

L.N. 47 of 2016

**Merchant Shipping (Prevention of Oil Pollution)
(Amendment) Regulation 2016**

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Merchant Shipping (Prevention of Oil Pollution) (Amendment) Regulation 2016

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

1. Commencement

This Regulation comes into operation on 1 October 2016.

2. Merchant Shipping (Prevention of Oil Pollution) Regulations amended

The Merchant Shipping (Prevention of Oil Pollution) Regulations (Cap. 413 sub. leg. A) are amended as set out in sections 3 to 55.

3. Part I heading amended (general)

Part I, heading—

Repeal

“GENERAL”

Substitute

“PRELIMINARY”.

4. Regulation 1 amended (citation and interpretation)

(1) Regulation 1(2)—

Repeal the definition of *Annex I*

Substitute

“*Annex I* (附則 I) means Annex I to the Convention (which sets out regulations for the prevention of pollution by oil), as from time to time revised or amended by any revision or amendment that applies to Hong Kong;”.

- (2) Regulation 1(2)—

Repeal the definition of *anniversary date*

Substitute

“*anniversary date* (周年日期), in relation to a specified Certificate 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;”.

- (3) Regulation 1(2), definition of *clean ballast*—

Repeal

“approved oil discharge monitoring and control system”

Substitute

“oil discharge monitoring and control system approved by the Director”.

- (4) Regulation 1(2), English text, definition of *deadweight*—

Repeal

“metric tons”

Substitute

“tonnes”.

- (5) Regulation 1(2), definition of *deadweight*—

Repeal

“specific gravity”

Substitute

“relative density”.

- (6) Regulation 1(2)—

Repeal the definition of *HKOPP Certificate*

Substitute

“*HKOPP Certificate* (HKOPP證書) means a certificate issued under regulation 7(1)(b);”.

- (7) Regulation 1(2), definition of *Hong Kong oil tanker*—

Repeal

everything after “an oil”

Substitute

“tanker—

- (a) which is registered in Hong Kong; or
- (b) in respect of which a full licence is issued under section 15 of the Merchant Shipping (Local Vessels) (Certification and Licensing) Regulation (Cap. 548 sub. leg. D);”.

- (8) Regulation 1(2), definition of *IBC Code*—

Repeal

everything after “Carrying”

Substitute

“Dangerous Chemicals in Bulk published by the IMO, as from time to time revised or amended by any revision or amendment that applies to Hong Kong;”.

- (9) Regulation 1(2)—

Repeal the definition of *IOPP Certificate*

Substitute

“*IOPP Certificate* (IOPP證書) means a certificate issued under regulation 7(1)(a);”.

- (10) Regulation 1(2), English text, definition of *lightweight*—

Repeal

“metric tons”

Substitute

“tonnes”.

- (11) Regulation 1(2), definition of *oil tanker*—

Repeal

everything after “carrier”

Substitute

“, an NLS tanker and a gas carrier (when carrying a cargo or part cargo of oil in bulk);”.

- (12) Regulation 1(2), definition of *ppm*—

Repeal

everything after “parts”

Substitute

“of oil per million parts of water by volume;”.

- (13) Regulation 1(2)—

- (a) definition of *approved*;
- (b) definition of *Certifying Authority*;
- (c) definition of *chemical tanker*;
- (d) definition of *existing ship*;
- (e) definition of *GRT*;
- (f) definition of *major conversion*;
- (g) definition of *Merchant Shipping Notice*;
- (h) definition of *nearest land*;

- (i) definition of *new ship*;
- (j) definition of *oil*;
- (k) definition of *the Organization*;
- (l) definition of *segregated ballast*;
- (m) definition of *separating equipment*;
- (n) definition of *ship*;
- (o) definition of *special area*;
- (p) definition of *surveyor*—

Repeal the definitions.

- (14) Regulation 1(2)—

Add in alphabetical order

“*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;

Amendment Regulation 2016 (《2016年修訂規例》) means the Merchant Shipping (Prevention of Oil Pollution) (Amendment) Regulation 2016;

Convention (《公約》) means the International Convention for the Prevention of Pollution from Ships, 1973, including its protocols and appendices, and Annex I (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;

gas carrier (氣體運載船) means a gas carrier as defined by regulation 3.20 of Chapter II-1 of the International Convention for the Safety of Life at Sea, 1974, as from time to time revised or amended by any revision or amendment that applies to Hong Kong;

Government surveyor (政府驗船師) means a person appointed under regulation 3A to be a Government surveyor;

GT (總噸), in relation to a ship, means the gross tonnage of the ship determined in accordance with regulation 6 of the Merchant Shipping (Registration) (Tonnage) Regulations (Cap. 415 sub. leg. C);

Hong Kong Oil Pollution Prevention Certificate (香港防油污證書) means—

- (a) a HKOPP Certificate; or
- (b) a Hong Kong Oil Pollution Prevention Certificate issued by a recognized organization;

International Oil Pollution Prevention Certificate (國際防油污證書) means—

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

NLS tanker (NLS液貨船) means an NLS tanker as defined by Annex II to the International Convention for the Prevention of Pollution from Ships, 1973, including its protocols and appendices, as from time to time revised or amended by any revision or amendment that applies to Hong Kong;

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

recognized organization (認可機構) means an organization recognized under regulation 3B;

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

(15) After regulation 1(2)—

Add

“(3) Each of the following terms or expressions, when used in these Regulations, has the same meaning as in Annex I—

- (a) Antarctic area;
- (b) constructed;
- (c) heavy grade oil;
- (d) nearest land;
- (e) oil;
- (f) oil fuel tank;
- (g) oil residue (sludge);
- (h) oil tanker delivered on or before 1 June 1982;
- (i) oil tanker delivered after 1 June 1982;
- (j) oil tanker delivered on or after 1 January 2010;
- (k) reception facilities;
- (l) segregated ballast;
- (m) ship delivered on or before 31 December 1979;
- (n) ship delivered after 31 December 1979;
- (o) special area.”.

5. Regulation 2 amended (applications and exemptions)

(1) Regulation 2(1)(b)—

Repeal

“other”

Substitute

“non-Hong Kong”.

(2) Regulation 2(2)—

Repeal

“State”

Substitute

“Government”.

(3) Regulation 2(3)—

Repeal

“new type of”

Substitute

“type of Hong Kong”.

(4) Regulation 2(3)—

Repeal

“IOPP or HKOPP Certificate referred to in regulation 7”

Substitute

“specified Certificate”.

6. Regulations 3A to 3D added

Part I, after regulation 3—

Add

“3A. Director may appoint Government surveyors

The Director may appoint a person to be a Government surveyor for the purposes of these Regulations.

3B. 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;
- (b) issuing the following certificates in respect of Hong Kong ships—
 - (i) International Oil Pollution Prevention Certificates; or
 - (ii) Hong Kong Oil Pollution Prevention Certificates;
- (c) making endorsements on the Certificates referred to in paragraph (b) that are issued by the organization in conformity with Regulation 6 of Annex I;
- (d) with the prior written consent of the Director, granting extensions of the validity periods of the Certificates referred to in paragraph (b) 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.

3C. 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 of a Hong Kong ship on behalf of the Director in conformity with Annex I; and
- (b) to do the following—
 - (i) issue an International Oil Pollution Prevention Certificate in respect of the ship in conformity with Annex I; or
 - (ii) endorse on an International Oil Pollution Prevention Certificate issued in respect of the ship in conformity with Annex I.

3D. 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 II as if the ship were a Hong Kong ship; and
- (b) do the following—
 - (i) issue an IOPP Certificate in respect of the ship under Part II as if the ship were a Hong Kong ship; or
 - (ii) endorse on an International Oil Pollution Prevention Certificate issued in respect of the ship in conformity with Annex I.”.

7. Regulation 4 amended (surveys before issue of an IOPP or HKOPP Certificate)

- (1) Regulation 4, heading—

Repeal

“Surveys before issue of an IOPP or HKOPP Certificate”

Substitute

“Initial survey and renewal survey”.

- (2) Regulation 4(1)—

Repeal

“150 GRT”

Substitute

“150 GT”.

- (3) Regulation 4(1)—

Repeal

“400 GRT”

Substitute

“400 GT”.

- (4) Regulation 4(1), before “surveyor”—

Add

“Government”.

- (5) Regulation 4(1), Chinese text—

Repeal

“國際防油污證書或香港防油污”

Substitute

“IOPP證書或HKOPP”.

- (6) Regulation 4(2)—

Repeal

“A Certifying Authority”

Substitute

“The Director”.

