

MERCHANT SHIPPING (REPORTING OF POLLUTION INCIDENTS) REGULATIONS
- CHAPTER 413C

Empowering section VerDate:30/06/1997

(Cap 413, section 3)*

[6 May 1987]

(L.N. 119 of 1987)

Note:

* These regulations were made under Article 3 of the Merchant Shipping (Prevention and Control of Pollution) Order 1987 (S.I. 1987/470 U.K.) as modified and extended to Hong Kong by the Merchant Shipping (Prevention and Control of Pollution) (Hong Kong) Order 1987 (S.I. 1987/664 U.K.). See sections 3 and 12(1)(b) of the Merchant Shipping (Prevention and Control of Pollution) Ordinance, enacted in 1990 (Cap 413).

REGULATION 1

Citation VerDate:30/06/1997

These regulations may be cited as the Merchant Shipping (Reporting of Pollution Incidents) Regulations.
(Enacted 1987)

REGULATION 2

Interpretation VerDate:05/11/1999

Adaptation amendments retroactively made - see 64 of 1999 s. 3

In these regulations, unless the context otherwise requires-

"discharge" means any release, howsoever caused, from a ship and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying; but does not include-

(a) dumping within the meaning of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter signed in London on 13 November 1972(a); or

(b) any release directly arising from the exploration, exploitation and associated off-shore processing of sea-bed mineral resources; or

(c) any release for the purposes of legitimate scientific research into pollution abatement or control;

"the IMDG Code" means the 1977 edition of the International Maritime Dangerous Goods Code published by the International Maritime Organization, as amended from time to time by any document which is considered by the Director to be relevant from time to time and is specified in a Merchant Shipping Notice; (64 of 1999 s. 3)

"in packaged form" means in an individual package or receptacle including a freight container or a portable tank or tank container or tank vehicle or shipborne barge or other cargo unit containing harmful

substances for shipment;

"marine pollutant" means a substance which is identified as a marine pollutant in the IMDG Code;

"Merchant Shipping Notice" means a notice described as such and issued by the Director; any reference to a particular Merchant Shipping Notice includes a reference to that Notice as amended or replaced from time to time by a subsequent Notice; (64 of 1999 s. 3)

"noxious liquid substance" has the same meaning as in regulation 1(2) of the Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) Regulations (Cap 413 sub. leg. B);

"oil" means petroleum in any form including crude oil, fuel oil, sludge and oil refuse and any refined petroleum products, other than petrochemicals which are noxious liquid substances;

"sea" (æµ·) includes any estuary or arm of the sea;

"ship" means a vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, hovercraft, submersibles, floating craft and also fixed or floating platforms except when they are actually engaged in exploration or exploitation of the sea-bed or associated off-shore processing of sea-bed mineral resources.

(37 of 1990 s. 12)

Note:

- (a) Cmnd. 5169.

REGULATION 3

Application VerDate:30/06/1997

These regulations apply to-

- (a) Hong Kong ships; and

(b) other ships while they are within the waters of Hong Kong.
(Enacted 1987)

REGULATION 4

Duty to report VerDate:30/06/1997

(1) The master of a ship involved in an incident at sea involving-

(a) an actual or probable discharge of oil, or of any noxious liquid substance carried in bulk resulting or likely to result from damage to the ship or its equipment, or made or likely to be made for the purpose of securing the safety of a ship or saving life at sea;

(b) an actual or probable discharge of a marine pollutant in packaged form from the ship; or

(c) an actual discharge during the operation of the ship of oil or any noxious liquid substance in excess of the quantity or instantaneous rate permitted under the relevant provision of Part 3 of the Merchant Shipping (Prevention of Oil Pollution) Regulations (Cap 413 sub. leg.) or Part II of the Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) Regulations (Cap 413 sub. leg.),

shall report the particulars of such an incident without delay and to the fullest extent possible in accordance with the requirements of regulation 5.

(2) In the event of a report from such a ship being incomplete or unobtainable, the owner shall, to the fullest extent practicable, make or complete the report required by paragraph (1).
(Enacted 1987)

REGULATION 5

Contents of reports VerDate:30/06/1997

The report or the initial report if there is more than one shall in every case include-

- (a) the identity of ship or ships involved;
- (b) the time, type and location of the incident;
- (c) the quantity and type of substance involved;
- (d) the assistance or salvage measures requested or being undertaken.

(Enacted 1987)

REGULATION 6

Supplementary reports VerDate:30/06/1997

Any person required under regulation 4(1) or (2) to make a report shall, if possible-

- (a) make such a supplementary report or reports as may be appropriate in the circumstances-
 - (i) supplementing the information contained in the initial report as necessary; and
 - (ii) providing information concerning further developments; and
- (b) comply as fully as possible with any request for additional information made by or on behalf of the government of a state whose interests may be affected by the incident.

(Enacted 1987)

REGULATION 7

Reporting procedures VerDate:30/06/1997

Reports shall be made by the fastest telecommunications channels available with the highest possible priority to the nearest coastal state.

(Enacted 1987)

REGULATION 8

Penalties VerDate:30/06/1997

(1) Any person who contravenes regulation 4 or 6 commits an offence and is liable-

- (a) on conviction upon indictment, to a fine of \$100000;
- (b) on summary conviction, to a fine of \$10000. (37 of 1990 s. 12)

(2) It shall be a defence for a person charged under this regulation to show that he took all reasonable precautions and exercised due diligence to avoid the commission of the offence.
(Enacted 1987)