

2009 年香港國際安全與環境無害化拆船公約

2009 年 5 月 11 日 訂於倫敦，尚未生效

HONG KONG INTERNATIONAL CONVENTION FOR THE SAFE AND ENVIRONMENTALLY SOUND RECYCLING OF SHIPS, 2009

Signed at London, 11 May, 2009, not yet entered into force

HKSRC 2009

生效門檻：15 國 ≥ 40% + 24 個月
(2019.3)締約國數：8 國

簡介：本公約最於1998年由挪威政府在國際海事組織海上環境保護委員會(MEPC)提出處理商船的問題，並在2005年提交一以安全及環境無害方式進行拆船，且具有法律效力的新公約草案。其後IMO決定於2009年5月於香港舉行外交大會正式通過此公約。公約主要制訂目的拆船與廢船回收設施的營運，以保障工人的安全及健康，盡量減少對環境造成損害，減低拆船業對人類健康及海洋環境的污染。

公約主要分為三個部份：包括船隻的設計，建造，運作及維修保養；準備船隻送往拆船；及驗船及證書等。例如於船舶方面，締約國須禁止限制其註冊船上安裝或使用公約所列名之有害或危險材料。不能於締約國的港口，船廠等安裝列於公約的有害危險材料。每一新造船上要有一份有害或危險材料目錄。現存船隻要在公約執行5年內提交這目錄，目錄要經常維護與更新直到船隻退役。目錄需要通過船旗當局或船級協會驗證等。在拆船前，有關締約政府要核查這目錄。在準備拆船方面，拆船回收活動只可以在獲授權的拆船與廢船回收設施進行。拆船前，船隻需要盡可能減少殘留貨物、剩餘燃油及其他廢物等。油輪的貨油艙，泵房等要做好安全進入，安全火工等準備。拆船前，船隻要拿到國際拆船備妥證書(International Ready for Recycling Certificate)等。

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THE PARTIES TO THIS CONVENTION,

NOTING the growing concerns about safety, health, the environment and welfare matters in the ship recycling industry, **RECOGNIZING** that recycling of ships contributes to sustainable development and, as such, is the best option for ships that have reached the end of their operating life,

RECALLING resolution A.962(23), adopted by the Assembly of the International Maritime Organization (Guidelines on Ship Recycling); amendments to the Guidelines adopted by resolution A.980(24); Decision VI/24 of the Sixth Meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, which adopted Technical Guidelines for the Environmentally Sound Management of the Full and Partial Dismantling of Ships; and the Guidelines approved by the 289th session of the Governing Body of the International Labour Office (Safety and Health in Shipbreaking: Guidelines for Asian countries and Turkey),

RECALLING ALSO resolution A.981(24), by which the Assembly of the International Maritime Organization requested the Organization's Marine Environment Protection Committee to develop a legally-binding instrument on ship recycling,

NOTING ALSO the role of the International Labour Organization in protecting the occupational safety and health of workers involved in ship recycling,

NOTING FURTHER the role of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal in protecting human health and the environment against the adverse effects which may result from such wastes,

MINDFUL of the precautionary approach set out in Principle 15 of the Rio Declaration on Environment and Development and referred to in resolution MEPC.67(37), adopted by the Organization's Marine Environment Protection Committee on 15 September 1995,

MINDFUL ALSO of the need to promote the substitution of hazardous materials in the construction and maintenance of ships by less hazardous, or preferably, non-hazardous materials, without compromising the ships' safety, the safety and health of seafarers

本公約各締約國，

注意到對有關拆船業的安全、健康、環境及福利的日益關注，

認識到拆船有助於永持續性發展，且為船舶達到報廢年限的最佳選擇，

回顧國際海事組織大會通過的 A.962(23)決議(『拆船指南』); A.980(24)決議通過的『拆船指南』修正案; 『控制有害廢料越境轉移及其處置巴塞爾公約』第6次締約國會議的第VI/24號決定，該決定通過『全部及部分拆船的環境無害化管理技術指南』; 及國際勞工局理事會第289屆會議批准的指南(『拆船安全及健康：亞洲國家及土耳其指南』)，

