

MERCHANT SHIPPING (CONTROL OF POLLUTION BY NOXIOUS LIQUID SUBSTANCES IN BULK) REGULATIONS
- CHAPTER 413B

Empowering section VerDate:30/06/1997

(Cap 413, Section 3)*

[6 May 1987]

(L.N. 118 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 and interpretation VerDate:05/11/1999

PART I

GENERAL

(1) These regulations may be cited as the Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) Regulations.

(2) In these regulations, except where the context otherwise requires-

"BCH Code" means the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (1993 Edition) published by IMO, as amended from time to time; (L.N. 186 of 1995)

"BCH Code Certificate" means a certificate of compliance with the BCH Code issued in accordance with the BCH Code Regulations;

"BCH Code Regulations" means the Merchant Shipping (BCH Code) Regulations (Cap 413 sub. leg.);

"Cargo Record Book" means a Cargo Record Book described in regulation 20;

"Category A substance" "Category B substance", "Category C substance" and "Category D substance" mean respectively any substance listed in column (a) of the table in Chapter 17 of the IBC Code and identified as falling into Category A, B, C or D as the case may be by an entry of "A", "B", "C" or "D" as the case may be in column (c) of that table; and any substance which is provisionally listed or class-approved as a Category A, B, C or D substance as the case may be; and a reference to any such substance shall include a reference to any mixture containing such substance, other than a residual mixture or a mixture which is itself a substance of another Category; (L.N. 186 of 1995)

"chemical tanker" means a ship constructed or adapted primarily to carry a cargo of noxious liquid substances in bulk and an oil tanker when carrying a cargo or part cargo of noxious liquid substances in bulk;

"class-approved" means, in relation to a substance of a particular category or a non-polluting substance-

(a) having been assessed as a substance falling into one of the classes of not otherwise specified substances listed in the Fourth Schedule and therein identified as a class of substances falling into that category or as a class of non-polluting substances as the case may be; and

(b) having had the assessment referred to in paragraph (a) approved by or on behalf of the Director or by or on behalf of the government of a state party to MARPOL 1973/78;

"clean ballast" means ballast carried in a tank which, since it was last used to carry a noxious liquid substance in bulk, has been thoroughly cleaned and the residues resulting therefrom have been discharged and the tank emptied in accordance with the appropriate requirements of these regulations;

"constructed" means, in relation to a ship, having its keel laid or being at a similar stage of construction; and "similar stage of construction" means the stage at which-

(a) construction identifiable with a specific ship begins; and

(b) assembly of that ship is commenced comprising at least 50 tonnes or 1 per cent of the estimated mass of all structural material, whichever is the less:

Provided that a ship which has been converted into a chemical tanker shall, irrespective of its date of construction, be treated as a chemical tanker constructed on the date on which such conversion commenced;

"Director" means the Director of Marine;

"high residue substance" means, in relation to a Category B or Category C substance, a substance identified in the ship's Procedures and Arrangements Manual as likely, due to its viscosity or melting point at its unloading temperature, to result in a residue quantity from any tank which exceeds, in the case of Category B substance 1 cubic metre or 1/3000 of the capacity of that tank or, in the case of a Category C substance 3 cubic metres or 1/1000 of the capacity of that tank, whichever is the greater;

"HKNLS Certificate" means a Hong Kong Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk issued under regulation 24 to a Hong Kong-trading ship;

"HKOPP Certificate" means a Hong Kong Oil Pollution Prevention Certificate issued pursuant to the Prevention of Oil Pollution Regulations;

"Hong Kong-trading" means operating within the waters of Hong Kong;

"IBC Code" means the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (1994 Edition) published by IMO, as amended from time to time; (L.N. 186 of 1995)

"IBC Code Certificate" means a certificate of compliance with the IBC Code issued in accordance with the IBC Code Regulations;

"IBC Code Regulations" means the Merchant Shipping (IBC Code) Regulations (Cap 413 sub. leg.);

"IMO" means the International Maritime Organization;

"IMO Standards" means the Standards for Procedures and Arrangements for the Discharge of Noxious Liquid Substances adopted by the Marine Environment Protection Committee of IMO by Resolution MEPC 18(22) on 5 December 1985;

"INLS Certificate" means an International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk issued under MARPOL 1973/78 and, in the case of a Hong Kong ship, in accordance with regulation 24;

"IOPP Certificate" means an International Oil Pollution Prevention Certificate issued in accordance with MARPOL 1973/78 and, in the case of a Hong Kong ship, pursuant to the Prevention of Oil Pollution Regulations;

"liquid substance" means a substance having a vapour pressure not exceeding 2.8 bar at a temperature of 37.8 degrees Celsius;

"MARPOL 1973/78" means the International Convention for the Prevention of Pollution from Ships, 1973, as amended (a);

"Marpol surveyor" means a surveyor appointed by the Director under regulation 2A or by or on behalf of the government of a state party to MARPOL 1973/78;

"Merchant Shipping Notice" means a Notice described as such, issued by the Director; and 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)

"nearest land" in relation to all land other than the part of Australia specified below, "from the nearest land" means from the nearest baseline from which the territorial sea of any territory is established in accordance with the Geneva Convention on the Territorial Sea and the Contiguous Zone 1958 (b); and in relation to the part of the north-eastern coast of Australia which lies between the points 11 degrees 00'S, 142 degrees 08'E and 24 degrees 42'S, 153 degrees 15'E,

