

Association Annual Review 2018

(Presented to Members at the 2018 Annual General Meeting)

2018 年協會年度回顧

(於2018年會員大會提交)

In 2018, the maritime industry has again faced many challenges. The business environment remains difficult. As a major local trade organisation representing the shipping community, it is most important for us to continue to promote and protect our members' interests on all fronts.

This Annual Review explores issues in which the Association is engaged with stakeholder sectors of different levels that affect our members.

Environmental Issues

As in the past few years, environmental issues remain the focus of the industry. The fact that the Association's Technical Director Mr. Martin Cresswell is the Chairman of the International Chamber of Shipping (ICS) Marine Committee also gives the Association more involvement in the debate on many of these issues.



Sulphur regulations

Last month (October 2018), the 73rd session of the International Maritime Organisation's (IMO) Marine Environment Protection Committee (MEPC 73) reiterated the irreversibility of its position that the sulphur switch at midnight on 31 December 2019 would go ahead, requiring all ships trading outside of sulphur Emission Control Areas (ECAs) to use fuel with a sulphur content not exceeding 0.5%. The carriage ban on non-compliant fuel after 1 March 2020 was also confirmed. After this date, no ship will be allowed to carry fuel with sulphur content exceeding 0.5%, unless the vessel has a certified alternative arrangement, i.e. an exhaust gas scrubber. For ships without a scrubber, the only exception for bunkering non-compliant fuel is only in a situation where compliant fuel is not available and a Fuel Oil Non-Availability Report (FONAR) is submitted.

To help ships prepare for the global sulphur cap, MEPC 73 approved a non-mandatory guidance for developing a ship implementation plan for ships to consistently implement the 0.5% sulphur limit, which will soon be made available. It is strongly recommended that all ships adopt such a plan as evidence that they are complying with the new regulations.

2018年，航運業再次面臨諸多挑戰，營商環境仍然困難。作為代表本地航運界的主要商會，繼續在各方面促進和維護會員的權益，是我們最重要的工作。

此年度報告探討協會與影響會員業務的社會各界議題。

環境議題

過去幾年，環境問題仍然是業界關注的焦點。由於協會的技術總監祁敏鈿先生擔任國際航運公會(ICS)海事委員會主席，讓我們能更多參與有關這個範疇討論。

限硫法規

上月(2018年10月)，國際海事組織(IMO)海洋環境保護委員會第73屆會議(MEPC73)上，重申將執行2019年12月31日午夜後船用燃料的硫含量限制。這個立場不可逆轉。即要求所有在硫排放控制區(ECA)以外水域航行的船舶，使用硫含量不超過0.5%的燃料。還確認2020年3月1日後，對不合規燃料船舶的禁令。此後，除非船舶具有替代方案，例如安裝廢氣脫硫裝置，否則任何船舶均不得使用硫含量超過0.5%的燃料。對於沒有安裝脫硫裝置的船舶，使用不合規燃料的唯一例外是：無法提供合規的燃料並提交沒有合規燃油可供使用的報告(FONAR)。

為幫助船舶準備全球船用燃料限硫工作，MEPC 73已批准了一項非強制性的指引，供船舶制定實施0.5%燃料限硫令的計劃，並很快將頒布。強烈建議所有船舶採用這樣的計劃，作為遵守新規定的證據。

MEPC 73經過激烈討論後，拒絕接受“體驗建設階段”的意見，同意考慮有系統地收集和分析燃料質量和可用性的數據，以監測全球限硫令的實施情況。數據將在國際海事組織網站公佈。

While rejecting the idea of an “Experience Building Phase”, after a heated discussion, MEPC 73 agreed to consider systematic data gathering and analysis of fuel quality and availability to monitor the implementation of the global sulphur cap. The data will be made public on the IMO website.

