

**L.N. 157 of 2022**

**Merchant Shipping (Prevention of Air Pollution)  
(Amendment) Regulation 2022**

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## **Merchant Shipping (Prevention of Air Pollution) (Amendment) Regulation 2022**

(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**

- (1) Subject to subsection (2), this Regulation comes into operation on 1 November 2022.
- (2) Sections 3(4) and (6), 5, 8, 9(5), 10, 14, 16(2), 18, 21(2), 25(2), (3), (4) and (5), 26(2), (3), (4) and (5), 27(2) and 30(2) and (3) come into operation on 1 January 2023.

### **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 31.

### **3. Section 2 amended (interpretation)**

- (1) Section 2(1), definition of *Attained EEDI*—  
**Repeal**  
“Regulation 20”  
**Substitute**  
“Regulation 22”.
- (2) Section 2(1), definition of *Required EEDI*—  
**Repeal**  
“Regulation 21”  
**Substitute**

“Regulation 24”.

- (3) Section 2(1), English text, definition of *Statement of Compliance*—

**Repeal the full stop**

**Substitute a semicolon.**

- (4) Section 2(1)—

**Repeal the definition of *Fuel Oil Consumption Reporting Compliance Statement*.**

- (5) Section 2(1)—

**Add in alphabetical order**

“*IAPPE Certificate* (IAPPE證書) means a certificate issued under section 58A;

*International Air Pollution Prevention Exemption Certificate for Unmanned Non-self-propelled (UNSP) Barges* (無人非自航駁船國際防止空氣污染免除證書) means—

- (a) an IAPPE Certificate;
- (b) an International Air Pollution Prevention Exemption Certificate for Unmanned Non-self-propelled (UNSP) Barges issued by a recognized organization; or
- (c) an International Air Pollution Prevention Exemption Certificate for Unmanned Non-self-propelled (UNSP) Barges issued by or under the authority of an Administration;

*UNSP barge* (無人非自航駁船) means an unmanned non-self-propelled (UNSP) barge as defined in Regulation 2 of Annex VI.”.

- (6) Section 2(1)—

**Add in alphabetical order**

**“attained annual operational CII** (達到的年度營運碳強度指標) means the value of the operational carbon intensity indicator of a ship determined in accordance with Regulations 26 and 28 of Annex VI;

**attained EEXI** (現有船舶達到的能效指數) means the value of the Energy Efficiency Existing Ship Index of a ship determined in accordance with Regulation 23 of Annex VI;

**Fuel Oil Consumption Reporting and Operational Carbon Intensity Compliance Statement** (遵行規定證明(耗油報告及營運碳強度)) means—

- (a) a Statement of Compliance; or
- (b) a document entitled “Statement of Compliance – Fuel Oil Consumption Reporting and Operational Carbon Intensity Rating”—
  - (i) issued by a recognized organization; or
  - (ii) issued by or under the authority of an Administration;

**operational carbon intensity rating** (營運碳強度評級) means a rating assigned to a ship—

- (a) based on the extent to which the attained annual operational CII of the ship deviates from the required annual operational CII of the ship; and
- (b) in accordance with Regulation 28 of Annex VI taking into account the guidelines developed by IMO;

**required annual operational CII** (要求的年度營運碳強度指標) means the target value of the attained annual operational CII of a ship determined in accordance with Regulations 26 and 28 of Annex VI;

*required EEXI* (現有船舶要求的能效指數) means the maximum value of the attained EEXI that is allowed for a ship determined in accordance with Regulation 25 of Annex VI;”.

(7) After section 2(2)—

**Add**

“(3) In this Regulation, in relation to a barge that does not have a master, a reference to the master is a reference to the operator of the barge.”.

**4. Section 6 amended (exception to section 5)**

After section 6(2)—

**Add**

“(3) A UNSP barge in respect of which an International Air Pollution Prevention Exemption Certificate for Unmanned Non-self-propelled (UNSP) Barges is in force is exempted from section 5(3).”.

**5. Section 6A amended (ships engaged in international voyages must have Fuel Oil Consumption Reporting Compliance Statements)**

(1) Section 6A, heading—

**Repeal**

“Fuel Oil Consumption Reporting Compliance Statements”

**Substitute**

“Fuel Oil Consumption Reporting and Operational Carbon Intensity Compliance Statements”.

