

# 海事處

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22 August 2013

To: Shipowners / Ship Managers / Ship Masters and Classification Societies

Dear Sir/Madam,

## **MARPOL Reporting Requirements**

Recently, this Administration has received several cases of alleged violation of MARPOL requirements on our Hong Kong Registered ships. This circular serves to remind the masters and the ship management companies of the reporting requirements for compliance with the MARPOL Convention.

Whenever an incident involves any discharge or probable discharge of oil or oily mixtures at sea, the master of the ship shall report the particulars of such incident without delay and to the fullest extent possible in accordance with the requirements of regulations. Details of relevant regulations concerning reporting under Cap.413 Merchant Shipping (Prevention and Control of Pollution) Ordinance are attached in Annex for your reference.

In the event of a discharge or likely discharge, this Administration recommends that ship management company should inform the local authority and Classification Society of the ship, seek legal advice or recommendations from local lawyer or P&I club whenever necessary. The management company should conduct a detailed investigation of the incident immediately and report to us with details/records of the irregularities on board. The company should also collect as much evidence as possible. Relevant evidence included but not limit to the followings:-

1. Relevant information, such as copy of the crew list, certificates and licences of the crew involved;
2. Photographs;
3. Copy of the logbooks, oil record book, data records, positioning charts, ship's drawings, instruction manuals, etc.;
4. Statement of witness including interview records, statements of facts, etc.;
5. Certified reports or self-declaration from the crew involved, etc.; and
6. Copy of the survey/inspection report of oily water separator, bilge, sludge and relevant system, if applicable.

Prosecution and/or other disciplinary actions would be taken if there is sufficient evidence to support a serious violation of the MARPOL requirements and contrary to Merchant Shipping (Prevention of Oil Pollution) Regulations.

In case the company wishes to repatriate the crew members involved after a serious incident, the company should arrange them to make a stop over in Hong Kong before returning home, so that our surveyors could obtain cautioned statements from them. Possible prosecution can only be processed with full co-operation of the company.

Should you have any questions, please feel free to contact our Senior Surveyor/Cargo Ships Safety Section at

Telephone Number: (852) 2852 4510

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Yours faithfully,

*No signature on website copy*

(S.H. Tse)  
Senior Surveyor/Cargo Ships Safety Section  
for Director of Marine

## Annex

### Relevant regulations concerning reporting under Cap.413 Merchant Shipping (Prevention and Control of Pollution) Ordinance

#### Cap.413A – Merchant Shipping (Prevention of Oil Pollution) Regulations

##### Regulation: 8 Responsibilities of owner and master

Remarks:

Adaptation amendments retroactively made-see 23 of 1998 s. 2

(1) The owner and master of every ship to which these Regulations apply shall each ensure that the condition of the ship and its equipment is maintained so as to comply with the relevant provisions of these Regulations.

(2) After any survey of a Hong Kong ship required by these Regulations has been completed, no material change shall be made in the structure, equipment, systems, fittings, arrangements or material subject to such survey without the approval of a Certifying Authority.

(3) Whenever an accident occurs to a Hong Kong ship or a defect is discovered, either of which affects the integrity of a ship or the efficiency or completeness of its equipment, it shall be reported by the master or (if the master fails to do so) the owner at the earliest opportunity to the Director who may cause investigations to be initiated to determine whether a survey by a surveyor is necessary and may in that event require such a survey to be carried out. If a ship is in a port (other than a port in the waters of Hong Kong) of a country which is a Party to the Convention the master or (if the master fails to do so) the owner shall, in addition, make such a report immediately to the appropriate authorities of the country in which the port is situated and the Director shall ascertain that such a report has been made. (23 of 1998 s. 2)

(4) (a) If an accident has occurred to or a defect has been discovered in or on any ship which is not a Hong Kong ship and which is for the time being in the waters of Hong Kong, and the accident or defect is such as to affect the integrity of the ship or the efficiency or completeness of its equipment, the owner or (if he fails to do so) the master shall make a report immediately to the Director and where appropriate to the authority responsible for issuing an IOPP Certificate to the ship;

(b) The owner or (if he fails to do so) the master shall report the results of any investigation or survey initiated by the authority responsible for issuing the IOPP Certificate to the ship to the Director, who may detain the ship until such a report has been made.

