Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) (Amendment) Regulation 2018

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Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) (Amendment) Regulation 2018

(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 17 July 2018.

2. Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) Regulations amended

The Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) Regulations (Cap. 413 sub. leg. B) are amended as set out in sections 3 to 30.

3. Part I heading amended (general)

Part I, heading—
Repeal
“General”
Substitute
“Preliminary”.

4. Regulation 1 amended (citation and interpretation)

(1) Regulation 1(2), definition of BCH Code—
Repeal
everything after “Bulk”
Substitute
(2) Regulation 1(2)—

Repeal the definition of *BCH Code Certificate*

Substitute

“*BCH Code Certificate* (BCH Code Certificate) means a Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk as defined by regulation 1(2) of the BCH Code Regulations;”.

(3) Regulation 1(2)—

Repeal the definition of *chemical tanker*

Substitute

“*chemical tanker* (chemical tanker) has the same meaning as in Annex II;”.

(4) Regulation 1(2)—

Repeal the definition of *HKNLS Certificate*

Substitute

“*HKNLS Certificate* (HKNLS Certificate) means a certificate issued under regulation 24(1)(a);”.

(5) Regulation 1(2), definition of *IBC Code*—

Repeal everything after “Bulk”

Substitute
“的《國際散裝運輸危險化學品船舶構造和設備規則》(此
為“International Code for the Construction and
Equipment of Ships Carrying Dangerous Chemicals in
Bulk”之譯名)，而凡不時有對該規則作出任何修改或修
訂，而該等修改或修訂適用於香港，則以該規則經該等
修改或修訂的版本為準；”。

(6) 第 1(2) 條——
廢除國際散化規則證書的定義
代以

“國際散化規則證書 (IBC Code Certificate) 指國際散化
規則規例第 1(2) 條所界定的國際散裝運輸危險化學
品適裝證書；”。

(7) 第 1(2) 條——
(a) 廢除國際有毒液體物質證書的定義；
(b) 在未處——
加入

“INLS 證書 (INLS Certificate) 指根據第 24(1)(b) 條
發出的證書。”。

(8) 第 1(2) 條——
廢除液體物質的定義
代以

“液體物質 (liquid substance) 的涵義與《附則 II》中該詞
的涵義相同；”。

(9) 第 1(2) 條——
廢除防污公約騷船師的定義
代以

“防污公約騷船師 (Marpol surveyor) 指政府騷船師，或
獲公約國或其代表委任的騷船師；”。

“published by IMO, as from time to time revised or
amended by any revision or amendment that applies to
Hong Kong;”.

(6) Regulation 1(2)—
Repeal the definition of IBC Code Certificate
Substitute

“IBC Code Certificate (國際散化規則證書) means an
International Certificate of Fitness for the Carriage
of Dangerous Chemicals in Bulk as defined by
regulation 1(2) of the IBC Code Regulations;”.

(7) Regulation 1(2)—
Repeal the definition of INLS Certificate
Substitute

“INLS Certificate (INLS 證書) means a certificate issued
under regulation 24(1)(b);”.

(8) Regulation 1(2)—
Repeal the definition of liquid substance
Substitute

“liquid substance (液體物質) has the same meaning as in
Annex II;”.

(9) Regulation 1(2)—
Repeal the definition of Marpol surveyor
Substitute

“Marpol surveyor (防污公約騷船師) means a Government
surveyor or a surveyor appointed by or on behalf of
a Convention country;”.
(10) 第 1(2) 條——
廢除 有毒液體物質的定義
代以
“有毒液體物質 (noxious liquid substance) 的涵義與《附則 II》中該詞的涵義相同;”。

(11) 第 1(2) 條，中文文本，海、海域的定義——
廢除
“指所有海船均可航行的”
代以
“包括海船可航行的所有”。

(12) 第 1(2) 條——
(a) 貨物紀錄簿的定義；
(b) A 類物質、B 類物質、C 類物質及 D 類物質的定義；
(c) 定類的定義；
(d) 清潔壓載的定義；
(e) 建造的定義；
(f) 高殘餘量物質的定義；
(g) 香港防油污證書的定義；
(h) 國際海事組織標準的定義；
(i) 國際防油污證書的定義；
(j) 《1973/78 年防污公約》的定義；
(k) 商船公告的定義；
(l) 最近陸地的定義；
(m) 非污染物質的定義；
(n) 油輪的定義；

(10) Regulation 1(2)—
Repeal the definition of noxious liquid substance
Substitute
“noxious liquid substance (有毒液體物質) has the same meaning as in Annex II;”.