"from the nearest land" means from the nearest of the straight lines joining consecutively the following points-11 degrees 00'S, 142 degrees 08'E; 10 degrees 35'S, 141 degrees 55'E; 10 degrees 00'S, 142 degrees 00'E; 9 degrees 10'S, 143 degrees 52'E; 9 degrees 00'S, 144 degrees 30'E; 13 degrees 00'S, 144 degrees 00'E; 15 degrees 00'S, 146 degrees 00'E; 18 degrees 00'S, 147 degrees 00'E; 21 degrees 00'S, 153 degrees 00'E and 24 degrees 42'S, 153 degrees 15'E;

"non-polluting substance" means a substance identified by an entry "III" in column (c) of Chapter 17 or 18 of the IBC Code or provisionally listed or class-approved as a non-polluting substance; (L.N. 186 of 1995)

"noxious liquid substance" means any substance listed in column

(a) of the table in Chapter 17 of the IBC Code (being a substance falling into category A, B, C or D) and any other liquid substance which is provisionally listed or class-approved as a category A, B, C or D substance; (L.N. 186 of 1995)

"oil tanker" means a ship constructed or adapted primarily to carry oil in bulk in its cargo spaces and includes a combination carrier when it is carrying a cargo or part cargo of oil in bulk;

"oil-like substance" means a substance listed in the Third Schedule or provisionally listed as an oil-like substance;

"Prevention of Oil Pollution Regulations" means the Merchant Shipping (Prevention of Oil Pollution) Regulations (Cap 413 sub. leg.);

"pre-washed" means washed in accordance with the relevant pre-wash procedures specified in the ship's Procedures and Arrangements Manual;

"Procedures and Arrangements Manual" means a manual complying with the requirements of regulation 19(1);

"provisionally listed" means, in relation to a substance of a particular category or a non-polluting substance or an oil-like substance, listed in Merchant Shipping Notice No. M. 1438 and therein identified as a substance falling into that category or as a non-polluting substance or as an oil-like substance as the case may be;

"reception facility" means a tank or similar facility provided at a port or place for the reception of residual mixtures or other liquid wastes containing noxious liquid substances;

"residual mixture" means, in relation to any category of noxious liquid substances, ballast water, tank washings or other mixtures containing residues of a noxious liquid substance of such category, but excludes clean ballast;

"sea" includes all waters navigable by sea-going ships;

"segregated ballast" means ballast water introduced into a tank which is permanently allocated to the carriage of ballast or to the carriage of ballast or cargoes other than oil or noxious liquid substances and which is completely separated from the cargo pumping and piping system and from the fuel oil pumping and piping system;

"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;

"Special Area" means the Baltic Sea area, the Black Sea area or the Antarctic area, defined as follows- (L.N. 186 of 1995)

"the Antarctic area" means the sea area south of the latitude 60 degrees S; (L.N. 186 of 1995)

"the Baltic Sea area" means the Baltic Sea with the Gulf of Bothnia, the Gulf of Finland and the entrance to the Baltic Sea bounded by the parallel of the Skaw in the Skagerrak at 57 degrees 44.8'N;

"the Black Sea area" means the Black Sea with the boundary between the Mediterranean and the Black Sea constituted by the parallel 41 degrees N;

"unassessed liquid substance" means a liquid substance which is neither a noxious liquid substance nor a non-polluting substance and is not oil as defined in the Prevention of Oil Pollution Regulations.

(37 of 1990 s. 12; L.N. 87 of 1992)

Note:

(a) Cmnd. 5748; the Convention was amended in 1978 (Cmnd. 7347) and by amendments adopted by the Marine Environment Protection Committee of the International Maritime Organization on 5 December 1985, 17 March 1989 and 30 October 1992. (L.N. 186 of 1995)

(b) Cmnd. 2511.

REGULATION 2

Application VerDate:30/06/1997

(1) These regulations apply to ships carrying in bulk noxious liquid substances or unassessed liquid substances.

(2) These regulations apply to Hong Kong ships wherever they may be and to other ships while they are in the waters of Hong Kong.
(Enacted 1987; L.N. 186 of 1995)

REGULATION 2A

Power of Director in respect of appointments and delegations VerDate:30/06/1997

(1) The Director may, in writing, appoint persons to be surveyors or Marpol surveyors for the purposes of these regulations.

(2) A surveyor or Marpol surveyor shall have such powers, functions and duties as are prescribed, respectively, in these regulations.

(3) The Director may, in writing, delegate to any public officer or class of public officers any of his powers, functions or duties under these regulations and may at any time revoke any such delegation.

(4) No delegation under paragraph (3) shall preclude the Director from exercising or performing at any time any power, function or duty so delegated.
(Enacted 1987)

REGULATION 2B

Fees VerDate:30/06/1997

Fees shall be payable in respect of surveys and other services provided under these regulations and, except in relation to a survey carried out by a surveyor other than a surveyor referred to in regulation 23(2)(a), shall be determined as prescribed by the Merchant Shipping (Fees) Regulations (Cap 281 sub. leg.) and, as respects the time involved, by reference to the hourly rate calculated in accordance with those regulations.
(Enacted 1987)

REGULATION 2C

Transitional VerDate:30/06/1997

Any INLS Certificate or equivalent certificate (in the case of a Hong Kong-trading ship) issued by the Director pursuant to Annex II to MARPOL 1973/78 prior to the commencement of these regulations shall be deemed for all purposes to be an INLS Certificate or HKNLS Certificate, as the case may be, issued under these regulations and shall have effect according to its terms.

