

L.N. 122 of 2020

**Merchant Shipping (Prevention of Air Pollution)
(Amendment) (No. 2) Regulation 2020**

(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 1 October 2020.

2. Merchant Shipping (Prevention of Air Pollution) Regulation amended

The Merchant Shipping (Prevention of Air Pollution) Regulation (Cap. 413 sub. leg. P) is amended as set out in sections 3 to 8.

3. Section 2 amended (interpretation)

(1) Section 2(1), definition of *special ship*—

Repeal paragraph (b)

Substitute

“(b) a Category A ship as defined by section 2 of the Introduction of the Polar Code;”.

(2) Section 2(1)—

Add in alphabetical order

“*electronic record book* (電子紀錄簿) means a device or system used for recording in electronic form the matters required to be recorded in an Ozone

Depleting Substances Record Book, or in other records kept on board a ship, under this Regulation;

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 the Code that applies to Hong Kong;”.

4. Section 11 amended (duty to maintain Record Book)

Section 11—

Repeal subsection (2)

Substitute

“(2) An electronic record book may be used for recording matters to be recorded in the Record Book only if the electronic record book is approved by the following authority after taking into account the guidelines developed by IMO—

- (a) for a Hong Kong ship—the Director; or
- (b) for a non-Hong Kong ship—an Administration.

(3) If the Record Book forms part of the electronic recording system of the ship mentioned in the pre-existing subsection (2) (*pre-existing system*), the provisions in Regulation 12.6 of Annex VI concerning an electronic recording system apply to the pre-existing system.

(4) In subsection (3)—

pre-existing subsection (2) (原有第(2)款) means subsection (2) as in force immediately before 1 October 2020.”.

Section 5

5. Section 14A amended (duty to keep records for certain diesel engines)

After section 14A(2)—

Add

“(2A) An electronic record book may be used for recording matters to be recorded in the record mentioned in subsection (2) only if the electronic record book is approved by the following authority after taking into account the guidelines developed by IMO—

- (a) for a Hong Kong ship—the Director; or
- (b) for a non-Hong Kong ship—an Administration.”.

6. Section 18 amended (change-over of fuel oil on entering or leaving SO_x Emission Control Area)

After section 18(4)—

Add

“(4A) An electronic record book may be used for recording matters to be recorded in the record mentioned in subsection (4) only if the electronic record book is approved by the following authority after taking into account the guidelines developed by IMO—

- (a) for a Hong Kong ship—the Director; or
- (b) for a non-Hong Kong ship—an Administration.”.

7. Section 31 amended (offences and penalties)

Section 31(2), after “11(2)”—

Add

“, 14A(2A), 18(4A)”.

8. Section 39 amended (duty to maintain Record Book)

Section 39—

Repeal subsection (2)

Substitute

- “(2) An electronic record book may be used for recording matters to be recorded in the Record Book only if the electronic record book is approved by the following authority after taking into account the guidelines developed by IMO—
- (a) for a Hong Kong ship—the Director; or
 - (b) for a non-Hong Kong ship—an Administration.
- (3) If the Record Book forms part of the electronic recording system of the ship mentioned in the pre-existing subsection (2) (*pre-existing system*), the provisions in Regulation 12.6 of Annex VI concerning an electronic recording system apply to the pre-existing system.
- (4) For subsection (3), the reference to an International Air Pollution Prevention Certificate in Regulation 12.6 of Annex VI is to be construed as a reference to such a certificate or a Hong Kong Air Pollution Prevention Certificate.
- (5) In subsection (3)—
- pre-existing subsection (2)* (原有第(2)款) means subsection (2) as in force immediately before 1 October 2020.”

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2020

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Frank CHAN Fan
Secretary for Transport and
Housing

9 June 2020

Explanatory Note

This Regulation amends the Merchant Shipping (Prevention of Air Pollution) Regulation (Cap. 413 sub. leg. P) to give effect to the revisions made to Annex VI to the International Convention for the Prevention of Pollution from Ships, 1973, by the International Maritime Organization Resolution MEPC.316(74). The revisions relate to—

- (a) the exemption for certain ships designed for operation in polar waters from certain regulations on energy efficiency; and
- (b) the use of electronic record books on ships.