-
- (7) Regulation 4(2), before “surveyor”—
Add
“Government”.
- (8) Regulation 4(3), before “surveyor”—
Add
“Government”.
- (9) Regulation 4(3)—
Repeal
“, oily water separating equipment and oil filtering systems”
Substitute
“and oil filtering equipment”.
- (10) Regulation 4—
Repeal paragraph (4).
- (11) Regulation 4(5), before “surveyor”—
Add
“Government”.
- (12) Regulation 4(5)—
Repeal
everything after “forward to”
Substitute
“the Director a declaration of survey containing such particulars of the ship as are required by the Director to enable the Director to issue the IOPP Certificate or HKOPP Certificate in respect of the ship.”.
- (13) After regulation 4(5)—
Add

- “(6) The owner of a ship referred to in paragraph (1) is regarded as having complied with that paragraph if the owner causes the ship to be subject to—
- (a) an initial survey by a recognized organization—
 - (i) before the ship is put into service; or
 - (ii) before an IOPP Certificate or HKOPP Certificate in respect of the ship is issued for the first time; and
 - (b) a renewal survey by a recognized organization, at intervals not exceeding 5 years.”.

8. Regulation 5 amended (annual survey)

- (1) Regulation 5(1)—

Repeal

“The”

Substitute

“Subject to paragraph (1A), the”.

- (2) Regulation 5(1), English text—

Repeal

“certificate”

Substitute

“Certificate”.

- (3) Regulation 5(1)—

Repeal

everything after “the anniversary date of the” (where first appearing)

Substitute

“Certificate.”.

- (4) After regulation 5(1)—

Add

“(1A) If an intermediate survey of the ship has been carried out under regulation 6(1) in a particular year, the annual survey of the ship under paragraph (1) for that year is not required to be carried out.”.

- (5) Regulation 5(2)—

Repeal

“A Certifying Authority”

Substitute

“The Director”.

- (6) Regulation 5(2), before “fee”—

Add

“prescribed”.

- (7) Regulation 5(2), before “surveyor”—

Add

“Government”.

- (8) Regulation 5—

Repeal paragraph (3)

Substitute

“(3) The Government surveyor must survey the ship to ensure that the requirements in Regulation 6 of Annex I concerning an annual survey are complied with.”.

- (9) Regulation 5(4), before “surveyor”—

Add

“Government”.

- (10) Regulation 5(4), Chinese text—

Repeal

everything after “須在”

Substitute

“IOPP證書上，作出表明其信納上述事項的簽註。”

- (11) After regulation 5(4)—

Add

- “(5) If, in a particular year, the owner of a ship referred to in paragraph (1) causes the ship to be subject to an annual survey by a recognized organization within 3 months before or after the anniversary date of the International Oil Pollution Prevention Certificate, that paragraph (as read with paragraph (1A)) is regarded as having been complied with by the owner for that year.”

9. Regulation 6 amended (intermediate survey)

- (1) Regulation 6(1)—

Repeal

everything after “This”

Substitute

“survey must be carried out—

- (a) within the period commencing 3 months before and ending 3 months after the second anniversary date of the 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 Certificate issued in respect of the ship.”

- (2) Regulation 6(2)—

Repeal

“A Certifying Authority”

Substitute

“The Director”.

- (3) Regulation 6(2), before “fee”—

Add

“prescribed”.

- (4) Regulation 6(2), before “surveyor”—

Add

“Government”.

- (5) Regulation 6—

Repeal paragraph (3)

Substitute

“(3) The Government surveyor must survey the ship to ensure that the requirements in Regulation 6 of Annex I concerning an intermediate survey are complied with.”.

- (6) Regulation 6(4), before “surveyor”—

Add

“Government”.

- (7) Regulation 6(4)—

Repeal

“and forward a report to the Certifying Authority”.

(8) After regulation 6(4)—

Add

“(5) The owner of a ship referred to in paragraph (1) is regarded as having complied with that paragraph if the owner causes the ship to be subject to an intermediate survey by a recognized organization—

- (a) within the period commencing 3 months before and ending 3 months after the second anniversary date of the International Oil Pollution Prevention 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 International Oil Pollution Prevention Certificate issued in respect of the ship.”.

10. Regulation 6A added

After regulation 6—

Add

“6A. Additional survey

- (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 exercise the power under paragraph (1) only if—

-
- (a) the Director determines on the basis of an investigation under regulation 8(3) that the survey is necessary;
 - (b) the Director has reasonable grounds to believe that important repairs or renewals have been made to the ship after an IOPP Certificate or a HKOPP Certificate has been issued in respect of the ship;
 - (c) the Director has reasonable grounds to believe that regulation 8(1) is not complied with in respect of the ship; or
 - (d) after an IOPP Certificate or a HKOPP Certificate has been issued in respect of the ship, alterations have been made to the structure, equipment, systems, fittings, arrangements or material covered by the survey leading to the issue of the Certificate.
 - (3) On receiving a notice under paragraph (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 structure, equipment, systems, fittings, arrangements and material of the ship which are covered by 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 in all respects satisfactory,

the surveyor must make a declaration of survey to that effect and forward the declaration to the Director.

(6) In this regulation—

applicable requirements (適用規定) means—

- (a) for a ship in respect of which an IOPP Certificate is in force, the requirements under Chapter 2 of Annex I; and
- (b) for a ship in respect of which a HKOPP Certificate is in force, the requirements under this Part.”.

11. Regulation 7 amended (issue and duration of IOPP and HKOPP Certificate)

(1) Regulation 7, Chinese text, heading—

Repeal

“國際防油污證書及香港防油污”

Substitute

“IOPP證書及HKOPP”.

(2) Regulation 7—

Repeal paragraph (1)

Substitute

“(1) The Director must, on receipt of a declaration of survey under regulation 4(5) which relates to a Hong Kong ship, issue to the ship—

- (a) in the case of an oil tanker of 150 GT and above and any other ship of 400 GT and above which is engaged in voyages to ports or off-shore terminals under the jurisdiction of other Parties to the Convention—an IOPP Certificate; or
- (b) in the case of any other oil tanker of 150 GT and above and any other ship of 400 GT and above—a HKOPP Certificate.”.

(3) Regulation 7—

Repeal paragraphs (2), (3) and (4).

(4) Regulation 7—

Repeal paragraph (5)

Substitute

“(5) An IOPP Certificate or HKOPP Certificate is valid for a period not exceeding 5 years from the date of issue stated in the Certificate.”.

(5) Regulation 7—

Repeal paragraph (6).

(6) Regulation 7—

Repeal paragraph (7)

Substitute

“(7) An IOPP Certificate or HKOPP Certificate issued in respect of a Hong Kong ship which is either an oil tanker of 150 GT and above or a ship of 400 GT and above, other than an oil tanker, must be—

- (a) kept on board the ship; and
- (b) made available for inspection at all reasonable times.”.

12. Regulations 7A to 7F added

After regulation 7—

Add**“7A. Duration of specified Certificate issued after renewal survey**

Despite regulation 7(5), a new specified Certificate issued in respect of a ship as a result of a renewal survey under regulation 4 is valid for such period as may be specified in the Certificate in accordance with Regulation 10 of Annex I.

7B. Duration of specified Certificate after early completion of surveys

- (1) This regulation applies if—
 - (a) an annual survey of a ship is completed before the period within which the survey is required to be completed under regulation 5; or
 - (b) an intermediate survey of a ship is completed before the period within which the survey is required to be completed under regulation 6.
- (2) After a survey is completed as described in paragraph (1)(a) or (b), the existing specified Certificate issued in respect of the ship must be endorsed to show a date described on the endorsement as the “new anniversary date”, which must be a date that is within 3 months from the date of completion of the survey (*new anniversary date*).
- (3) For the purposes of the survey and any annual survey or intermediate survey to be carried out in respect of the ship under regulation 5 or 6 in any year subsequent to the endorsement, the period within which the survey must be carried out is to be

ascertained by reference to the new anniversary date instead of an anniversary date of the existing IOPP Certificate or International Oil Pollution Prevention Certificate (as the case may require) issued in respect of the ship.

- (4) The duration of an existing specified Certificate issued in respect of a ship may be varied by the Director in accordance with Regulation 10 of Annex I.

7C. Extension of validity period of specified Certificate 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 10 of Annex I if—

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

7D. Specified Certificate ceases to be valid

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

- (a) without the approval of the Director, a material change has been made to the structure, equipment, systems, fittings, arrangements or material required by these Regulations, other than the direct replacement of such equipment or fittings;
- (b) a survey referred to in this Part is not carried out in relation to the ship within the period specified for the survey in this Part;
- (c) the Certificate is not endorsed under regulation 5, or under Regulation 6 of Annex I, after an annual survey of the ship is carried out;
- (d) the Certificate is not endorsed under regulation 6, or under Regulation 6 of Annex I, after an intermediate survey of the ship is carried out; or
- (e) the ship is transferred to the registry of a place outside Hong Kong.

