

L.N. 22 of 2016

Merchant Shipping (Prevention of Air Pollution) Regulation

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Merchant Shipping (Prevention of Air Pollution) Regulation

(Made by the Secretary for Transport and Housing under section 3 of
the Merchant Shipping (Prevention and Control of Pollution)
Ordinance (Cap. 413))

Part 1

Preliminary

1. Commencement

This Regulation comes into operation on 1 July 2016.

2. Interpretation

(1) In this Regulation—

Administration (主管機關), in relation to a ship, means the government of any place outside Hong Kong whose flag the ship is entitled to fly;

Annex VI (《附則VI》) means Annex VI to the Convention, entitled “Regulations for the Prevention of Air Pollution from Ships”, as from time to time revised or amended by any revision or amendment that applies to Hong Kong;

anniversary date (周年日期), in relation to a specified Certificate that is in force in respect of a ship, means the day and month of each year which corresponds to the date of expiry of the Certificate;

Attained EEDI (達到的能效設計指數) means the value of the Energy Efficiency Design Index of a ship determined in accordance with Regulation 20 of Annex VI;

constructed (建造), in relation to a ship, means—

- (a) having the keel of the ship laid; or
- (b) being at a stage at which—
 - (i) construction identifiable with the ship begins; and
 - (ii) assembly of the ship has commenced comprising at least 50 tonnes or 1% of the estimated mass of all structural material, whichever is the less;

Convention (《公約》) means the International Convention for the Prevention of Pollution from Ships, 1973, including its protocols and appendices, and Annex VI (but no other Annex), as from time to time revised or amended by any revision or amendment to any provision of such Convention that applies to Hong Kong;

Convention country (公約國) means a country which is a party to the Convention;

conventional propulsion (常規推進) means a method of propulsion where a main reciprocating internal combustion engine is the prime mover and coupled to a propulsion shaft either directly or through a gear box;

cruise passenger ship (豪華郵輪) means a cruise passenger ship as defined in Regulation 2 of Annex VI;

existing ship (現有船舶) means a ship which is not a new ship;

fuel oil (燃油), in relation to a ship, means any fuel delivered on board the ship that is intended to be used for combustion purpose for the propulsion or operation of the ship, and includes gas fuel, distillate fuel and residual fuel;

gas fuelled engine (氣體燃料發動機) means a gas fuelled engine—

- (a) that is installed on a ship constructed on or after 1 March 2016;
- (b) that is added to a ship on or after 1 March 2016; or
- (c) that replaces a non-identical gas fuelled engine on or after 1 March 2016;

Government surveyor (政府驗船師) means a person appointed under section 94 to be a Government surveyor;

HKAPP Certificate (HKAPP證書) means a certificate referred to in section 59 that is issued by the Director;

Hong Kong Air Pollution Prevention Certificate (香港防止空氣污染證書) means—

- (a) a HKAPP certificate; or
- (b) a Hong Kong Air Pollution Prevention Certificate issued by a recognized organization;

IAPP Certificate (IAPP證書) means a certificate referred to in section 58 that is issued by the Director;

IEE Certificate (IEE證書) means a certificate referred to in section 60 that is issued by the Director;

IMO means the International Maritime Organization;

International Air Pollution Prevention Certificate (國際防止空氣污染證書) means—

- (a) an IAPP Certificate;
- (b) an International Air Pollution Prevention Certificate issued by a recognized organization; or
- (c) an International Air Pollution Prevention Certificate issued by or under the authority of an Administration;

International Energy Efficiency Certificate (國際能效證書) means—

- (a) an IEE Certificate;
- (b) an International Energy Efficiency Certificate issued by a recognized organization; or
- (c) an International Energy Efficiency Certificate issued by or under the authority of an Administration;

international voyage (國際航程) means—

- (a) a voyage between Hong Kong and a port outside the People's Republic of China; or
- (b) a voyage between a port in a Convention country and a port outside that country (whether in another Convention country or not);

LNG carrier (LNG運輸船) means a LNG carrier as defined in Regulation 2 of Annex VI;

local supplier (本地供應商) means a person who delivers fuel oil to a ship in Hong Kong;

major modification (重大改動), in relation to a ship, means a major conversion of the ship as defined in Regulation 2 of Annex VI;

modified existing ship (經改動現有船舶) means an existing ship that has undergone a major modification on or after 1 January 2013 which is so extensive that the ship is regarded by the Director as a newly constructed ship;

new ship (新船) means a ship—

- (a) for which the building contract is placed on or after 1 January 2013;
- (b) (if there is no building contract) which is constructed on or after 1 July 2013; or
- (c) the delivery of which is on or after 1 July 2015;

NO_x Technical Code (《氮氧化物技術規則》) means the Technical Code on Control of Emission of Nitrogen Oxides from Marine Diesel Engines adopted by IMO resolution MEPC.177(58) on 10 October 2008, as from time to time revised or amended by any revision or amendment that applies to Hong Kong;

non-Chapter 4 ship (非第4章船舶) means—

- (a) a ship that is not propelled by mechanical means; or
- (b) a platform (including a floating production storage and offloading facility, a floating storage unit and a drilling rig);

non-conventional propulsion system (非常規推進系統) means a method of propulsion (other than conventional propulsion) and includes—

- (a) a diesel-electric propulsion system;
- (b) a turbine propulsion system; or
- (c) a hybrid propulsion system;

non-Hong Kong ship (非香港船舶) means a ship other than a Hong Kong ship;

non-international voyage (非國際航程) means—

- (a) a voyage that begins and ends within the waters of Hong Kong, during the course of which the ship concerned does not call at any port outside Hong Kong; or
- (b) a voyage between Hong Kong and any other port in the People's Republic of China, during the course of which the ship concerned does not call at any port outside the People's Republic of China;

ozone depleting substance (消耗臭氧物質) means any controlled substance defined in paragraph 4 of article 1 of the Montreal Protocol on Substances that Deplete the Ozone Layer, 1987, as listed in Annex A, B, C or E to the Protocol, as from time to time revised or amended by any revision or amendment that applies to Hong Kong;

post-2019 cruise passenger ship (2019年後豪華郵輪) means a cruise passenger ship delivered on or after 1 September 2019;

post-2019 LNG carrier (2019年後LNG運輸船) means a LNG carrier delivered on or after 1 September 2019;

recognized organization (認可機構) means an organization recognized by the Director under section 95;

regulated diesel engine (受規管柴油機) means any one of the following engines which has a power output of more than 130 kW, and includes a booster or compound system that is fitted to the engine—

- (a) a gas fuelled engine; or
- (b) a reciprocating internal combustion engine operating on liquid or dual fuel,

but does not include—

- (c) an engine which is intended to be used solely for emergencies;
- (d) an engine which is solely to power any device or equipment intended to be used solely for emergencies on the ship on which it is installed; and
- (e) an engine installed in a lifeboat intended to be used solely for emergencies;

Required EEDI (要求的能效設計指數) means the maximum value of the Attained EEDI that is allowed for a ship as determined in accordance with Regulation 21 of Annex VI;

special ship (特殊船舶) means—

- (a) a specified non-conventional propulsion ship; or
- (b) a cargo ship that has ice-breaking capability;

specified Certificate (指明證書) means an International Air Pollution Prevention Certificate or a Hong Kong Air Pollution Prevention Certificate;

specified non-conventional propulsion ship (指明非常規推進船舶) means a ship which has a non-conventional propulsion system except—

- (a) a post-2019 cruise passenger ship; or
 - (b) a post-2019 LNG carrier.
- (2) For the purposes of subsection (1), a cruise passenger ship or LNG carrier is delivered on or after 1 September 2019 if it is a cruise passenger ship or LNG carrier—
- (a) for which the building contract is placed on or after 1 September 2015;
 - (b) (if there is no building contract) which is constructed on or after 1 March 2016; or
 - (c) the delivery of which is on or after 1 September 2019.

3. Application

- (1) This Regulation applies to—
- (a) a Hong Kong ship wherever it may be; and
 - (b) a non-Hong Kong ship within the waters of Hong Kong.

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- (2) This Regulation does not apply to—
- (a) a warship;
 - (b) a naval auxiliary; or
 - (c) any other ship owned or operated by a government and used only on government non-commercial service.
- _____

Part 2

Ships Engaged in International Voyages

Division 1—Application and Requirement for Certificates

4. Application of this Part

This Part applies to a ship engaged in international voyages.

5. Ships engaged in international voyages to have certain certificates

- (1) Subject to subsection (2), if a ship of 400 gross tonnage or above (other than a non-Chapter 4 ship) is engaged in an international voyage, there must be in force in respect of the ship the following certificates—
 - (a) an International Air Pollution Prevention Certificate; and
 - (b) an International Energy Efficiency Certificate.
- (2) Subsection (1)(b) does not apply to a ship before the completion of the earlier of the following surveys of the ship for endorsing or renewing an International Air Pollution Prevention Certificate—
 - (a) in relation to a Hong Kong ship—
 - (i) the first intermediate survey carried out in accordance with section 77 after the commencement of this Regulation; or
 - (ii) the first renewal survey carried out in accordance with section 76 after the commencement of this Regulation;
 - (b) in relation to a non-Hong Kong ship—

- (i) the first intermediate survey carried out by an Administration after the commencement of this Regulation; or
 - (ii) the first renewal survey carried out by an Administration after the commencement of this Regulation.
- (3) If a non-Chapter 4 ship of 400 gross tonnage or above is engaged in an international voyage, there must be in force in respect of the ship an International Air Pollution Prevention Certificate.

6. Exception to section 5

- (1) Section 5(1) does not prevent a ship from being engaged in an international voyage if there is in force in respect of the ship the following certificates or documents issued by or under the authority of an Administration—
 - (a) a certificate or document (other than an International Air Pollution Prevention Certificate) certifying or confirming that the ship is in compliance with Chapter 3 of Annex VI; and
 - (b) a certificate or document (other than an International Energy Efficiency Certificate) certifying or confirming that the ship is in compliance with Chapter 4 of Annex VI.
- (2) Section 5(3) does not prevent a non-Chapter 4 ship from being engaged in an international voyage if there is in force in respect of the ship a certificate or document (other than an International Air Pollution Prevention Certificate) issued by or under the authority of an Administration certifying or confirming that the ship is in compliance with Chapter 3 of Annex VI.