(2) Section 6A(2)—

**Repeal**

“Fuel Oil Consumption Reporting Compliance Statement”



**Substitute**

“Fuel Oil Consumption Reporting and Operational Carbon Intensity Compliance Statement”.

**6. Section 21 amended (tanker carrying crude oil to have VOC Management Plan)**

Section 21—

**Repeal**

“Director”

**Substitute**

“Director, a recognized organization”.

**7. Section 28 amended (application of this Division)**

(1) Section 28(1)—

**Repeal**

“This”

**Substitute**

“Subject to subsection (2), this”.

(2) Section 28(1)(b)—

**Repeal**

“Regulation 20”

**Substitute**

“Regulation 22”.

**8. Part 2, Division 8A added**

Part 2, after Division 8—

**Add**

**“Division 8A—Energy Efficiency Existing Ship Index****29A. Application of this Division**

- (1) Subject to subsection (2), this Division applies to a ship—
  - (a) that is of 400 gross tonnage or above; and
  - (b) that belongs to one of the categories of ship referred to in Regulation 23 of Annex VI.
- (2) This Division does not apply to—
  - (a) a non-Chapter 4 ship;
  - (b) a ship that has a non-conventional propulsion system except for a cruise passenger ship or a LNG carrier; or
  - (c) a Category A ship as defined by section 2 of the Introduction of the Polar Code.

**29B. Requirement for attained Energy Efficiency Existing Ship Index**

- (1) An attained EEXI must be calculated for a ship.
- (2) After a ship has undergone a major modification, the attained EEXI must be calculated again for the ship.
- (3) If 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 EEXI of the ship must be less than or equal to the required EEXI 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.”.

**9. Section 30 amended (Ship Energy Efficiency Management Plan)**

- (1) Section 30(1)—

**Repeal**

“in subsection (2)”

**Substitute**

“in this section”.

- (2) Section 30(1)—

**Repeal**

“in respect of the ship”

**Substitute**

“in respect of the ship (*SEEM Plan*)”.

- (3) Section 30(2)—

**Repeal**

“The plan must be prepared in accordance with the guidelines that is issued by IMO”

**Substitute**

“The SEEM Plan must be developed and reviewed taking into account the guidelines developed by IMO”.

- (4) Section 30(3)—

**Repeal**

“the plan must be placed on board the ship no later than whichever is”

**Substitute**

“the SEEM Plan must be placed on board the ship no later than”.

- (5) After section 30(3)—

**Add**

“(4) For a ship of 5 000 gross tonnage or above, the SEEM Plan must include—

- (a) a description of the methodology that will be used to collect the consumption data of the ship;
  - (b) a description of the process that will be followed in reporting the consumption data to the Director or a recognized organization; and
  - (c) a confirmation regarding compliance with paragraphs (a) and (b) issued by the Director or a recognized organization taking into account the guidelines developed by IMO.
- (5) For a ship of 5 000 gross tonnage or above that belongs to one of the categories of ship referred to in Regulation 26.3 of Annex VI, the SEEM Plan must—
  - (a) include the information set out in Regulation 26.3.1 of Annex VI;
  - (b) include a confirmation regarding compliance with paragraph (a) issued by the Director or a recognized organization taking into account the guidelines developed by IMO; and
  - (c) be verified by the Director or a recognized organization and is subject to company audits taking into account the guidelines developed by IMO.
- (6) Subsection (7) applies to a ship that is—
  - (a) assigned an operational carbon intensity rating of “D” for 3 consecutive calendar years; or
  - (b) assigned an operational carbon intensity rating of “E” for any calendar year.
- (7) For a ship to which this subsection applies—
  - (a) a plan of corrective actions to achieve the required annual operational CII must be

developed taking into account the guidelines developed by IMO and be undertaken in respect of the ship;

- (b) the SEEM Plan of the ship must be reviewed to include the plan of corrective actions; and
- (c) the revised SEEM Plan must be submitted to the Director or a recognized organization for verification within 1 month after the attained annual operational CII is reported under section 30H(2).”.

**10. Part 2, Division 9B added**

Part 2, after Division 9A—

**Add**

**“Division 9B—Operational Carbon Intensity Indicator**

**30G. Application of this Division**

- (1) Subject to subsection (2), this Division applies to a ship—
  - (a) that is of 5 000 gross tonnage or above; and
  - (b) that belongs to one of the categories of ship referred to in Regulation 28.1 of Annex VI.
- (2) This Division does not apply to—
  - (a) a non-Chapter 4 ship; or
  - (b) a Category A ship as defined by section 2 of the Introduction of the Polar Code.