7E. Certificates issued under this Part regarded as International Oil Pollution Prevention Certificate in Annex I

For the purposes of regulations 7A, 7B and 7C, an IOPP Certificate or HKOPP Certificate issued under this Part is to be regarded as an International Oil Pollution Prevention Certificate referred to in Regulation 10 of Annex I.

7F. Cancellation of specified Certificate

- (1) The Director may, by written notice to the owner and the master of a Hong Kong ship, cancel a specified Certificate issued in respect of the ship in the circumstances set out in paragraph (2).

- (2) The circumstances are that the Director has reasonable grounds to believe that the Certificate 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 in the notice under paragraph (1).
- (4) On receiving a notice under paragraph (1), the owner of the ship must deliver the Certificate to the Director immediately.”.

13. Regulation 8 amended (responsibilities of owner and master)

- (1) Regulation 8(2)—

Repeal

“a Certifying Authority”

Substitute

“the Director”.

- (2) Regulation 8(3), before “affects”—

Add

“substantially”.

- (3) Regulation 8(3)—

Repeal

“may cause investigations to be initiated to determine whether a survey by a surveyor is necessary and may in that event require such a survey to be carried out. If a ship”

Substitute

“must cause an investigation to be carried out to determine whether an additional survey under regulation 6A is necessary. If the ship”.

- (4) Regulation 8(4)(a)—

Repeal

“ship which is not a Hong Kong ship”

Substitute

“non-Hong Kong ship”.

- (5) Regulation 8(4)(a), before “affect”—

Add

“substantially”.

- (6) Regulation 8(4)(a), English text—

Repeal

“an IOPP”

Substitute

“the International Oil Pollution Prevention”.

- (7) Regulation 8(4)(b), English text—

Repeal

“IOPP”

Substitute

“International Oil Pollution Prevention”.

- (8) Regulation 8(4)(c), English text—

Repeal

“IOPP Certificate to the ship,”

Substitute

“International Oil Pollution Prevention Certificate to the ship,”.

- (9) Regulation 8(4)(c)—

Repeal

“request the authority responsible for issuing an IOPP”

Substitute

“request the authority responsible for issuing the”.

14. Regulation 9 amended (procedure to be adopted when corrective action is necessary)

(1) Regulation 9(1)—

Repeal

“Certifying Authority” (wherever appearing)

Substitute

“Government surveyor”.

(2) Regulation 9(1), after “correspond”—

Add

“substantially”.

(3) Regulation 9(1)—

Repeal

“IOPP or HKOPP”

Substitute

“specified”.

(4) Regulation 9(1)—

Repeal

“in its opinion”.

(5) Regulation 9(2)—

Repeal

“Certifying Authority may specify, the Certifying Authority”

Substitute

“Government surveyor may specify, the Government surveyor”.

- (6) Regulation 9(2)—

Repeal

everything after “notification,”

Substitute

“, by written notice to the owner and the master of the ship, require the surrender of the specified Certificate issued in respect of the ship to the Director.”.

- (7) Regulation 9—

Repeal paragraph (3)

Substitute

“(3) On receiving a notice under paragraph (2), the owner of the ship must deliver the Certificate to the Director immediately.”.

- (8) Regulation 9—

Repeal paragraph (4).

- (9) Before regulation 9(5)—

Add

“(4A) The owner or the master of the ship may, after the corrective action has been taken in respect of the ship, apply to the Director for the return of the specified Certificate.

(4B) On receiving an application under paragraph (4A), the Director must, if satisfied that the corrective action has been taken in respect of the ship, by written notice to the applicant, return the specified Certificate to the applicant.”.

(10) Regulation 9(5)—

Repeal

“country which is a Party to the Convention”

Substitute

“Convention country”.

(11) Regulation 9(5)—

Repeal

“Certifying Authority”

Substitute

“Government surveyor”.

(12) Regulation 9—

Repeal paragraph (6).

15. Regulation 10 amended (Oil Record Book)

(1) Regulation 10(1)—

Repeal

“400 GRT”

Substitute

“400 GT”.

(2) Regulation 10(1)—

Repeal

“150 GRT” (wherever appearing)

Substitute

“150 GT”.

- (3) Regulation 10(1)—

Repeal

“Schedule 2, hereto”

Substitute

“Appendix III to Annex I”.

- (4) Regulation 10(2)(a)(iii)—

Repeal

“oily residues”

Substitute

“oil residue”.

- (5) Regulation 10(6)—

Repeal

“person authorized by the Certifying Authority”

Substitute

“Government surveyor”.

- (6) Regulation 10(6)—

Repeal

“the competent authority, or an authorized person,”

Substitute

“the Government surveyor”.

16. Regulation 11 amended (general exceptions)

Regulation 11(c)—

Repeal

everything before “being used”

Substitute

“(c) any discharge into the sea of substances containing oil as approved by the Director, when the substances are”.

17. Regulation 12 amended (ships other than oil tankers and machinery space bilges of oil tankers)

(1) Regulation 12(2)—

Repeal

“Subject to paragraph (3) of this regulation a”

Substitute

“A”.

(2) Regulation 12—

Repeal paragraph (3).

18. Regulation 12A added

After regulation 12—

Add

“12A. Location of oil fuel tank

(1) This regulation applies to a ship delivered on or after 1 August 2010 with an aggregate oil fuel capacity of 600 m³ and above.

(2) Subject to paragraph (3), an oil fuel tank of a ship must be constructed and located in compliance with Regulation 12A of Annex I.

- (3) Paragraph (2) does not apply to a small oil fuel tank of the ship if the aggregate oil fuel capacity of the small oil fuel tanks of the ship is not greater than 600 m³.
- (4) The location or fitting of lines of oil fuel piping and a suction well in an oil fuel tank of the ship must comply with Regulation 12A of Annex I.

(5) In this regulation—

oil fuel capacity (燃油容量), in relation to an oil fuel tank, means the volume of a tank in m³, at 98% filling;

ship delivered on or after 1 August 2010 (船舶在2010年8月1日或之後交付) has the meaning given by Regulation 1 of Annex I;

small oil fuel tank (小型燃油艙) means an oil fuel tank with a maximum individual capacity of not greater than 30 m³.”.

19. Regulation 13 amended (oil tankers)

- (1) Regulation 13(2)(e), before “the total quantity of oil discharged into”—

Add

“for oil tankers delivered after 31 December 1979 (being ships delivered after 31 December 1979),”.

- (2) Regulation 13(2)(e)—

Repeal

“in the case of existing tankers”

Substitute

“for oil tankers delivered on or before 31 December 1979 (being ships delivered on or before 31 December 1979)”.

20. Regulation 14 amended (oil discharge monitoring and control system and oily-water separating and oil filtering equipment)

- (1) Regulation 14, heading—

Repeal

“discharge monitoring and control system and oily-water separating and oil”.

- (2) Regulation 14(1)—

Repeal

“paragraph (4)”

Substitute

“paragraph (2A)”.

- (3) Regulation 14(1)—

Repeal

“400 GRT and above but less than 10 000 GRT”

Substitute

“400 GT and above but less than 10 000 GT”.

- (4) Regulation 14(1)—

Repeal

“10 000 GRT”

Substitute

“10 000 GT”.

- (5) Regulation 14(2)—

Repeal

“paragraph (4)”

Substitute

“paragraph (2A)”.

- (6) Regulation 14(2)—

Repeal

“10 000 GRT”

Substitute

“10 000 GT”.

- (7) Regulation 14(2)—

Repeal

“parts per million”

Substitute

“ppm”.

- (8) After regulation 14(2)—

Add

“(2A) A ship which is stationary (except for non-cargo-carrying relocation voyages) need not be fitted with the oil filtering equipment required under paragraph (1) or (2) if—

(a) a holding tank having a volume adequate, to the satisfaction of the Director or an Administration, for the total retention on board of the oily bilge water, is provided on the ship; and

(b) all oily bilge water is retained on board for subsequent discharge to reception facilities.”.

- (9) Regulation 14(3)—

Repeal

“Subject to paragraph (4) of this regulation—”.

- (10) Regulation 14(3)(a), English text—

Repeal

“paragraphs (1)”

Substitute

“Paragraphs (1)”.

- (11) Regulation 14(3)(a)(D)—

Repeal

“IOPP or HKOPP”

Substitute

“specified”.