(11) Regulation 1(2), Chinese text, definition of 海、海域—
Repeal
“指所有海船均可航行的”
Substitute
“包括海船可航行的所有”.

(12) Regulation 1(2)—
(a) definition of Cargo Record Book;
(b) definition of Category A substance, Category B substance, Category C substance and Category D substance;
(c) definition of class-approved;
(d) definition of clean ballast;
(e) definition of constructed;
(f) definition of high residue substance;
(g) definition of HKOPP Certificate;
(h) definition of IMO Standards;
(i) definition of IOPP Certificate;
(j) definition of MARPOL 1973/78;
(k) definition of Merchant Shipping Notice;
(l) definition of nearest land;
(m) definition of non-polluting substance;
(n) definition of oil tanker;
(o) definition of oil-like substance;
(p) definition of Prevention of Oil Pollution Regulations;
(q) definition of pre-washed;
(r) definition of Procedures and Arrangements Manual;
(s) definition of provisionally listed;
(t) definition of reception facility;
(u) definition of residual mixture;
(v) definition of segregated ballast;
(w) definition of ship;
(x) definition of Special Area;
(y) definition of unassessed liquid substance—
Repeal the definitions.

(13) Regulation 1(2)—
Add in alphabetical order

“Administration (主管機關), in relation to a ship, means the government of any place outside Hong Kong whose flag the ship is entitled to fly;

Annex II (《附則II》) means Annex II to the Convention as from time to time revised or amended by any revision or amendment that applies to Hong Kong;

anniversary date (周年日期), in relation to a specified Certificate in force in respect of a ship, means the day and month of each year which corresponds to the date of expiry of the Certificate;

Convention (《公約》) means the International Convention for the Protection of Pollution from Ships, 1973, including its protocols and appendices, and Annex II (but no other Annex), as from time to time revised or amended by any revision or
Section 4

amendment to any provision of such Convention that applies to Hong Kong;

Convention country (公約國) means a country which is a party to the Convention;

Government surveyor (政府驗船師) means a person appointed under regulation 2A(1) to be a Government surveyor;

Hong Kong Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk (香港有毒液體物質證書) means—

(a) a HKNLS Certificate; or
(b) a Hong Kong Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk issued by a recognized organization;

In bulk (散裝) means directly and without intermediate form of containment in a tank forming an integral part of, or permanently located on, a ship;

International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk (國際有毒液體物質證書) means—

(a) an INLS Certificate;
(b) an International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk issued by a recognized organization; or
(c) an International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk issued by or under the authority of an Administration;

recognized organization (認可機構) means an organization recognized under regulation 2AB;
5. Regulation 1A added

After regulation 1—

Add

“1A. Interpretation: construction of ship

(1) For the purposes of these regulations, a ship is constructed if—

(a) its keel is laid; or

(b) it is at the stage at which—

(i) construction identifiable with the ship begins; and

(ii) its assembly has commenced comprising at least 50 tonnes, or 1% of the estimated mass of all structural material, whichever is less.

(2) Despite paragraph (1), a ship that has been converted into a chemical tanker is, irrespective of the date of construction, to be treated as a chemical tanker constructed on the date on which the conversion commenced.

