LVAC Paper No. 6/2026

Local Vessels Advisory Committee

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

Purpose

This paper seeks members' views on the proposed legislative amendments to empower the Director of Marine ("the Director") to recognize organizations to approve various shipboard record books, plans, manuals, procedures, arrangements (collectively referred as "documents"), and items of equipment or systems for Hong Kong registered ships and local vessels 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") [1]. The proposed legislative amendments involve the following three regulations under the Merchant Shipping (Prevention and Control of Pollution) Ordinance (Cap. 413) for applicable local vessels -

(i) The Merchant Shipping (Prevention of Oil Pollution) Regulations (Cap.413A);
(ii) The Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) Regulations (Cap.413B); and
(iii) The Merchant Shipping (Prevention of Air Pollution) Regulation (Cap.413P).

Background

2. The MARPOL 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") [2]. Such approval works may involve onboard examination and verification, and may be conducted by competent Recognized Organizations ("ROs") duly authorized by the Administration in accordance with the RO Code.

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[1] 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

[2] 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 specify the scope of the authorization.

3. 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 and local vessels for the purpose of complying with the applicable requirements of the MARPOL.

4. 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

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

(i) 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 applicable local vessels, for the purpose of complying with the requirements of relevant regulations Annex I of the MARPOL;

(ii) 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 manual, and shipboard marine pollution emergency plan as required under Annex II of the MARPOL; and

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

Advice Sought

6. Members are invited to provide views on the legislative proposal as stated in paragraph 5 above.

Marine Department
Multi-lateral Policy Division
September 2026