

A BILL

To

Amend the Shipping and Port Control Ordinance and the Merchant Shipping (Local Vessels) Ordinance to enhance the control of emission of dark smoke from vessels in the waters of Hong Kong; and to provide for related matters.

Enacted by the Legislative Council.

Part 1

Preliminary

1. Short title

This Ordinance may be cited as the Shipping Legislation (Control of Smoke Emission) (Amendment) Ordinance 2014.

2. Enactments amended

The enactments specified in Parts 2 and 3 are amended as set out in those Parts.

Part 2

Amendments to Shipping and Port Control Ordinance (Cap. 313)

3. Section 49 amended (interpretation)

- (1) Section 49, English text, definition of *smoke*—

Repeal the full stop

Substitute a semicolon.

- (2) Section 49—

Add in alphabetical order

“*dark smoke* (黑煙) means smoke which would appear to be as dark as, or darker than, shade 2 on a specified chart;

specified chart (指明圖表) means a shade chart of the type known on the commencement date of the Shipping Legislation (Control of Smoke Emission) (Amendment) Ordinance 2014 (of 2014) as a Ringelmann Chart and includes a Micro-Ringelmann Chart.”.

4. Section 50 amended (emission of smoke from vessels)

- (1) Section 50, heading, before “**smoke**”—

Add

“**dark**”.

- (2) Section 50(1)—

Repeal

“smoke in such quantity as to be a nuisance”

Substitute

“dark smoke for 3 minutes or more continuously at any one time”.

- (3) Section 50(2), before “smoke”—

Add

“dark”.

- (4) Section 50(3)—

Repeal

everything after “the vessel”

Substitute

“and the owner’s agent each commits an offence.”.

- (5) After section 50(3)—

Add

- “(4) Each person who commits an offence under subsection (3) is liable—
- (a) if the person has never committed the offence in relation to the vessel, to a fine at level 4; or
 - (b) if the person has previously committed the offence in relation to the vessel, to a fine at level 5.”.
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Part 3

Amendments to Merchant Shipping (Local Vessels) Ordinance (Cap. 548)

5. Section 46 amended (interpretation)

- (1) Section 46, English text, definition of *smoke*—

Repeal the full stop

Substitute a semicolon.

- (2) Section 46—

Add in alphabetical order

“*dark smoke* (黑煙) means smoke which would appear to be as dark as, or darker than, shade 2 on a specified chart;

specified chart (指明圖表) means a shade chart of the type known on the commencement date of the Shipping Legislation (Control of Smoke Emission) (Amendment) Ordinance 2014 (of 2014) as a Ringelmann Chart and includes a Micro-Ringelmann Chart.”.

6. Section 51 amended (emission of smoke from local vessel)

- (1) Section 51, heading, before “**smoke**”—

Add

“**dark**”.

- (2) Section 51(1)—

Repeal

“smoke in such quantity as to be a nuisance”

Substitute

“dark smoke for 3 minutes or more continuously at any one time”.

- (3) Section 51(2), before “smoke”—

Add

“dark”.

- (4) Section 51(3)—

Repeal

everything after “the vessel”

Substitute

“each commits an offence.”.

- (5) After section 51(3)—

Add

“(4) Each person who commits an offence under subsection (3) is liable—

- (a) if the person has never committed the offence in relation to the vessel, to a fine at level 3; or
- (b) if the person has previously committed the offence in relation to the vessel, to a fine at level 4.”.

7. Section 51A added

Part IX, after section 51—

Add

“51A. Inspection of local vessel emitting dark smoke

- (1) If an authorized officer has reasonable grounds for suspecting that section 51(1) has been contravened in

relation to a local vessel, the officer may direct the owner or coxswain of the vessel, or the owner's agent, to deliver the vessel, within the time and at the place specified in the direction, to the Director for ascertaining whether dark smoke emits from the vessel.

- (2) A person who without reasonable excuse fails to comply with a direction given to that person commits an offence and is liable to a fine at level 2.”
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Explanatory Memorandum

The purpose of this Bill is to amend the Shipping and Port Control Ordinance (Cap. 313) (*SPC Ordinance*) and the Merchant Shipping (Local Vessels) Ordinance (Cap. 548) (*MSLV Ordinance*) to enhance the control of emission of dark smoke from vessels in the waters of Hong Kong.

2. Clause 1 sets out the short title.
3. Clauses 3 and 5 add the definitions of *dark smoke* and *specified chart* to section 49 of the SPC Ordinance and section 46 of the MSLV Ordinance respectively.
4. Clause 4 amends section 50 of the SPC Ordinance—
 - (a) to provide that a vessel (other than a local vessel) in the waters of Hong Kong must not emit dark smoke for 3 minutes or more continuously; and
 - (b) to revise the level of fines.
5. Clause 6 amends section 51 of the MSLV Ordinance to provide that a local vessel in the waters of Hong Kong must not emit dark smoke for 3 minutes or more continuously.
6. Clause 7 adds a new section 51A to the MSLV Ordinance to empower an authorized officer to direct certain persons to deliver a local vessel for inspection under certain circumstances.