(Enacted 1987)

REGULATION 3

Category A substances - discharge VerDate:30/06/1997

PART II

DISCHARGE AND WASHING OF TANKS

The discharge into the sea of a Category A substance is prohibited.

(Enacted 1987)

REGULATION 4

Category A - tank washing in all areas VerDate:30/06/1997

(1) A tank from which a Category A substance has been unloaded shall be washed before the ship leaves the port of unloading.

(2) The resulting tank washings should be discharged into a reception facility at that port and washing and discharge shall, subject to paragraph (5), continue until the washings at the point of discharge into the reception facility are at or below the level of concentration of-

(a) 0.1% by weight, or 0.01% by weight in the case where the substance in question is phosphorus (yellow or white), if the ship is not in a Special Area; or

(b) 0.05% by weight, or 0.005% by weight in the case where the substance in question is phosphorus (yellow or white), if the ship is in a Special Area. (L.N. 186 of 1995)

(3) After the tank washings at the point of discharge into the reception facilities reach a level of concentration at or below the prescribed concentration, discharge from the tank shall be continued until the tank is empty.

(4) The level of concentration of the Category A substance in the washings at the point of discharge shall be ascertained by analysis of samples taken at that point and verified by a Marpol surveyor or, where there is no Marpol surveyor at that port, by the master.

(5) Where a Marpol surveyor at the port of unloading, or where there is no Marpol surveyor at that port, the master, is satisfied that it is not practicable to measure such level of concentration without undue delay to the ship at that port, the requirements of paragraph (2) shall be sufficiently complied with if-

(a) the tank is pre-washed in accordance with the procedures specified for that tank and substance in the Procedures and Arrangements Manual; and

(b) the Marpol surveyor at the port of unloading or, where there is no Marpol surveyor at that port, the master, records in the Cargo Record Book that-

(i) the tank and its pumps and piping systems have been emptied; and

(ii) the pre-wash has been carried out in accordance with the pre-wash procedure approved for that tank and that substance in the ship's Procedures and Arrangements Manual; and

(iii) the tank washings resulting from such pre-wash have been discharged to a reception facility and the tank is empty. (Enacted 1987)

REGULATION 5

Category A residual mixtures - discharge VerDate:30/06/1997

(1) The discharge into the sea of a Category A residual mixture is prohibited except where all the following conditions are satisfied-

- (a) the effluent consists solely of water added to the tank after it has been emptied in accordance with regulation 4(3) or 4(5); and
- (b) the ship is proceeding at a speed of at least 7 knots in the case of a self-propelled ship or at least 4 knots in the case of a ship which is not self-propelled; and
- (c) the discharge is made below the water line; and
- (d) the discharge is made at a distance of not less than 12 nautical miles from the nearest land and in a depth of water of not less than 25 metres.

(2) Notwithstanding paragraph (1), any such discharge is prohibited in the Antarctic area.
(Enacted 1987; L.N. 186 of 1995)

REGULATION 6

Categories B and C substances - discharge VerDate:30/06/1997

The discharge into the sea of a Category B or Category C substance is prohibited.
(Enacted 1987)

REGULATION 7

Categories B and C - unloading in all areas VerDate:30/06/1997

Whenever a Category B substance or a Category C substance is unloaded, unloading shall if possible be carried out in accordance with the relevant provisions of the ship's Procedures and Arrangements Manual.

(Enacted 1987)

REGULATION 8

Categories B and C - tank washing outside Special Areas VerDate:30/06/1997

Where a Category B substance or a Category C substance is unloaded at a port which is not within a Special Area, then-

- (a) if it was impossible for unloading to be carried out as required by regulation 7 or to the satisfaction of a Marpol surveyor; or
- (b) in any case where the substance in question is a high residue substance, every tank from which such substance has been unloaded shall be pre-washed and the resulting tank washings shall be discharged into a reception facility at the port of unloading.
(Enacted 1987)

REGULATION 9

Category B - tank washing in Special Areas VerDate:30/06/1997

Where a Category B substance is unloaded at a port in a Special Area, every tank from which such substance has been unloaded shall be pre-washed and the resulting tank washings shall be discharged into a reception facility at the port of unloading unless-

- (a) unloading was carried out as required by regulation 7 or to the satisfaction of a Marpol surveyor; and
 - (b) the substance is not a high residue substance; and
 - (c) the residues are to be retained on board for discharge outside a Special Area.
- (Enacted 1987)

REGULATION 10

Category C - tank washing in Special Areas VerDate:30/06/1997

Where a Category C substance is unloaded at a port in a Special Area every tank from which such substance has been unloaded shall be pre-washed and the resulting tank washings shall be discharged to a reception facility at the port of unloading unless-

- (a) unloading was carried out as required by regulation 7 or to the satisfaction of a Marpol surveyor; and
 - (b) either-
 - (i) the substance is a Category C substance identified in the ship's Procedures and Arrangements Manual as likely to result in a residue quantity from any one tank which does not exceed 1 cubic metre or 1/3000 of the capacity of that tank, whichever is the greater; or
 - (ii) the substance is not a high residue substance and the residues are to be retained on board for discharge outside a Special Area.
- (Enacted 1987)

REGULATION 11

Categories B and C residual mixtures - discharge VerDate:30/06/1997

(1)The discharge into the sea of a Category B residual mixture or a Category C residual mixture is prohibited except where all the following conditions are complied with-