(c) If within a reasonable period the Director is not satisfied that a full and proper report has been made to the authority responsible for issuing an IOPP Certificate to the ship, or that the action taken is sufficient to restore the integrity of the ship or the efficiency or completeness of its equipment, he may take such steps as will ensure that the ship shall not sail until it can proceed to sea without presenting an unreasonable threat of harm to the marine environment. Without prejudice to any other action he may take, the Director may request the authority responsible for issuing an IOPP Certificate to the ship to carry out such surveys and inspections as he may consider to be necessary to establish that the condition of the ship is such that it can proceed to sea without presenting an unreasonable threat of harm to the marine environment.

##### Regulation: 31 Reports to be made in the event of a discharge or likely discharge

(1) This regulation applies to-

- (a) all ships within 200 miles of Hong Kong;
- (b) all Hong Kong ships within 200 miles of the nearest land;
- (c) all Hong Kong oil tankers when fully or partly laden; and
- (d) all Hong Kong ships of 10000 GRT and above.

(2) The master of a ship to which this regulation applies shall make reports in accordance with paragraphs (4) and (6) of this regulation whenever an incident involves any discharge or probable discharge of oil or oily mixtures as a result of damage to the ship or its equipment or for the purpose of securing the safety of the ship or saving life at sea.

In assessing the probability of a discharge, the master shall take into account-

- (a) the nature of the damage, failure or breakdown of the ship, machinery or equipment;
- (b) sea and wind state and traffic density in the area at the time and place of the incident.

(3) The master may make a report in cases of-

- (a) any damage, failure or breakdown which affects the safety of ships, such as collision, grounding, fire, explosion, structural failure, flooding or cargo shifting; and
- (b) any failure or breakdown of machinery or equipment which results in the impairment of the safety of

navigation, such as failure or breakdown of steering gear, propulsion plant, electrical generating system or essential shipborne navigational aids.

(4) (a) The master of a ship proceeding to enter the waters of Hong Kong shall make any report required by this regulation without delay, either directly through the owner or his agent, or through the coast radio station to the Director, not less than 12 hours prior to the expected arrival of the ship.

(b) The master of a Hong Kong ship more than 200 miles from Hong Kong shall make any report so required without delay to the nearest coastal State or to the coastal State which he considers to be most at risk from the actual or potential effects of the incident.

(5) The master's initial report shall contain the following particulars-

(a) name of ship, call sign, frequency or radio channel kept open;

(b) date and time of incident;

(c) position and extent of any pollution, including, if possible estimated amount and surface area of spill;

(d) present position of ship (if different from (c));

(e) if discharge is continuing, approximate rate of release;

(f) wind direction and speed, and condition of current or tide affecting spill movement;

(g) weather conditions and sea state in ship's present position;

(h) type of oil discharged;

(i) types and quantities of oils still on board and whether or not carried as cargo;

(j) type of ship, size, nationality and port of registry;

(k) ship's course, speed and destination, if proceeding on its way; (l) brief description of the incident, including damage sustained and the cause of any discharge;

(m) ability to transfer cargo or ballast or bunkers;

(n) any remedial action taken or intended to deal with any actual or potential pollution or to control the movement of the ship;

(o) forecast of likely movement and effect of pollution with estimated timing; and

(p) assistance which has been requested from or which has been provided by other ships or agencies.

(6) Following the initial report the master shall make a further report to the authority referred to in paragraph (4), containing the following particulars-

(a) position of ship at time of incident, if different from that at the time of the initial report;

(b) estimate of the quantities, concentrations and likely conditions of oils-

(i) discharged; and

(ii) likely to be discharged, from the ship;

(c) ship's course, speed and destination at time of incident, if different from that at the time of the initial report;

(d) all relevant information regarding the condition of the ship; and

(e) telegraphic address of the ship's operator, charterer and nearest local agent.

### **Cap.413B - Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) Regulations**

#### **Regulation: 25 Maintenance of condition after survey**

(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.