**30H. Attained annual operational carbon intensity indicator**

- (1) After the end of the year of 2023 and of each subsequent calendar year, the attained annual

operational CII of a ship must be calculated for the year using the consumption data collected in accordance with Division 9A and taking into account the guidelines developed by IMO.

- (2) The attained annual operational CII calculated for a year must be reported to the Director or a recognized organization within 3 months after the end of the year taking into account the guidelines developed by IMO.
- (3) The reporting required by subsection (2) must be done by electronic means in the form developed by IMO.”.

**11. Section 49 amended (tanker carrying crude oil to have VOC Management Plan)**

Section 49—

**Repeal**

“Director”

**Substitute**

“Director, a recognized organization”.

**12. Part 4 heading amended (IAPP Certificates, HKAPP Certificates, IEE Certificates and Statements of Compliance)**

Part 4, heading, after “IAPP Certificates”—

**Add**

“, IAPPE Certificates”.

**13. Section 58A added**

After section 58—

**Add**

**“58A. Issue of IAPPE Certificates**

- (1) Subject to subsections (3) and (4), the Director may, on application of the owner of a barge, issue an IAPPE Certificate in respect of the barge.
- (2) The application must be accompanied by the prescribed fee for the Certificate.
- (3) The Director must not issue an IAPPE Certificate in respect of the barge unless the Director is satisfied—
  - (a) if—
    - (i) no International Air Pollution Prevention Exemption Certificate for Unmanned Non-self-propelled (UNSP) Barges is in force in respect of the barge—that an initial survey of the barge has been carried out in accordance with section 80A; or
    - (ii) an International Air Pollution Prevention Exemption Certificate for Unmanned Non-self-propelled (UNSP) Barges is in force in respect of the barge—that a renewal survey of the barge has been carried out in accordance with section 80A; and
  - (b) on evidence of a declaration of survey forwarded under section 80A that the barge is a UNSP barge.
- (4) The Director must not issue an IAPPE Certificate in respect of the barge if the barge has any means (whether temporary or permanent) of generating exhaust gas emissions or other air pollutants.”.

**14. Section 60A amended (issue of Statements of Compliance)**

- (1) Section 60A(3)(a)—

**Repeal**

“or 30F(2)(b) or (3)(b)”

**Substitute**

“, 30F(2)(b) or (3)(b) or 30H(2)”.

- (2) Section 60A(3)(b)—

**Repeal**

“data”

**Substitute**

“matter”.

- (3) After section 60A(3)—

**Add**

“(3A) Despite subsection (3), the Director may not issue a Statement of Compliance in respect of a ship regarding compliance with section 30H(2) unless—

- (a) the Director is satisfied that the attained annual operational CII reported under section 30H(2) is calculated on the basis of the consumption data collected using the methodology mentioned in section 30(4)(a);
- (b) the Director has assigned an operational carbon intensity rating to the ship; and
- (c) if section 30(7) applies to the ship—that section has been complied with in respect of the ship.”.

- (4) Section 60A(4)—

**Repeal**

“in respect of a ship for a calendar year”

**Substitute**



“, or the attained annual operational CII reported under section 30H(2), in respect of a ship for a calendar year”.

**15. Section 61 amended (withdrawal of Certificates)**

Section 61(1)—

**Repeal**

“a specified Certificate”

**Substitute**

“a specified Certificate, an International Air Pollution Prevention Exemption Certificate for Unmanned Non-self-propelled (UNSP) Barges”.

**16. Section 62 amended (cancellation of Certificates etc.)**

(1) After section 62(1)(a)—

**Add**

“(ab) an International Air Pollution Prevention Exemption Certificate for Unmanned Non-self-propelled (UNSP) Barges;”.

(2) Section 62(1)(d)—

**Repeal**

“Fuel Oil Consumption Reporting Compliance Statement”

**Substitute**

“Fuel Oil Consumption Reporting and Operational Carbon Intensity Compliance Statement”.

**17. Section 64 amended (duration of Certificates)**

(1) Section 64(1)(b)—

**Repeal**

“and”.

