

L.N. 45 of 2019

**Merchant Shipping (Prevention of Oil Pollution)
(Amendment) Regulation 2019**

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Part IIIA

Requirements for Ships Operating in Polar Waters

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Merchant Shipping (Prevention of Oil Pollution) (Amendment) Regulation 2019

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

1. Commencement

This Regulation comes into operation on 31 May 2019.

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 11.

3. Regulation 1 amended (citation and interpretation)

(1) Regulation 1(2)—

Add in alphabetical order

“*Polar Code* (《極地規則》) means the International Code for Ships Operating in Polar Waters, adopted by IMO Resolutions MSC.385(94) and MEPC.264(68), as from time to time revised or amended by any revision or amendment to any provision of such Code that applies to Hong Kong;”.

(2) After regulation 1(3)(a)—

Add

“(ab) Arctic waters;”.

(3) After regulation 1(3)(j)—

Add

“(ja) polar waters;”.

4. Regulation 3AA added

Before regulation 3A—

Add

“3AA. Director may delegate powers etc.

- (1) The Director may, in writing, delegate to a public officer or a class of public officers any of the Director’s powers, functions or duties under these Regulations.
- (2) The Director may, in writing, revoke a delegation under paragraph (1) at any time.
- (3) A delegation under paragraph (1) does not preclude the Director from exercising or performing at any time any delegated power, function or duty.”.

5. Regulation 3B amended (Director may recognize organizations to survey ships and issue certificates etc.)

After regulation 3B(b)—

Add

“(ba) making a statement of compliance in conformity with regulation 16G in an International Oil Pollution Prevention Certificate issued by the organization;”.

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

After regulation 12(2)(b)—

Add

“(ba) the ship is not within Arctic waters;”.

7. Regulation 13 amended (oil tankers)

After regulation 13(2)(b)—

Add

“(ba) the tanker is not within Arctic waters;”.

8. Regulation 14 amended (oil filtering equipment)

(1) Regulation 14(3)(a)(i)—

Repeal

“or”.

(2) After regulation 14(3)(a)(i)—

Add

“(ia) on voyages within Arctic waters; or”.

(3) Regulation 14(3)(a)(D), before “or (ii)”—

Add

“, (ia)”.

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

After regulation 15(5)(b)(ii)(A)—

Add

“(AB) on voyages within Arctic waters; or”.

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

(1) Regulation 16, heading, after “areas”—

Add

“or Arctic waters”.

(2) Regulation 16(2)(b)—

Repeal the full stop

Substitute a semicolon.

(3) After regulation 16(2)(b)—

Add

“(c) any discharge into the sea of oil or oily mixture from a Hong Kong ship in Arctic waters is prohibited.”.

11. Part IIIA added

After Part III—

Add

“Part IIIA

Requirements for Ships Operating in Polar Waters

16D. Interpretation of Part IIIA

In this Part—

applicable Polar requirements (適用極地規定), in relation to a ship, means the requirements set out in paragraph 1.2 of Chapter 1 of Part II-A of the Polar Code that are applicable to the ship;

statement of compliance (合規陳述) means a statement of compliance referred to in regulation 16G.

16E. Application of Part IIIA

This Part applies to a Hong Kong ship that—

- (a) is constructed on or after 1 January 2017; and
- (b) is—

- (i) a Category A ship, or Category B ship, as defined by section 2 of the Introduction of the Polar Code; or
- (ii) a Category A oil tanker, or Category B oil tanker, referred to in paragraph 1.2.3 of Chapter 1 of Part II-A of the Polar Code.

16F. Requirements for ships operating in polar waters

A ship must not operate in polar waters unless the International Oil Pollution Prevention Certificate in force in respect of the ship contains a statement of compliance.

16G. Statement of compliance

- (1) The Director may, on application by the owner of a ship, make a statement of compliance in the International Oil Pollution Prevention Certificate in force in respect of the ship certifying that the structure and arrangements of the ship comply with the applicable Polar requirements.
- (2) The Director may make a statement of compliance if satisfied, based on the result of a survey of the ship carried out in accordance with regulation 4, that the structure and arrangements of the ship comply with the applicable Polar requirements.

16H. Transitional provision

- (1) This regulation applies in relation to a ship—
 - (a) the International Oil Pollution Prevention Certificate in force in respect of which does not contain a statement of compliance; and
 - (b) the structure and arrangements of which comply with the applicable Polar requirements.

- (2) For the purposes of regulation 16F, the International Oil Pollution Prevention Certificate in force in respect of a ship is regarded as containing a statement of compliance until the earlier of the following—
- (a) the expiry of 3 months beginning on the date on which the Merchant Shipping (Prevention of Oil Pollution) (Amendment) Regulation 2019 comes into operation;
 - (b) a statement of compliance is made in the Certificate under regulation 16G.”.

Frank CHAN Fan
Secretary for Transport and
Housing

26 March 2019

Explanatory Note

This Regulation amends the Merchant Shipping (Prevention of Oil Pollution) Regulations (Cap. 413 sub. leg. A) mainly to implement the requirements under Chapter 1 of Part II-A of the International Code for Ships Operating in Polar Waters (*Polar requirements*) and give effect to the relevant amendments made to Annex I to the International Convention for the Prevention of Pollution from Ships, 1973.

2. The Polar requirements are—
- (a) oil or oily mixtures must not be discharged into the sea from Hong Kong ships in Arctic waters; and
 - (b) Hong Kong ships that are constructed on or after 1 January 2017 must not operate in polar waters unless certain structural requirements are complied with.