(3) Paragraph (2) does not apply to a ship that has been converted if—

(a) the ship is constructed before 1 July 1986; and
6. 修訂第2條（適用範圍）
(1) 第2(1)條——
廢除
在“於”之後的所有字句
代以
“從事運輸散裝有毒液體物質的船舶。”。
(2) 在第2(2)條之後——
加入
“(3) 然而，凡船舶的註冊國不是公約國，而倘非因事故
該船舶不會在香港水域內，則本規例不得因該船舶
在香港水域內而對其適用。上述事故，指惡劣天
氣，或船東、船長或承租人（如有的話）均不能防
止的任何情況。
(4) 本規例不適用於——
(a) 軍艦；
(b) 海軍輔助船艦；或
(c) 由某政府擁有或營運並僅用於政府的非商業服
務用途的任何其他船舶。”。

7. 修訂第2A條（處長就委任及轉授的權力）
(1) 第2A(1)條——
Repeal
“surveyors or Marpol”
Substitute
“Government”.

(2) Regulation 2A—
Repeal paragraph (2).

8. Regulations 2AB, 2AC and 2AD added
After regulation 2A—
Add
“2AB. Director may recognize organizations to survey ships and issue certificates etc.

The Director may recognize an organization for—
(a) carrying out surveys of Hong Kong ships;
(b) issuing the following certificates in respect of Hong Kong ships—
   (i) International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk; or
   (ii) Hong Kong Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk;
(c) making endorsements on the Certificates referred to in subparagraph (b) that are issued by the organization in conformity with Regulation 9 of Annex II;
(d) with the prior written consent of the Director, granting extensions of the validity periods of the Certificates referred to in subparagraph (b) that are issued by the organization;

(e) altering any particulars contained in the Certificates referred to in subparagraph (b) that are issued by the organization;

(f) issuing certified true copies of the Certificates referred to in subparagraph (b) that are issued by the organization; and

(g) specifying any corrective actions which the organization considers necessary to be taken in respect of Hong Kong ships.

2AC. **Director may request Convention countries to survey Hong Kong ships and issue or endorse certificates**

The Director may request any Convention country—

(a) to carry out a survey of a Hong Kong ship on behalf of the Director in conformity with Annex II; and

(b) to do the following—

(i) issue an International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk in respect of the ship in conformity with Annex II; or

(ii) endorse on an International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk issued in respect of the ship in conformity with Annex II.
2AD. **Director may at request of Convention countries survey non-Hong Kong ships and issue or endorse certificates**

The Director may, at the request of any Convention country—

(a) cause a non-Hong Kong ship that is within the waters of Hong Kong to be surveyed under Part V as if the ship were a Hong Kong ship; and

(b) do the following—

(i) issue an INLS Certificate in respect of the ship under Part V as if the ship were a Hong Kong ship; or

(ii) endorse on an International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk issued in respect of the ship in conformity with Annex II.”.


(1) Regulation 2B—

Repeal
everything after “provided” and before “shall be determined”

Substitute
“by the Director or a Government surveyor under these regulations and”.

(2) Regulation 2B—

Repeal
“(Fees) Regulations (Cap. 281 sub. leg.)”

Substitute
（2018年商船（控制散装有毒液體物質污染）（修訂）規例）

2018年第92號法律公告

第10條

“《商船（防止及控制污染）（費用）規例》（第413章，附屬法例L）”。

(3) 第2B條，英文文本——

廢除

“those regulations”

代以

“the Regulation”。

10. 廢除第2C條（過渡條文）

第2C條——

廢除該條。

11. 取代第3條

第3條——

廢除該條

代以

“3. 有毒液體物質殘餘物排放控制

(1) 凡船舶排放有毒液體物質或壓載水、洗艙水或其他

含有該等物質的混合物的殘餘物，則該項排放控制

須符合《附則II》第13條的規定。

(2) 為確保《附則II》第13條的規定獲符合，有關排放

須按照該條由防污公約驗船師核查。

(3) 在第(1)款中——

殘餘物（residue）的涵義與《附則II》中該詞的涵義相同。”。

Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk)
(Amendment) Regulation 2018

L.N. 92 of 2018

Section 10

“(Prevention and Control of Pollution) (Fees) Regulation
(Cap. 413 sub. leg. L)”.

(3) Regulation 2B, English text—

Repeal

“those regulations”

Substitute

“the Regulation”.