Division 2—Emission of Ozone Depleting Substances

7. Prohibition on emission of ozone depleting substances

- (1) A ship is not to be engaged in any deliberate emission of ozone depleting substances as referred to in Regulation 12 of Annex VI.
- (2) Subsection (1) does not apply to—
 - (a) an emission referred to in Regulation 3 of Annex VI; or
 - (b) any minimal releases associated with the recapture or recycling of an ozone depleting substance.

8. Installations containing ozone depleting substances prohibited

- (1) An installation which contains ozone depleting substances, including hydro-chlorofluorocarbons, is prohibited on a ship referred to in Regulation 12 of Annex VI.

- (2) In this section—

installation (装置) means—

- (a) a system or equipment (including a portable fire-extinguishing unit), insulation or other material that contains ozone depleting substances (other than hydro-chlorofluorocarbons) which is installed on a ship but does not include—
 - (i) any repair or recharge of such system, equipment, insulation or other material which is installed before 19 May 2005;
 - (ii) any recharge of a portable fire-extinguishing unit which is installed before 19 May 2005; and
 - (iii) a permanently sealed equipment referred to in Regulation 12 of Annex VI; and

- (b) a system or equipment (including a portable fire-extinguishing unit), insulation or other material that contains hydro-chlorofluorocarbons but no other ozone depleting substances which is installed on a ship but does not include—
 - (i) any repair or recharge of such system, equipment, insulation or other material which is installed before 1 January 2020;
 - (ii) any recharge of a portable fire-extinguishing unit which is installed before 1 January 2020; and
 - (iii) a permanently sealed equipment referred to in Regulation 12 of Annex VI.

9. Delivery of ozone depleting substances to reception facilities

If any ozone depleting substances or an equipment containing such substances is removed from a ship, the substances and the equipment must be delivered to a reception facility recognized by the appropriate authority of a port.

10. Duty to maintain list of equipment containing ozone depleting substances

- (1) A list of the systems and equipment referred to in subsection (2) must be maintained for a ship of 400 gross tonnage or above and kept on board the ship.
- (2) The systems and equipment are all systems and equipment—
 - (a) which contain ozone depleting substances; and
 - (b) which are listed in the supplement to the International Air Pollution Prevention Certificate or the certificate or document referred to in section 6(1)(a) or (2) issued in respect of the ship.

11. Duty to maintain Record Book

- (1) If a ship is of 400 gross tonnage or above and has a rechargeable system that contains ozone depleting substances, an Ozone Depleting Substances Record Book must be maintained for the ship and kept on board the ship, and an entry referred to in section 12 must be made in the Record Book in the manner set out in section 12.
- (2) If the Record Book forms part of the electronic recording system of the ship, the system must be approved by—
 - (a) for a Hong Kong ship, the Director in accordance with the guidelines issued by IMO before the system is installed on the ship; or
 - (b) for a non-Hong Kong ship, an Administration in accordance with the guidelines issued by IMO.

12. Entries in Record Book

- (1) On the occurrence of any of the events set out in subsection (2), an entry of the event, in terms of mass (kg) of substance, must be made in the Record Book maintained for a ship referred to in section 11 without delay.
- (2) The events are as follows—
 - (a) the full or partial recharge, repair or maintenance of an equipment which contains ozone depleting substances;
 - (b) the discharge by the ship of any ozone depleting substances to the atmosphere (whether deliberate or not);
 - (c) the discharge by the ship of any ozone depleting substances to any land-based reception facilities; and

- (d) the supply of any ozone depleting substances to the ship.

Division 3—Emission of Nitrogen Oxides

13. Application of this Division

The requirements in this Division do not apply to an emission referred to in Regulation 3 of Annex VI.

14. Diesel engines must operate within emission limit

A regulated diesel engine installed on a ship must not be put into operation unless the emission of nitrogen oxides from the engine is kept within the applicable emission limit set out in Regulation 13 of Annex VI.

15. Determination of emission

In determining whether the emission of nitrogen oxides from a regulated diesel engine is kept within an emission limit, the criteria and procedures as set out in the NO_x Technical Code are to be applied.

Division 4—Sulphur Content of Fuel Oil

16. Interpretation

In this Division—

SO_x Emission Control Area (硫氧化物排放控制區) means an area specified in Regulation 14 of Annex VI as an emission control area.

17. Sulphur content of fuel oil

- (1) The sulphur content of any fuel oil used on board a ship outside an SO_x Emission Control Area must not exceed the limit set out in Regulation 14.1 of Annex VI.
- (2) The sulphur content of any fuel oil used on board a ship within an SO_x Emission Control Area must not exceed the limit set out in Regulation 14.4 of Annex VI.

18. Change-over of fuel oil on entering or leaving SO_x Emission Control Area

- (1) This section applies to a Hong Kong ship—
 - (a) which changes fuel oil of higher sulphur content to fuel oil of lower sulphur content before entering an SO_x Emission Control Area; or
 - (b) which changes fuel oil of lower sulphur content to fuel oil of higher sulphur content after leaving an SO_x Emission Control Area.
- (2) Before a ship enters an SO_x Emission Control Area, sufficient time must be allowed for the fuel oil service system on the ship to be fully flushed of all fuel oil the sulphur content of which exceeds the limit set out in Regulation 14.4 of Annex VI.
- (3) The ship must keep on board a written procedure showing how the change-over of the fuel oil is to be done.
- (4) The ship must keep a record on board the ship showing the information referred to in subsection (5) at the following time—
 - (a) in the case of subsection (1)(a), when the change-over of the fuel oil is completed before the ship enters an SO_x Emission Control Area; and

- (b) in the case of subsection (1)(b), when the change-over of the fuel oil is commenced after the ship leaves an SO_x Emission Control Area.
- (5) The information referred to in subsection (4) is—
- (a) the volume of the fuel oil the sulphur content of which is within the limit set out in Regulation 14.4 of Annex VI in each tank; and
 - (b) the date, time and position of the ship.

Division 5—Volatile Organic Compounds

19. Interpretation

In this Division—

collection system (收集系統) means a system for the collection of volatile organic compounds approved by the Director in accordance with the safety standards issued by IMO;

designated port or terminal (指定港口或碼頭) means a port or terminal—

- (a) which is designated by a Convention country as a port or terminal at which emission of volatile organic compounds is to be regulated; and
- (b) for which a notification of the designation has been submitted to IMO pursuant to Regulation 15 of Annex VI;

gas carrier (氣體運輸船) means a cargo ship constructed or adapted for the carriage of any liquefied gas in bulk;

Hong Kong tanker (香港液貨船) means a tanker registered in Hong Kong;

tanker (液貨船) has the meaning given by Regulation 2 of Annex VI in relation to the control over the emission of volatile organic compounds.

20. Use of collection system

- (1) Subject to subsections (2) and (3), a Hong Kong tanker within a designated port or terminal must—
 - (a) be equipped with a collection system; and
 - (b) use the system during the loading of the cargoes the types of which are specified in the notification of the designation of the port or the terminal submitted to IMO.
- (2) A tanker is not required to comply with subsection (1) within 3 years after the effective date specified in the notification if the operator of the port or the terminal allows the tanker to load the cargoes at the port or the terminal.
- (3) If a tanker is a gas carrier, subsection (1) only applies if the type of loading and containment systems of the tanker allow the safe retention of non-methane volatile organic compounds on board or the safe return of such compounds ashore.

21. Tanker carrying crude oil to have VOC Management Plan

A tanker carrying crude oil must have on board, and implement, a Volatile Organic Compounds Management Plan which is specific to the ship and which is approved by the Director or an Administration in accordance with the guidelines issued by IMO.

Division 6—Shipboard Incineration

22. Interpretation

In this Division—

approved incinerator (認可焚化爐) means a shipboard incinerator which belongs to a type of shipboard incinerator in respect of which a Type Approval Certificate has been issued;

post-2000 incinerator (2000年後焚化爐) means a shipboard incinerator—

- (a) which is installed on a ship that is constructed on or after 1 January 2000; or
- (b) which is installed on a ship on or after 1 January 2000;

sewage sludge (污泥淤渣) means the sediment of sewage;

shipboard incineration (船上焚化) means the incineration on board a ship of waste, or other matter, which has been generated during the normal operation of the ship;

shipboard incinerator (船上焚化爐) means a shipboard facility designed for the primary purpose of incineration;

sludge oil (油類淤渣) means—

- (a) sludge from fuel or lubricating oil separators;
- (b) waste lubricating oil from main or auxiliary machinery; or
- (c) waste oil from bilge water separators, oil filtering equipment or drip trays;

Type Approval Certificate (型式認可證書) means a Certificate of Shipboard Incinerator issued by the Director or issued by or under the authority of an Administration certifying that a type of shipboard incinerator has been examined and tested in accordance with the standard specification issued by IMO.

23. Requirements on shipboard incineration for ships within waters of Hong Kong

- (1) Shipboard incineration must not take place on board a ship which is within the waters of Hong Kong unless the requirements set out in this section are complied with.
- (2) Subject to subsection (6), the incineration must be conducted in an approved incinerator.
- (3) If an approved incinerator is a post-2000 incinerator—
 - (a) it must operate within the limits set out in Appendix IV to Annex VI;
 - (b) the additional requirements in section 25 must be complied with;
 - (c) an operating manual referred to in subsection (4) in relation to the incinerator must be kept on board the ship; and
 - (d) the operator of the incinerator must be trained in such a way as to be capable of implementing the guidance provided in the operating manual.
- (4) The operating manual is one—
 - (a) which is issued by the manufacturer of the incinerator; and
 - (b) which provides guidance on how the incinerator may be operated within the limits set out in Appendix IV to Annex VI.
- (5) The substance for incineration must not be a substance which is listed in Regulation 16.2 of Annex VI.
- (6) If the substance for shipboard incineration is sewage sludge, or sludge oil, generated during the normal operation of the ship, the incineration may take place in

the main or auxiliary power plant or boilers of the ship while it is not inside a port, harbour or estuary.

