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Hong Kong Fleet Operation Advisory Committee

Proposed Legislative Amendments to the Regulations under the Merchant Shipping (Safety) Ordinance and the Merchant Shipping (Prevention and Control of Pollution) Ordinance

Purpose

This paper seeks Members' views on the proposed legislative amendments to the following regulations for the implementation of the latest amendments to Chapter II-1 and Chapter V of the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS)[1]-

(a) The Merchant Shipping (Safety) (Construction and Survey) Regulation (Cap. 369BD); and

(b) The Merchant Shipping (Safety) (Navigational Equipment and Safety of Navigation) Regulation (Cap. 369BA).

2. Members' views are also sought on the proposed legislative amendments to empower the Director of Marine ("the Director") to recognize organizations to approve various shipboard record books, plans,

[1] Different chapters of the Annex to SOLAS contain provisions relating to:

Chapter I: General Provisions;
Chapter II-1: Construction – structure, subdivision and stability, machinery and electrical installations;
Chapter II-2: Construction – fire protection, fire detection and fire extinction;
Chapter III: Life-saving appliances and arrangements;
Chapter IV: Radiocommunications;
Chapter V: Safety of navigation;
Chapter VI: Carriage of cargoes and oil fuels;
Chapter VII: Carriage of dangerous goods;
Chapter VIII: Nuclear ships;
Chapter IX: Management for the safe operation of ships;
Chapter X: Safety measures for high speed craft;
Chapter XI-1: Special measures to enhance maritime safety;
Chapter XI-2: Special measures to enhance maritime security;
Chapter XII: Additional safety measures for bulk carriers;
Chapter XIII: Verification of compliance;
Chapter XIV: Safety measures for ships operating in polar waters; and
Chapter XV: Safety measures for ships carrying industrial personnel.

manuals, procedures, arrangements (collectively referred as "documents"), and items of equipment or systems for Hong Kong ships to ensure the compliance with the requirements of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto ("MARPOL")[2] and the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (BWM Convention)[3] . The proposed legislative amendments involve the following five regulations under the Merchant Shipping (Prevention and Control of Pollution) Ordinance (Cap. 413)-

(a) The Merchant Shipping (Prevention of Oil Pollution) Regulations (Cap.413A);

(b) The Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) Regulations (Cap.413B);

(c) The Merchant Shipping (Prevention of Pollution by Sewage) Regulation (Cap.413K);

(d) The Merchant Shipping (Prevention of Air Pollution) Regulation (Cap.413P); and

(e) The Merchant Shipping (Control of Ballast Water and Sediments) Regulation (Cap. 413Q).

Background

New requirement for emergency towing arrangements for ships other than tankers – Chapter II-1 of SOLAS

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2 Annexes to MARPOL govern various substances as follows:
Annex I: Regulations for the prevention of pollution by oil;
Annex II: Regulations for the control of pollution by noxious liquid substances in bulk;
Annex III: Regulations for the prevention of pollution by harmful substances carried by sea in packaged form;
Annex IV: Regulations for the prevention of pollution by sewage from ships;
Annex V: Regulations for the prevention of pollution by garbage from ships; and
Annex VI: Regulations for the prevention of air pollution from ships.

3 Different Sections of the Annex to the BWM Convention contain provisions relating to:
Section A: General Provisions;
Section B: Management and Control Requirements for Ships;
Section C: Special Requirements in Certain Areas;
Section D: Standards for Ballast Water Management; and
Section E: Survey and Certification Requirements for Ballast Water Management.

3. On 23 May 2024, the IMO adopted amendments to Chapter II-1 of SOLAS by resolution MSC.549(108) (**Appendix 1**). The amendments introduce a new regulation 3-4.2, requiring all ships, other than tankers, of 20,000 GT or more, constructed on or after 1 January 2028, to be fitted with emergency towing arrangements. The relevant paragraphs of regulation 3-4 are also renumbered accordingly. The amendments will enter into force on 1 January 2028 and apply to all Hong Kong-registered ships engaged on international voyages, wherever they may be, and to non-Hong Kong ships engaged on international voyages within the waters of Hong Kong.