10. Regulation 2C repealed (transitional)

Regulation 2C—

Repeal the regulation.

11. Regulation 3 substituted

Regulation 3—

Repeal the regulation

Substitute

“3. Control of discharges of residues of noxious liquid

substances

(1) The control of discharges of residues of noxious

liquid substances or ballast water, tank washings or

other mixtures containing the substances from a ship

must comply with Regulation 13 of Annex II.

(2) The discharges are subjected to verification by a

Marpol surveyor in accordance with Regulation 13

of Annex II with a view to ensuring the compliance

with that Regulation.

(3) In paragraph (1)—

residue (殘餘物) has the same meaning as in Annex II.”.
12. Regulations repealed

Regulations 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15—

Repeal the regulations.

13. Regulation 16 amended (emergency discharges)

(1) Regulation 16, heading—

Repeal
“Emergency discharges”

Substitute
“Exceptions”.

(2) Regulation 16—

Repeal
“Regulations 3, 5, 6 and 11 to 14”

Substitute
“Regulation 3”.

(3) Regulation 16—

Repeal
“unassessed liquid substance or mixture containing any such substance”

Substitute
“mixture containing any such substance from a ship”.

(4) Regulation 16(a) and (b)—

Repeal
“a ship”

Substitute
“the ship”.
14. Regulations 17 and 18 repealed
   Regulations 17 and 18—
   Repeal the regulations.

15. Regulation 19 amended (Procedures and Arrangements Manual)
   (1) Regulation 19(1)—
       Repeal
       “complying with the IMO Standards”
       Substitute
       “that complies with Regulation 14 of Annex II”.
   (2) Regulation 19—
       Repeal paragraphs (2) and (3).
   (3) Regulation 19(4), after “inspection”—
       Add
       “at all reasonable times”.
   (4) Regulation 19—
       Repeal paragraph (5).

16. Regulation 20 amended (Cargo Record Book)
   (1) Regulation 20(1)—
       Repeal
       everything after “Book”
       Substitute
       “that complies with Regulation 15.1 of Annex II.”.
   (2) Regulation 20—
       Repeal paragraph (2)
       Substitute
 Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) (Amendment) Regulation 2018

“20A. Shipboard marine pollution emergency plan for noxious liquid substances

(1) A ship of 150 gross tonnage or above must carry on board a shipboard marine pollution emergency plan for noxious liquid substances that complies with Regulation 17 of Annex II.

(2) The plan must be kept on board the ship and must be readily available for inspection at all reasonable times.”.
“21. Pumping and piping arrangements
The pumping and piping arrangement of a ship must comply with the applicable requirements under Regulation 12 of Annex II.”.

19. Regulation 22 amended (equipment and arrangements)
Regulation 22—
Repeal
everything after “in”
Substitute
“the Procedures and Arrangements Manual relating to the ship that is required to be provided under regulation 19.”.

20. Regulation 23 amended (survey requirements)
(1) Regulation 23(1)(a)—
Repeal
everything before “; an”
Substitute
“(a) an initial survey before the ship is put in service or before the specified Certificate is issued in respect of the ship for the first time”.
(2) Regulation 23(1)(a)—
Repeal
“comply with the applicable provisions of these regulations”
Substitute
“fully comply with the applicable provisions of Annex II”.
(3) Regulation 23(1)(b)—
Repeal
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(4) Regulation 23(1)(b)—

Repeal
“comply with the applicable provisions of these regulations”

Substitute
“fully comply with the applicable provisions of Annex II”.

(5) Regulation 23(1)(c)—

Repeal
everything before “; intermediate”

Substitute
“(c) an intermediate survey within the period commencing 3 months before and ending 3 months after the second anniversary date of the specified Certificate issued in respect of the ship or within the period commencing 3 months before and ending 3 months after the third anniversary date of the specified Certificate issued in respect of the ship”.

(6) Regulation 23(1)(c)—

Repeal
“comply with the applicable provisions of these regulations”

Substitute
“fully comply with the applicable provisions of Annex II”.