24. Requirements on shipboard incineration for Hong Kong ships outside waters of Hong Kong

- (1) Shipboard incineration must not take place on board a Hong Kong ship which is outside the waters of Hong Kong unless the requirements set out in this section are complied with.
- (2) Subject to subsections (6) and (7), the incineration must be conducted in a shipboard incinerator.
- (3) If a shipboard incinerator is a post-2000 incinerator—
 - (a) it must operate within the limits set out in Appendix IV to Annex VI;
 - (b) the additional requirements in section 25 must be complied with;
 - (c) an operating manual referred to in subsection (4) in relation to the incinerator must be kept on board the ship; and
 - (d) the operator of the incinerator must be trained in such a way as to be capable of implementing the guidance provided in the operating manual.
- (4) The operating manual is one—
 - (a) which is issued by the manufacturer of the incinerator; and
 - (b) which provides guidance on how the incinerator may be operated within the limits set out in Appendix IV to Annex VI.
- (5) The substance for incineration must not be a substance which is listed in Regulation 16.2 of Annex VI.

- (6) If the substance for shipboard incineration is polyvinyl chlorides, the incineration must be conducted in an approved incinerator.
- (7) If the substance for shipboard incineration is sewage sludge, or sludge oil, generated during the normal operation of the ship, the incineration may take place in the main or auxiliary power plant or boilers of the ship while it is not inside a port, harbour or estuary.

25. Additional requirements for post-2000 incinerators

- (1) This section applies to a post-2000 incinerator.
- (2) The temperature of the combustion chamber gas outlet of the incinerator during combustion is to be monitored at all times.
- (3) If the incinerator is a batch-loaded shipboard incinerator, it must not be put into operation unless by its design the following requirements are met—
 - (a) the temperature of its combustion chamber gas outlet reaches 600°C within 5 minutes after it is started up; and
 - (b) the temperature stabilizes at not less than 850°C after 5 minutes.
- (4) If the incinerator is a continuous-feed shipboard incinerator, waste must not be fed into it when the combustion chamber gas outlet temperature is below 850°C.
- (5) In this section—
 - (a) the incinerator is a batch-loaded shipboard incinerator if the loading of waste is carried out in separate batches as may be required; and

- (b) the incinerator is a continuous-feed shipboard incinerator if the process during which waste is fed into the combustion chamber of the incinerator without human assistance is carried out while the incinerator is in normal operating conditions and the combustion chamber operative temperature is kept between 850°C and 1 200°C.

Division 7—Fuel Oil Quality

26. Application of this Division

This Division does not apply to a ship which uses—

- (a) coal in solid form; or
- (b) nuclear fuels.

27. Fuel oil quality

The quality of fuel oil used on board a ship must meet the requirements set out in Regulation 18 of Annex VI.

Division 8—Energy Efficiency Design Index

28. Application of this Division

- (1) This Division applies to a ship—
 - (a) which is of 400 gross tonnage or above; and
 - (b) which belongs to one of the categories of ship referred to in Regulation 20 of Annex VI.
- (2) This Division does not apply to—
 - (a) a non-Chapter 4 ship; or
 - (b) a special ship.

29. Attained Energy Efficiency Design Index

- (1) An Attained EEDI must be calculated for—
 - (a) a new ship before it is put into service;
 - (b) a new ship after it has undergone a major modification; and
 - (c) a modified existing ship after the major modification.
- (2) Where a ship belongs to a type of ship the reference line values and the reduction factors of which are set out in Annex VI, the Attained EEDI of the ship must be less than or equals to the Required EEDI of the ship calculated according to the reference line values and the reduction factors that are applicable to the ship as specified in Annex VI.

Division 9—Ship Energy Efficiency Management Plan

30. Ship Energy Efficiency Management Plan

- (1) Subject to subsection (3), a ship of 400 gross tonnage or above, other than a non-Chapter 4 ship, must keep on board a Ship Energy Efficiency Management Plan that complies with the requirement in subsection (2) in respect of the ship.
- (2) The plan must be prepared in accordance with the guidelines that is issued by IMO in relation to the development of a Ship Energy Efficiency Management Plan.
- (3) For an existing ship, the plan must be placed on board the ship no later than whichever is the earlier of the following—

- (a) the date of the first intermediate survey of the ship after the commencement of this Regulation for the endorsement of the International Air Pollution Prevention Certificate issued in respect of the ship; or
- (b) the date of the first renewal survey of the ship after the commencement of this Regulation for the issue of an International Air Pollution Prevention Certificate in respect of the ship.

Division 10—Offences

31. Offences and penalties

- (1) If any of the requirements in section 5(1) or (3), 7(1), 8(1), 9, 10(1), 11(1), 12(1), 14, 17(1) or (2), 18(2) or (3), 20(1), 21, 23(1), 24(1) or 30(1) is contravened in respect of a ship, the owner and the master of the ship each commits an offence.
- (2) If any of the requirements in section 11(2) or 29(1) or (2) is contravened in respect of a ship, the owner of the ship commits an offence.
- (3) If any of the requirements in section 18(4) is contravened in respect of a ship, the master of the ship commits an offence.
- (4) If section 27 is contravened in respect of a ship, the owner and the master of the ship each commits an offence.
- (5) A person who commits an offence under this section is liable—
 - (a) on conviction on indictment to a fine at level 6; or
 - (b) on summary conviction to a fine at level 3.

- (6) It is a defence for a person charged under subsection (1), (2) or (3) to show that the person had taken all reasonable steps to prevent the commission of the offence.
 - (7) It is a defence for a person charged under subsection (4) to show that—
 - (a) the person had taken all reasonable steps to prevent the commission of the offence;
 - (b) fuel oil the quality of which meets the requirements referred to in section 27 was not available for purchase; and
 - (c) the person had notified the following authority of the fact set out in paragraph (b)—
 - (i) (if the ship concerned is a Hong Kong ship) the Director; and
 - (ii) the appropriate authority of the ship's next port of destination.
 - (8) If an offence under this section is committed, or would, save for the operation of subsection (6) or (7), have been committed by the owner or the master of a ship due to the act or omission of some other person, that other person also commits the offence and may be charged with and convicted of the offence whether or not proceedings are taken against the owner or the master.
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Part 3

Ships Engaged in Non-international Voyages

Division 1—Application and Requirement for Certificates

32. Application of this Part

- (1) This Part applies to a ship engaged in non-international voyages.
- (2) This Part does not apply to a ship which is specified in section 10 of the Merchant Shipping (Local Vessels) Ordinance (Cap. 548).

33. Ships engaged in non-international voyages to have certain certificates

- (1) Subject to subsection (2), if a ship of 400 gross tonnage or above is engaged in a non-international voyage, there must be in force in respect of the ship an International Air Pollution Prevention Certificate or a Hong Kong Air Pollution Prevention Certificate.
- (2) Subsection (1) does not apply to a ship that is not self-propelled.

34. Exception to section 33

Section 33 does not prevent a ship from being engaged in a non-international voyage if there is in force in respect of the ship a certificate or document issued by or under the authority of an Administration the effect of which is recognized by the Director as equivalent to that of an International Air Pollution Prevention Certificate or a Hong Kong Air Pollution Prevention Certificate.

Division 2—Emission of Ozone Depleting Substances

35. Prohibition on emission of ozone depleting substances

- (1) A ship is not to be engaged in any deliberate emission of ozone depleting substances as referred to in Regulation 12 of Annex VI.
- (2) Subsection (1) does not apply to—
 - (a) an emission referred to in Regulation 3 of Annex VI; or
 - (b) any minimal releases associated with the recapture or recycling of an ozone depleting substance.

36. Installations containing ozone depleting substances prohibited

- (1) An installation which contains ozone depleting substances, including hydro-chlorofluorocarbons, is prohibited on a ship referred to in Regulation 12 of Annex VI.

- (2) In this section—

installation (装置) means—

- (a) a system or equipment (including a portable fire-extinguishing unit), insulation or other material that contains ozone depleting substances (other than hydro-chlorofluorocarbons) which is installed on a ship but does not include—
 - (i) any repair or recharge of such system, equipment, insulation or other material which is installed before 19 May 2005;
 - (ii) any recharge of a portable fire-extinguishing unit which is installed before 19 May 2005; and
 - (iii) a permanently sealed equipment referred to in Regulation 12 of Annex VI; and

- (b) a system or equipment (including a portable fire-extinguishing unit), insulation or other material that contains hydro-chlorofluorocarbons but no other ozone depleting substances which is installed on a ship but does not include—
 - (i) any repair or recharge of such system, equipment, insulation or other material which is installed before 1 January 2020;
 - (ii) any recharge of a portable fire-extinguishing unit which is installed before 1 January 2020; and
 - (iii) a permanently sealed equipment referred to in Regulation 12 of Annex VI.

37. Delivery of ozone depleting substances to reception facilities

If any ozone depleting substances or an equipment containing such substances is removed from a ship, the substances and the equipment must be delivered to a reception facility recognized by the appropriate authority of a port.

38. Duty to maintain list of equipment containing ozone depleting substances

- (1) A list of the systems and equipment referred to in subsection (2) must be maintained for a ship of 400 gross tonnage or above and kept on board the ship.
- (2) The systems and equipment are all systems and equipment—
 - (a) which contain ozone depleting substances; and

- (b) which are listed in the supplement to the Hong Kong Air Pollution Prevention Certificate, the International Air Pollution Prevention Certificate or the certificate or document referred to in section 34 issued in respect of the ship.

39. Duty to maintain Record Book

- (1) If a ship is of 400 gross tonnage or above and has a rechargeable system that contains ozone depleting substances, an Ozone Depleting Substances Record Book must be maintained for the ship and kept on board the ship, and an entry referred to in section 40 must be made in the Record Book in the manner set out in section 40.
- (2) If the Record Book forms part of the electronic recording system of the ship, the system must be approved by—
 - (a) for a Hong Kong ship, the Director in accordance with the guidelines issued by IMO before the system is installed on the ship; or
 - (b) for a non-Hong Kong ship, an Administration in accordance with the guidelines issued by IMO.

40. Entries in Record Book

- (1) On the occurrence of any of the events set out in subsection (2), an entry of the event, in terms of mass (kg) of substance, must be made in the Record Book maintained for a ship referred to in section 39 without delay.
- (2) The events are as follows—
 - (a) the full or partial recharge, repair or maintenance of an equipment which contains ozone depleting substances;

- (b) the discharge by the ship of any ozone depleting substances to the atmosphere (whether deliberate or not);
- (c) the discharge by the ship of any ozone depleting substances to any land-based reception facilities; and
- (d) the supply of any ozone depleting substances to the ship.