- (a) all relevant requirements of regulations 7 to 10 have been complied with;
- (b) the concentration of the substance in, and the rate of discharge of, the effluent is in accordance with the procedures and arrangements specified in respect of substances of the category in question in the ship's Procedures and Arrangements Manual;
- (c) the ship is proceeding at a speed of at least 7 knots in the case of a self-propelled ship or at least 4 knots in the case of a ship which is not self-propelled;
- (d) the discharge is made below the water line;

(e) the discharge is made at a distance of not less than 12 nautical miles from the nearest land and in a depth of water of not less than 25 meters; and

(f) (i) if the ship is in a Special Area and the substance in question is a Category B substance, the tank from which the discharge is made has been pre-washed (whether or not such pre-wash was required by regulation 9) in accordance with the procedure specified in the ship's Procedures and Arrangements Manual for the substance in question and the resulting tank washings have been discharged to a reception facility; or

(ii) if the ship is in a Special Area and the substance is a Category C substance the maximum quantity of the substance discharged from any one tank and its associated piping system does not exceed the maximum quantity approved in the ship's Procedures and Arrangements Manual for discharge of Category C substances in a Special Area.

(1A) Notwithstanding paragraph (1), any such discharge is prohibited in the Antarctic area. (L.N. 186 of 1995)

(2) Where a tank which contained a Category B or Category C residual mixture has been emptied by a discharge made in accordance with paragraph (1), water thereafter added to that tank may be discharged notwithstanding that the ship is not proceeding as required by paragraph

(1)(c), provided that all the other requirements of that paragraph are complied with. (Enacted 1987)

REGULATION 12

Category D substances - discharge VerDate:30/06/1997

The discharge into the sea of a Category D substance is prohibited. (Enacted 1987)

REGULATION 13

Category D residual mixtures - discharge VerDate:30/06/1997

(1) The discharge into the sea of a Category D residual mixture is prohibited except where-

(a) (i) the ship is proceeding on its way at a speed of at least 7 knots in the case of a self-propelled ship or at least 4 knots in the case of a ship which is not self-propelled;

(ii) the concentration of the substance in the effluent is not greater than one part of the substance to ten parts of water; and

(iii) the discharge is made at a distance of not less than 12 nautical miles from the nearest land; or

(b) the discharge is made in accordance with regulation 11 as it applies to Category C residual mixtures.

(2) Notwithstanding paragraph (1), any such discharge is prohibited in the Antarctic area. (Enacted 1987; L.N. 186 of 1995)

REGULATION 14

Unassessed liquid substance - discharge VerDate:30/06/1997

(1) The discharge into the sea of any unassessed liquid substance carried in bulk, or of a residual mixture containing any such substance, is prohibited except where-

- (a) the Director has given written approval to its carriage; and
- (b) any conditions relating to discharge subject to which that approval was given are complied with.

(2) Notwithstanding paragraph (1), any such discharge is prohibited in the Antarctic area. (Enacted 1987; L.N. 186 of 1995)

REGULATION 15

Clean and segregated ballast and non-polluting liquid substance - discharge VerDate:30/06/1997

Nothing in these regulations shall prohibit the discharge of clean ballast, segregated ballast or any non-polluting substance.

(Enacted 1987)

REGULATION 16

Emergency discharges VerDate:30/06/1997

Regulations 3, 5, 6 and 11 to 14 shall not apply to any discharge into the sea of a noxious liquid substance or unassessed liquid substance or mixture containing any such substance-

- (a) which is necessary for the purpose of securing the safety of a ship or saving life at sea; or
- (b) which results from damage to a ship or its equipment: Provided that-
 - (i) all reasonable precautions were taken after the occurrence of the damage or discovery of the discharge to prevent or minimize the discharge; and
 - (ii) neither the owner nor the master acted either with intent to cause damage, or recklessly and with knowledge that damage would probably result; or
- (c) where the substance or mixture in question is approved by the Director for use in combating specific pollution incidents in order to minimize the damage from pollution and the discharge is made with the approval of the Director or, if the discharge is to be made outside the waters of Hong Kong and in waters within the jurisdiction of any state, with the approval of the government of that state. (Enacted 1987)

REGULATION 17

Exemption - Categories A, B and C VerDate:30/06/1997

Notwithstanding the provisions of regulations 3 to 11 (both inclusive) any tank from which a Category A or Category B or Category C substance has been unloaded shall not be required to be washed and the resultant washings discharged before the ship leaves the port of unloading as required by those regulations if a Marpol surveyor at the port of unloading exempts the ship from those regulations on one of the following grounds-

- (a) the tank is to be reloaded with the same substance or another substance compatible with it and the tank will not be washed or ballasted before such reloading;
- (b) (i) the tank is neither to be washed nor ballasted at sea; and

(ii) the requirements for washing and discharge will be complied with in respect of that tank at another port; and

(iii) it has been confirmed in writing to the satisfaction of the Director, or if the port is not in Hong Kong, of the government or other proper authority of the state in which the port is situated, that an adequate reception facility will be available for the purpose at that other port; or

(c) the substance is one for which cleaning by ventilation is stated to be appropriate in the ship's Procedures and Arrangements Manual or is approved by the Director.
(Enacted 1987)

REGULATION 18

Oil-like substances VerDate:30/06/1997

Notwithstanding the provisions of regulations 6 to 13 (both inclusive) an oil-like substance may be carried on an oil tanker and discharged in accordance with regulation 13 of the Prevention of Oil Pollution Regulations:

