

## **Shipping Consultative Committee**

Implementation of the “International Code for Ships Operating in Polar Waters”  
and the Relevant New Requirements of SOLAS, MARPOL and STCW Conventions

### **Purpose**

1. The purpose of this paper is to seek members’ views on the proposal to make new legislation and amendment to the relevant local legislation to implement the “International Code for Ships Operating in Polar Waters (Polar Code)” in Hong Kong.

### **Background**

2. The Polar Code covers the full range of design, construction, equipment, operational, training, search and rescue and environmental protection matters relevant to vessels operating in polar waters. It consists of two parts, Part I - Safety Measures and Part II - Pollution Prevention Measures. Each part is further divided into Section A and B. Part I-A and Part II-A are mandatory provisions. Part I-B and Part II-B are recommendations. The Code was adopted by International Maritime Organization’s Maritime Safety Committee (MSC) resolution MSC.385(94) in November 2014 and Marine Environment Protection Committee (MEPC) resolution MEPC.264(68) in May 2015. The Polar Code will enter into force on 1 January 2017. Ships constructed before 1 January 2017 shall be initially surveyed for issuance of the Polar Ship Certificate by the first intermediate or renewal survey (i.e. Passenger Ship Safety Survey or Cargo Ship Safety Construction Survey), whichever occurs first, after 1 January 2018 (MSC.1/Circ.1563).

3. To make the safety-related provisions of the Polar Code mandatory, a new SOLAS chapter, “Chapter XIV”, was adopted by resolution MSC.386(94) on 21 November 2014. It will enter into force on 1 January 2017 and requires ships operating in polar waters to comply with the requirements of the Polar Code. Polar ships are divided into 3 categories: Category A ship is designed for operation in polar waters with ice of at least 70 cm to 120 cm thickness; Category B ship is a ship not included in Category A and designed for operation with thinner ice; and Category C ship is designed for operation in open water or in ice conditions less severe than those included in Category A and B. A brief description on the requirements of the Polar Code Part I-A Chapter 1 to Chapter 11 is found in Annex 1.

4. To make the environment-related provisions of the Polar Code mandatory, MARPOL Annexes I, II, IV and V were amended by resolution MEPC.265(68). The amendments are summarised in Annex 2.

5. The Polar Code Part I-A Chapter 12 - “Manning and Training” lays out additional requirements for masters, chief mates and officers in charge of a navigational watch on board ships operating in polar water. To cope with the additional requirements, amendment to the STCW Convention and Code was adopted by resolutions MSC.416(97) & MSC.417(97) in November 2016. A new regulation, V/4, for “Mandatory minimum requirements for the training and qualifications of masters and deck officers on ships operating in polar waters” was added in the STCW Convention and the relevant training requirements were added in the STCW Code. There is a 2-year transitional period for them to be qualified.

### **Existing legislation and Proposed Legislative Amendments**

6. The following subsidiary legislation under the Merchant Shipping (Prevention and Control of Pollution) Ordinance (Cap.413), Merchant Shipping (Safety) Ordinance (Cap.369) and Merchant Shipping (Seafarers) Ordinance (Cap.478) will be made or amended:

Ordinance	Subsidiary legislation	Remarks
Cap.413	a) Merchant Shipping (Prevention of Oil Pollution) Regulations (Cap. 413A) b) Merchant Shipping (Control of Pollution by Noxious in Bulk) Regulations (Cap. 413B) c) Merchant Shipping (Prevention of Pollution by Sewage) Regulation (Cap. 413K ) d) Merchant Shipping (Prevention of Pollution by Garbage) Regulation (Cap. 413O)	To amend the existing regulations
Cap.369	e) Merchant Shipping (Safety)(Navigational Equipment and Safety of Navigation) Regulation (Cap. 369BA) f) Merchant Shipping (Safety) (Radiocommunications) Regulation (a new regulation which is under preparation to replace the existing Cap.369 AP and Cap.369AR) g) Merchant Shipping (Safety)(Lifesaving Appliances and Arrangements) Regulation (Cap. 369AY)	To amend the existing regulations
	h) Merchant Shipping (Safety) (Safety Measures for Ships Operating in Polar Waters) Regulation	To make a new piece of

		subsidiary legislation
Cap.478	i) Merchant Shipping (Seafarers) (Polar Ships) Regulations	To make a new piece of subsidiary legislation

7. Since amendments to the existing subsidiary legislation and making new regulations take time, the implementation of the Polar Code in Hong Kong will take place after 1 January 2017. Ship owners can request their RO to conduct survey and issue a Statement of Compliance for complying with the Polar Code, when necessary.

### **Consultation**

8. Members' comments, if any, are sought on our proposal to implement the above mentioned amendments to SOLAS, MARPOL and STCW Conventions and the new Polar Code by making new regulations or amendments to the existing regulations in Hong Kong.

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Multi-lateral Policy Division

Enclosure:

Annex 1: Brief description on the requirements of the Polar Code Part I-A Chapter 1 to Chapter 11

Annex 2: Summary of the amendments to MARPOL Annexes I, II, IV and V

Annex 3: IMO Res. MEPC.264(68) Polar Code

Annex 4: IMO Res. MSC.386(94) SOLAS Chapter XIV

Annex 5: IMO Res. MEPC.265(68) Amend. to MARPOL Annexes I, II, IV and V