREMENTS FOR THE USE OR CARRIAGE OF OILS IN  
THE ANTARCTIC AREA**

***Regulation 43***

*Special requirements for the use or carriage of oils in the Antarctic area*

1 With the exception of vessels engaged in securing the safety of ships or in a search and rescue operation, the carriage in bulk as cargo or carriage and use as fuel of the following:

- .1 crude oils having a density at 15°C higher than 900 kg/m<sup>3</sup>;
- .2 oils, other than crude oils, having a density at 15°C higher than 900 kg/m<sup>3</sup> or a kinematic viscosity at 50°C higher than 180 mm<sup>2</sup>/s; or
- .3 bitumen, tar and their emulsions,

shall be prohibited in the Antarctic area, as defined in Annex I, regulation 1.11.7.

2 When prior operations have included the carriage or use of oils listed in paragraphs 1.1 to 1.3 of this regulation, the cleaning or flushing of tanks or pipelines is not required."

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**ANNEX 9****RESOLUTION MEPC.248(66)  
Adopted on 4 April 2014****AMENDMENTS TO THE ANNEX OF THE PROTOCOL OF 1978 RELATING TO  
THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF  
POLLUTION FROM SHIPS, 1973****Amendments to MARPOL Annex I  
(Mandatory carriage requirements for a stability instrument)**

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,

NOTING article 16 of the International Convention for the Prevention of Pollution from Ships, 1973 (hereinafter referred to as the "1973 Convention") and article VI of the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973 (hereinafter referred to as the "1978 Protocol") which together specify the amendment procedure of the 1978 Protocol and confer upon the appropriate body of the Organization the function of considering and adopting amendments to the 1973 Convention, as modified by the 1978 Protocol (MARPOL),

HAVING CONSIDERED proposed amendments to Annex I of MARPOL, developed by the Sub-Committee on Stability and Load Lines and on Fishing Vessels Safety, at its fifty-fifth session,

1. ADOPTS, in accordance with article 16(2)(d) of the 1973 Convention, amendments to Annex I of MARPOL, 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 the 1973 Convention, that the amendments shall be deemed to have been accepted on 1 July 2015 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 the 1973 Convention, the said amendments shall enter into force on 1 January 2016 upon their acceptance in accordance with paragraph 2 above;
4. REQUESTS the Secretary-General, in conformity with article 16(2)(e) of the 1973 Convention, to transmit to all Parties to MARPOL, certified copies of the present resolution and the text of the amendments contained in the annex;
5. REQUESTS FURTHER the Secretary-General to transmit to the Members of the Organization which are not Parties to MARPOL, copies of the present resolution and its annex.

ANNEX

**AMENDMENTS TO MARPOL ANNEX I**

**Chapter 1 – General**

**Regulation 3 – Exemptions and waivers**

1 A new paragraph 6 is inserted, as follows:

"6 The Administration may waive the requirements of regulation 28(6) for the following oil tankers if loaded in accordance with the conditions approved by the Administration taking into account the guidelines developed by the Organization\*:

- .1 oil tankers which are on a dedicated service, with a limited number of permutations of loading such that all anticipated conditions have been approved in the stability information provided to the master in accordance with regulation 28(5);
- .2 oil tankers where stability verification is made remotely by a means approved by the Administration;
- .3 oil tankers which are loaded within an approved range of loading conditions; or
- .4 oil tankers constructed before 1 January 2016 provided with approved limiting KG/GM curves covering all applicable intact and damage stability requirements.

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\* Refer to operational guidance provided in part 2 of the *Guidelines for verification of damage stability requirements for tankers* (MSC.1/Circ.1461)."

**Chapter 4 – Requirements for the cargo area of oil tankers**

**Regulation 28 – Subdivision and damage stability**

2 The existing paragraph 6 is renumbered as paragraph 7.

3 A new paragraph 6 is inserted, as follows:

"6 All oil tankers shall be fitted with a stability instrument, capable of verifying compliance with intact and damage stability requirements approved by the Administration having regard to the performance standards recommended by the Organization\*:

- .1 oil tankers constructed before 1 January 2016 shall comply with this regulation at the first scheduled renewal survey of the ship after 1 January 2016 but not later than 1 January 2021;
- .2 notwithstanding the requirements of subparagraph .1 a stability instrument fitted on an oil tanker constructed before 1 January 2016 need not be replaced provided it is capable of verifying compliance with intact and damage stability, to the satisfaction of the Administration; and

- .3 for the purposes of control under regulation 11, the Administration shall issue a document of approval for the stability instrument.

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\* Refer to part B, chapter 4, of the International Code on Intact Stability, 2008 (2008 IS Code), as amended; the *Guidelines for the Approval of Stability Instruments* (MSC.1/Circ.1229), annex, section 4, as amended; and the technical standards defined in part 1 of the *Guidelines for verification of damage stability requirements for tankers* (MSC.1/Circ.1461)."

## Appendix II – Form of IOPP Certificate and Supplements, Form B

4 The following new paragraphs 5.7.5 and 5.7.6 are inserted:

- "5.7.5 The ship is provided with an Approved Stability Instrument in accordance with regulation 28(6).....
- 5.7.6 The requirements of regulation 28(6) are waived in respect of the ship in accordance with regulation 3.6. Stability is verified by the following means:
- .1 loading only to approved conditions defined in the stability information provided to the master in accordance with regulation 28(5).....
- .2 verification is made remotely by a means approved by the Administration:.....
- .3 loading within an approved range of loading conditions defined in the stability information provided to the master in accordance with regulation 28(5).....
- .4 loading in accordance with approved limiting KG/GM curves covering all applicable intact and damage stability requirements defined in the stability information provided to the master in accordance with regulation 28(5) .....

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