Provided that-

(a) the ship complies with the requirements of those regulations applicable to product carriers as therein defined (oil tankers engaged in the trade of carrying oil other than crude oil);

(b) (i) where the substance in question is a Category C substance and the ship was constructed on or after 1 July 1986, it complies with the damage stability requirements for a Type 3 ship specified in the IBC Code; or

(ii) where the substance in question is a Category C substance and the ship is-

(A) a ship for which the building contract was placed on or after 2 November 1973 and which is engaged wholly or partly on voyages to ports or terminals under the jurisdiction of states parties to MARPOL 1973/78 other than the state in which the ship is registered; or

(B) a Hong Kong ship constructed on or after 1 July 1983 and engaged solely on voyages within the waters of Hong Kong, it complies with the damage stability requirements for a Type 3 ship specified in the BCH Code;

(c) the oil content meter in the ship's oil discharge and monitoring system required by regulation 15(3) of the Prevention of Oil Pollution Regulations is approved by the Director, or by or on behalf of the government or the state in which the ship is registered, for use in monitoring the concentration of the substance in question;

(d) the ship carries an IOPP Certificate or a HKOPP Certificate, in either case with the supplement thereto entitled "Record of Construction and Equipment for Oil Tankers"; and

(e) the IOPP Certificate or the HKOPP Certificate as the case may be is endorsed by the Director, or by or on behalf of the government of the state in which the ship is registered, to indicate that the ship may carry oil-like substances in conformity with regulation 14 of Annex II to MARPOL 1973/78 and the list in such endorsement of the oil-like substances which the ship is permitted to carry includes the substance in question.
(Enacted 1987)

REGULATION 19

Procedures and Arrangements Manual VerDate:30/06/1997

PART III

DOCUMENTS

(1) Every ship shall be provided with a Procedures and Arrangements Manual complying with the IMO Standards.

(2) Such manual shall be approved, in the case of a Hong Kong ship, by the Director or, in the case of a ship registered in a state party to MARPOL 1973/78, by or on behalf of the government of that state.

(3) A manual approved in accordance with paragraph (2) shall be deemed to comply with the IMO Standards.

(4) The Procedures and Arrangements Manual shall be kept on board the ship in such a place as to be readily available for inspection.

(5) The Procedures and Arrangements Manual shall-

(a) in the case of a Hong Kong ship, be in English;

(b) in the case of a Hong Kong-trading ship, be in English and Chinese; and

(c) in the case of any other ship, be in, or include a translation into, English or French.

(Enacted 1987)

REGULATION 20

Cargo Record Book VerDate:30/06/1997

(1) Every ship shall be provided with a Cargo Record Book in the form specified in Appendix IV to Annex II to MARPOL 1973/78, with such modifications, in the case of a Hong Kong-trading ship, as may be specified by the Director.

(2) Whenever any of the following operations takes place in respect of any noxious liquid substance a record of the operation shall be made in the Cargo Record Book in relation to each tank affected by the operation-

(a) loading of cargo;

(b) internal transfer of cargo;

(c) unloading of cargo;

(d) cleaning of cargo tanks;

(e) ballasting of cargo tanks;

(f) discharge of ballast from cargo tanks;

(g) disposal of residues to reception facilities;

(h) discharge of residues into the sea in accordance with regulation 5, 11, 13, 14 or 16;

(i) removal of residues by ventilation.

(3) In the event that any discharge of the kind referred to in regulation 16 of any noxious liquid substance or mixture containing such substance is made or occurs, an entry shall be made without delay in the Cargo Record Book stating the circumstances of, and the reason for, the discharge.

(4) The entries in the Cargo Record Book, in the case of a Hong Kong ship, shall be in English (and in addition, in the case of a Hong Kong-trading ship, in Chinese) and, in the case of any other ship, in an official language of the state in which the ship is registered and, where that language is neither English nor French, in English or French. Each entry shall be signed by the officer or officers in charge of the operation and each page shall be signed by the master.

(5) The Cargo Record Book shall be kept in such a place as to be readily available for inspection and, except in the case of unmanned ships under tow, shall be kept on board the ship. It shall be retained on board the ship for a period of 3 years after the last entry in it has been made.

(Enacted 1987)

REGULATION 21

Pumping arrangements VerDate:30/06/1997

PART IV

CONSTRUCTION AND EQUIPMENT

(1) In every ship constructed on or after 1 July 1986 the pumping and piping arrangements serving any tank designated for the carriage of a Category B substance or a Category C substance shall be such that, if the tank were filled with water and pumped out under favourable pumping conditions, the quantity of residue retained in the tank's associated piping and in the immediate vicinity of the tank's suction point would not exceed-

(a) in the case of a tank designated for the carriage of a Category B substance 0.1 cubic metres;
or

(b) in the case of a tank designated for the carriage of a Category C substance 0.3 cubic metres.

(2) In every ship constructed before 1 July 1986 the pumping and piping arrangements serving any tank designated for the carriage of a Category B substance or a Category C substance shall be such that if the tank were filled with water and pumped out under favourable pumping conditions-

(a) the quantity or residue retained in the tank's associated piping and in the immediate vicinity of the tank's suction point would not exceed-

(i) in the case of a tank designated for the carriage of a Category B substance 0.3 cubic metres;
or

(ii) in the case of a tank designated for the carriage of a Category C substance 0.9 cubic metres;
or

(b) until 2 October 1994 (on which date this sub-paragraph shall cease to have effect) the quantity of residue retained in the tank and its associated pumping system, when added to the surface residue assessment of the tank calculated in accordance with Appendix A to the IMO Standards would not exceed-

(i) in the case of a tank designated for the carriage of a Category B substance, 1 cubic metre or 1/3000 of the capacity of the tank, whichever is the greater; or

(ii) in the case of a tank designated for the carriage of a Category C substance, 3 cubic metres or 1/1000 of the capacity of the tank, whichever is the greater.