另回顧國際海事組織大會通過的 A.981(24)決議，要求海上環境保護委員會就拆船問題制定一份具有法律約束力的國際文書，

另注意到國際勞工組織在保護拆船工人職業安全及健康方面所發揮的作用，

進一步注意到『控制有害廢料越境轉移及其處置巴塞爾公約』對保護人員健康及環境免受此類廢料的不利影響所發揮的作用，

鑒於本組織海上環境保護委員會於1995年9月15日通過的MEPC.67(37)決議中引用里約熱內盧環境與發展宣言第15條原則所述的預防措施，

另鑒於在不危及船舶安全、海員安全及健康及船舶營運效率的前提下，在船舶建造及維護期間促進採用低有害或最好無害物質替代有害物質的需

and the ships' operational efficiency,

RESOLVED to effectively address, in a legally-binding instrument, the environmental, occupational health and safety risks related to ship recycling, taking into account the particular characteristics of maritime transport and the need to secure the smooth withdrawal of ships that have reached the end of their operating lives,

CONSIDERING that these objectives may best be achieved by the conclusion of an International Convention for the Safe and Environmentally Sound Recycling of Ships,

HAVE AGREED as follows:

ARTICLE 1 General obligations

1. Each Party to this Convention undertakes to give full and complete effect to its provisions in order to prevent, reduce, minimize and, to the extent practicable, eliminate accidents, injuries and other adverse effects on human health and the environment caused by Ship Recycling, and enhance ship safety, protection of human health and the environment throughout a ship's operating life.
2. No provision of this Convention shall be interpreted as preventing a Party from taking, individually or jointly, more stringent measures consistent with international law, with respect to the safe and environmentally sound recycling of ships, in order to prevent, reduce or minimize any adverse effects on human health and the environment.
3. Parties shall endeavour to co-operate for the purpose of effective implementation of, compliance with and enforcement of this Convention.
4. The Parties undertake to encourage the continued development of technologies and practices which contribute to safe and environmentally sound Ship Recycling.
5. The Annex to this Convention forms an integral part of it. Unless expressly provided for otherwise, a reference to this Convention constitutes at the same time a reference to its Annex.

ARTICLE 2 Definitions

For the purposes of this Convention, unless expressly provided otherwise:

1. "Convention" means the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009.
2. "Administration" means the Government of the State whose flag the ship is entitled to fly, or under whose authority it is operating.
3. "Competent Authority(ies)" means a governmental authority or authorities designated by a Party as responsible, within specified geographical area(s) or area(s) of expertise, for duties related to Ship Recycling Facilities operating within the jurisdiction of that Party as specified in this Convention.
4. "Organization" means the International Maritime Organization.
5. "Secretary-General" means the Secretary-General of the

要，

決定通過一份具有法律約束力的文件以有效解決與拆船有關的環境、職業健康及安全風險，並同時考慮到海上運輸的特殊性及需要確保船舶營運壽命終了能順利退役，

考慮到為達到這些目標的最好方式是制定『國際安全與環境無害化拆船公約』，

茲協議如下：

第1條 一般義務

1. 為防止、降低、盡可能減少及盡實際可能消除拆船對人員健康及環境所造成的事件、傷害及其他不利影響，及在船舶整個營運壽命期間促進船舶安全、保護人員健康及環境，本公約各締約國承諾全面充分地實施本公約規定。
2. 本公約任何規定均不得被解釋為妨礙一締約國在符合國際法的前提下獨自或與其他國家聯合，為防止、降低或盡可能減少對人員健康及環境的任何不利影響所採取更為嚴格的安全及環境無害的拆船措施。
3. 各締約國應為有效實施、符合及執行本公約進行通力合作。
4. 各締約國承諾鼓勵繼續開發有助於安全及環境無害拆船的技術及操作規劃。
5. 本公約附則與本公約構成一體。除另有明文規定外，引用本公約同時意指引用其附則。