Division 3—Emission of Nitrogen Oxides

41. Application of this Division and interpretation

- (1) This Division does not apply to—
 - (a) a regulated diesel engine installed on a ship that is constructed before 1 June 2008; or
 - (b) a regulated diesel engine that is subject to an alternative nitrogen oxide control measure which is accepted by the Director.
- (2) The regulated diesel engine referred to in subsection (1)(a) does not include a regulated diesel engine that has undergone a major conversion on or after 1 June 2008.
- (3) The requirements in this Division do not apply to an emission referred to in Regulation 3 of Annex VI.

- (4) In this Division—

g/kWh means gram per kilowatt-hour;

major conversion (重大改装), in relation to a regulated diesel engine that has not been certified to meet the NO_x emission standards set out in Regulation 13 of Annex VI, means—

- (a) a replacement of the engine by another regulated diesel engine;

- (b) the installation of an additional regulated diesel engine;
- (c) a substantial modification, as defined in the NO_x Technical Code, is made to the engine; or
- (d) a modification of the engine by which the maximum continuous rating of the engine is increased by more than 10%, as compared to the maximum continuous rating of the engine before the modification;

n means rated engine speed (crankshaft revolutions per minute);

rpm means revolutions per minute.

42. Diesel engines installed on ships constructed on or after commencement of this Regulation and certain other diesel engines must operate within emission limits

- (1) This section applies to a regulated diesel engine—
 - (a) installed on a ship that is constructed on or after the commencement of this Regulation;
 - (b) which on or after the commencement of this Regulation—
 - (i) replaces a non-identical regulated diesel engine installed on a ship; or
 - (ii) is installed on a ship as an additional regulated diesel engine; or
 - (c) which is installed on a ship constructed on or after 1 January 2011 and which on or after the commencement of this Regulation has undergone—
 - (i) a substantial modification as defined in the NO_x Technical Code; or

- (ii) a modification by which the maximum continuous rating of the engine is increased by more than 10%, as compared to the maximum continuous rating of the engine before the modification.
- (2) If a regulated diesel engine referred to in subsection (1) is replaced by an identical regulated diesel engine on or after the commencement of this Regulation, the identical engine is to be regarded as the engine that it has replaced.
- (3) A regulated diesel engine must not be put into operation unless the emission of nitrogen oxides from the engine is kept within the following limits—
 - (a) 14.4 g/kWh when n is less than 130 rpm;
 - (b) $44 \cdot n^{(-0.23)}$ g/kWh when n is 130 rpm or more but less than 2 000 rpm; or
 - (c) 7.7 g/kWh when n is 2 000 rpm or more.

43. Diesel engines installed on ships constructed before commencement of this Regulation and certain other diesel engines must operate within emission limits

- (1) This section applies to a regulated diesel engine—
 - (a) installed on a ship that is constructed on or after 1 June 2008 but before the commencement of this Regulation;
 - (b) which has undergone a major conversion on or after 1 June 2008 but before the commencement of this Regulation and is—
 - (i) a replacement of a non-identical regulated diesel engine installed on a ship constructed before the commencement of this Regulation; or

- (ii) an additional regulated diesel engine installed on a ship constructed before 1 June 2008; or
- (c) which is installed on a ship constructed before 1 January 2011 and which on or after the commencement of this Regulation has undergone—
 - (i) a substantial modification as defined in the NO_x Technical Code; or
 - (ii) a modification by which the maximum continuous rating of the engine is increased by more than 10%, as compared to the maximum continuous rating of the engine before the modification.
- (2) If a regulated diesel engine referred to in subsection (1) is replaced by an identical regulated diesel engine on or after 1 June 2008, the identical engine is to be regarded as the engine that it has replaced.
- (3) A regulated diesel engine must not be put into operation unless the emission of nitrogen oxides from the engine is kept within the following limits—
 - (a) 17.0 g/kWh when n is less than 130 rpm;
 - (b) $45 \cdot n^{(-0.2)}$ g/kWh when n is 130 rpm or more but less than 2 000 rpm; or
 - (c) 9.8 g/kWh when n is 2 000 rpm or more.

44. Emission limits in section 42 to prevail

If a regulated diesel engine is an engine to which both sections 42 and 43 apply, the engine must not be put into operation unless the emission of nitrogen oxides from the engine is kept within the limit set out in section 42(3).

45. Determination of emission

In determining whether the emission of nitrogen oxides from a regulated diesel engine is kept within a limit which is set out in this Division, the criteria and procedures as set out in the NO_x Technical Code are to be applied.

Division 4—Sulphur Content of Fuel Oil

46. Sulphur content of fuel oil

- (1) On or after the commencement of this Regulation but before 1 January 2020, the sulphur content of any fuel oil used on board a ship must not exceed 3.50% mass per mass.
- (2) On or after 1 January 2020, the sulphur content of any fuel oil used on board a ship must not exceed 0.50% mass per mass.

Division 5—Volatile Organic Compounds

47. Interpretation

In this Division—

collection system (收集系統) means a system for the collection of volatile organic compounds approved by the Director in accordance with the safety standards issued by IMO;

designated port or terminal (指定港口或碼頭) means a port or terminal—

- (a) which is designated by a Convention country as a port or terminal at which emission of volatile organic compounds is to be regulated; and

- (b) for which a notification of the designation has been submitted to IMO pursuant to Regulation 15 of Annex VI;

gas carrier (氣體運輸船) means a cargo ship constructed or adapted for the carriage of any liquefied gas in bulk;

Hong Kong tanker (香港液貨船) means a Hong Kong ship which is a tanker;

tanker (液貨船) has the meaning given by Regulation 2 of Annex VI in relation to the control over the emission of volatile organic compounds.

48. Use of collection system

- (1) Subject to subsections (2) and (3), a Hong Kong tanker within a designated port or terminal must—
- (a) be equipped with a collection system; and
 - (b) use the system during the loading of the cargoes the types of which are specified in the notification of the designation of the port or the terminal submitted to IMO.
- (2) A tanker is not required to comply with subsection (1) within 3 years after the effective date specified in the notification if the operator of the port or the terminal allows the tanker to load the cargoes at the port or the terminal.
- (3) If a tanker is a gas carrier, subsection (1) only applies if the type of loading and containment systems of the tanker allow the safe retention of non-methane volatile organic compounds on board or the safe return of such compounds ashore.

49. Tanker carrying crude oil to have VOC Management Plan

A tanker carrying crude oil must have on board, and implement, a Volatile Organic Compounds Management Plan which is specific to the ship and which is approved by the Director or an Administration in accordance with the guidelines issued by IMO.

Division 6—Shipboard Incineration**50. Interpretation**

In this Division—

approved incinerator (認可焚化爐) means a shipboard incinerator which belongs to a type of shipboard incinerator in respect of which a Type Approval Certificate has been issued;

post-2000 incinerator (2000年後焚化爐) means a shipboard incinerator—

- (a) which is installed on a ship that is constructed on or after 1 January 2000; or
- (b) which is installed on a ship on or after 1 January 2000;

sewage sludge (污泥淤渣) means the sediment of sewage;

shipboard incineration (船上焚化) means the incineration on board a ship of waste, or other matter, which has been generated during the normal operation of the ship;

shipboard incinerator (船上焚化爐) means a shipboard facility designed for the primary purpose of incineration;

sludge oil (油類淤渣) means—

- (a) sludge from fuel or lubricating oil separators;

- (b) waste lubricating oil from main or auxiliary machinery; or
- (c) waste oil from bilge water separators, oil filtering equipment or drip trays;

Type Approval Certificate (型式認可證書) means a Certificate of Shipboard Incinerator issued by the Director or issued by or under the authority of an Administration certifying that a type of shipboard incinerator has been examined and tested in accordance with the standard specification issued by IMO.

51. Requirements on shipboard incineration for ships within waters of Hong Kong

- (1) Shipboard incineration must not take place on board a ship which is within the waters of Hong Kong unless the requirements set out in this section are complied with.
- (2) Subject to subsection (6), the incineration must be conducted in an approved incinerator.
- (3) If an approved incinerator is a post-2000 incinerator—
 - (a) it must operate within the limits set out in Appendix IV to Annex VI;
 - (b) the additional requirements in section 53 must be complied with;
 - (c) an operating manual referred to in subsection (4) in relation to the incinerator must be kept on board the ship; and
 - (d) the operator of the incinerator must be trained in such a way as to be capable of implementing the guidance provided in the operating manual.
- (4) The operating manual is one—

- (a) which is issued by the manufacturer of the incinerator; and
 - (b) which provides guidance on how the incinerator may be operated within the limits set out in Appendix IV to Annex VI.
- (5) The substance for incineration must not be a substance which is listed in Regulation 16.2 of Annex VI.
- (6) If the substance for shipboard incineration is sewage sludge, or sludge oil, generated during the normal operation of the ship, the incineration may take place in the main or auxiliary power plant or boilers of the ship while it is not inside a port, harbour or estuary.

52. Requirements on shipboard incineration for Hong Kong ships outside waters of Hong Kong

- (1) Shipboard incineration must not take place on board a Hong Kong ship which is outside the waters of Hong Kong unless the requirements set out in this section are complied with.
- (2) Subject to subsections (6) and (7), the incineration must be conducted in a shipboard incinerator.
- (3) If a shipboard incinerator is a post-2000 incinerator—
- (a) it must operate within the limits set out in Appendix IV to Annex VI;
 - (b) the additional requirements in section 53 must be complied with;
 - (c) an operating manual referred to in subsection (4) in relation to the incinerator must be kept on board the ship; and

- (d) the operator of the incinerator must be trained in such a way as to be capable of implementing the guidance provided in the operating manual.
- (4) The operating manual is one—
 - (a) which is issued by the manufacturer of the incinerator; and
 - (b) which provides guidance on how the incinerator may be operated within the limits set out in Appendix IV to Annex VI.
- (5) The substance for incineration must not be a substance which is listed in Regulation 16.2 of Annex VI.
- (6) If the substance for shipboard incineration is polyvinyl chlorides, the incineration must be conducted in an approved incinerator.
- (7) If the substance for shipboard incineration is sewage sludge, or sludge oil, generated during the normal operation of the ship, the incineration may take place in the main or auxiliary power plant or boilers of the ship while it is not inside a port, harbour or estuary.