Reduction of GHG emissions

In April 2018, MEPC 72 adopted a GHG reduction strategy, with three levels of ambition: (1) the carbon intensity of ships is to decline through implementation of further phases of the energy efficiency design index (EEDI) for new ships; (2) the carbon intensity of international shipping is to decline by reducing CO₂ emissions per transport work, as an average across international shipping, by at least 40% by 2030, pursuing efforts towards 70% by 2050, compared to that in 2008; (3) GHG emissions from international shipping are to peak as soon as possible and decline by at least 50% by 2050, compared to that in 2008.

At MEPC 73 held last month (October 2018), there was no agreement on an action plan for MEPC 74, owing to the lack of data, especially EEDI information. The discussion on the details of potential reduction measures will be held at MEPC 74, scheduled in May 2019.

Ballast water

The Ballast Water Management (BWM) Convention is a complex and controversial set of technical regulations, which address the serious problem of invasive marine organisms which if advertently transported in ships' ballast water tanks can have damaging impact on local ecosystems. China already ratified the BWM Convention on 22 October 2018, and the Convention will apply to the mainland and Macao on 22 January 2019. In Hong Kong, the local legislation in giving effect to the Convention has been adopted by the Legislative Council in June 2018. The government is processing the formality of extending the Convention to Hong Kong.

Now, 79 contracting Governments, representing 81% of the world merchant fleet, have ratified the Convention.

MEPC73 approved new guidance requiring that the International Ballast Water Management Certificate should not be issued until commissioning testing, including sampling of the ballast water after treatment, has been successfully completed at the shipyard where the installation takes place. It also adopted amendments to the G4 guidelines to include contingency measures to be taken in case the ballast water to be discharged is not compliant with the D-2 biological standard.

Labour Affairs Issues

Crew-related costs form a significant part of the operating costs of a vessel. It is only natural, therefore, that the matters concerning labour affairs have continued to be a focus area of the Association's efforts.

Mr. Arthur Bowring, the Association's former Managing Director and Senior Consultant, chaired the 3rd meeting of the Special Tripartite Committee (STC) for the Maritime Labour Convention (MLC), 2006 held in April 2018.

減少溫室氣體排放

2018年4月，MEPC 72 通過了溫室氣體減排的三個層次的目標：(1) 通過實施為新船實施新階段的能源效率設計指數 (EEDI)，使船舶的碳強度下降；(2) 國際航運船舶的碳強度將通過減少每個運輸環節的二氧化碳排放量來降低，與 2008 年相比，2030 年最少下降 40%，2050 年爭取減少 70%；(3) 與 2008 年相比，國際航行船舶的溫室氣體排放量將盡快達到頂峰，2050 年將至少下降 50%。

上月 (2018 年 10 月) 舉行的 MEPC 73，由於缺乏數據，特別是 EEDI 信息，會議沒有就 MEPC 74 的行動計劃達成協議。關於潛在減排措施的細節，將於 2019 年 5 月舉行的 MEPC 74 上討論。

壓載水

《壓載水管理公約》(BWM) 公約是一套複雜和備受爭議的技術法規，針對不當排出壓載水所攜帶的外來生物對當地生態環境造成嚴重破壞的問題。中國已於 2018 年 10 月 22 日批准了《壓載水管理公約》，該公約將於 2019 年 1 月 22 日適用於內地和澳門地區。香港立法會於 2018 年 6 月通過了有關的立法，特區政府正積極開展《公約》全面延伸到香港的有關手續。

現在，已有 79 個締約國政府批准了《公約》，佔世界商船隊的 81%。

MEPC73 批准了新的指引，要求新船在造船廠未完成測試之前，包括壓載水經處理後的取樣等，不應獲發國際壓載水管理證書。此外，還通過了對 G4 指引的修訂，加上了在排放壓載水不符合 D-2 生物標準時應採取的應急措施。

勞工議題

與船員相關的開支，佔船舶營運成本很大的比重。因此，有關勞工的議題，自然仍是協會努力的焦點。

協會的前任董事總經理和高級顧問包榮先生 (Mr. Arthur Bowring) 主持了 2018 年 4 月舉行的《2006 年海事勞工公約》(MLC) 專責三方委員會 (STC) 第 3 次會議。經過深入談判，



After intensive negotiations, the STC reached an agreement in respect of the payment of wages to seafarers when they are held hostage on or off the ship in an act of piracy or armed robbery, and made four resolutions concerning action to be taken in relation to seafarer abandonment, amendments to the Flag State Inspection and Port State Control guidelines, decent work in the inland navigation sector, and the facilitation of shore leave and transit.