New requirements for pilot transfer arrangements – Chapter V of SOLAS

4. On 26 June 2025, the IMO adopted amendments to Chapter V of SOLAS by resolutions MSC.572(110) and MSC.576(110) (**Appendices 2 and 3**). The amendments require that a ship, irrespective of size, on which pilots may be employed, shall be provided with pilot transfer arrangements even the ship is not in the course of a voyage. The amendments also require that pilot transfer arrangements installed on board ships shall be designed, manufactured, constructed, secured and installed in accordance with the performance standards adopted by the IMO, and be subject to approval by the Administration. The amendments further enhance the supervisory responsibilities of the responsible officer in respect of the onboard inspection and rigging of the polit transfer arrangements, as well as the embarkation and disembarkation of pilots and other personnel, in accordance with the relevant IMO performance standards. The amendments will enter into force on 1 January 2028.

Authorizing recognized organizations for approving shipboard documents, equipment and systems under MARPOL and BWM Convention

5. The MARPOL and BWM Convention respectively impose requirements for certain documents, equipment or systems to be approved by the Administration in accordance with the IMO Code for Recognized Organizations ("RO Code")[4]. Such approval works may involve onboard

[4] RO Code was adopted by resolution MEPC.237(65) and entered into force internationally on 1 January 2015. It provides flag states with a uniform and international framework for the assessment, authorization and oversight of their ROs. The Code permits a flag state to authorize statutory certification and services to an organization recognized as complying with the Code. The Code also requires the flag state to establish the legal basis in the domestic laws and to

examination and verification, and may be conducted by competent Recognized Organizations ("ROs") duly authorized by the Administration in accordance with the RO Code.

6. At present, the Director authorizes, by written agreements, eight ROs with the requisite technical capability and worldwide networks to carry out statutory survey and certification services for Hong Kong registered ships for the purpose of complying with the applicable requirements of the MARPOL and the BWM Convention.

7. In the absence of express enabling provisions in the existing local legislation, there is legal uncertainty as to whether the Director may include such ROs to carry out the approval works, and whether an approval granted by a RO would satisfy a requirement for approval by the Administration.

Legislative Proposals

8. We propose to amend sections 4 and 12 of Cap.369BD to implement the requirements of the amendments adopted by resolution MSC.549(108) as summarized in paragraph 3 above, and to amend sections 18 and 19 of Cap.369BA for giving effect to the amendments adopted by resolutions MSC.572(110) and MSC.576(110) as detailed in paragraph 4 above, respectively.

9. In order to provide legal certainty and maintain operational efficiency of survey and certification service for Hong Kong ships, we propose to amend the following subsidiary legislation and empower the Director to authorize ROs to perform specific approval works –

(a) Cap.413A – to amend regulation 3B to expressly empower the Director to authorize ROs to approve five items of shipboard equipment, two shipboard systems and seven documents, which are connected with the survey and certification of Hong Kong ships, for the purpose of complying with the requirements of relevant regulations of Annex I of MARPOL;

(b) Cap.413B – to amend regulation 2AB to expressly empower the Director to authorize ROs to approve shipboard electronic cargo record book, prewash procedures, procedures and arrangements

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specify the scope of the authorization.

manual, and shipboard marine pollution emergency plan as required under the relevant regulations of Annex II of MARPOL;

(c) Cap.413K – to amend section 5 to expressly empower the Director to authorize ROs (a) to approve shipboard system, namely shipboard sewage treatment plant under the relevant regulation of Annex IV of MARPOL; and (b) to extend of the validity period of International Sewage Pollution Prevention certificate (ISPPC), and to alter particulars in, and issue certified true copies of, the ISPPC and the International Sewage Pollution Prevention Exemption certificate that are issued by the ROs;

(d) Cap.413P – to amend section 95 to expressly empower the Director to authorize ROs to approve (a) three shipboard electronic record books for recording matters of ozone depleting substances, NOx emissions and SOx emission; (b) shipboard system for collection of volatile organic compounds; and (c) shipboard incinerator, as required under Annex VI of MARPOL; and

(e) Cap.413Q – to amend section 37 to expressly empower the Director to authorize ROs to approve (a) shipboard ballast water management plan; and (b) shipboard ballast water management system, as required by the BWM Convention.

Advice Sought

10. Members are invited to provide views on the legislative proposal as stated in paragraphs 8 and 9 above.

Marine Department
Multi-lateral Policy Division

7 September 2026

Enclosures:

Appendix 1: IMO Resolution MSC.549(108)

Appendix 2: IMO Resolution MSC.572(110)

Appendix 3: IMO Resolution MSC.576(110)