53. Additional requirements for post-2000 incinerators

- (1) This section applies to a post-2000 incinerator.
- (2) The temperature of the combustion chamber gas outlet of the incinerator during combustion is to be monitored at all times.
- (3) If the incinerator is a batch-loaded shipboard incinerator, it must not be put into operation unless by its design the following requirements are met—
 - (a) the temperature of its combustion chamber gas outlet reaches 600°C within 5 minutes after it is started up; and

- (b) the temperature stabilizes at not less than 850°C after 5 minutes.
- (4) If the incinerator is a continuous-feed shipboard incinerator, waste must not be fed into it when the combustion chamber gas outlet temperature is below 850°C.
- (5) In this section—
 - (a) the incinerator is a batch-loaded shipboard incinerator if the loading of waste is carried out in separate batches as may be required; and
 - (b) the incinerator is a continuous-feed shipboard incinerator if the process during which waste is fed into the combustion chamber of the incinerator without human assistance is carried out while the incinerator is in normal operating conditions and the combustion chamber operative temperature is kept between 850°C and 1 200°C.

Division 7—Fuel Oil Quality

54. Application of this Division

This Division does not apply to a ship which uses—

- (a) coal in solid form; or
- (b) nuclear fuels.

55. Fuel oil quality

The quality of fuel oil used on board a ship must meet the requirements set out in Regulation 18 of Annex VI.

Division 8—Offences

56. Offences and penalties

- (1) If any of the requirements in section 33(1), 35(1), 36(1), 37, 38(1), 39(1), 40(1), 42(3), 43(3), 46(1) or (2), 48(1), 49, 51(1) or 52(1) is contravened in respect of a ship, the owner and the master of the ship each commits an offence.
- (2) If any of the requirements in section 39(2) is contravened in respect of a ship, the owner of the ship commits an offence.
- (3) If section 55 is contravened in respect of a ship, the owner and the master of the ship each commits an offence.
- (4) A person who commits an offence under this section is liable—
 - (a) on indictment to a fine at level 6; or
 - (b) on summary conviction to a fine at level 3.
- (5) It is a defence for a person charged under subsection (1) or (2) to show that the person had taken all reasonable steps to prevent the commission of the offence.
- (6) It is a defence for a person charged under subsection (3) to show that—
 - (a) the person had taken all reasonable steps to prevent the commission of the offence;
 - (b) fuel oil the quality of which meets the requirements referred to in section 55 was not available for purchase; and
 - (c) the person had notified the following authority of the fact set out in paragraph (b)—

- (i) (if the ship concerned is a Hong Kong ship) the Director; and
 - (ii) the appropriate authority of the ship's next port of destination.
 - (7) If an offence under this section is committed, or would, save for the operation of subsection (5) or (6), have been committed by the owner or the master of a ship due to the act or omission of some other person, that other person also commits the offence and may be charged with and convicted of the offence whether or not proceedings are taken against the owner or the master.
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Part 4

IAPP Certificates, HKAPP Certificates and IEE Certificates

Division 1—Application

57. Application of this Part

This Part applies to a Hong Kong ship of 400 gross tonnage or above.

Division 2—Issue of Certificates

58. Issue of IAPP Certificates

- (1) An owner of a ship may apply to the Director for an IAPP Certificate in respect of the ship.
- (2) The application must be accompanied by the prescribed fee for the Certificate.
- (3) The Director must not issue an IAPP Certificate in respect of the ship unless the Director is satisfied—
 - (a) that—
 - (i) where an IAPP Certificate has never been issued in respect of the ship, an initial survey of the ship has been carried out in accordance with section 75; or
 - (ii) where an IAPP Certificate has been issued in respect of the ship, a renewal survey of the ship has been carried out in accordance with section 76; and

- (b) that, on evidence of a declaration of survey forwarded to the Director under section 75 or 76, the equipment, systems, fittings, arrangements and material of the ship comply with the requirements under Chapter 3 of Annex VI.

59. Issue of HKAPP Certificates

- (1) An owner of a ship may apply to the Director for a HKAPP Certificate in respect of the ship.
- (2) The application must be accompanied by the prescribed fee for the Certificate.
- (3) The Director must not issue a HKAPP Certificate in respect of the ship unless the Director is satisfied—
 - (a) that—
 - (i) where a HKAPP Certificate has never been issued in respect of the ship, an initial survey of the ship has been carried out in accordance with section 75; or
 - (ii) where a HKAPP Certificate has been issued in respect of the ship, a renewal survey of the ship has been carried out in accordance with section 76; and
 - (b) that, on evidence of a declaration of survey forwarded to the Director under section 75 or 76, the equipment, systems, fittings, arrangements and material of the ship comply with the requirements under Part 3.

60. Issue of IEE Certificates

- (1) An owner of a ship may apply to the Director for an IEE Certificate in respect of the ship.

- (2) The application must be accompanied by the prescribed fee for the Certificate.
- (3) The Director must not issue an IEE Certificate in respect of the ship unless—
 - (a) in relation to an existing ship (other than a modified existing ship) or a special ship, the conditions set out in subsection (4) are complied with; or
 - (b) in relation to any other ship, the conditions set out in subsection (5) are complied with.
- (4) For the purposes of subsection (3)(a), the conditions are—
 - (a) the Director is satisfied that an initial survey of the ship has been carried out in accordance with section 81; and
 - (b) the Director is satisfied that on evidence of a declaration of survey forwarded to the Director under section 81, the Government surveyor concerned is satisfied that a Ship Energy Efficiency Management Plan referred to in section 30 in respect of the ship is placed on board the ship.
- (5) For the purposes of subsection (3)(b), the conditions are—
 - (a) where the ship concerned is a ship that has undergone a major modification and the Director has directed that an initial survey of the ship under section 81 is to be carried out, or a new ship which has not undergone any major modification—
 - (i) the Director is satisfied that the initial survey has been carried out in accordance with section 81; and

- (ii) the Director is satisfied that on evidence of a declaration of survey forwarded to the Director under section 81, the Government surveyor concerned is satisfied as to the matters set out in section 81(3)(b) in relation to the ship;
- (b) where the ship concerned is a new ship that has undergone a major modification and the Director has directed that an additional survey of the ship under section 82 is to be carried out—
 - (i) the Director is satisfied that the additional survey has been carried out in accordance with section 82; and
 - (ii) the Director is satisfied that on evidence of a declaration of survey forwarded to the Director under section 82, the Government surveyor concerned is satisfied as to the matters set out in section 82(3) in relation to the ship.

Division 3—Withdrawal and Cancellation of Certificates

61. Withdrawal of Certificates

- (1) A Government surveyor may, by written notice, require the owner or the master of a Hong Kong ship in respect of which a specified Certificate or an International Energy Efficiency Certificate has been issued to take such corrective action which the surveyor considers necessary if on a survey (other than an initial survey) of the ship under Part 5, the surveyor determines that the condition of the ship or its equipment does not correspond substantially with the particulars in the Certificate concerned.

- (2) The surveyor must, on giving notice under subsection (1), inform the Director.
- (3) If the corrective action is not taken within the period specified by the surveyor, the surveyor must inform the Director and the Director may, by written notice to the owner and the master of the ship, withdraw the Certificate concerned.
- (4) On receiving a notice under subsection (3), the owner and the master of the ship must deliver the Certificate concerned to the Director immediately.
- (5) The owner or the master of the ship may, after the corrective action in respect of the ship has been taken, apply to the Director for the return of the Certificate concerned.
- (6) On receiving an application under subsection (5), if the Director is satisfied that the corrective action in respect of the ship has been taken, the Director must, by written notice to the owner or the master, return the Certificate concerned to the owner or the master.

62. Cancellation of Certificates

- (1) The Director may, by written notice to the owner and the master of a Hong Kong ship cancel any of the following certificates issued in respect of the ship in the circumstances set out in subsection (2)—
 - (a) an International Air Pollution Prevention Certificate;
 - (b) a Hong Kong Air Pollution Prevention Certificate;
 - (c) an International Energy Efficiency Certificate.

- (2) The circumstances are that the Director has reasonable grounds to believe that the Certificate concerned was issued, or any endorsement on it was made, on the basis of false or erroneous information.
- (3) The Director must give reasons for cancelling the Certificate concerned in the notice under subsection (1).
- (4) On receiving a notice under subsection (1), the owner and the master of the ship must deliver the Certificate concerned to the Director immediately.

63. Offences and penalties

- (1) If section 61(4) is contravened, the owner and the master of the ship concerned each commits an offence and is liable—
 - (a) on conviction on indictment to a fine at level 6; or
 - (b) on summary conviction to a fine at level 3.
- (2) It is a defence for a person charged under subsection (1) to show that the person had taken all reasonable steps to prevent the commission of the offence.
- (3) If an offence under subsection (1) is committed, or would, save for the operation of subsection (2), have been committed by the owner or the master of a ship due to the act or omission of some other person, that other person also commits the offence and may be charged with and convicted of the offence whether or not proceedings are taken against the owner or the master.

Division 4—Duration of Certificates

64. Duration of Certificates

- (1) Subject to the provisions of this Division and Division 5—

- (a) an International Air Pollution Prevention Certificate issued in respect of a ship as a result of an initial survey referred to in section 75 is valid for such period as may be specified by the Director in the Certificate;
 - (b) a Hong Kong Air Pollution Prevention Certificate issued in respect of a ship as a result of an initial survey referred to in section 75 is valid for such period as may be specified by the Director in the Certificate; and
 - (c) an International Energy Efficiency Certificate issued in respect of a ship as a result of an initial survey referred to in section 81 is valid for the life of the ship.
- (2) The period specified by the Director in an International Air Pollution Prevention Certificate or a Hong Kong Air Pollution Prevention Certificate issued in respect of a ship must not exceed 5 years beginning on the date of completion of the initial survey of the ship.
 - (3) For the purposes of this Division, a Hong Kong Air Pollution Prevention Certificate issued in respect of a ship is to be regarded as an International Air Pollution Prevention Certificate referred to in Regulation 9 of Annex VI.