(7) Regulation 23(1)(c)—

Repeal
“處船師在國際有毒液體物質證書或香港有毒液體物質證書上批註，該紀錄須採用包括在列於《1973/78 年防污公約》附件 II 附錄 V”
代以
“有關處船師在指明證書上簽註，該紀錄須採用包括在列於《附則 II》附錄 3”。
(8) 第 23(1)(d) 條——
廢除
在“保持”之前的字句
代以
“(d) 年度檢驗：在就該船舶發出的指明證書的每個周年日期之前 3 個月開始，並在該周年日期之後 3 個月完結的期間內進行，該項檢驗須包括對(a) 段所述的結構、設備、系統、裝置、安排及材料作一般檢查，以確保已按照第 25 條保持該等項目的狀況，並確保該船舶擬作的服務而言，該等項目均已”。
(9) 第 23(1)(d) 條——
廢除
“處船師在國際有毒液體物質證書或香港有毒液體物質證書上批註，該紀錄須採用包括在列於《1973/78 年防污公約》附件 II 附錄 V”
代以
“有關處船師在指明證書上簽註，該紀錄須採用包括在列於《附則 II》附錄 3”。
(10) 第 23(1)(e) 條——
廢除
在“質量”之後的所有字句
代以
“V of Annex II to MARPOL 1973/78 shall be endorsed by the surveyor on the INLS or HKNLS”
Substitute
“3 to Annex II must be endorsed by the surveyor on the specified”.
(8) Regulation 23(1)(d)—
Repeal
everything after “within” and before “satisfactory”
Substitute
“the period commencing 3 months before and ending 3 months after each anniversary date of the specified Certificate issued in respect of the ship which is to include a general inspection of the structure, equipment, systems, fittings, arrangements and materials referred to in subparagraph (a) to ensure that they have been maintained in accordance with regulation 25 and that they remain”.
(9) Regulation 23(1)(d)—
Repeal
“V of Annex II to MARPOL 1973/78 shall be endorsed by the surveyor on the INLS or HKNLS”
Substitute
“3 to Annex II must be endorsed by the surveyor on the specified”.
(10) Regulation 23(1)(e)—
Repeal
everything after “such repairs or renewals are”
Substitute
“in all respects satisfactory, and that the ship complies in all respects with the requirements of Annex II.”.

(11) Regulation 23—
Repeal paragraph (2)
Substitute
“(2) If an intermediate survey of the ship has been carried out by reference to an anniversary date, the annual survey of the ship by reference to the anniversary date for the relevant year is not required to be carried out.”.

(12) Regulation 23(3)—
Repeal
“periodical“(wherever appearing)
Substitute
“renewal”.

(13) Regulation 23(3)—
Repeal
“INLS Certificate or HKNLS”
Substitute
“specified”.

21. Regulation 24 amended (issue of INLS and HKNLS Certificates)

(1) Regulation 24, Chinese text, heading—
Repeal
“國際有毒液體物質證書及香港有毒液體物質”
Substitute
“INLS 證書及 HKNLS”.

21. 修正第 24 條 ( 發出國際有毒液體物質證書及香港有毒液體物質證書 )

(1) 第 24 條，中文文本，標題——
廢除
“國際有毒液體物質證書及香港有毒液體物質”
代以
“INLS 證書及 HKNLS”。

(11) 第 23 條——
廢除第 (2) 款
代以
“(2) 如已参照某周年日期對船舶進行期間檢驗，則該船舶無須參照有關年份中的該周年日期進行年度檢驗。”。

(12) 第 23(3) 條——
廢除
所有 “定期”
代以
“換證”。

(13) 第 23(3) 條——
廢除
“國際有毒液體物質證書或香港有毒液體物質”
代以
“指明”。

(11) Regulation 23—
Repeal paragraph (2)
Substitute
“(2) If an intermediate survey of the ship has been carried out by reference to an anniversary date, the annual survey of the ship by reference to the anniversary date for the relevant year is not required to be carried out.”.

(12) Regulation 23(3)—
Repeal
“periodical“(wherever appearing)
Substitute
“renewal”.