第2條 定義

除另有明文規定外，就本公約而言：

1. 公約：係指『2009年香港國際安全與環境無害化拆船公約』。
2. 主管機關：係指船旗國政府或船舶在其管轄下營運的政府。
3. 主管當局：係指經一締約國負責指定的在特定地理區域或知識領域內負責依本公約規定的該締約國管轄範圍內作業的拆船廠相關事宜的一個或多個政府當局。
4. 組織：係指國際海事組織。
5. 秘書長：係指本組織秘書長。

Organization.

6. "Committee" means the Marine Environment Protection Committee of the Organization.
 7. "Ship" means a vessel of any type whatsoever operating or having operated in the marine environment and includes submersibles, floating craft, floating platforms, self elevating platforms, Floating Storage Units (FSUs), and Floating Production Storage and Offloading Units (FPSOs), including a vessel stripped of equipment or being towed.
 8. "Gross tonnage" means the gross tonnage (GT) calculated in accordance with the tonnage measurement regulations contained in Annex I to the International Convention on Tonnage Measurement of Ships, 1969, or any successor convention.
 9. "Hazardous Material" means any material or substance which is liable to create hazards to human health and/or the environment.
 10. "Ship Recycling" means the activity of complete or partial dismantling of a ship at a Ship Recycling Facility in order to recover components and materials for reprocessing and re-use, whilst taking care of hazardous and other materials, and includes associated operations such as storage and treatment of components and materials on site, but not their further processing or disposal in separate facilities.
 11. "Ship Recycling Facility" means a defined area that is a site, yard or facility used for the recycling of ships.
 12. "Recycling Company" means the owner of the Ship Recycling Facility or any other organization or person who has assumed the responsibility for operation of the Ship Recycling activity from the owner of the Ship Recycling Facility and who on assuming such responsibility has agreed to take over all duties and responsibilities imposed by this Convention.
6. 委員會：係指本組織海上環境保護委員會。
 7. 船舶：係指在海洋環境中營運或營運過的任何類型的船舶，包括潛水船、浮動艇筏、浮式平臺、自升式平臺、浮式儲存裝置(FSU)及浮式生產儲存及卸貨裝置(FPSO)，包括已被拆除船上設備的船舶或被拖曳的船舶。
 8. 總噸位：係指依『1969年國際船舶噸位丈量公約』附則I或任何後續公約中的噸位丈量規則計算所得的總噸位(GT)。
 9. 有害物質：係指易於對人類健康及/或環境造成危害的任何材料或物質。
 10. 拆船：係指在拆船廠內所進行旨在回收部件及材料供再加工及再利用，並妥善處理有害物質及其他材料的船舶全部或部分拆除活動，包括與此相關的操作，如現場儲存及處理部件及材料，但不包括在其他各拆船廠內進一步加工或處置。
 11. 拆船廠：係指用於拆船的特定區域，包括場地、船廠或設施。
 12. 拆船公司：係指拆船廠的擁有者或從拆船廠擁有者處承擔拆船活動經營責任並在承擔該責任的同時同意承擔本公約規定的所有職責及責任的任何其他組織或個人。

ARTICLE 3 Application

1. Unless expressly provided otherwise in this Convention, this Convention shall apply to:
 - .1 ships entitled to fly the flag of a Party or operating under its authority;
 - .2 Ship Recycling Facilities operating under the jurisdiction of a Party.
2. This Convention shall not apply to any warships, naval auxiliary, or other ships owned or operated by a Party and used, for the time being, only on government non-commercial service. However, 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 with this Convention, so far as is reasonable and practicable.
3. This Convention shall not apply to ships of less than 500 GT or to ships operating throughout their life only in waters subject to the sovereignty or jurisdiction of the State whose flag the ship is entitled to fly. However, each Party shall ensure, by the adoption of appropriate measures, that such ships act in a manner consistent with this Convention, so far as is reasonable and