- (2) After section 64(1)(b)—

**Add**

“(ba) an International Air Pollution Prevention Exemption Certificate for Unmanned Non-self-propelled (UNSP) Barges issued in respect of a barge is valid for such period as may be specified in the Certificate; and”.

- (3) After section 64(2)—

**Add**

“(2A) The period specified in an International Air Pollution Prevention Exemption Certificate for Unmanned Non-self-propelled (UNSP) Barges issued on the basis of an initial survey or renewal survey in respect of a barge must not exceed 5 years beginning on the date of completion of the survey.”.

**18. Section 64A amended (duration of Fuel Oil Consumption Reporting Compliance Statement)**

- (1) Section 64A, heading—

**Repeal**

“**Fuel Oil Consumption Reporting Compliance Statement**”

**Substitute**

“**Fuel Oil Consumption Reporting and Operational Carbon Intensity Compliance Statement**”.

- (2) Section 64A—

**Repeal**

“**Fuel Oil Consumption Reporting Compliance Statement**”

**Substitute**

“**Fuel Oil Consumption Reporting and Operational Carbon Intensity Compliance Statement**”.

**19. Section 68A added**

After section 68—

**Add**

**“68A. When International Air Pollution Prevention Exemption Certificate for Unmanned Non-self-propelled (UNSP) Barges ceases to be valid**

An International Air Pollution Prevention Exemption Certificate for Unmanned Non-self-propelled (UNSP) Barges issued in respect of a UNSP barge (being a Hong Kong ship) ceases to be valid if—

- (a) the barge is withdrawn from service and a notice to that effect has been given to the Director by the owner of the barge;
- (b) the barge is no longer a UNSP barge; or
- (c) the barge ceases to be registered in Hong Kong.”.

**20. Section 69 amended (International Energy Efficiency Certificates cease to be valid)**

(1) Section 69—

**Renumber the section as section 69(1).**

(2) Section 69(1)(b)—

**Repeal**

“or”.

(3) Section 69(1)(c)—

**Repeal the full stop**

**Substitute**

“; or”.

- (4) After section 69(1)(c)—

**Add**

“(d) the ship’s equipment, systems, fittings, arrangements or material covered by the survey leading to the issue of the International Energy Efficiency Certificate is altered without the prior approval of the Director.”.

- (5) After section 69(1)—

**Add**

“(2) Subsection (1)(d) does not apply if Regulation 3 of Annex VI applies in relation to the ship.”.

**21. Section 70 amended (form of Certificates etc.)**

- (1) Section 70, after “an International Energy Efficiency Certificate”—

**Add**

“, an International Air Pollution Prevention Exemption Certificate for Unmanned Non-self-propelled (UNSP) Barges”.

- (2) Section 70—

**Repeal**

“or a Fuel Oil Consumption Reporting Compliance Statement”

**Substitute**

“or a Fuel Oil Consumption Reporting and Operational Carbon Intensity Compliance Statement”.

**22. Section 71 amended (alteration of Certificates etc.)**

- Section 71(1), after “an IAPP Certificate,”—

**Add**

“an IAPPE Certificate,”.

**23. Section 72 amended (certified true copies of Certificates etc.)**

Section 72(1), after “an IAPP Certificate,”—

**Add**

“an IAPPE Certificate,”.

**24. Part 5, Division 2A added**

Part 5, after Division 2—

**Add**

**“Division 2A—Surveys in relation to IAPPE  
Certificates**

**80A. Initial surveys and renewal surveys**

- (1) An initial survey or renewal survey of a barge for the purposes of section 58A(3) is to be carried out by a Government surveyor.
- (2) The owner of the barge must provide the Government surveyor with the information and drawings in respect of the barge requested by the surveyor for the survey.
- (3) If, after having carried out an initial survey or renewal survey of the barge, the Government surveyor is satisfied that the barge is a UNSP barge, the surveyor must—
  - (a) make a declaration of survey to that effect; and
  - (b) forward the declaration to the Director.

