

Shipping Consultative Committee

**Implementation of the
Nairobi International Convention on Removal of Wrecks
in the Hong Kong Special Administrative Region (HKSAR)**

Introduction

1. The Nairobi International Convention on Removal of Wrecks, 2007 (The Nairobi Convention) entered into force on 14 April 2015.
2. The Nairobi Convention establishes a sound legal basis for States to remove, or have removed, shipwrecks that may have the potential to affect adversely the safety of lives, goods and property at sea, as well as the marine environment, from their Exclusive Economic Zone (EEZ). The Nairobi Convention also contains a clause that enables States Parties to “opt in” to apply certain provisions to their territory, including the territorial sea.

The Nairobi Convention

3. Articles in the Nairobi Convention cover:
 - reporting and locating ships and wrecks - covering the reporting of casualties to the nearest coastal State; warnings to mariners and coastal States about the wreck; and action by the coastal State to locate the ship or wreck;
 - criteria for determining the hazard posed by wrecks, including depth of water above the wreck, proximity of shipping routes, traffic density and frequency, type of traffic and vulnerability of port facilities. Environmental criteria such as damage likely to result from the release into the marine environment of cargo or oil are also included;
 - measures to facilitate the removal of wrecks, including rights and obligations to remove hazardous wrecks - which sets out when the shipowner is responsible for removing the wreck and when a State may intervene;
 - liability of the owner for the costs of locating, marking and removing ships and wrecks - the registered shipowner is required to maintain compulsory insurance or other financial security to cover liability under the Nairobi Convention; and
 - settlement of disputes.

Impact of the Nairobi Convention

4. Any ship of 300 gross tonnage and above, wherever registered, entering or leaving a port in a State Party's territory, or arriving at or leaving from an offshore facility in a State Party's territorial sea needs to hold a certificate attesting that insurance or other financial security is in force in accordance with the provisions of the Nairobi Convention.
5. The registered owner of any wreck within a State Party's EEZ (and its territorial waters if it has chosen to use an "opt in" provision in the Nairobi Convention) which is determined by that State Party to be a hazard, will be required to remove the wreck. If the registered owner fails to remove it, the State Party may remove the wreck, but the registered owner will be liable for the State Party's costs of locating, marking and removing the wreck and recovery may be made directly against the security provider.
6. If the Nairobi Convention is implemented in Hong Kong Special Administrative Region (HKSAR), it would enable HKSAR or the authorized organizations to issue the required certificate under the Convention to shipowners of Hong Kong registered ships of 300 gross tonnage and over. HKSAR shall also ensure, under its local legislation, the compliance of the Nairobi Convention for seagoing ships of 300 gross tonnage and above whilst entering or leaving Hong Kong Waters.

Consultation

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

Marine Department
Multi-lateral Policy Division
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Annex: The Nairobi Convention