- (12) Regulation 14(3)(a)(E)—

Repeal

“; or”

Substitute a full stop.

- (13) Regulation 14(3)(b), English text—

Repeal

“ships of”

Substitute

“Ships of”.

- (14) Regulation 14(3)(b)—

Repeal

“400 GRT”

Substitute

“400 GT”.

- (15) Regulation 14—

Repeal paragraph (4).

- (16) Regulation 14(5), after “approved”—

Add

“by the Director or an Administration”.

- (17) Regulation 14(5)—

Repeal

“set out in Schedule 3”

Substitute

“adopted by IMO”.

- (18) Regulation 14(6)(a)—

Repeal

everything after “approved”

Substitute

“by the Director or an Administration as being in accordance with the specification adopted by IMO;”.

- (19) Regulation 14(6)(c)—

Repeal

“set out in Schedule 3”

Substitute

“adopted by IMO”.

- (20) Regulation 14—

Repeal paragraphs (7) and (8).

- (21) Regulation 14(9)—

Repeal

everything after “15 ppm.”.

- (22) After regulation 14(9)—

Add

“(10) In this regulation—

oily bilge water (油性艙底水) has the meaning given by Regulation 1 of Annex I.”.

21. Regulation 15 amended (retention of oil on board)

(1) Regulation 15(1)—

Repeal

“150 GRT”

Substitute

“150 GT”.

(2) Regulation 15(1)—

Repeal

everything after “accordance with”

Substitute

“paragraph (2).”.

(3) Regulation 15(2)(a)—

Repeal

“a Certifying Authority. In existing oil tankers”

Substitute

“the Director. In oil tankers delivered on or before 31 December 1979 (being ships delivered on or before 31 December 1979)”.

(4) Regulation 15(2)(e)—

Repeal

“New oil tankers of 70 000 tons deadweight and above”

Substitute

“Oil tankers of 70 000 tonnes deadweight and above delivered after 31 December 1979 (being ships delivered after 31 December 1979)”.

- (5) Regulation 15(3)—

Repeal subparagraph (a)

Substitute

“(a) An oil discharge monitoring and control system of a design approved by the Director must be fitted. It must be designed and installed in compliance with the guidelines and specifications adopted by IMO for oil discharge monitoring and control systems of oil tankers.”.

- (6) Regulation 15(3)(b)—

Repeal

“Schedule 4”

Substitute

“the guidelines and specifications referred to in subparagraph (a)”.

- (7) Regulation 15(3)(c)—

Repeal

“Schedule 4”

Substitute

“the guidelines and specifications referred to in subparagraph (a)”.

- (8) Regulation 15(3)(e)—

Repeal

everything before “be provided”

Substitute

“(e) Effective oil/water interface detectors, of a design approved by the Director as being in compliance with the specifications adopted by IMO, must”.

(9) Regulation 15(3)(f)—

Repeal

“Approved instruction”

Substitute

“Instruction”.

(10) Regulation 15(3)(f), after “control system”—

Add

“approved by the Director”.

(11) Regulation 15(4)—

Repeal

“150 GRT”

Substitute

“150 GT”.

(12) Regulation 15(5)(b)(i)—

Repeal

“existing oil tanker as defined in regulation 17(2) of 40 000 deadweight tons or above”

Substitute

“oil tanker of 40 000 tonnes deadweight and above delivered on or before 1 June 1982”.

(13) Regulation 15(5)(c)(iii)—

Repeal

“IOPP or HKOPP”

Substitute

“specified”.

22. Regulation 16 amended (methods for the prevention of oil pollution from ships operating in special areas)

(1) Regulation 16—

Repeal paragraph (1).

(2) Regulation 16(2)(a)—

Repeal

“400 GRT”

Substitute

“400 GT”.

(3) Regulation 16(2)(b)—

Repeal

“400 GRT”

Substitute

“400 GT”.

(4) Regulation 16(3)(b), after “machinery spaces”—

Add

“in a special area (other than in the Antarctic area)”.

(5) Regulation 16(3)(b)(v) and (vi)—

Repeal

“system”

Substitute

“equipment”.

23. Regulations 16A, 16B and 16C added

Part III, after regulation 16—

Add

“16A. Transfer of oil cargo between oil tankers at sea

- (1) This regulation applies to oil tankers of 150 GT and above that are engaged in the transfer of oil cargo between oil tankers at sea (*STS operation*).
- (2) This regulation does not apply to—
 - (a) oil transfer operations associated with—
 - (i) fixed or floating platforms (including drilling rigs);
 - (ii) floating production, storage and offloading facilities used for the offshore production and storage of oil; and
 - (iii) floating storage units used for the offshore storage of oil other than crude oil;
 - (b) bunkering operations;
 - (c) STS operations that are necessary for the purpose of securing the safety of a ship or saving life at sea, or for combating specific pollution incidents in order to minimize the damage from pollution; and
 - (d) STS operations where either of the ships concerned is a warship, naval auxiliary or other ship owned or operated by a government and

- used, for the time being, only on government non-commercial service.
- (3) An oil tanker engaged in an STS operation must carry on board a plan (*STS operation plan*) that—
 - (a) prescribes how the operation is to be conducted; and
 - (b) complies with paragraph (4).
 - (4) The STS operation plan—
 - (a) must be approved by the Director or an Administration; and
 - (b) must be written in the working language of the crew.
 - (5) The owner or the master of an oil tanker engaged in an STS operation must ensure that the tanker complies with the STS operation plan carried on board.
 - (6) The person who has the overall advisory control of an STS operation must be qualified to perform all the duties relating to the operation.
 - (7) A record of every STS operation must be retained on board the tankers for 3 years after the operation and be made readily available for inspection.

16B. Notification of STS operation

- (1) Subject to paragraph (2), if an oil tanker to which regulation 16A applies is scheduled to engage in an STS operation referred to in regulation 16A(1) within the territorial sea or the exclusive economic zone of a Convention country, the owner or the master of the tanker must, at least 48 hours before the operation begins (*specified time*)—

-
- (a) notify the country that the operation is to occur; and
 - (b) provide in the notification all the information set out in paragraph (3).
 - (2) If, in an exceptional case, not all the information set out in paragraph (3) is available at the specified time, the owner or the master of the tanker that is to discharge oil cargo must—
 - (a) notify the Convention country at the specified time that the STS operation is to occur; and
 - (b) provide all the information set out in paragraph (3) to the country at the earliest opportunity.
 - (3) The information are—
 - (a) name, flag, call sign, IMO number and estimated time of arrival of the tankers to be engaged in the STS operation;
 - (b) the date on which and the time and geographical location at which the STS operation commences;
 - (c) whether the STS operation is to be conducted at anchor or underway;
 - (d) the type and quantity of oil to be transferred during the STS operation;
 - (e) the planned duration of the STS operation;
 - (f) the identification of the STS operation service provider or person in overall advisory control, and the contact information of the provider or person; and

- (g) a confirmation that the tankers concerned have on board STS operation plans that comply with regulation 16A(3).
- (4) If the estimated time of arrival of an oil tanker at the geographical location scheduled for the STS operation changes by more than 6 hours, the owner or the master of the tanker must provide a revised estimated time of arrival to the Convention country at the earliest opportunity.

16C. Special requirements for carriage or use of heavy grade oil in Antarctic area

- (1) The following carriage or use of heavy grade oil by a Hong Kong ship is prohibited in the Antarctic area—
 - (a) carriage of heavy grade oil in bulk as cargo (use as ballast);
 - (b) carriage of heavy grade oil as fuel; and
 - (c) use of heavy grade oil as fuel.
- (2) Paragraph (1) does not apply if the Hong Kong ship is engaged—
 - (a) in securing the safety of a ship; and
 - (b) in a search and rescue operation.”.

24. Part IV heading amended (requirements for the segregation of cargo)

Part IV, heading—

Repeal

“SEGREGATION OF CARGO”

Substitute

“CARGO AREA OF OIL TANKERS”.

25. Regulation 17 repealed (interpretation of Part IV)

Regulation 17—

Repeal the regulation.

26. Cross-heading before regulation 18 substituted

Cross-heading before regulation 18—

Repeal the cross-heading

Substitute

“Oil tankers of 20 000 tonnes deadweight and above delivered after 1 June 1982”.

27. Regulation 18 amended (general application)

(1) Regulation 18, heading—

Repeal

“General application”

Substitute

“Segregated ballast tanks”.

(2) Regulation 18(1)—

Repeal

everything before “be provided”

Substitute

“(1) Every crude oil tanker of 20 000 tonnes deadweight and above and every product carrier of 30 000 tonnes deadweight and above delivered after 1 June 1982 must”.