**80B. Director may require additional survey**

- (1) The Director may, by written notice to the owner of a barge in respect of which an International Air Pollution Prevention Exemption Certificate for Unmanned Non-self-propelled (UNSP) Barges is issued, require an additional survey of the barge to be carried out by a Government surveyor within a reasonable period specified in the notice.
- (2) The additional survey may be general or partial as the Director thinks fit.
- (3) The Director may exercise the power under subsection (1) only if the Director has reasonable grounds to believe that the barge is no longer a UNSP barge.
- (4) On receiving a notice under subsection (1), the owner of the barge must cause an additional survey to be carried out.
- (5) The owner of the barge must provide the Government surveyor with the information and drawings in respect of the barge requested by the surveyor for the survey
- (6) If, after having carried out an additional survey of the barge, the Government surveyor is satisfied that the barge is a UNSP barge, the surveyor must—
  - (a) make a declaration of survey to that effect; and
  - (b) forward the declaration to the Director.”.

**25. Section 81 amended (initial surveys)**

- (1) Section 81(3)(b)(i)—

**Repeal**

“Regulation 20”

**Substitute**

“Regulation 22”.

- (2) After section 81(3)(b)(ii)—

**Add**

“(iiaa) (if the ship belongs to one of the categories of ship referred to in Regulation 23 of Annex VI) that an attained EEXI has been calculated for the ship;

(iiaab) (if the initial survey is carried out on or after 1 January 2023 and 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 EEXI of the ship is less than or equals to the required EEXI 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;”.

- (3) Section 81(3)(b)(ia)—

**Repeal**

“; and”

**Substitute a semicolon.**

- (4) Section 81(3)(b)(iii)—

**Repeal the full stop**

**Substitute**

“; and”.

- (5) After section 81(3)(b)(iii)—

**Add**

“(iv) (if the ship is of 5 000 gross tonnage or above and belongs to one of the categories of ship referred to in Regulation 26.3 of Annex VI) that the SEEM Plan includes the information set out in Regulation 26.3.1 of Annex VI.”.

**26. Section 82 amended (additional survey)**

(1) Section 82(3)(a)—

**Repeal**

“Regulation 20”

**Substitute**

“Regulation 22”.

(2) After section 82(3)(b)—

**Add**

“(baa) (if the ship belongs to one of the categories of ship referred to in Regulation 23 of Annex VI) that an attained EEXI has been calculated for the ship;

(baab) (if the additional survey is carried out on or after 1 January 2023 and 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 EEXI of the ship is less than or equals to the required EEXI 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;”.

(3) Section 82(3)(ba)—

**Repeal**

“; and”

**Substitute a semicolon.**



- (4) Section 82(3)(c)—

**Repeal the full stop**

**Substitute**

“; and”.

- (5) After section 82(3)(c)—

**Add**

“(d) (if the ship is of 5 000 gross tonnage or above and belongs to one of the categories of ship referred to in Regulation 26.3 of Annex VI) that the SEEM Plan includes the information set out in Regulation 26.3.1 of Annex VI.”.

**27. Section 85 amended (certificates etc. to be kept on board)**

- (1) Section 85(4)(a)—

**Repeal**

“a Fuel Oil Consumption Reporting Compliance Statement that is in force in respect of the ship”

**Substitute**

“all Fuel Oil Consumption Reporting Compliance Statements that are issued in respect of the ship within the past 5 years”.

- (2) Section 85(4)(a), after “Fuel Oil Consumption Reporting”—

**Add**

“and Operational Carbon Intensity”.

- (3) Section 85(4)(b)—

**Repeal**

“Statement”

**Substitute**

“Statements”.

**28. Section 85A added**

After section 85—

**Add**

**“85A. Certificate for UNSP barges to be kept on towing and pushing vessels**

- (1) This section applies to a UNSP barge that is engaged in a towing or pushing operation during an international voyage.
- (2) The following certificate in force in respect of the UNSP barge must be made available to the towing or pushing vessel during the towing or pushing operation—
  - (a) if the barge is exempted under section 6(3)—the International Air Pollution Prevention Exemption Certificate for Unmanned Non-self-propelled (UNSP) Barges; or
  - (b) otherwise—the International Air Pollution Prevention Certificate.
- (3) During the towing or pushing operation, the certificate mentioned in subsection (2)(a) or (b) must be kept on board the towing or pushing vessel.”.

**29. Section 89 amended (offences and penalties)**

- (1) After section 89(1)—

**Add**

- “(1A) If the requirement in section 85A(2) is contravened in respect of a UNSP barge, the owner and the operator of the barge each commits an offence.

(1B) If the requirement in section 85A(3) is contravened in respect of a towing or pushing vessel, the owner and the master of the vessel each commits an offence.”.