65. Duration of specified Certificates issued after renewal surveys

A new specified Certificate issued in respect of a ship as a result of a renewal survey referred to in section 76 is valid for such period as may be specified by the Director in the Certificate in accordance with Regulation 9 of Annex VI.

66. Duration of specified Certificates after early completion of surveys

- (1) This section applies if—
 - (a) an intermediate survey of a ship is completed before the period within which the survey is required under section 77 to be completed; or
 - (b) an annual survey of a ship is completed before the period within which the survey is required under section 78 to be completed.
- (2) For the purposes of sections 77 and 78, the anniversary date ascertained from the existing specified Certificate issued in respect of the ship is to be replaced by the anniversary date that is ascertained from the date shown on the endorsement made to the Certificate, and the date shown is to be a date within 3 months from the date of completion of the survey concerned.
- (3) Any subsequent intermediate or annual survey required by section 77 or 78 in respect of the ship is to be completed within the period provided under section 77 or 78 (as the case may be) by reference to the new anniversary date ascertained under subsection (2).
- (4) The duration of the existing specified Certificate issued in respect of the ship may be varied by the Director in accordance with Regulation 9 of Annex VI.

67. Extension of validity period of specified Certificates in certain circumstances

The Director may extend the validity period of an existing specified Certificate issued in respect of a ship in accordance with Regulation 9 of Annex VI if—

- (a) the Certificate is valid for a period of less than 5 years;

- (b) the new specified Certificate cannot be issued or placed on board the ship before the expiry of the Certificate;
- (c) the ship is not in the port in which it is to be surveyed when the Certificate expires; or
- (d) the ship is engaged in short voyages.

Division 5—Cessation of Certificates

68. Specified Certificates cease to be valid

A specified Certificate issued in respect of a Hong Kong ship ceases to be valid if—

- (a) a survey referred to in Division 2 of Part 5 is not carried out in relation to the ship before the expiry of the period specified for the survey in that Division;
- (b) the Certificate is not endorsed under section 77 after an intermediate survey of the ship is carried out;
- (c) the Certificate is not endorsed under section 78 after an annual survey of the ship is carried out; or
- (d) the ship is transferred to the registry of a place outside Hong Kong.

69. International Energy Efficiency Certificates cease to be valid

An International Energy Efficiency Certificate issued in respect of a Hong Kong ship ceases to be valid if—

- (a) the ship is withdrawn from service and a notice to that effect has been given to the Director by the owner or the master of the ship;

- (b) (where the ship has undergone a major modification) a new International Energy Efficiency Certificate is issued in respect of the ship after the major modification; or
- (c) the ship is transferred to the registry of a place outside Hong Kong.

Division 6—Form, Alteration and Certified True Copies of Certificates

70. Form of Certificates

The Director may specify the form of a specified Certificate or an International Energy Efficiency Certificate.

71. Alteration of Certificates

- (1) The owner of a ship in respect of which an IAPP Certificate, a HKAPP Certificate or an IEE Certificate has been issued may request the Director to alter any of the particulars contained in the Certificate concerned.
- (2) The Director may refuse to make the alteration if the Director considers it to be a material alteration.
- (3) If the Director agrees to make the alteration, the Director must, on payment of the prescribed fee, alter the Certificate.

72. Certified true copies of Certificates

- (1) The owner of a ship in respect of which an IAPP Certificate, a HKAPP Certificate or an IEE Certificate has been issued may apply to the Director for the issue of a certified true copy of the Certificate concerned.
- (2) The application must be accompanied by the prescribed fee for the certified true copy.

Division 7—Saving

73. **Certificates issued under repealed Regulation to be regarded as Certificates issued under this Regulation**

- (1) An International Air Pollution Prevention Certificate issued under the repealed Regulation and in force immediately before the commencement of this Regulation is to be regarded as an International Air Pollution Prevention Certificate issued under this Regulation.
- (2) A Hong Kong Air Pollution Prevention Certificate issued under the repealed Regulation and in force immediately before the commencement of this Regulation is to be regarded as a Hong Kong Air Pollution Prevention Certificate issued under this Regulation.
- (3) In this section—

repealed Regulation (《已廢除規例》) means the Merchant Shipping (Prevention of Air Pollution) Regulation (Cap. 413 sub. leg. M) repealed by the Merchant Shipping (Prevention of Air Pollution) Regulation (Repeal) Regulation.

Part 5

Surveys

Division 1—Application

74. Application of this Part

This Part applies to a Hong Kong ship of 400 gross tonnage or above.

Division 2—Surveys in relation to Specified Certificates

75. Initial surveys

- (1) An initial survey of a ship is to be carried out by a Government surveyor—
 - (a) before the ship is put into service; or
 - (b) before a specified Certificate is issued for the first time in respect of the ship.
- (2) If, after having carried out an initial survey of the ship, the surveyor is satisfied that the equipment, systems, fittings, arrangements and material of the ship comply with the applicable requirements, the surveyor must make a declaration of survey to that effect and forward the declaration to the Director.
- (3) If the ship is installed with a regulated diesel engine to which Division 3 of Part 2, or Division 3 of Part 3, applies, the initial survey of the ship, in so far as it relates to the engine, is to be conducted in accordance with the NO_x Technical Code.
- (4) In this section—

applicable requirements (適用規定) means—

- (a) in relation to an initial survey referred to in section 58, the requirements under Chapter 3 of Annex VI; and
- (b) in relation to an initial survey referred to in section 59, the requirements under Part 3.

76. **Renewal surveys**

- (1) Subject to subsection (2), a renewal survey of a ship is to be carried out by a Government surveyor within 5 years—
 - (a) from the date of completion of the initial survey of the ship; or
 - (b) if a renewal survey of the ship has been carried out, from the date of completion of the preceding renewal survey.
- (2) Where the validity of the specified Certificate issued in respect of the ship has been extended under section 67(c) or (d), the period of 5 years referred to in subsection (1) is to be extended by the period for which the Certificate is extended.
- (3) If, after having carried out a renewal survey of the ship, the surveyor is satisfied that the equipment, systems, fittings, arrangements and material of the ship comply with the applicable requirements, the surveyor must make a declaration of survey to that effect and forward the declaration to the Director.
- (4) If the ship is installed with a regulated diesel engine to which Division 3 of Part 2, or Division 3 of Part 3, applies, the renewal survey of the ship, in so far as it relates to the engine, is to be conducted in accordance with the NO_x Technical Code.
- (5) In this section—

applicable requirements (適用規定) means—

- (a) in relation to a renewal survey referred to in section 58, the requirements under Chapter 3 of Annex VI; and
- (b) in relation to a renewal survey referred to in section 59, the requirements under Part 3.

77. Intermediate surveys

- (1) An intermediate survey of a ship is to be carried out by a Government surveyor—
 - (a) within the period commencing 3 months before and ending 3 months after the second anniversary date of the specified Certificate issued in respect of the ship; or
 - (b) within the period commencing 3 months before and ending 3 months after the third anniversary date of the specified Certificate issued in respect of the ship.
- (2) If, after having carried out an intermediate survey of the ship, the surveyor is satisfied that the equipment and arrangements of the ship—
 - (a) comply with the applicable requirements; and
 - (b) are in good working order,the surveyor must make an endorsement to that effect on the Certificate.
- (3) If the ship is installed with a regulated diesel engine to which Division 3 of Part 2, or Division 3 of Part 3, applies, the intermediate survey of the ship, in so far as it relates to the engine, is to be conducted in accordance with the NO_x Technical Code.
- (4) In this section—

applicable requirements (適用規定) means—

- (a) for a ship in respect of which an International Air Pollution Prevention Certificate is in force, the requirements under Chapter 3 of Annex VI; and
- (b) for a ship in respect of which a Hong Kong Air Pollution Prevention Certificate is in force, the requirements under Part 3.

78. Annual surveys

- (1) Subject to subsection (2), an annual survey of a ship is to be carried out by a Government surveyor within the period commencing 3 months before and ending 3 months after each anniversary date of the specified Certificate issued in respect of the ship.
- (2) If an intermediate survey of the ship has been carried out under section 77 by reference to an anniversary date, the annual survey of the ship by reference to the anniversary date for the relevant year is not required to be carried out.
- (3) An annual survey of the ship must include a general inspection of the equipment, systems, fittings, arrangements and material of the ship.
- (4) If, after having carried out an annual survey of the ship, the surveyor is satisfied that the equipment, systems, fittings, arrangements and material of the ship—
 - (a) have been maintained in accordance with the applicable requirements; and
 - (b) remain satisfactory for the service for which the ship is intended,the surveyor must make an endorsement to that effect on the Certificate.

(5) If the ship is installed with a regulated diesel engine to which Division 3 of Part 2, or Division 3 of Part 3, applies, the annual survey of the ship, in so far as it relates to the engine, is to be conducted in accordance with the NO_x Technical Code.

(6) In this section—

applicable requirements (適用規定) means—

- (a) for a ship in respect of which an International Air Pollution Prevention Certificate is in force, the requirements under Chapter 3 of Annex VI; and
- (b) for a ship in respect of which a Hong Kong Air Pollution Prevention Certificate is in force, the requirements under Part 3.

79. Additional surveys

- (1) The Director may, by written notice to the owner and the master of a ship, require an additional survey of the ship to be carried out by a Government surveyor within a reasonable period specified by the Director.
- (2) The Director may only exercise the power under subsection (1) if—
 - (a) after a specified Certificate has been issued in respect of the ship, alterations have been made to the equipment, systems, fittings, arrangements or material covered by the survey leading to the issue of the Certificate;
 - (b) the Director has reasonable grounds to believe that important repairs or renewals have been made to the ship after a specified Certificate has been issued;

- (c) the Director has reasonable grounds to believe that section 83 is not complied with in respect of the ship;
or
 - (d) the Director determines on the basis of an investigation under section 86 that the survey is necessary.
- (3) On receiving a notice under subsection (1), the owner and the master of the ship must cause an additional survey to be carried out.
- (4) The additional survey may be general or partial as the Director thinks fit.
- (5) If, after having carried out an additional survey of the ship, the surveyor is satisfied that—
- (a) the equipment, systems, fittings, arrangements and material of the ship which are the subject matter of the survey comply with the applicable requirements; and
 - (b) where repairs or renewals have been made to the ship—
 - (i) such repairs or renewals have been effectively made; and
 - (ii) the materials used in, and the workmanship of, such repairs or renewals are satisfactory,
- the surveyor must make a declaration of survey to that effect and forward the declaration to the Director.
- (6) If the ship is installed with a regulated diesel engine to which Division 3 of Part 2, or Division 3 of Part 3, applies, the additional survey of the ship, in so far as it relates to the engine, is to be conducted in accordance with the NO_x Technical Code.
- (7) In this section—

applicable requirements (適用規定) means—

- (a) for a ship in respect of which an International Air Pollution Prevention Certificate is in force, the requirements under Chapter 3 of Annex VI; and
- (b) for a ship in respect of which a Hong Kong Air Pollution Prevention Certificate is in force, the requirements under Part 3.

