

L.N. 128 of 2019

**Merchant Shipping (Prevention of Pollution by Garbage)
(Amendment) (No. 2) Regulation 2019**

(Made by the Secretary for Transport and Housing under sections 3
and 3A of the Merchant Shipping (Prevention and Control of
Pollution) Ordinance (Cap. 413))

1. Commencement

This Regulation comes into operation on 1 January 2020.

**2. Merchant Shipping (Prevention of Pollution by Garbage)
Regulation amended**

The Merchant Shipping (Prevention of Pollution by Garbage)
Regulation (Cap. 413 sub. leg. O) is amended as set out in
sections 3 to 6.

**3. Section 5 amended (discharge of garbage from ships outside
protected areas permitted in certain circumstances)**

Section 5(6)—

Repeal

everything after “residues” and before “Annex V”

Substitute

“that are not classified as harmful to the marine
environment according to appendix I to”.

**4. Section 6 amended (discharge of garbage from ships within
specified areas permitted in certain circumstances)**

Section 6(9), definition of *harmless special cargo residues*,
paragraph (b)—

Repeal

everything after “which” and before “Annex V”

Substitute

“are not classified as harmful to the marine environment according to appendix I to”.

5. Section 11 amended (Garbage Record Books)

(1) Section 11(3)—

Repeal paragraphs (b), (c) and (d)

Substitute

- “(b) the Book must record every discharge of garbage (whether into the sea or at a reception facility), and every completed incineration of garbage, in compliance with the applicable requirements in Regulations 10.3.1, 10.3.2, 10.3.3 and 10.3.4 of Annex V;
- (c) the Book must record every special discharge from a ship in compliance with the applicable requirements in Regulation 10.3.6 of Annex V; and
- (d) the Book must record every special discharge from a platform and an entry must be made of all of the following—
 - (i) the circumstances of, and the reasons for, the discharge;
 - (ii) the date and time of the discharge;
 - (iii) the location and, if known, the latitude and longitude, of the platform at the time of the discharge, and the water depth of the location;

Section 6

- (iv) the details of the garbage discharged, including the categories of the garbage and the estimated amount for each category in cubic metres;
- (v) the precautions taken to prevent or minimize the discharge.”.

(2) Section 11(3)—

Repeal paragraphs (e) and (f).

(3) Section 11—

Repeal subsection (4).

(4) Section 11(5), after “The Book”—

Add

“, and the receipts obtained from reception facilities,”.

(5) Section 11(5), English text—

Repeal

“in it”

Substitute

“in the Book”.

6. Section 12 amended (entries on special discharges be made)

Section 12(2)—

Repeal

everything after “book of the ship”

Substitute

“in compliance with the applicable requirements in Regulation 10.3.6 of Annex V.”.

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Frank CHAN Fan
Secretary for Transport and
Housing

8 October 2019

Merchant Shipping (Prevention of Pollution by Garbage) (Amendment) (No. 2)
Regulation 2019

Explanatory Note
Paragraph 1

L.N. 128 of 2019
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Explanatory Note

This Regulation amends the Merchant Shipping (Prevention of Pollution by Garbage) Regulation (Cap. 413 sub. leg. O) to give effect to certain amendments (including amendments relating to the record keeping obligations in a Garbage Record Book) made to Annex V to the International Convention for the Prevention of Pollution from Ships, 1973, by resolution MEPC.277(70) as has been adopted by the International Maritime Organization.