In August 2018, China deposited with the International Labour Organisation (ILO) an instrument of extending the MLC, 2006 to the Hong Kong SAR. The MLC, 2006 will apply to Hong Kong from 20 December 2018.

The application of the MLC, 2006 to Hong Kong is considered of particular importance since the total merchant fleet registered under its flag is among the most important worldwide, representing gross tonnage of about 122 million as at October 2018. Hong Kong is also one of the largest ports in terms of total cargo and container volume.

Liability Issues

Limitation of liability, while not a concept exclusive to the shipping industry, is challenged more often than is conducive for commercially viable trade. This again has to do with the global nature of the shipping industry. It transcends international boundaries and diverse political sentiments of constituencies within these boundaries.

The Spanish Supreme Court's judgement in the 'Prestige' oil spill case and the French law concerning liability for environmental damages, enacted after the 'Erika' oil spill case, have both caused concern within the industry regarding the potential ramifications of such actions on maritime trade and its commercial viability.

STC 達成協議，涉及海員在船上或非船上遭遇海盜或武裝搶劫並被扣為人質時海員工資的支付問題，並就遺棄船員所採取的行動、船旗國檢查和港口當局控制準則修正案、內陸航行業界體面工作以及船員上岸休假和過境便利化等形成四項決議。

2018年8月，中國向國際勞工組織（ILO）遞交了《2006年海事勞工公約》延伸到香港特別行政區的文件。香港將於2018年12月20日起實施此《公約》。

香港實施《海事勞工公約》具有特別重要的意義，因為香港船舶註冊在全球具有舉足輕重的地位，截止2018年10月的其總噸位約為1.22億噸。香港同時亦是全球貨物和集裝箱總吞吐量最大的港口之一。

責任議題

責任限制雖然不是航運業獨有的概念，但受到的挑戰卻遠高於一般的商業貿易。這再次是與航運業的全球性質有關，它超越了國際邊界和邊界內不同國家的政治氣候。

西班牙最高法院對「Prestige」漏油案件的判決以及「Erika」漏油事件後，法國頒布針對環境損害賠償責任的法律。兩者都引起業界關注此類行動對海運貿易的潛在影響，包括商業運作的影響。

Hong Kong Affairs

The regulatory regime

During the year, the Association maintained regular dialogue with the authorities, reflecting members' views and feedback. We are pleased to see the continual enhancement of the services of the Hong Kong Shipping Register (HKSR).

Timely delivery of certificates of registration (CORs) is important to secure immediate sailing after registration to avoid any commercial loss. Now, the Marine Department has taken the Association's advice to provide COR collection service for shipowners or their representatives at the Government's overseas Economic and Trade Offices (ETOs). In parallel, the Marine Department is developing an authentication system for verifying the authenticity of issued CORs by electronic means.

In the Chief Executive's 2018 Policy Address delivered last month (October 2018), the Government further pledged to set up Regional Desks of the HKSR in selected ETOs and Mainland Offices and Liaison Units to render more direct and prompt support to shipowners at the ports concerned and to promote the HKSR.

Exemption and dispensation issues are another major concern of the shipping industry. Currently, only the Director of Marine has the authority to approve exemptions and dispensations. We understand that the Government is reviewing the laws with a view to proposing legislative amendments to provide for the Director to delegate powers to her senior colleagues. We are most ready to support the Government to seek Legislators' support.

Meanwhile, we have repeatedly asked the Government to expedite the ratification of international maritime conventions (including the Hong Kong Convention on ship recycling) and the integration of global maritime legislation into local legislation to avoid Hong Kong flagged ships being targeted by port State inspectors, and to safeguard Hong Kong's reputation in the global arena.