80. Offences and penalties

- (1) If section 79(3) is contravened, the owner and the master of the ship concerned each commits an offence and is liable—
 - (a) on conviction on indictment to a fine at level 6; or
 - (b) on summary conviction to a fine at level 3.
- (2) It is a defence for a person charged under subsection (1) to show that the person had taken all reasonable steps to prevent the commission of the offence.
- (3) If an offence under subsection (1) is committed, or would, save for the operation of subsection (2), have been committed by the owner or the master of a ship due to the act or omission of some other person, that other person also commits the offence and may be charged with and convicted of the offence whether or not proceedings are taken against the owner or the master.

Division 3—Surveys in relation to IEE Certificates

81. Initial surveys

- (1) An initial survey of a ship is to be carried out by a Government surveyor—
 - (a) before the ship is put into service;

- (b) before an International Energy Efficiency Certificate is issued for the first time in respect of the ship; or
 - (c) where, after the ship has undergone a major modification, the Director directs that an initial survey of the ship is to be carried out.
- (2) If, after having carried out an initial survey of the ship, the surveyor is satisfied as to the matters referred to in subsection (3), the surveyor must make a declaration of survey to that effect and forward the declaration to the Director.
- (3) The matters are—
 - (a) in relation to an existing ship (other than a modified existing ship) or a special ship, that a Ship Energy Efficiency Management Plan referred to in section 30 in respect of the ship is placed on board the ship; or
 - (b) in relation to any other ship—
 - (i) (where the ship belongs to one of the categories of ship referred to in Regulation 20 of Annex VI) that an Attained EEDI has been calculated for the ship;
 - (ii) (where the ship belongs to a type of ship the reference line values and the reduction factors of which are set out in Annex VI) that the Attained EEDI of the ship is less than or equals to the Required EEDI of the ship calculated according to the reference line values and the reduction factors that are applicable to the ship as specified in Annex VI; and
 - (iii) that a Ship Energy Efficiency Management Plan referred to in section 30 in respect of the ship is placed on board the ship.

82. Additional survey

- (1) An additional survey of a new ship (other than a special ship) is to be carried out by a Government surveyor if—
 - (a) the ship has undergone a major modification; and
 - (b) the Director directs that an additional survey of the ship is to be carried out.
 - (2) If, after having carried out an additional survey of the ship, the surveyor is satisfied as to the matters referred to in subsection (3), the surveyor must make a declaration of survey to that effect and forward the declaration to the Director.
 - (3) The matters are—
 - (a) (where the ship belongs to one of the categories of ship referred to in Regulation 20 of Annex VI) that an Attained EEDI has been calculated for the ship;
 - (b) (where the ship belongs to a type of ship the reference line values and the reduction factors of which are set out in Annex VI) that the Attained EEDI of the ship is less than or equals to the Required EEDI of the ship calculated according to the reference line values and the reduction factors that are applicable to the ship as specified in Annex VI; and
 - (c) that a Ship Energy Efficiency Management Plan referred to in section 30 in respect of the ship is placed on board the ship.
 - (4) The additional survey may either be general or partial as the Director thinks fit.
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Part 6

Other Duties

83. Duty to maintain condition of ships

- (1) The owner and the master of a ship to which Part 2 applies must maintain the condition of the ship and of its equipment so as to comply with the requirements under Chapters 3 and 4 of Annex VI to ensure that the ship remains fit to proceed to sea without presenting any unreasonable threat of harm to the marine environment.
- (2) The owner and the master of a ship to which Part 3 applies must maintain the condition of the ship and of its equipment so as to comply with the requirements under Part 3 to ensure that the ship remains fit to proceed to sea without presenting any unreasonable threat of harm to the marine environment.

84. Certain alterations subject to approval of Director

The owner and the master of a Hong Kong ship of 400 gross tonnage or above must obtain the prior approval of the Director if any alteration is to be made to the equipment, systems, fittings, arrangements or material of the ship which are covered by the survey leading to the issue or endorsement of a specified Certificate.

85. Certificates to be kept on board

- (1) The owner and the master of a ship of 400 gross tonnage or above (other than a non-Chapter 4 ship) engaged in an international voyage must keep on board the ship the following certificates or documents issued in respect of the ship which are for the time being in force, and make them

available for inspection by a Government surveyor at all reasonable times—

- (a) an International Air Pollution Prevention Certificate, or a certificate or document issued by or under the authority of an Administration certifying or confirming that the ship is in compliance with Chapter 3 of Annex VI; and
 - (b) if section 5(1)(b) applies to the ship, an International Energy Efficiency Certificate, or a certificate or document issued by or under the authority of an Administration certifying or confirming that the ship is in compliance with Chapter 4 of Annex VI.
- (2) The owner and the master of a non-Chapter 4 ship of 400 gross tonnage or above engaged in an international voyage must keep on board the ship the following certificate or document issued in respect of the ship which is for the time being in force, and make it available for inspection by a Government surveyor at all reasonable times—
- (a) an International Air Pollution Prevention Certificate; or
 - (b) a certificate or document issued by or under the authority of an Administration certifying or confirming that the ship is in compliance with Chapter 3 of Annex VI.
- (3) The owner and the master of a ship of 400 gross tonnage or above (other than a ship that is not self-propelled) engaged in a non-international voyage must keep on board the ship the following certificate or document issued in respect of the ship which is for the time being in force, and make it available for inspection by a Government surveyor at all reasonable times—

- (a) an International Air Pollution Prevention Certificate or a Hong Kong Air Pollution Prevention Certificate; or
- (b) a certificate or document issued by or under the authority of an Administration the effect of which is recognized by the Director as equivalent to that of an International Air Pollution Prevention Certificate or a Hong Kong Air Pollution Prevention Certificate.

86. Duty to report accidents or defects

- (1) If an accident occurs to, or a defect is discovered in, a ship, and the accident or defect substantially affects the efficiency or completeness of the equipment or systems of the ship, the owner and the master of the ship must report the accident or defect to the Authority.
- (2) The Director may, on receiving a report under subsection (1), cause an investigation to be initiated.
- (3) In this section—

Authority (主管當局) means—

- (a) if the ship is within the waters of Hong Kong, the Director; or
- (b) if the ship is a Hong Kong ship that is in a port of any Convention country outside Hong Kong, the Director and the appropriate authority of that country.

87. Duty to keep bunker delivery note and representative sample of fuel oil

- (1) The owner and the master of a ship of 400 gross tonnage or above must, on completion of a bunkering operation of fuel oil (excluding gas fuels)—

- (a) ensure that the label attached to the representative sample of the fuel oil delivered is signed by the officer in charge of the operation or the master of the ship;
- (b) keep the bunker delivery note on board the ship in a place so as to be readily available for inspection at all reasonable times—
 - (i) for a ship engaged in international voyages, until the expiry of the period of 3 years after the day on which the fuel oil is delivered to the ship; and
 - (ii) for a ship engaged in non-international voyages, until the expiry of the period of 6 months after the day on which the fuel oil is delivered to the ship; and
- (c) for a ship engaged in an international voyage, retain the representative sample of the fuel oil that accompanies the bunker delivery note until—
 - (i) the fuel oil is substantially consumed; or
 - (ii) the expiry of the period of 12 months beginning on the day on which the fuel oil is delivered to the ship,whichever is the later.
- (2) Subsection (1) does not apply to a ship which uses—
 - (a) coal in solid form; or
 - (b) nuclear fuels.

88. Duties of local supplier of fuel oil

- (1) A local supplier must, in respect of any fuel oil (excluding gas fuels) delivered by the supplier to be used on board a ship of 400 gross tonnage or above—

- (a) prepare a bunker delivery note which contains the information specified in Appendix V to Annex VI;
 - (b) sign and certify a declaration in the bunker delivery note to confirm that the fuel oil delivered complies with the requirements on the quality of fuel oil set out in Regulations 14 and 18 of Annex VI;
 - (c) seal a representative sample of the fuel oil delivered and sign the label attached to the sample on completion of the bunkering operation to confirm that it is a true sample of the fuel oil delivered;
 - (d) deliver to the officer in charge of the bunkering operation or the master of the ship the bunker delivery note and the representative sample of the fuel oil delivered;
 - (e) keep a copy of the bunker delivery note for a period of 3 years after the day on which the fuel oil is delivered to the ship; and
 - (f) make the copy kept under paragraph (e) available for inspection at all reasonable times.
- (2) A local supplier must, in respect of gas fuels delivered by the supplier to be used on board a ship of 400 gross tonnage or above for combustion purpose, make a record of the sulphur content of the gas fuels.
- (3) This section does not apply to a ship which uses—
 - (a) coal in solid form; or
 - (b) nuclear fuels.

