



# 香 港 商 船 資 訊

## HONG KONG MERCHANT SHIPPING INFORMATION NOTE

### Entry into Force of the Nairobi International Convention on the Removal of Wrecks

*To : Shipowners, Ship Managers, Ship Operators, Masters and Classification Societies*

#### *Summary*

The Nairobi International Convention on the Removal of Wrecks will enter into force on 14 April 2015.

1. The Nairobi International Convention on the Removal of Wrecks (Nairobi Convention), which was adopted on 18 May 2007 by the International Maritime Organization (IMO) will provide 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 and coastal environment.

2. Main contents of the Convention:

- 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 ships and 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 convention; and settlement of disputes.

3. Under the Convention, “convention area” means the exclusive economic zone of a State Party, established in accordance with international law or, if a State Party has not established such a zone, an area beyond and adjacent to the territorial sea of that State determined by that State in accordance with international law and extending not more than 200 nautical miles from the baselines from which the breadth of its territorial sea is measured.

4. On 23 April 2014, IMO issued a circular NWRC.1/Circ.10 to notify that the Nairobi Convention has met the entry-into-force criteria and will enter into force on 14 April 2015. A copy of the IMO circular is annexed to this note for ready reference.

5. From 14 April 2015, ships of 300 gross tonnage and above trading in countries that have ratified the Convention will need to hold a certificate attesting that insurance or other financial security is in force in accordance with the provisions of this Convention.

6. Under Article 12 of the Convention, a ship registered in a State Party shall be issued with the required certificate by the appropriate authority of the State of the ship’s registry. However, the certificate may be issued by the appropriate authority of any State Party for ships not registered in a State Party.

7. Marine Department is now assessing the need for the Convention to be extended to Hong Kong SAR. If Hong Kong SAR does not accept the Convention by 14 April 2015, owners of Hong Kong registered ships shall approach any of the State Party to obtain the required certificate before their ships may trade to countries which are State Parties to the Convention.

8. Any enquiries on this Merchant Shipping Information Note may be directed to the Chief, Technical Policy of the Multi-lateral Policy Division, Marine Department at telephone number (852) 2852 4602 or by fax (852) 2542 4841.

Marine Department  
Multi-lateral Policy Division

14 August 2014