(3) Regulation 18(4)—

Repeal

“new crude oil tankers”

Substitute

“crude oil tankers delivered after 1 June 1982”.

- (4) Regulation 18(6)—

Repeal

“Every new crude oil tanker of 20 000 tons deadweight and above”

Substitute

“Every crude oil tanker of 20 000 tonnes deadweight and above delivered after 1 June 1982”.

- (5) Cross-heading before regulation 18(7)—

Repeal the cross-heading

Substitute

“Crude oil tankers of 40 000 tonnes deadweight and above delivered on or before 1 June 1982”.

- (6) Regulation 18(7)—

Repeal

“paragraphs (8) and (9)”

Substitute

“paragraph (8)”.

- (7) Regulation 18(7)—

Repeal

“existing crude oil tanker of 40 000 tons deadweight and above”

Substitute

“crude oil tanker of 40 000 tonnes deadweight and above delivered on or before 1 June 1982”.

- (8) Regulation 18(8)—

Repeal

“existing crude oil tankers of 40 000 tons deadweight and above”

Substitute

“crude oil tankers of 40 000 tonnes deadweight and above delivered on or before 1 June 1982”.

- (9) Regulation 18—

Repeal paragraph (9).

- (10) Cross-heading before regulation 18(10)—

Repeal the cross-heading

Substitute

“Product carriers of 40 000 tonnes deadweight and above delivered on or before 1 June 1982”.

- (11) Regulation 18(10)—

Repeal

“existing product carrier of 40 000 tons deadweight and above”

Substitute

“product carrier of 40 000 tonnes deadweight and above delivered on or before 1 June 1982”.

- (12) Cross-heading before regulation 18(11)—

Repeal

“the IOPP or HKOPP”

Substitute

“specified”.

- (13) Regulation 18(11)—

Repeal

“IOPP or HKOPP”

Substitute

“specified”.

- (14) After regulation 18(11)—

Add

“Oil tankers of 70 000 tonnes deadweight and above delivered after 31 December 1979

- (12) Every oil tanker of 70 000 tonnes deadweight and above delivered after 31 December 1979 (being a ship delivered after 31 December 1979) must be provided with segregated ballast tanks and must comply with paragraphs (2), (3) and (4), or paragraph (5), as appropriate.”

28. Regulation 19 amended (protective location of segregated ballast spaces)

- (1) Regulation 19(1)—

Repeal

everything before “the segregated”

Substitute

- “(1) In every crude oil tanker of 20 000 tonnes deadweight and above and every product carrier of 30 000 tonnes deadweight and above delivered after 1 June 1982 (except any such tanker that meets the requirements set out in regulation 23A),”.

- (2) Regulation 19(2) and (3)—

Repeal

“tons” (wherever appearing)

Substitute

“tonnes”.

- (3) Regulation 19(4)—

Repeal subparagraphs (a) and (b)

Substitute

- “(a) the minimum width of any wing tank or space either of which extends for the full depth of the ship’s side or from the deck to the top of the double bottom must not be less than 2 m. The width must be measured inboard from the ship’s side at right angles to the centreline. If a lesser width is provided, the wing tank or space is not to be taken into account when calculating the protecting area “PA_c”; and
- (b) the minimum vertical depth of any double bottom tank or space must be B/15 or 2 m, whichever is the lesser. If a lesser depth is provided, the double bottom tank or space is not to be taken into account when calculating the protecting area “PA_s”.”.

- (4) Regulation 19(4), before “width and depth”—

Add

“minimum”.

- (5) Regulation 19(4), before “width,”—

Add

“minimum”.

29. Regulation 20 amended (requirements for oil tankers with dedicated clean ballast tanks)

- (1) Regulation 20, heading—

Repeal

“oil tankers”

Substitute

“product carriers”.

- (2) Regulation 20(1)—

Repeal

everything before “shall have”

Substitute

“(1) A product carrier of 40 000 tonnes deadweight and above (being an oil tanker delivered on or before 1 June 1982) operating with dedicated clean ballast tanks in accordance with regulation 18(10)”.

- (3) Regulation 20(2)—

Repeal

“requirements of Schedule 6 hereto”

Substitute

“specifications adopted by IMO for oil tankers with dedicated clean ballast tanks”.

- (4) Regulation 20—

Repeal paragraph (3)

Substitute

“(3) The product carrier operating with dedicated clean ballast tanks must be equipped with an oil content meter approved by the Director as being in compliance with the specifications adopted by IMO, so as to permit supervision of the oil content in the ballast water being discharged.”.

- (5) Regulation 20—

Repeal paragraph (4)

Substitute

“(4) The product carrier operating with dedicated clean ballast tanks must be provided with a Dedicated Clean Ballast Tank Operation Manual detailing the system and specifying operational procedures. The Manual must have been approved by the Director and must contain all the information set out in the specifications referred to in paragraph (2). If an alteration affecting the dedicated clean ballast tank system is made, the Manual must be revised, and the revision submitted to the Director for approval.”.

30. Regulation 21 amended (requirements for crude oil washing)

(1) Regulation 21(2)—

Repeal

“set out in Schedule 7 hereto”

Substitute

“adopted by IMO”.

(2) Regulation 21(4)—

Repeal

“a Certifying Authority”

Substitute

“the Director”.

(3) Regulation 21(4)—

Repeal

“Schedule 7 hereto”

Substitute

“the specifications adopted by IMO for crude oil washing systems”.

31. Regulation 22 amended (existing oil tankers engaged in specific trades)

- (1) Regulation 22, heading—

Repeal

“Existing oil”

Substitute

“Oil”.

- (2) Regulation 22(1)—

Repeal

everything before “solely engaged”

Substitute

“(1) Subject to paragraph (2), regulation 18(7), (8) and (10) must not apply to an oil tanker delivered on or before 1 June 1982 and”.

- (3) Regulation 22(1)(b)(i)—

Repeal

“Special Area as defined in regulation 16(1)”

Substitute

“special area”.

- (4) Regulation 22(2)(b)—

Repeal

“existing oil tanker”

Substitute

“oil tanker delivered on or before 1 June 1982”.

- (5) Regulation 22(2)(d), English text—

Repeal

“IOPP”

Substitute

“International Oil Pollution Prevention”.

32. Regulation 23 amended (existing oil tankers having special ballast arrangements)

(1) Regulation 23, heading—

Repeal

“Existing oil tankers”

Substitute

“Oil tankers delivered on or before 1 June 1982”.

(2) Regulation 23(1)—

Repeal

“existing oil tanker of 40 000 deadweight tons and above”

Substitute

“oil tanker of 40 000 tonnes deadweight and above delivered on or before 1 June 1982”.

(3) Regulation 23(1)(a)—

Repeal

“a Certifying Authority”

Substitute

“the Director”.

(4) Regulation 23(1)(c), English text—

Repeal

“IOPP”

Substitute

“International Oil Pollution Prevention”.

33. Regulation 23A amended (prevention of pollution in the event of collision or stranding)

- (1) Regulation 23A, heading—

Repeal

“Prevention of pollution in the event of collision or stranding”

Substitute

“Double hull and double bottom requirements for oil tankers delivered on or after 6 July 1996”.

- (2) Regulation 23A(1)—

Repeal

everything after “600”

Add

“tonnes deadweight and above delivered on or after 6 July 1996.”.

- (3) Regulation 23A(2) and (3)—

Repeal

“tons” (wherever appearing)

Substitute

“tonnes”.

- (4) Regulation 23A(5)—

Repeal

“developed by the Organization”

Substitute

“adopted by IMO”.

- (5) Regulation 23A(6) and (7)—

Repeal

“tons” (wherever appearing)

Substitute

“tonnes”.

- (6) After regulation 23A(9)—

Add

“(10) In this regulation, a reference to an oil tanker delivered on or after 6 July 1996 has the meaning given by Regulation 1 of Annex I.”.

34. Regulation 23B amended (prevention of oil pollution in the event of collision or stranding—measures for existing ships)

- (1) Regulation 23B, heading—

Repeal

“Prevention of oil pollution in the event of collision or stranding—measures for existing ships”

Substitute

“Double hull and double bottom requirements for oil tankers delivered before 6 July 1996”.

- (2) Regulation 23B(1)—

Repeal subparagraph (a)

Substitute

“(a) apply to oil tankers of 5 000 tonnes deadweight and above delivered before 6 July 1996;”.

- (3) Regulation 23B(1)(b)—

Repeal

everything after “which are”

Substitute

“delivered before 6 July 1996; and”.