(2) Section 89(5)—

**Repeal**

“or the master” (wherever appearing)

**Substitute**

“, the master or the operator”.

**30. Section 95 amended (Director may recognize organizations to survey ships and issue certificates etc.)**

(1) After section 95(b)(i)—

**Add**

“(ia) International Air Pollution Prevention Exemption Certificates for Unmanned Non-self-propelled (UNSP) Barges;”.

(2) Section 95(b)(iv)—

**Repeal**

“Fuel Oil Consumption Reporting Compliance Statements”

**Substitute**

“Fuel Oil Consumption Reporting and Operational Carbon Intensity Compliance Statements”.

(3) After section 95(g)—

**Add**

“(ga) verifying or reviewing Ship Energy Efficiency Management Plans, or issuing confirmations or conducting company audits in relation to Ship Energy Efficiency Management Plans, for the purposes of section 30;”.

(4) Section 95(h)—

**Repeal**

“; and”

**Substitute a semicolon.**

(5) Section 95(i)—

**Repeal the full stop**

**Substitute**

“; and”.

(6) After section 95(i)—

**Add**

“(j) approving Volatile Organic Compounds Management Plans in respect of tankers.”.

**31. Section 97 amended (Director may at request of Convention countries survey non-Hong Kong ships and issue or endorse certificates)**

(1) Section 97—

**Renumber the section as section 97(1).**

(2) After section 97(1)—

**Add**

“(2) However, no certificate may be issued under subsection (1)(b)(i) in respect of a non-Hong Kong ship entitled to fly the flag of a country that is not a Convention country.”.

Frank CHAN Fan  
Secretary for Transport and  
Housing

24 June 2022

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## Explanatory Note

This Regulation amends the Merchant Shipping (Prevention of Air Pollution) Regulation (Cap. 413 sub. leg. P) (*principal Regulation*) to give effect to certain revisions made to Annex VI to the International Convention for the Prevention of Pollution from Ships, 1973 (*Annex VI*) by the International Maritime Organization Resolution MEPC.328(76).

2. Under the revised Annex VI, an unmanned non-self-propelled (UNSP) barge may be exempted from certain survey and certification requirements by applying for an International Air Pollution Prevention Exemption Certificate for Unmanned Non-self-propelled (UNSP) Barges (*Certificate*). The Regulation amends the principal Regulation to provide for—
  - (a) the issue of the Certificate by the Director of Marine (*Director*) and related surveys;
  - (b) the validity period of the Certificate;
  - (c) the requirement to keep the Certificate during a towing or pushing operation and related offences; and
  - (d) the powers exercisable by the Director and a Government surveyor in respect of the Certificate.
3. The amendments mentioned in paragraph 2 come into operation on 1 November 2022.
4. Under the revised Annex VI, a requirement of calculating and reporting the attained Energy Efficiency Existing Ship Index of a ship (*attained EEXI*) is applicable to certain existing ships specified in Annex VI. The Regulation amends the principal Regulation to provide for—

- (a) the time at which the attained EEXI must be calculated;
  - (b) the reporting of the attained EEXI in the initial survey or additional survey of a ship; and
  - (c) the requirement that the attained EEXI of a ship must be less than or equal to the value of the required Energy Efficiency Existing Ship Index allowed for the ship.
  
5. Under the revised Annex VI, a requirement of calculating and reporting the attained annual operational carbon intensity indicator of a ship (*attained annual operational CII*) is applicable to certain ships specified in Annex VI. The Regulation amends the principal Regulation to provide for—
  - (a) the calculation of the attained annual operational CII at the end of each calendar year;
  - (b) the reporting of the attained annual operational CII to the Director or an organization recognized by the Director under section 95 of the principal Regulation (*recognized organization*);
  - (c) the inclusion of certain information in relation to the operational carbon intensity indicator in the Ship Energy Efficiency Management Plan of a ship;
  - (d) the power of the Director and recognized organizations to assign an operational carbon intensity rating to a ship;
  - (e) the actions that a ship must take if it is assigned an operational carbon intensity rating of “D” for 3 consecutive calendar years or an operational carbon intensity rating of “E” for any calendar year; and

- (f) the conditions that must be met before a Statement of Compliance in relation to the attained annual operational CII may be issued in respect of a ship.
- 6. The amendments mentioned in paragraphs 4 and 5 come into operation on 1 January 2023.