(13) Regulation 23(3)—
Repeal
“INLS Certificate or HKNLS”
Substitute
“specified”.

21. Regulation 24 amended (issue of INLS and HKNLS Certificates)
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(2) Regulation 24(1)—
Repeal
“of an initial or periodical survey”
Substitute
“by a Government surveyor of an initial or renewal survey under regulation 23,”.

(3) Regulation 24(1)—
Repeal
“these regulations”
Substitute
“Annex II”.

(4) Regulation 24(1)—
Repeal
everything after “is to be”
Substitute
“issued)—
(a) in the case of a Hong Kong-trading ship—a HKNLS Certificate; or
(b) in the case of any other ship—an INLS Certificate.”.

(5) Regulation 24(2), Chinese text—
Repeal
“國際建有毒液體物質證書或香港有毒液體物質”
Substitute
“INLS 證書或 HKNLS”.

(6) Regulation 24—
Repeal paragraphs (3) and (4)
Substitute
“(3) The Certificate issued under paragraph (1) is valid for the period specified by the Director in the Certificate.

(4) The period specified by the Director must not exceed 5 years from the date of issue stated in the Certificate.”.

(7) Regulation 24(5)—
Repeal
“a state party to MARPOL 1973/78”

Substitute
“another Convention country”.

(8) Regulation 24(5)—
Repeal
“were not carried out by a surveyor appointed as required by regulation 23(2)(a)”

Substitute
“referred to in regulation 23 were not carried out by a Government surveyor”.

(9) Regulation 24(5)(a)—
Repeal
“already been subjected to a satisfactory initial or periodical”

Substitute
“, in conformity with Annex II, already been subjected to an initial or renewal”.

(10) Regulation 24(5)(b)—
Repeal
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“government of that state with an INLS Certificate”

Substitute

“Convention country concerned with an International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk”.

(11) Regulation 24(5)(c)—

Repeal

“these regulations”

Substitute

“Annex II”.

(12) Regulation 24(5)(d)—

Repeal

“government of that state”

Substitute

“Convention country concerned”.

(13) Regulation 24(5)—

Repeal

everything after “ship an INLS”

Substitute

“Certificate or HKNLS Certificate.”.

(14) Regulation 24—

Repeal paragraph (6)

Substitute

“(6) The Certificate issued under paragraph (5) must not expire after the expiry date of the Certificate mentioned in subparagraph (b) of that paragraph.”.
22. Regulations 24A to 24K added

After regulation 24—

Add

“24A. Keeping and inspection of specified Certificates

A specified Certificate must be kept on board the ship and must be readily available for inspection at all reasonable times.

24B. Duration of specified Certificates issued after renewal survey

A new specified Certificate issued in respect of a ship as a result of a renewal survey under regulation 23 is valid for such period as may be specified by the Director in the Certificate in accordance with Regulation 10 of Annex II.

24C. Duration of specified Certificates after early completion of surveys

(1) This regulation applies if—

(a) an intermediate survey of a ship is completed before the period within which the survey is required to be completed under regulation 23(1)(c); or

(b) an annual survey of a ship is completed before the period within which the survey is required to be completed under regulation 23(1)(d).
Extension of validity period of specified Certificates in certain circumstances

The Director may extend the validity period of an existing specified Certificate issued in respect of a ship in accordance with Regulation 10 of Annex II if—

(a) the Certificate is valid for a period of less than 5 years;

(b) a new specified Certificate cannot be issued or placed on board the ship before the expiry of the Certificate;

(c) the ship is not in the port in which it is to be surveyed when the Certificate expires; or

(d) the ship is engaged in short voyages.

24D. Extension of validity period of specified Certificates in certain circumstances

The Director may extend the validity period of an existing specified Certificate issued in respect of a ship in accordance with Regulation 10 of Annex II if—

(a) the Certificate is valid for a period of less than 5 years;

(b) a new specified Certificate cannot be issued or placed on board the ship before the expiry of the Certificate;

(c) the ship is not in the port in which it is to be surveyed when the Certificate expires; or

(d) the ship is engaged in short voyages.