(4) Regulation 23B—

Repeal paragraphs (2), (3), (4), (5), (6) and (7).

(5) At the end of regulation 23B—

Add

“(8) An oil tanker must comply with regulation 23A(2), (3), (4), (5), (6), (8) and (9).

(9) If all the conditions in paragraph (10) are met in respect of a category 2 oil tanker or category 3 oil tanker, the Director may, even if the tanker does not comply with paragraph (8), allow the operation of the tanker if it is fitted with—

(a) only double bottoms or double sides that are not used for the carriage of oil and extending to the entire cargo tank length; or

(b) double hull spaces that—

(i) are not used for the carriage of oil and extending to the entire cargo tank length; and

(ii) do not comply with the requirements of being exempted from paragraph (1)(c).

(10) The conditions are—

(a) the tanker was in service since 1 July 2001; and

(b) the operation does not go beyond 25 years after the date of the delivery of the tanker.

(11) A category 2 oil tanker or category 3 oil tanker must, on the expiry of 15 years after the date of its delivery, comply with the Condition Assessment Scheme adopted by IMO.

(12) For the purposes of paragraphs (9) and (11)—

(a) a category 2 oil tanker is—

- (i) an oil tanker of 20 000 tonnes deadweight and above delivered after 1 June 1982 which carries crude oil, fuel oil, heavy diesel oil or lubricating oil as cargo; and
 - (ii) an oil tanker of 30 000 tonnes deadweight and above delivered after 1 June 1982 which carries oil other than oil specified in sub-subparagraph (i); and
- (b) a category 3 oil tanker is an oil tanker of 5 000 tonnes deadweight and above but less than the following tonnes deadweight—
- (i) for an oil tanker which carries crude oil, fuel oil, heavy diesel oil or lubricating oil as cargo, 20 000 tonnes deadweight; or
 - (ii) for an oil tanker which carries oil other than oil specified in sub-subparagraph (i), 30 000 tonnes deadweight.

(13) In this regulation—

fuel oil (燃油) means heavy distillates or residues from crude oil, or blends of such materials intended for use as a fuel for the production of heat or power of a quality equivalent to the quality set out in the specification adopted by IMO;

heavy diesel oil (重柴油) means diesel oil other than those the distillates of which more than 50% by volume distils at a temperature not exceeding 340°C when tested by a method acceptable to IMO.

(14) In this regulation, a reference to an oil tanker delivered before 6 July 1996 has the meaning given by Regulation 1 of Annex I.”

35. Regulations 23C to 23F added

After regulation 23B—

Add

“23C. Prevention of oil pollution from oil tankers carrying heavy grade oil as cargo

- (1) This regulation applies to an oil tanker of 600 tonnes deadweight and above carrying heavy grade oil as cargo.
- (2) Despite paragraph (1), this regulation does not apply to an oil tanker that complies with—
 - (a) regulation 23A(3)(a) and (b);
 - (b) regulation 23A(3)(a) and (4); or
 - (c) regulation 23A(5),
except that the requirement for minimum distances between the cargo tank boundaries and the ship side and bottom plating need not be met in all respects. In that event, the side protection distances must not be less than those specified in the IBC Code for type 2 cargo tank location and the bottom protection must comply with regulation 19(4)(b).
- (3) An oil tanker must comply with paragraphs (4), (5), (7), (8) and (9) in addition to complying with the provisions of regulation 23B that are applicable to the tanker.
- (4) Subject to paragraphs (5), (7), (8) and (9), an oil tanker must—
 - (a) if it is of 5 000 tonnes deadweight and above, comply with regulation 23A; or

- (b) if it is of 600 tonnes deadweight and above but less than 5 000 tonnes deadweight, be fitted with—
 - (i) double bottom tanks or spaces complying with regulation 23A(7)(a); and
 - (ii) wing tanks or spaces arranged in accordance with regulation 23A(3)(a), and complying with the requirement for distance w referred to in regulation 23A(7)(b).
- (5) If all the conditions in paragraph (6) are met in respect of an oil tanker of 5 000 tonnes deadweight and above, the Director may, even if the tanker does not comply with paragraphs (3) and (4), allow the operation of the tanker if it is fitted with—
 - (a) only double bottoms or double sides that are not used for the carriage of oil and extending to the entire cargo tank length; or
 - (b) double hull spaces that—
 - (i) are not used for the carriage of oil and extending to the entire cargo tank length; and
 - (ii) do not comply with the requirements of being exempted from paragraph (2).
- (6) The conditions are—
 - (a) the tanker was in service since 4 December 2003; and
 - (b) the operation does not go beyond 25 years after the date of the delivery of the tanker.
- (7) The Director may allow the operation of an oil tanker of 5 000 tonnes deadweight and above

carrying crude oil having a density at 15°C higher than 900 kg/m³ but lower than 945 kg/m³ (being heavy grade oil) if—

- (a) in the opinion of the Director, results of the Condition Assessment Scheme as referred to in regulation 23B(11) warrant that the tanker is fit to continue the operation, having regard to its size, age, operational area and structural conditions; and
 - (b) the operation does not go beyond 25 years after the date of the delivery of the tanker.
- (8) The Director may allow the operation of an oil tanker of 600 tonnes deadweight and above but less than 5 000 tonnes deadweight if—
- (a) in the opinion of the Director, the tanker is fit to continue the operation, having regard to its size, age, operational area and structural conditions; and
 - (b) the operation does not go beyond 25 years after the date of the delivery of the tanker.
- (9) The Director may exempt an oil tanker of 600 tonnes deadweight and above from this regulation if—
- (a) the tanker is engaged in voyages exclusively within Hong Kong waters; or
 - (b) the tanker operates as a floating storage unit of heavy grade oil located within Hong Kong waters.

23D. Pump-room bottom protection

- (1) This regulation applies to an oil tanker of 5 000 tonnes deadweight and above constructed on or after 1 January 2007.
- (2) Subject to paragraphs (3) and (4), the pump-room of an oil tanker must be provided with a double bottom such that at any cross-section the depth of each double bottom tank or space the distance h between the bottom of the pump-room and base line of the tanker is not less than that specified below—

$$h = \frac{B}{15} \text{ (m); or}$$

$$h = 2 \text{ m,}$$

whichever is the lesser.

The minimum value of $h = 1 \text{ m}$.

- (3) It is not necessary to fit a double bottom to a pump-room of the tanker if any flooding of the pump-room would not render its ballast or cargo pumping system inoperative.
- (4) If the bottom plate of a pump room is located above the base line by at least the minimum height required in paragraph (2), a double bottom construction for the pump-room is not necessary.
- (5) A ballast pump must be provided with suitable arrangements to ensure efficient suction from a double bottom tank.

23E. Accidental oil outflow performance

- (1) This regulation applies to an oil tanker delivered on or after 1 January 2010.

- (2) An oil tanker must comply with the requirements set out in Regulation 23 of Annex I in the event of collision or stranding.

23F. Intact stability

- (1) This regulation applies to an oil tanker of 5 000 tonnes deadweight and above delivered on or after 1 February 2002.
- (2) An oil tanker must comply with the intact stability criteria specified in Regulation 27.1 of Annex I for any operating draught under the worst possible conditions of cargo and ballast loading (including intermediate stages of liquid transfer operations) that is consistent with good operational practice.
- (3) The requirement under paragraph (2) must be complied with through design measures.
- (4) For a combination carrier, simple supplementary operational procedures for liquid transfer operations referred to in Regulation 27.3 of Annex I may be allowed by the Director or an Administration.
- (5) In this regulation, a reference to an oil tanker delivered on or after 1 February 2002 has the meaning given by Regulation 1 of Annex I.”.

36. Regulation 24 amended (segregation of oil and water ballast)

- (1) Regulation 24(1)—

Repeal

“new ships of 4 000 GRT and above other than oil tankers, and in new oil tankers of 150 GRT and above”

Substitute

“ships of 4 000 GT and above delivered after 31 December 1979 (other than oil tankers), and in oil tankers of 150 GT and above, being ships delivered after 31 December 1979”.

- (2) Regulation 24(4)—

Repeal

“400 GRT”

Substitute

“400 GT”.

37. Regulation 25 amended (tanks for oil residue (sludge))

- (1) Regulation 25(1)—

Repeal

“400 GRT”

Substitute

“400 GT”.

- (2) Regulation 25(1)—

Repeal

“a tank or tanks of adequate capacity, having regard to the type of machinery installed and length of voyage, to receive any oily residues (sludges)”

Substitute

“an oil residue (sludge) tank of adequate capacity that complies with Regulation 12 of Annex I, having regard to the type of machinery installed and length of voyage, to receive and dispose of any oil residue (sludge)”.