89. Offences and penalties

- (1) If any of the requirements in section 83(1) or (2), 84, 85(1), (2) or (3), 86(1) or 87(1) is contravened in respect of a ship, the owner and the master of the ship each commits an offence.
 - (2) If any of the requirements in section 88(1) or (2) is contravened, the local supplier concerned commits an offence.
 - (3) A person who commits an offence under this section is liable—
 - (a) on conviction on indictment to a fine at level 6; or
 - (b) on summary conviction to a fine at level 3.
 - (4) It is a defence for a person charged under this section to show that the person had taken all reasonable steps to prevent the commission of the offence.
 - (5) If an offence under this section is committed, or would, save for the operation of subsection (4), have been committed by the owner or the master of a ship due to the act or omission of some other person, that other person also commits the offence and may be charged with and convicted of the offence whether or not proceedings are taken against the owner or the master.
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Part 7

Powers of Government Surveyors

90. Power to inspect bunker delivery notes, etc.

- (1) A Government surveyor may, for controlling the quality of fuel oil that is supplied to a ship to which this section applies—
 - (a) require the owner or master of the ship to provide for inspection—
 - (i) the bunker delivery note of the fuel oil required to be kept under section 87; and
 - (ii) the representative sample of the fuel oil that is required to be retained under section 87;
 - (b) require the local supplier who supplied the fuel oil to the ship to provide for inspection a copy of the bunker delivery note required to be kept under section 88;
 - (c) make a copy of the bunker delivery note referred to in paragraph (a) or (b); or
 - (d) require the master, any other officer in charge of the ship or the local supplier to certify that the copy made under paragraph (c) is a true copy of the bunker delivery note.
- (2) This section applies to a ship of 400 gross tonnage or above which is within the waters of Hong Kong.

91. Power of Government surveyors to inspect, examine etc. ships

- (1) Any of the powers conferred by this section may be exercised for the purpose of ascertaining whether this Regulation has been or is being complied with.

- (2) A Government surveyor may, at any reasonable time—
 - (a) board a ship that is within the waters of Hong Kong; and
 - (b) take with the surveyor any other person and any equipment or materials required to assist the surveyor.
- (3) After boarding the ship, the surveyor may—
 - (a) inspect the ship;
 - (b) make any examination and investigation as the surveyor considers necessary;
 - (c) take samples of any article or substance found on the ship that the surveyor may reasonably require for the inspection, examination or investigation;
 - (d) inspect, seize and remove from the ship any article or substance in respect of which the surveyor suspects on reasonable grounds that an offence under this Regulation has been committed;
 - (e) detain the article or substance for so long as is necessary—
 - (i) for the inspection, examination or investigation; and
 - (ii) to ensure that it is available for use as evidence in any proceedings for an offence under this Regulation;
 - (f) take any measurements and photographs and make any recordings that the surveyor may reasonably require for the inspection, examination or investigation;

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- (g) require that the ship or any part of it, or anything on the ship, is to be left undisturbed (whether generally or in particular respects) for so long as is necessary for the inspection, examination or investigation;
 - (h) require any person who the surveyor reasonably believes is able to give any information relevant to the inspection, examination or investigation—
 - (i) to attend at a place and time specified by the surveyor;
 - (ii) to answer the questions that the surveyor thinks fit to ask; and
 - (iii) to sign a declaration of the truth of the person's answers;
 - (i) require the production of, and inspect and take copies of or of any entry in—
 - (i) any certificates, books or documents that are required to be kept under this Regulation; and
 - (ii) any other certificates, books or documents that the surveyor considers necessary for the inspection, examination or investigation; and
 - (j) require any person to afford the surveyor such facilities and assistance with respect to any matters or things within that person's control or in relation to which that person has responsibilities as the surveyor considers necessary to enable the surveyor to exercise any power conferred by this section.
- (4) If an inspection of a ship under subsection (3) reveals a deficiency, the Director may give a direction to the master of the ship requiring the master to cause the ship not to proceed to sea until the deficiency is rectified.

- (5) A master to whom a direction is given under subsection (4) must—
 - (a) comply with the direction;
 - (b) take steps to rectify the deficiency; and
 - (c) inform the Director once the deficiency is rectified.
- (6) If the ship concerned is a Hong Kong ship and the deficiency is not rectified within the period specified by the Director, the Director may, by written notice to the owner and the master of the ship, withdraw the International Air Pollution Prevention Certificate, the Hong Kong Air Pollution Prevention Certificate or the International Energy Efficiency Certificate issued in respect of the ship.
- (7) On receiving a notice under subsection (6), the owner and the master of the ship must deliver the Certificate concerned to the Director immediately.
- (8) The owner or the master of the ship may, after the deficiency in respect of the ship has been rectified, apply to the Director for the return of the Certificate concerned.
- (9) On receiving an application under subsection (8), if the Director is satisfied that the deficiency in respect of the ship has been rectified, the Director must, by written notice to the owner or the master, return the Certificate concerned to the owner or the master.

92. Obstruction and non-compliance with requirements

- (1) A person must not—
 - (a) wilfully obstruct a Government surveyor in the exercise of any power conferred by section 90 or 91;
or

- (b) make a statement or sign a declaration that the person knows is false, or recklessly make a statement or sign a declaration that is false, in purported compliance with a requirement under section 91(3)(h).
- (2) A person must comply with a requirement imposed on the person under section 91(3).

93. Offences and penalties

- (1) If section 91(7) is contravened, the owner and the master of the ship concerned each commits an offence and is liable—
 - (a) on conviction on indictment to a fine at level 6; or
 - (b) on summary conviction to a fine at level 3.
 - (2) A person who contravenes section 92(1) commits an offence and is liable to a fine at level 6.
 - (3) A person who fails to comply with section 92(2) commits an offence and is liable to a fine at level 6.
 - (4) It is a defence for a person charged under subsection (1) to show that the person had taken all reasonable steps to prevent the commission of the offence.
 - (5) If an offence under this section is committed, or would, save for the operation of subsection (4), have been committed by the owner or the master of a ship due to the act or omission of some other person, that other person also commits the offence and may be charged with and convicted of the offence whether or not proceedings are taken against the owner or the master.
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Part 8

Powers of Director

94. Director may appoint Government surveyors

The Director may appoint a person to be a Government surveyor for the purposes of this Regulation.

95. Director may recognize organizations to survey ships and issue certificates etc.

The Director may recognize an organization for—

- (a) carrying out surveys of Hong Kong ships in conformity with Part 5;
- (b) issuing the following certificates in respect of Hong Kong ships in conformity with Part 4—
 - (i) International Air Pollution Prevention Certificates;
 - (ii) Hong Kong Air Pollution Prevention Certificates; or
 - (iii) International Energy Efficiency Certificates;
- (c) making endorsements on the Certificates referred to in paragraph (b) that are issued by the organization in conformity with Part 5;
- (d) with the prior written consent of the Director, granting extensions of the validity periods of International Air Pollution Prevention Certificates or Hong Kong Air Pollution Prevention Certificates that are issued by the organization;
- (e) altering any particulars contained in the Certificates referred to in paragraph (b) that are issued by the organization;

- (f) issuing certified true copies of the Certificates referred to in paragraph (b) that are issued by the organization; and
- (g) specifying any corrective actions which the organization considers necessary to be taken in respect of Hong Kong ships.

96. Director may request Convention countries to survey Hong Kong ships and issue or endorse certificates

The Director may request any Convention country—

- (a) to carry out a survey in respect of a Hong Kong ship of 400 gross tonnage or above on behalf of the Director in conformity with Annex VI; and
- (b) to do the following—
 - (i) issue an International Air Pollution Prevention Certificate or an International Energy Efficiency Certificate in respect of the ship in conformity with Annex VI; or
 - (ii) endorse on an International Air Pollution Prevention Certificate or an International Energy Efficiency Certificate issued in respect of the ship in conformity with Annex VI.

97. Director may at request of Convention countries survey non-Hong Kong ships and issue or endorse certificates

The Director may, at the request of any Convention country—

- (a) cause a non-Hong Kong ship that is within the waters of Hong Kong to be surveyed under Part 5 as if the ship were a Hong Kong ship; and
- (b) do the following—

- (i) issue an IAPP Certificate or an IEE Certificate in respect of the ship under Part 4 as if the ship were a Hong Kong ship; or
- (ii) endorse on an International Air Pollution Prevention Certificate or an International Energy Efficiency Certificate issued in respect of the ship in conformity with Annex VI.

98. Director may accept equivalents

The Director may allow any fitting, material, appliance or apparatus to be fitted in a ship or any procedures, alternative fuel oils, or compliance methods to be used for complying with—

- (a) in relation to a ship to which Part 2 applies, Chapter 3 of Annex VI; or
- (b) in relation to a ship to which Part 3 applies, Part 3.

99. Director may grant exemption

The Director may exempt any ship or class or description of ships from any of the requirements of this Regulation on such conditions as the Director may specify, and the Director may alter or cancel any such exemption.

Part 9

Miscellaneous

100. Access to Annex VI and NO_x Technical Code

- (1) The Director must keep a copy of the English and Chinese texts of Annex VI and the NO_x Technical Code at the office of the Director.
- (2) The Director must allow the public to inspect the texts free of charge at the office during normal office hours.

Anthony B. L. CHEUNG
Secretary for Transport and
Housing

26 January 2016

Explanatory Note

The object of this Regulation is to implement Annex VI to the International Convention for the Prevention of Pollution from Ships, 1973.

2. Part 1 contains provisions that provide for the commencement and application of the Regulation, and the definitions of words and expressions used in the Regulation.
3. Part 2 governs ships engaged in international voyages. Division 1 requires certain certificates to be in force in respect of the ships. Divisions 2 and 3 regulate the emission of ozone depleting substances and nitrogen oxides. Division 4 regulates the sulphur content of fuel oil. Division 5 and 7 set out certain requirements relating to volatile organic compounds and fuel oil quality. Division 6 governs shipboard incineration. Division 8 requires the ships to calculate an Attained Energy Efficiency Design Index. Division 9 requires the ships to keep on board a Ship Energy Efficiency Management Plan. Division 10 sets out the offences and penalties for Part 2.
4. Part 3 governs ships engaged in non-international voyages. Division 1 requires certain certificates to be in force in respect of the ships. Divisions 2 and 3 regulate the emission of ozone depleting substances and nitrogen oxides. Division 4 regulates the sulphur content of fuel oil. Division 5 and 7 set out certain requirements relating to volatile organic compounds and fuel oil quality. Division 6 governs shipboard incineration. Division 8 sets out the offences and penalties for Part 3.

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5. Part 4 governs the application, issue, withdrawal, cancellation, duration and cessation of certificates. Part 5 sets out the various types of surveys that are to be carried out in respect of a ship.
6. Part 6 sets out certain duties of the owner and the master of a ship and of a local supplier of fuel oil, and the related offences and penalties. Part 7 deals with the power of Government surveyors and Part 8 provides for the power of the Director of Marine.