(3)The Director may exempt from any of the requirements of this regulation any ship which is so constructed and operated that-

(a) ballasting of cargo tanks is not required; and

(b) cargo tank washing is required only for the purposes of repair or dry docking, subject to such conditions as he thinks fit.

(4)An exemption granted in accordance with regulation 5A(6) or (7) of MARPOL 1973/78 by or on behalf of a state party to MARPOL 1973/78 to a ship registered in that state shall be treated as equivalent to an exemption granted by the Director.

(Enacted 1987)

REGULATION 22

Equipment and arrangements VerDate:30/06/1997

Every ship shall be provided with the equipment and arrangements identified in its Procedures and Arrangements Manual and, where such manual does not comply with regulation 19, with any other equipment and arrangements required to conform to the IMO Standards.

(Enacted 1987)

REGULATION 23

Survey requirements VerDate:01/07/2007

For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.

PART V

SURVEYS AND RELATED MATTERS

(1)The structure, equipment, systems, fittings, arrangements and materials of a ship shall be subjected to the following surveys-

(a) an initial survey before the INLS or HKNLS Certificate is issued for the first time, which shall include a complete examination of its structure, equipment, systems, fittings, arrangements and materials in so far as the ship is covered by these regulations; an initial survey shall be such as to ensure that the structure, equipment, systems, fittings, arrangements and materials comply with the applicable provisions of these regulations;

(b) a periodical survey at intervals not exceeding 5 years which shall be such as to ensure that the structure, equipment, systems, fittings, arrangements and materials comply with the applicable provisions of these regulations;

(c) a minimum of one intermediate survey during the period of validity of the INLS or HKNLS Certificate; in cases where only one such intermediate survey is carried out in any one certificate validity period, it shall be held not before 6 months prior to, nor later than 6 months after, the half-way date of the certificate's period of validity; intermediate surveys shall be such as to ensure that the equipment and associated pumps and piping systems comply with the applicable provisions of these regulations and are in good working order; a record of such surveys in the form appropriate to an intermediate survey included in the form entitled "Endorsement for Annual and Intermediate Surveys" set out in Appendix V of Annex II to MARPOL 1973/78 shall be endorsed by the surveyor on the INLS or HKNLS Certificate;

(d) an annual survey within 3 months before or after the anniversary date of the INLS or HKNLS Certificate which shall include a general examination to ensure that the structure, equipment, systems, fittings, arrangements and materials remain in all respects satisfactory for the service for which the ship is intended; a record of such survey in the form appropriate to an annual survey included in the form entitled "Endorsement for Annual and Intermediate Surveys" set out in Appendix V of Annex II to MARPOL 1973/78 shall be endorsed by the surveyor on the INLS or HKNLS Certificate;

(e) an additional survey, either general or partial according to the circumstances, shall be made when it has been determined under regulation 25(3) to be necessary, or whenever any important repairs or renewals are made; such a survey shall ensure that the necessary repairs or renewals have been effectively made, that the materials and workmanship of such repairs or renewals are satisfactory, and that the ship is fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment; a record of such survey shall be endorsed by the surveyor on the INLS or HKNLS Certificate, stating that on completion of the survey the ship complied with the relevant provisions of Annex II to MARPOL 1973/78.

(2) Every such survey shall be carried out by a surveyor appointed by the Director under regulation 2A or by the Secretary for Transport and Housing under section 5 of the Merchant Shipping (Safety) Ordinance (Cap 369), and application for such a survey shall be made by or on behalf of the owner to the Director. (64 of 1999 s. 3; L.N. 106 of 2002; L.N. 130 of 2007)

(3) In the case of a chemical tanker in respect of which a BCH Code Certificate or an IBC Code Certificate has been or is to be issued any initial, periodical, intermediate, annual or additional survey required by this regulation may be combined respectively with an initial, periodical, intermediate, annual or additional survey required by regulation 4 of the BCH Code Regulations or regulation 4 of the IBC Code Regulations as the case may be; and in such case references in paragraph (1)(a) to (e) to the INLS Certificate or HKNLS Certificate shall be construed as references to the BCH Code Certificate or IBC Code Certificate as the case may be.
(Enacted 1987)

REGULATION 24

Issue of INLS and HKNLS Certificates VerDate:01/07/1997

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

(1) Upon satisfactory completion of an initial or periodical survey the Director shall issue to a ship which complies with the relevant requirements of these regulations (except one to which a BCH Code Certificate or an IBC Code Certificate is to be issued)-

(a) in the case of a Hong Kong-trading ship, an HKNLS Certificate in a form specified by the Director; or

(b) in the case of any other ship, an INLS Certificate, in the form set out in Appendix V to Annex II to MARPOL 1973/78, and such Certificate shall be issued for a period not exceeding 5 years beginning on the date of completion of the survey in question.