### **Cap.413C – Merchant Shipping (Reporting of Pollution Incidents) Regulations**

#### **Regulation: 4 Duty to report**

(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. A) or Part II of the Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) Regulations (Cap 413 sub. leg. B), 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).

#### **Regulation: 5 Contents of reports**

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.

#### **Regulation: 6 Supplementary reports**

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.

#### **Regulation: 7 Reporting procedures**

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

### **Cap.413D - Merchant Shipping (BCH Code) Regulations**

#### **Regulation: 6 Maintenance of conditions after survey**

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

(2) After any survey of the ship under regulation 4 has been completed, no change shall be made in the structure, equipment, 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 affects the safety or integrity of the ship, the safety of the crew or the efficiency or completeness of the equipment required by Part IV of the Control of Pollution by Noxious Liquid Substances Regulations, the master or owner of the ship shall report at the earliest opportunity to the Director, who shall determine whether an additional survey is necessary. If the ship is in a port of another State the master or owner shall also report immediately to the appropriate authority of the government of the State in which the port is situated.

### **Cap.413E - Merchant Shipping (IBC Code) Regulations**

#### **Regulation: 6 Maintenance of conditions after survey**

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

(2) After any survey of the ship under regulation 4 has been completed, no change shall be made in the structure, equipment, fittings, arrangements and materials covered by the survey, without the sanction of the Director, except by direct placement.

(3) Whenever an accident occurs to a ship or a defect is discovered, either of which affects the safety or integrity of the ship, the safety of the crew or the efficiency or completeness of the equipment required by Part IV of the Control of Pollution by Noxious Liquid Substances Regulations, the master or owner of the ship shall report at the earliest opportunity to the Director, who shall determine whether an additional

survey is necessary. If the ship is in a port of another State the master or owner shall also report immediately to the appropriate authority of the government of the State in which the port is situated.

### **Cap. 413H – Merchant Shipping (Safety) (Dangerous Goods and Marine Pollutants) Regulation**

#### **Section: 17 Reporting of incidents involving dangerous goods or marine pollutant**

(1) When an incident takes place involving the loss or likely loss overboard of packaged dangerous goods into the sea, the master, or other person having charge of the ship, shall report the particulars of such an incident without delay and to the fullest extent possible to the nearest coastal state. The report shall be based on the guidelines and general principles adopted by the IMO by resolution A.648(16).

(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 subsection (1).

(3) In the case of a ship involved in an accident at sea involving an actual or probable discharge of marine pollutant in packaged form from the ship, the reporting of the incident shall be made in accordance with the provision of the Merchant Shipping (Reporting of Pollution Incidents) Regulations (Cap 413 sub. leg. C).

### **Cap.413K – Merchant Shipping (Prevention of Pollution by Sewage) Regulation**

#### **Section: 24 Duty to report defects of ships, etc.**

(1) Where a serious accident occurs to, or a material defect is discovered in, a ship in respect of which an ISPP Certificate has been issued, the company or the master of the ship-

(a) shall immediately report the accident or defect to the Director; and

(b) where the ship is a Hong Kong ship that is in a port of any Convention country, shall immediately report the accident or defect to the appropriate authority of that country.

(2) On receiving a report under subsection (1)(a), the Director may, where the ship concerned is a Hong Kong ship, cause an investigation to be initiated and determine whether a survey is necessary.

### **Cap.413M – Merchant Shipping (Prevention of Air Pollution) Regulation**

#### **Section: 38 Duty to report**

(1) Where an accident occurs to, or a defect is discovered in, a specified ship, and the accident or defect substantially affects the efficiency or completeness of the equipment of the ship, the company and the master of the ship shall—

(a) where the ship is within the waters of Hong Kong, immediately report the accident or defect to the Director; or

(b) where the ship is a Hong Kong ship that is in a port of any Convention country outside Hong Kong, immediately report the accident or defect to the Director and the appropriate authority of that country.

(2) On receiving a report under subsection (1)(a), the Director may cause an investigation to be initiated for the purpose of determining whether any additional survey under section 13 is necessary.