(3) Regulation 25—

Repeal paragraphs (2) and (3).

(4) Regulation 25(4)—

Repeal

“6 kg/cm²”

Substitute

“600 kilopascal”.

(5) After regulation 25(4)—

Add

“(5) In this regulation—

oil residue (sludge) tank (油類殘餘物(油類淤渣)液艙) has the meaning given by Regulation 1 of Annex I.”.

38. Regulation 26 amended (pumping, piping and discharge arrangements of oil tankers)

(1) Regulation 26(2), after “oil tanker”—

Add

“of 150 GT and above”.

(2) Regulation 26(3)—

Repeal

“new oil tankers”

Substitute

“oil tankers of 150 GT and above delivered after 31 December 1979 (being ships delivered after 31 December 1979)”.

(3) Regulation 26(4)—

Repeal

“new oil tanker”

Substitute

“oil tanker delivered after 1 June 1982 that is”.

- (4) Regulation 26(5)—

Repeal

“existing crude oil tanker required to be provided with segregated ballast tanks, or to be fitted with a crude oil washing system, or to operate with dedicated clean ballast tanks”

Substitute

“crude oil tanker delivered on or before 1 June 1982 that is required to be provided with segregated ballast tanks, or to be fitted with a crude oil washing system,”.

- (5) Regulation 26(6), proviso, paragraph (a)(i)—

Repeal

“, or”

Substitute a semicolon.

- (6) Regulation 26(6), proviso, paragraph (a)(ii)—

Repeal the comma

Substitute

“; or”.

- (7) Regulation 26(6), proviso, after paragraph (a)(ii)—

Add

“(iii) at sea by a pump if 95% of the ballast water is replaced,”.

- (8) Regulation 26(6), proviso, paragraph (b)—

Repeal

“Existing oil tankers”

Substitute

“Oil tankers delivered on or before 31 December 1979 (being ships delivered on or before 31 December 1979)”.

- (9) Regulation 26(6), proviso, paragraph (c)—

Repeal

“Existing oil tankers”

Substitute

“Oil tankers delivered on or before 1 June 1982”.

- (10) Regulation 26(6), proviso, paragraph (e)—

Repeal

“an existing oil tanker”

Substitute

“oil tankers delivered on or before 31 December 1979 (being ships delivered on or before 31 December 1979)”.

- (11) Regulation 26(6), proviso, paragraph (e)(ii)—

Repeal

“Schedule 8 hereto”

Substitute

“the guideline adopted by IMO on the specifications for the design, installation and operation of a part flow system for control of overboard discharges”.

- (12) After regulation 26(6)—

Add

- “(7) Every oil tanker of 150 GT and above delivered on or after 1 January 2010, which has installed a sea chest that is permanently connected to the cargo pipeline system, must be equipped with both a sea chest valve and an inboard isolation valve.

- (8) In addition to the valves referred to in paragraph (7), the sea chest must be capable of being isolated from the cargo piping system whilst the tanker is loading, transporting or discharging cargo by use of a positive means.
- (9) The positive means referred to in paragraph (8) is a facility that is installed in the pipeline system in order to prevent, under all circumstances, the section of pipeline between the sea chest valve and the inboard valve from being filled with cargo.”.

39. Regulation 27 amended (interpretation of Part V)

- (1) Regulation 27—

Repeal paragraph (1A).

- (2) After regulation 27(5)—

Add

“(6) This regulation does not apply to oil tankers delivered on or after 1 January 2010.”.

40. Regulation 28 amended (limitation of size and arrangement of cargo tanks)

- (1) Regulation 28(1)—

Repeal

everything before “if—”

Substitute

“(1) Every oil tanker of 150 GT and above (being a ship delivered after 31 December 1979) must comply with this regulation. Every oil tanker of 150 GT and above (being a ship delivered on or before 31 December 1979) must comply with this regulation”.

- (2) After regulation 28(6)—

Add

“(7) This regulation does not apply to an oil tanker delivered on or after 1 January 2010.”.

41. Regulation 29 amended (subdivision and stability)

- (1) Regulation 29(1)—

Repeal

“new oil tanker”

Substitute

“oil tanker of 150 GT and above (being a ship delivered after 31 December 1979)”.

- (2) Regulation 29(1)—

Repeal

“specific gravities”

Substitute

“relative densities”.

- (3) Regulation 29(3)(e)—

Repeal

“A Certifying Authority”

Substitute

“The Director”.

- (4) Regulation 29(4)—

Repeal

“specific gravities”

Substitute

“relative densities”.

- (5) Regulation 29(4)(a)—

Repeal

“specify gravity”

Substitute

“relative density”.

- (6) Regulation 29(5)—

Repeal

everything before “shall”

Substitute

“(5) The master of every oil tanker and the person in charge of a non-self-propelled oil tanker, to which this regulation applies,”.

- (7) After regulation 29(5)—

Add

“(6) Subject to paragraphs (7), (9), (10) and (11), an oil tanker must be fitted with a stability instrument that is capable of verifying compliance with intact and damage stability requirements approved by the Director or an Administration, having regard to the performance standards recommended by IMO.

(7) A Hong Kong oil tanker must carry a document of approval issued under paragraph (8) for the instrument.

(8) The Director may approve a stability instrument of the oil tanker referred to in paragraph (7) by issuing a document of approval for the instrument.

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- (9) An oil tanker constructed before 1 January 2016 must comply with paragraph (6) not later than the first renewal survey of the tanker that is carried out after the commencement date of the Amendment Regulation 2016.
- (10) Despite paragraph (6), a stability instrument fitted on an oil tanker constructed before 1 January 2016 need not be replaced if it is capable of verifying compliance with the intact and damage stability requirements approved by the Director.
- (11) The Director may waive the requirements under paragraphs (6) and (7) for any of the following Hong Kong oil tankers if it is loaded in accordance with the conditions approved by the Director after taking into account the guidelines adopted by IMO—
- (a) an oil tanker which is on a dedicated service, with a limited number of permutations of loading such that all anticipated conditions have been approved in the stability information provided to the master of the tanker in accordance with paragraph (5);
 - (b) an oil tanker where stability verification is made remotely by a means approved by the Director;
 - (c) an oil tanker which is loaded within an approved range of loading conditions;
 - (d) an oil tanker constructed before 1 January 2016 which is provided with approved limiting KG/GM curves covering all applicable intact and damage stability requirements.”.

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- 42. Regulation 30 amended (requirements for offshore installations)**
- (1) Regulation 30(1)—
- Repeal**
“400 GRT”
- Substitute**
“400 GT”.
- (2) Regulation 30(1)(a)—
- Repeal**
“and (2) of these Regulations”.
- (3) Regulation 30(1)(b)—
- Repeal**
“an approved form”
- Substitute**
“a form approved by the Director or an Administration”.
- 43. Regulation 31 amended (reports to be made in the event of a discharge or likely discharge)**
- Regulation 31(1)(d)—
- Repeal**
“10 000 GRT”
- Substitute**
“10 000 GT”.
- 44. Regulation 32 amended (approved emergency plan to be carried on board)**
- (1) Regulation 32(1)(a)—
- Repeal**
“GRT” (wherever appearing)

Substitute

“GT”.

- (2) Regulation 32(1)(b)—

Repeal

“GRT” (wherever appearing)

Substitute

“GT”.

- (3) Regulation 32(1)(b), English text—

Repeal

“paragraph (a)”

Substitute

“subparagraph (a)”.

- (4) Regulation 32(1)—

Repeal

“or the Certifying Authority”.

- (5) Regulation 32(1), English text—

Repeal

“paragraph (b)”

Substitute

“subparagraph (b)”.

- (6) Regulation 32—

Repeal paragraph (2).

- (7) At the end of regulation 32—

Add

- “(3) A computerized, shore-based damage stability and residual structural strength calculation program must be made promptly accessible to an oil tanker of 5 000 tonnes deadweight and above.
- (4) For a ship to which Regulation 17 of Annex II also applies, the plan may be combined with the shipboard marine pollution emergency plan for noxious liquid substances required under that Regulation, and the plan must be entitled “Shipboard marine pollution emergency plan”.
- (5) In this regulation—
- Annex II* (《附則 II》) means Annex II to the International Convention for the Prevention of Pollution from Ships, 1973, including its protocols and appendices, as from time to time revised or amended by any revision or amendment that applies to Hong Kong.”.

45. Regulation 33 amended (preparation of emergency plan to be in accordance with guidelines)

Regulation 33—

Repeal

“the Organization”

Substitute

“IMO”.