第3條 適用範圍

1. 除本公約中另有明文規定外，本公約應適用於：
 - .1 有權懸掛締約國國旗的船舶或在其管轄下營運的船舶；
 - .2 在締約國管轄範圍內作業的拆船廠。
2. 本公約不適用於任何軍艦、海軍輔助船舶，或一締約國所擁有或營運的、並暫時僅用於政府非商業性服務的其他船舶。但各締約國應透過採取不損害其所擁有或營運此類船舶的操作或操作性能的適當措施，以保證此類船舶在合理及可行的範圍內依本公約的規定行事。
3. 本公約不適用於小於500總噸的船舶或在其整個壽命內僅在船旗國主權或管轄範圍內水域營運的船舶。但各締約國應採取適當措施，以保證此類船舶在合理及可行的範圍內能依本公約的規定行事。

practicable.

4. With respect to ships entitled to fly the flag of non-Parties to this Convention, Parties shall apply the requirements of this Convention as may be necessary to ensure that no more favourable treatment is given to such ships.

ARTICLE 4 Controls related to Ship Recycling

1. Each Party shall require that ships entitled to fly its flag or operating under its authority comply with the requirements set forth in this Convention and shall take effective measures to ensure such compliance.

2. Each Party shall require that Ship Recycling Facilities under its jurisdiction comply with the requirements set forth in this Convention and shall take effective measures to ensure such compliance.

ARTICLE 5 Survey and certification of ships

Each Party shall ensure that ships flying its flag or operating under its authority and subject to survey and certification are surveyed and certified in accordance with the regulations in the Annex.

ARTICLE 6 Authorization of Ship Recycling Facilities

Each Party shall ensure that Ship Recycling Facilities that operate under its jurisdiction and that recycle ships to which this Convention applies, or ships treated similarly pursuant to Article 3.4 of this Convention, are authorized in accordance with the regulations in the Annex.

ARTICLE 7 Exchange of information

For the Ship Recycling Facilities authorized by a Party, such Party shall provide to the Organization, if requested, and to those Parties which request it, relevant information, in regard to this Convention, on which its decision for authorization was based. The information shall be exchanged in a swift and timely manner.

ARTICLE 8 Inspection of ships

1. A ship to which this Convention applies may, in any port or offshore terminal of another Party, be subject to inspection by officers duly authorized by that Party for the purpose of determining whether the ship is in compliance with this Convention. Except as provided in paragraph 2, any such

4. 對懸掛非本公約締約國國旗的船舶，各締約國在必要時應運用本公約的要求，以保證不給予這些船舶更為優惠的待遇。

第4條 有關拆船之控管

1. 各締約國應要求懸掛其國旗的船舶或在其管轄下營運的船舶符合本公約所規定的要求，並採取有效措施確保其符合性。

2. 各締約國應要求其管轄範圍內的拆船廠符合本公約所規定的要求，並採取有效措施確保其符合性。

第5條 船舶檢驗及發證

各締約國應確保依照公約附則所載規則對懸掛其國旗或在其管轄下營運且應予以檢驗及發證的船舶進行檢驗及發證。

第6條 對拆船廠的授權

各締約國應確保依照公約附則所載規則對在其管轄範圍內且適用本公約的船舶或依本公約第3.4條予以類似對待的船舶進行拆除的拆船廠進行授權。

第7條 資訊交流

針對經任一締約國所授權的拆船廠，一經要求，該締約國即應向本組織提供，或向其他提出請求的締約國提供其做出授權決定所依據與本公約相關的資訊。該資訊應予以迅速及及時地交流。

第8條 船舶檢查

1. 凡適用本公約的船舶，在另一締約國的任何港口或近海裝卸站時，均可能受到該締約國正式授權的官員的檢查，以確定該船是否符合本公約。除本條第2項規定外，任何此類檢查僅