(2) Where a chemical tanker in respect of which a BCH Code Certificate or an IBC Code Certificate has been or is to be issued, is so constructed, equipped and arranged that it would, but for the exception contained in paragraph (1), be entitled under that paragraph to an INLS Certificate or HKNLS Certificate covering substances other than those listed in the BCH Code or the IBC Code as the case may be, the Director shall, if the owner of the chemical tanker so requests, include in the BCH

Code Certificate or IBC Code Certificate as the case may be, provisions covering carriage of those substances by that chemical tanker.

(3) An INLS or HKNLS Certificate shall cease to be valid-

(a) if any survey required by regulation 23(1)(c) or (d) is not completed within the period specified for that survey; or

(b) if any survey required by regulation 23(1)(e) is not completed within such reasonable time as the surveyor may specify; or

(c) upon transfer of the ship to a non-Hong Kong registry. (64 of 1999 s. 3)

(4) In either of the cases specified in sub-paragraph (a) or (b) of paragraph (3) the owner shall deliver up the certificate issued in relation to the ship to the Director on demand.

(5) In the case of a ship which has transferred from registry in a state party to MARPOL 1973/78 to registry in Hong Kong the Director may, subject to such requirements as to survey or otherwise as he may think fit, if he is satisfied that, notwithstanding that the surveys were not carried out by a surveyor appointed as required by regulation 23(2)(a)-

(a) the ship has already been subjected to a satisfactory initial or periodical survey and to any intermediate, annual or additional surveys required; and

(b) the ship was issued by or on behalf of the government of that state with an INLS Certificate which would, but for the change of registry, have remained valid; and

(c) the condition of the ship and its equipment has been maintained in conformity with the provisions of these regulations; and

(d) since completion of the surveys referred to in sub-paragraph

(a) no change has been made in the structure, equipment, systems, fittings, arrangements and materials covered by those surveys without the sanction of the government of that state or of the Director, except by direct replacement, issue to that ship an INLS or HKNLS Certificate for a period to be determined by the Director, but expiring not later than the expiry date of the certificate referred to in sub-paragraph (b).

(6) The Director may request the government of a state party to MARPOL 1973/78 to survey a Hong Kong ship and, if that government is satisfied that the provisions of the convention are complied with, it shall issue, or authorize the issue of, an INLS Certificate to the ship.

(7) An INLS Certificate issued under paragraph (6)-

(a) shall contain a statement to the effect that it has been issued at the request of the Hong Kong Government; and

(b) shall have the same force and receive the same recognition as an INLS Certificate issued under paragraph (1).

(8) The Director may, at the request of the government of a state party to MARPOL 1973/78, survey a ship registered in that state and entitled to fly the flag of that state as if it were a Hong Kong ship and, if satisfied that the provisions of the convention are complied with, he shall issue an INLS Certificate to that ship; and such certificate shall contain a statement that it has been issued at the request of the government in question.

(9)The INLS or HKNLS Certificate, as the case may be, shall be kept on board the ship and shall be available for inspection at all reasonable times.
(Enacted 1987)

REGULATION 25

Maintenance of condition after survey VerDate:30/06/1997

(1)The condition of the ship and its equipment shall be maintained so as to conform to the provisions of these regulations.

(2)After any survey of the ship under regulation 23 has been completed, no change shall be made in the structure, equipment, systems, fittings, arrangements and materials covered by the survey, without the sanction of the Director, except by direct replacement.

(3)Whenever an accident occurs to a ship or a defect is discovered, either of which substantially affects the integrity of the ship or the efficiency or completeness of the equipment required by these regulations the master or owner of the ship shall report at the earliest opportunity to the Director, who shall, in the case of a Hong Kong ship, determine whether an additional survey is necessary. If the ship is in a port other than a port in Hong Kong the master or owner shall also report immediately to the appropriate authority of the government of the state in which the port is situated.
(Enacted 1987)

REGULATION 26

Equivalentents VerDate:30/06/1997

Where these regulations require that a particular fitting, material, appliance or apparatus should be fitted in a ship, the Director may allow any other fitting, material, appliance or apparatus to be fitted if he is satisfied that such fitting, material, appliance or apparatus is at least as effective as that required by these regulations.
(Enacted 1987)

REGULATION 27

Exemptions VerDate:30/06/1997

The Director may exempt any ship or class or description of ship from any of the requirements of these regulations, subject to such conditions as he may specify, and may alter or cancel any exemption so granted.
(Enacted 1987)

REGULATION 28

Prohibition on uncertificated carriage VerDate:30/06/1997

PART VI

OFFENCES AND PENALTIES

(1)No ship shall load in bulk or carry in bulk any Category A, B, C or D substance unless-

(a) (i) there is in force in respect of that ship a valid INLS Certificate or HKNLS Certificate or BCH Code Certificate or IBC Code Certificate, covering the substance in question or, where the substance is class-approved, the class in question;

(ii) the loading and carriage is in accordance with the terms of that Certificate; and

(iii) where the substance is class-approved, there is on board the ship documentary evidence of the assessment and approval referred to in sub-paragraphs (a) and (b) respectively of the definition of "class-approved" in regulation 1(2); or

(b) the substance is an oil-like substance and-

(i) there is in force in respect of the ship a valid IOPP Certificate or HKOPP Certificate with the endorsement specified in regulation 18(e) covering the substance in question; and

(ii) the loading and carriage is in accordance with the terms of that certificate and endorsement.

(2) No ship shall carry a class-approved non-polluting substance unless there is on board the ship documentary evidence of the assessment and approval referred to in sub-paragraphs (a) and (b) respectively of the definition of class-approved in regulation 1(2).