46. Regulation 34 amended (requirement as to emergency plan)

Regulation 34(a)—

Repeal

everything after “the guidelines”

Substitute

“adopted by IMO for reporting incidents involving dangerous goods, harmful substances and/or marine pollutants;”.

47. Regulation 35 amended (power to inspect)

- (1) Regulation 35, heading, after “**inspect**”—

Add

“**specified Certificate, etc.**”.

- (2) Regulation 35(1)—

Repeal

“persons appointed by the Secretary for Transport and Housing”

Substitute

“a Government surveyor”.

- (3) Regulation 35(1)—

Repeal

“IOPP Certificate in the form prescribed by the Convention or HKOPP Certificate in a form prescribed in Schedule 1 hereto”

Substitute

“specified Certificate”.

- (4) Regulation 35(1)—

Repeal

“that certificate”

Substitute

“that Certificate”.

(5) Regulation 35(1)—

Repeal

“valid certificate”

Substitute

“valid specified Certificate”.

(6) Regulation 35(1)—

Repeal

“inspector”

Substitute

“Government surveyor”.

(7) Regulation 35(2)—

Repeal

“the Organization”

Substitute

“IMO”.

(8) Regulation 35(4)—

Repeal

“any person appointed as an inspector”

Substitute

“a Government surveyor”.

48. Regulation 35A added

After regulation 35—

Add

“35A. General power of Government surveyors to inspect, examine etc. ships

- (1) Despite regulation 35, any of the powers conferred by this regulation may be exercised for the purpose of ascertaining whether these Regulations have been or are 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 these Regulations 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 these Regulations;
- (f) take any measurements and photographs and make any recordings that the surveyor may reasonably require for the inspection, examination or investigation;
- (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 these Regulations; and
 - (ii) any other certificates, books or documents that the surveyor considers necessary for the inspection, examination or investigation; and

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- (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 regulation.
 - (4) If an inspection of a ship under paragraph (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 paragraph (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, require the surrender of the specified Certificate issued in respect of the ship to the Director.
 - (7) On receiving a notice under paragraph (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 paragraph (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 applicant, return the Certificate concerned to the applicant.”.

49. Regulation 36 amended (power to deny entry or detain)

- (1) Regulation 36(1)—

Repeal

“, he shall immediately report the matter to the Secretary for Transport and Housing and, if the Secretary”

Substitute

“and”.

- (2) Regulation 36(2)—

Repeal

“and (6)”.

- (3) Regulation 36(3)—

Repeal

everything before “immediately”

Substitute

“(3) If the Director denies the entry of a non-Hong Kong ship under paragraph (1) or detains it under paragraph (2), the Director must”.

50. Regulation 36A added

After regulation 36—

Add

“36A. Power to specify form

The Director may specify the form of a specified Certificate.”.

51. Regulation 37 amended (penalties)

- (1) Regulation 37(1)—

Repeal

everything before “the owner”

Substitute

“(1) If any requirement of these Regulations (other than regulation 12, 13 or 16) is not complied with in respect of a ship,”.

- (2) Regulation 37(2)—

Repeal

everything before “each”

Substitute

“(2) If any requirement of regulation 12, 13 or 16 is not complied with in respect of a ship, the owner and the master of the ship”.

- (3) Regulation 37(4)—

Repeal

everything after “by the owner”

Substitute

“or the master 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.”.

52. Regulation 38 added

After regulation 37—

Add

“38. Saving of Certificates and pending applications

- (1) An IOPP Certificate issued under these Regulations and in force immediately before the commencement date of the Amendment Regulation 2016 is taken as an International Oil Pollution Prevention Certificate issued in accordance with these Regulations as amended by the Amendment Regulation 2016.
- (2) A HKOPP Certificate issued under these Regulations and in force immediately before the commencement date of the Amendment Regulation 2016 is taken as a Hong Kong Oil Pollution Prevention Certificate issued in accordance with these Regulations as amended by the Amendment Regulation 2016.
- (3) If an application for an IOPP Certificate or a HKOPP Certificate has been made before the commencement date of the Amendment Regulation 2016 for which a decision is pending, the application is to be regarded as an application made under these Regulations as amended by the Amendment Regulation 2016.”.

53. Schedules 1 to 8 repealed

The following Schedules—

- (a) Schedule 1;
- (b) Schedule 2;
- (c) Schedule 3;
- (d) Schedule 4;

- (e) Schedule 5;
- (f) Schedule 6;
- (g) Schedule 7;
- (h) Schedule 8—

Repeal the Schedules.

54. “Director” substituted for “Certifying Authority”

The following provisions—

- (a) Regulation 4(1);
- (b) Regulation 21(4)—

Repeal

“Certifying Authority” (wherever appearing)

Substitute

“Director”.

55. “15 ppm” substituted for “百萬分之十五”

The following provisions, Chinese text—

- (a) Regulation 1(2), definition of 清潔壓載;
- (b) Regulation 1(2), definition of 過濾設備;
- (c) Regulation 12(2)(c);
- (d) Regulation 13(3)(b);
- (e) Regulation 14(5), (6)(b), (c) and (d) and (9);
- (f) Regulation 16(2)(b) and (3)(b)(iv) and (vi);
- (g) Regulation 30(2)—

Repeal

“百萬分之十五” (wherever appearing)

Substitute

“15 ppm”.

Anthony B. L. CHEUNG
Secretary for Transport and
Housing

18 April 2016

Explanatory Note

This Regulation amends the Merchant Shipping (Prevention of Oil Pollution) Regulations (Cap. 413 sub. leg. A) (*principal Regulations*) to give effect to certain changes made to Annex I (*MARPOL Annex I*) to the International Convention for the Prevention of Pollution from Ships, 1973 (*Convention*). The Regulation also provides for the transfer of power from the Secretary for Transport and Housing to the Director of Marine (*Director*) on operational and enforcement matters.

2. The Regulation amends and deletes some definitions in the principal Regulations. Examples of the deletions are *existing ship* and *new ship*. References to those ships are replaced with respective labels used in MARPOL Annex I. New definitions such as *recognized organization* and *specified Certificate* have been introduced.
3. The Regulation also provides that certain terms or expressions used follow the meaning as they appear in MARPOL Annex I.
4. New provisions have been introduced to provide for—
 - (a) the appointment of Government surveyors;
 - (b) the power of the Director to recognize organizations to perform certain functions; and
 - (c) reciprocal arrangements for the Director and a Convention country to survey ships and issue certain certificates on oil pollution prevention for ships.
5. The Regulation contains amendments to different surveys required under MARPOL Annex I that lead to the issue of certain certificates on oil pollution prevention for ships. To

reflect MARPOL Annex I, the provisions for the duration and cessation of the certificates are expanded in the Regulation.

6. Part III of the principal Regulations sets out requirements for the control of discharge of oil when ships are in operation. New regulations have been added to regulate certain oil tankers that are engaged in the transfer of oil cargo at sea (***STS operation***). A notification mechanism is built in for an STS operation. Special requirements are set out for the carriage or use of heavy grade oil in Antarctic area for Hong Kong ships.
7. Part IV of the principal Regulations imposes requirements on the construction of specific oil tankers and sets out the design standard for certain equipment installed on the tankers. Modelled on MARPOL Annex I, the Regulation imposes further technical requirements in the following aspects—
 - (a) segregated ballast tanks;
 - (b) double hull and double bottom requirements (with phasing-out arrangements);
 - (c) pump-room bottom protection;
 - (d) accidental oil outflow performance;
 - (e) intact stability;
 - (f) tanks for oil residue (sludge);
 - (g) pumping, piping and discharge arrangements;
 - (h) stability instrument; and
 - (i) shore-based damage stability and residual structural strength calculation program.

8. The Regulation confers general power on Government surveyors to inspect or examine ships within the waters of Hong Kong, and empowers the Director to specify the form in relation to certain certificates.
9. The Regulation provides for the saving of IOPP Certificates and HKOPP Certificates issued before its commencement.
10. The Regulation removes certain provisions from the principal Regulations that are obsolete or outdated. In line with MARPOL Annex I, the references to gross registered tonnage (GRT) for ships are replaced with the references to gross tonnage (GT). Similarly, the references to the deadweight of ships are amended from “tons” to “tonnes”.
11. Schedules 1 to 8 to the principal Regulations prescribe the forms and set out technical guidelines and specifications for certain equipment or systems required for ships. The Regulation repeals the Schedules as—
 - (a) the Director is empowered to specify forms; and
 - (b) reference is now made to provisions in MARPOL Annex I for the technical details.