

L.N. 128 of 2004**MERCHANT SHIPPING (PREVENTION AND CONTROL OF POLLUTION) (SPECIFICATION OF SUBSTANCES) (AMENDMENT) ORDER 2004**

(Made under section 6(10) of the Merchant Shipping (Prevention and Control of Pollution) Ordinance (Cap. 413))

1. Commencement

This Order shall come into operation on a day to be appointed by the Director of Marine by notice published in the Gazette.

2. Section substituted

Section 1A of the Merchant Shipping (Prevention and Control of Pollution) (Specification of Substances) Order (Cap. 413 sub. leg. F) is repealed and the following substituted—

“1A. Interpretation

In this Order—

- “BLG/Circ.13” (《BLG/13 號通函》) means the circular issued by IMO bearing “BLG/Circ.13” as its reference number;
- “Consolidated Edition 2002” (《2002 年綜合版》) means the publication published by IMO entitled “MARPOL 73/78 Consolidated Edition, 2002”;
- “1998 IBC Code” (《1998 年國際化學品規則》) means the 1998 edition of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk published by IMO;
- “1993 IGC Code” (《1993 年國際氣體規則》) means the 1993 edition of the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk published by IMO;
- “2002 IMDG Code” (《2002 年國際海運危險貨物規則》) means the 2002 edition of the International Maritime Dangerous Goods Code published by IMO;
- “IMO” means the International Maritime Organization;
- “MARPOL 73/78” (《73/78 年防污公約》) means the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto;

“MEPC.2/Circ.9” (《MEPC.2/9 號通函》) means the circular issued by IMO bearing “MEPC.2/Circ.9” as its reference number, as modified by IMO on 23 January 2004.”.

3. Section substituted

Section 2 is repealed and the following substituted—

“2. Specification of substances

A substance on board a ship is a substance other than oil for the purposes of paragraph (a) of the definition of “any substance other than oil” in section 6(9) of the Ordinance if—

- (a) it is a substance specified in the Schedule; and
- (b) it is carried on board the ship as cargo, or it is the residue of a quantity of the same substance previously carried on board the ship.”.

4. Schedule substituted

The Schedule is repealed and the following substituted—

“SCHEDULE

[s. 2]

SUBSTANCES OTHER THAN OIL

1. Noxious liquid substances, as defined in Annex II to MARPOL 73/78 as contained in the Consolidated Edition 2002, when carried in bulk, and—
 - (a) categorized or provisionally categorized as Category A or B in—
 - (i) Chapter 17 of 1998 IBC Code; or
 - (ii) Lists 1 to 4 attached to MEPC.2/Circ.9; or
 - (b) identified in the list attached to BLG/Circ.13 with—
 - (i) “2”, “(2)”, “2/BOD” or “2/D” in column B, and “XX” in column E, of the list; or
 - (ii) “XXX” in column E of the list.
2. Harmful substances in packaged form, as defined in Annex III to MARPOL 73/78 as contained in the Consolidated Edition 2002, which—
 - (a) are identified as severe marine pollutants with “PP” in column “MP” of the Index to the 2002 IMDG Code; or
 - (b) meet the criteria for severe marine pollutants as specified in paragraph 2.10.4.1.2 of the Code.
3. Radioactive materials, as defined in paragraph 2.7.1 of the 2002 IMDG Code, which are transported—
 - (a) in type B(U) or type B(M) packages as specified in paragraph 2.7.7.1.5 of the Code;
 - (b) in type C packages as specified in paragraph 2.7.7.1.6 of the Code;
 - (c) as fissile materials as defined in paragraph 2.7.2 of the Code; or

- (d) under special arrangements as specified in paragraph 7.1.14.10 of the Code.
4. Liquefied gases, identified in Chapter 19 of the 1993 IGC Code, when carried in bulk.”.

S. Y. TSUI
Director of Marine

21 June 2004

Explanatory Note

On 11 October 2002, the International Maritime Organization adopted a resolution made by its Marine Environment Protection Committee regarding amendments to the list of substances annexed to the Protocol relating to Intervention on the High Seas in Cases of Pollution by Substances Other Than Oil, 1973. This Order amends the Merchant Shipping (Prevention and Control of Pollution) (Specification of Substances) Order (Cap. 413 sub. leg. F) to give effect to those amendments as regards substances other than oil in the domestic law which implements the Protocol.