

Subcommittee on Merchant Shipping (Control of Harmful Anti-fouling Systems on Ships) Regulation and Merchant Shipping (Prevention and Control of Pollution) (Fees) (Amendment) Regulation 2015

**List of follow-up actions arising from the discussion
at the meeting on 21 April 2015**

The Administration was requested to provide the following information –

- (a) in respect of the Merchant Shipping (Control of Harmful Anti-fouling Systems on Ships) Regulation ("the AFS Regulation") which sought to implement the International Convention on Control of Harmful Anti-fouling Systems on Ships, 2001 ("the Convention")
 - (i) the definitions of "warship", "naval auxiliary" and "ship owned or operated by a government and used only on government non-commercial service" ("collectively known as exempted ships") referred to in section 3(2) of the AFS Regulation;
 - (ii) whether the anti-fouling paints used by exempted ships in Hong Kong contained organotin compounds or otherwise;
 - (iii) internal guidelines promulgated or measures adopted by the governments of parties to the Convention, including those of Hong Kong Special Administrative Region, the People's Republic of China and the United States of America, on the use of anti-fouling paints by the exempted ships, and actions to be taken by the Hong Kong Government to ensure exempted ships flying non-Hong Kong flags, including those under the Hong Kong Garrison, would follow the internal guidelines or take the adopted measures at the time of or before entering Hong Kong waters;
 - (iv) whether the following provision in paragraph (2) of Article 3 of the Convention would be appended to section 3(2) of the AFS Regulation to ensure that the Hong Kong Government would monitor the exempted ships complying with the Convention –

"[H]owever, each Party shall ensure, by the adoption of appropriate measures not impairing operations or operational capabilities of such ships owned or operated by it, that such ships act in a manner consistent, so far as is reasonable and practicable, with this Convention."

- (v) detailed procedures involved in the inspection, examination and investigation of (a) Hong Kong ships and (b) non-Hong Kong ships for the purpose of ascertaining whether the AFS Regulation had been or was being complied with, with references to paper work and/or in-situ inspections involved in each step; as well as actions to be taken for those ships which was found non-compliance; and
 - (vi) the administrative procedures involved if a holder of an International Anti-Fouling System Certificate complained against the decision of the Director of Marine for cancelling his/her Certificate under section 9 of the AFS Regulation; and
- (b) Given that there were different approaches to implement international conventions or agreements in local legislation, viz., making direct reference to provisions under the international convention/ agreement in local legislation, appending the international convention/agreement in a schedule to the local legislation, or including only certain provisions of the international convention/agreement in the local legislation, whether consideration would be given to adopting the same approach and drafting practice for the sake of consistency.