Finally, the so called "14-day" rule, allowing non-local contract seamen on board ocean-going vessels to extend their stay in Hong Kong due to unforeseeable circumstances, has been extended from 14 days to three months. This initiative allows much more flexibility for ship operators and managers in crew deployment.



香港事務

監管制度

年內，協會與特區政府保持緊密聯繫，反映和回應會員的意見。我們高興看到香港船舶註冊 (HKSR) 的服務在不斷提高。

為避免任何商業損失，準時送遞船舶註冊證明書 (COR)，確保船舶註冊後能即時啟航非常重要。現在，海事處已採納協會的建議，安排船東或其代表在海外的香港經濟貿易辦事處領取有關證書。與此同時，海事處正在開發電子核實系統，以核實船舶註冊證明書的真實性。

行政長官上月 (2018 年 10 月) 發表的 2018 年施政報告中，政府進一步承諾，在選定的政府海外經貿辦、駐內地辦事處及聯絡機構，設立香港船舶註冊區域支援服務台，向有關港口的船東提供更直接和迅速的支援，並推廣香港船舶註冊。

簽發豁免證書是航運業遇到的另一個主要問題。目前，只有海事處處長本人有豁免的批准權。我們了解到，政府正在檢討有關法例，以期提出修訂的法例，處長可將相關權力下放給其他高級同事。我們全力支持政府並尋求立法會議員的支持。

同時，我們多次要求政府加快批准國際海事公約 (包括「香港船舶再循環公約」) 延伸至香港，並將全球海事法例納入本地立法，以避免香港註冊的船舶，可能成為港口國檢查員的目標，並且維護香港在國際舞台上的聲譽。

最後就是所謂的“14 天”規則，政府已經允許遠洋船上非本地合同海員在不可預見的情況下，可延長在香港逗留的期限，由 14 天延長至 3 個月。這一舉措使船舶營運和管理公司在船員調配方面更加靈活。

Maritime education and manpower development

The Association has always urged the Government to develop long-term plans to expand the talent pool of the maritime industry. In August this year, after consultation with different community stakeholders including the Association, the Government promulgated its first “Talent List of Hong Kong” to attract professionals with needed qualifications and experience to the city, by giving them bonus points under the existing Quality Migrant Admission Scheme. The Talent List comprises, among others, three maritime-related professional groups, namely marine insurance professionals, naval architects, and marine engineers and superintendents of ships. This is good. As the Government will review the Talent List from time to time, the Association will put forth further suggestions on potential professional groups to be included in the list.

Meanwhile, in her Policy Address, the Chief Executive has indicated an injection of additional \$200 million (currently \$100 million) into the Maritime and Aviation Training Fund to enhance the training and nurturing of talent for the maritime and aviation industries. We welcome the plan, but we will also urge the Government to expand the scope of the Fund to cover more manpower development initiatives of individual companies.

We are also pleased to see that the Government is devoting more financial resources (\$709,000) this year to support the activities that are hosted jointly by the Association and the Hong Kong Maritime Museum in the Hong Kong Maritime Week to promote our industry to the general public and, in particular, to attract youngsters to consider careers in the maritime sector. The subsidies sent an important message – that the Government is working in partnership with the industry.

海事教育和人力資源發展

協會一直敦促政府制定長遠計劃，擴大航運業的人才儲備。今年8月，政府在與社會各界有關人士磋商後，頒布了首個「香港人才名錄」，在現有的「優秀人才入境計劃」下給予額外獎勵分數，以吸引具備相關資格和經驗的專業人士。「人才名錄」包括三個與海事有關的專業群體，即海上保險專業人才、造船師、輪機員及船舶主管。這是很好的開始。由於政府將不時檢討這份名錄，協會將建議更多具潛力的專業團體加入名錄中。

