

**L.N. 46 of 2019**

**Merchant Shipping (Control of Pollution by Noxious  
Liquid Substances in Bulk) (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 (Control of Pollution by Noxious Liquid  
Substances in Bulk) Regulations amended**

The Merchant Shipping (Control of Pollution by Noxious  
Liquid Substances in Bulk) Regulations (Cap. 413 sub. leg. B)  
are amended as set out in sections 3 to 6.

**3. Regulation 1 amended (citation and interpretation)**

Regulation 1(2)—

**Add in alphabetical order**

“*Arctic waters* (北極水域) has the same meaning as in  
Annex II;

*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;

*polar waters* (極地水域) has the same meaning as in Annex II;”.

**4. Regulation 3A added**

After regulation 3—

**Add**

**“3A. No discharge of noxious liquid substance in Arctic waters**

A noxious liquid substance or a mixture containing any noxious liquid substance must not be discharged into the sea from a Hong Kong ship in Arctic waters.”.

**5. Regulation 16 amended (exceptions)**

Regulation 16—

**Repeal**

“Regulation 3 shall”

**Substitute**

“Regulations 3 and 3A do”.

**6. Regulation 28B added**

After regulation 28A—

**Add**

**“28B. Loading or carrying noxious liquid substance in polar waters**

(1) This regulation applies to a Hong Kong ship that—

- (a) is constructed on or after 1 January 2017;
  - (b) is a Category A ship, or Category B ship, as defined by section 2 of the Introduction of the Polar Code; and
  - (c) is a type 3 ship as defined by paragraph 2.1.2.3 of Chapter 2 of the IBC Code.
- (2) A ship operating in polar waters must not load in bulk or carry in bulk any noxious liquid substance mentioned in paragraph 2.1.3 of Chapter 2 of Part II-A of the Polar Code unless—
- (a) there is in force in respect of the ship an International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk, or IBC Code Certificate, covering the substance; and
  - (b) the loading and carriage is in accordance with the terms of that Certificate.”.

Frank CHAN Fan  
Secretary for Transport and  
Housing

26 March 2019

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### Explanatory Note

This Regulation amends the Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) Regulations (Cap. 413 sub. leg. B) to implement the requirements under Chapter 2 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 II to the International Convention for the Prevention of Pollution from Ships, 1973.

2. The Polar requirements are—
- (a) noxious liquid substances or mixtures containing any noxious liquid substances 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 and operating in polar waters must not load or carry certain noxious liquid substances unless certain conditions are complied with.