(3) No ship shall carry an unassessed liquid substance in bulk unless-

(a) either the Director, or the government of a state party to MARPOL 1973 / 78 with the concurrence of the Director, has given written permission for its carriage; and

(b) any conditions subject to which that permission was given are complied with.
(Enacted 1987)

REGULATION 29

Penalties VerDate:30/06/1997

(1) If in respect of any ship, there is a contravention of any of the requirements of these regulations, the owner and master of the ship each commits an offence and is liable-

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

(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 steps to ensure that the regulations were complied with.

(Enacted 1987)

REGULATION 30

Detention VerDate:30/06/1997

(1) The Director may, if he has reason to believe that a contravention of these regulations has occurred in respect of a ship, detain the ship. (37 of 1990 s. 12)

(2) Where a ship other than a Hong Kong ship is detained under paragraph (1), the Director shall immediately inform the consul or diplomatic representative of the State whose flag the ship is entitled to fly or the appropriate maritime authorities of that State.

(Enacted 1987)

SCHEDULE 1
(Repealed L.N. 186 of 1995) VerDate:30/06/1997

SCHEDULE 2
(Repealed L.N. 186 of 1995) VerDate:30/06/1997

SCHEDULE 3
OIL-LIKE SUBSTANCES VerDate:30/06/1997

[regulation 1(2)]

Category C substances

Aviation alkylates
Cycloheptane
Cyclohexane
Cyclopentane
p-Cymene
Diethylbenzene
Dipentene
Ethylbenzene
Ethylcyclohexane
Heptene (all isomers)
Hexane (all isomers)
Hexene (all isomers)
Isopropyl cyclohexane
Methyl cyclohexane
Nonane (all isomers)
Octane (all isomers)
Olefin mixtures (C5-C7)
Pentane (all isomers)
1-Phenyl-1-xylylethane
Propylene dimer
Tetrahydronaphthalene
Toluene
Xylenes

Category D substances

Alkyl (C9-C17) benzenes
Diisopropyl naphthalene
Dodecane (all isomers)
(L.N. 87 of 1992)

SCHEDULE 4
 CLASSES OF NOT OTHERWISE SPECIFIED (N.O.S.) SUBSTANCES* VerDate:30/06/1997

[regulation 1(2)]

| Substance | Pollution Category for operational discharge | Residual concentration (per cent by weight) | |
|---|---|--|----------------------|
| | | Outside special areas | Within special areas |
| Noxious liquid, N.F., (1) n.o.s. (trade name ..., contains ...) S.T.1, Cat. A | A | 0.1 | 0.05 |
| Noxious liquid, F., (2) n.o.s. (trade name ..., contains ...) S.T.1, Cat. A | A | 0.1 | 0.05 |
| Noxious liquid, N.F., (3) n.o.s. (trade name ..., contains ...) S.T.2, Cat. A | A | 0.1 | 0.05 |
| Noxious liquid, F., (4) n.o.s. (trade name ..., contains ...) S.T.2, Cat. A | A | 0.1 | 0.05 |
| Noxious liquid, N.F., (5) n.o.s. (trade name ..., contains ...) S.T.2, Cat. B | B | | |
| Noxious liquid, N.F., (6) n.o.s. (trade name ..., contains ...) S.T.2, Cat. B, mp greater than or equal to 15 °C | B | | |
| Noxious liquid, F., (7) B n.o.s. (trade name ..., contains ...) S.T.2, Cat. B | B | | |
| Noxious liquid, F., (8) B n.o.s. (trade name ..., contains ...) S.T.2, Cat. B, mp greater than or equal to 15 °C | B | | |
| Noxious liquid, N.F., (9) n.o.s. (trade name ..., contains ...) S.T.3, Cat. A | A | 0.1 | 0.05 |
| Noxious liquid, F., (10) n.o.s. (trade name ..., contains ...) S.T.3, Cat. A | A | 0.1 | 0.05 |
| Noxious liquid, N.F., (11) n.o.s. (trade name ..., contains ...) S.T.3, | | | |

| | |
|--|-----|
| Cat. B | B |
| Noxious liquid, N.F., (12) n.o.s. (trade name ..., contains ...) S.T.3, Cat. B, mp greater than or equal to 15 °C | B |
| Noxious liquid, F., (13) n.o.s. (trade name ..., contains ...) S.T.3, Cat. B | B |
| Noxious liquid, F., (14) n.o.s. (trade name ..., contains ...) S.T.3, Cat. B mp greater than or equal to 15 °C | B |
| Noxious liquid, N.F., (15) n.o.s. (trade name ..., contains ...) S.T.3, Cat. C | C |
| Noxious liquid, F., (16) n.o.s. (trade name ..., contains ...) S.T.3, Cat. C | C |
| Noxious liquid, (17) n.o.s. (trade name ..., contains ...) Cat. D D | |
| Noxious liquid, (18) n.o.s. (trade name ..., contains ...) App. III | III |

Key to Fourth Schedule:

* Where a cargo is assessed as falling within an n.o.s. class, the class including any cargo trade name with the principal component contributing to the pollution category must be provided in the shipping document.

N.F. : Flashpoint exceeding 60 oC (closed cup test)

F. : Flashpoint not exceeding 60 oC (closed cup test)

n.o.s. : not otherwise specified (L.N. 367 of 1992)

S.T. : Ship type when carried in a chemical tanker

Cat. : Pollution category

mp : Melting point

App. III : Appendix III of MARPOL 1973/78 Annex II (a "non-polluting" substance)
(L.N. 87 of 1992)