同時，行政長官在施政報告中表示，將向「海運及空運人才培訓基金」注資額外2億港幣（現時為1億港幣），加強海事及航空業的人才培訓和教育。我們歡迎這項計劃，但也將敦促政府擴大基金的範圍，涵蓋更多個別公司的人力發展計劃。

我們也高興看到，政府於今年投入了更多財政資源（709,000港幣），支持協會和香港海事博物館在香港海運週共同舉辦向公眾宣傳行業的活動，特別是藉此吸引年輕人加入航運業。這些資助傳達了一個重要信息 – 政府與業界同行。



Financial incentives

The Chief Executive obviously attaches great importance to the maritime industry. In the 2018 Policy Address, the Government has pledged to attract more commercial principals to Hong Kong and to use tax measures to foster the ship-leasing business and the marine insurance sector.

Meanwhile, the Government is now working on possible “substantial activities requirements” for the shipping tax regime. Briefly, the Organisation for Economic Co-operation and Development (OECD) is expecting Hong Kong and other jurisdictions to ensure that companies that benefit from preferential treatments, such as tax exemptions or concessions, have a business substance in respective jurisdictions to counter “Base Erosion and Profit Shifting”. To comply with the OECD’s requirement, our Government is now considering the necessary threshold requirements for ship owners and operators. We are exchanging views with the Government on this matter, as we believe any such thresholds must be reasonable and practical.

The institutional issues

Perhaps nice a surprise for the industry in the 2018 Policy Address is that the Chief Executive has agreed with the industry consensus that the Transport and Housing Bureau is overburdened and that there is a need to split the Bureau into two. Currently, the Bureau oversees all transport-and housing-related policy matters. But the rationale behind this arrangement of putting global trade sectors such as sea transport and air transport under the same bureau as local housing has never been clear. Besides, the portfolio is obviously too large to manage under a single policy bureau. This is no good for the shipping industry, or for the community at large. We hope the Government will implement its re-organisation plan as early as possible in the interest of all parties.

Conclusion

Finally, I would like to thank all the members who have so generously given their time and effort to assisting in Association affairs. I would also like to thank the Executive Committee and sub-committees and working groups for their advice and steer. This year was a particularly busy year. We launched many more events and projects than the previous years. We have been hosting a series of 60th anniversary activities too. My sincere thanks go to my secretariat colleagues for their support. The Association will continue to do more and to aim high.

Sandy Chan
Managing Director

財政鼓勵政策

行政長官顯然非常重視航運業。在其 2018 年施政報告中，政府承諾吸引更多商業主體到香港，並採取稅務措施，促進船舶租賃業務及海上保險業。

與此同時，政府正為航運稅收制度制定可能的「實質事項需求」。簡言之，經濟合作暨發展組織（OECD）期望香港和其他司法管轄區，能確保受益於優惠待遇（如免稅或特許）的公司，能在各自的管轄區內有業務實體，來對抗「稅基侵蝕和利潤轉移」。為符合 OECD 的要求，政府現正考慮對船東和管理公司提出一些門檻要求。我們正就此與政府交換意見，確保相關門檻的合理性和實際性。

憲制

2018 年行政長官「施政報告」中，喜見行政長官認同業界的共識，即：運輸及房屋局的工作負擔確實過於繁重，需要將該局一分為二。目前，運輸及房屋局負責監督所有與運輸和房屋有關的政策事宜。但是，將海上和航空運輸等全球貿易行業，置於和本地房屋事宜同一個局中的安排，背後的緣由卻從未明確。此外，現時架構顯然過大，無法由單一的政策局去管理。這對航運業或整個社會都沒有好處。我們期望政府為了各方的利益，儘早實施重組計劃。

總結

最後，感謝所有為協會慷慨奉獻時間和精力的會員，還要感謝執行委員會、各分委員會和工作小組的建議和指導。今年是特別忙碌的一年。與前幾年相比，我們推出了更多的活動和項目，也主辦了一系列的 60 周年慶祝活動。衷心感謝秘書處同事的支持。協會將繼續努力，追求更遠大的目標。

董事總經理
陳佩珊