24D. Extension of validity period of specified Certificates in certain circumstances

The Director may extend the validity period of an existing specified Certificate issued in respect of a ship in accordance with Regulation 10 of Annex II if—

(a) the Certificate is valid for a period of less than 5 years;

(b) a new specified Certificate cannot be issued or placed on board the ship before the expiry of the Certificate;

(c) the ship is not in the port in which it is to be surveyed when the Certificate expires; or

(d) the ship is engaged in short voyages.
24E. 指明證書不再有效

(1) 就香港船舶發出的指明證書，在以下情況下不再有效——

(a) 某項檢驗之後，在未經處長准許下，對該項檢

(b) 第 23(1)(b)、(c) 或 (d) 條指明的某項檢驗，沒有在該條指

(c) 第 23(1)(e) 條指明的附加檢驗，沒有在政府驗

(d) 在該船舶進行期間檢驗後，該證書沒有根據第

(e) 在該船舶進行年度檢驗後，該證書沒有根據第

(f) 該船舶轉往香港以外的地方註冊。

(2) 在第 (1)(b)、(c)、(d) 或 (e) 條指明的任何情況下，

24E. Specified Certificates cease to be valid

(1) A specified Certificate issued in respect of a Hong

(a) after a survey, without the sanction of the

(b) a survey referred to in regulation 23(1)(b), (c) or

(c) an additional survey referred to in regulation

(d) the Certificate is not endorsed under regulation

(e) the Certificate is not endorsed under regulation

(f) the ship is transferred to the registry of a place

(2) In any of the cases specified in paragraph (1)(b), (c),

(d) or (e), the owner of the ship must deliver the

Certificate to the Director on demand.
24F. Certificates issued under this Part regarded as International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk in Annex II

For the purposes of regulations 24B, 24C and 24D, an INLS Certificate or HKNLS Certificate issued under this Part is to be regarded as an International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk referred to in Regulation 9 of Annex II.

24G. Withdrawal of specified Certificates

(1) A Government surveyor may, by written notice, require the owner or master of a Hong Kong ship in respect of which a specified Certificate has been issued to take such corrective action which the surveyor considers necessary if on a survey (other than an initial survey) of the ship referred to in regulation 23, the surveyor determines that the condition of the ship or its equipment does not correspond substantially with the particulars in the Certificate.

(2) The surveyor must, on giving notice under paragraph (1), inform the Director.

(3) If the corrective action is not taken within the period specified by the surveyor, the surveyor must inform the Director and the Director may, by written notice to the owner and master of the ship, withdraw the Certificate.

(4) On receiving a notice under paragraph (3), the owner and master of the ship must deliver the Certificate to the Director immediately.
(5) The owner or master of the ship may, after the corrective action in respect of the ship has been taken, apply to the Director for the return of the Certificate.

(6) On receiving an application under paragraph (5), if the Director is satisfied that the corrective action in respect of the ship has been taken, the Director must, by written notice to the owner or master of the ship, return the Certificate to the owner or master.

24H. Cancellation of specified Certificates

(1) The Director may, by written notice to the owner and master of a Hong Kong ship, cancel a specified Certificate issued in respect of the ship in the circumstances set out in paragraph (2).

(2) The circumstances are that the Director has reasonable grounds to believe that the Certificate was issued, or any endorsement on it was made, on the basis of false or erroneous information.

(3) The Director must give reasons for cancelling the Certificate in the notice under paragraph (1).

(4) On receiving a notice under paragraph (1), the owner and master of the ship must deliver the Certificate to the Director immediately.

24I. Form of specified Certificates

The Director may specify the form of a specified Certificate.
24J. Alteration of INLS or HKNLS Certificate
(1) The owner of a ship in respect of which an INLS Certificate or HKNLS Certificate has been issued may request the Director to alter any of the particulars contained in the Certificate.
(2) The Director may refuse to make the alteration if the Director considers it to be a material alteration.
(3) If the Director agrees to make the alteration, the Director must, on payment of the prescribed fee, alter the Certificate.

24K. Certified true copies of INLS or HKNLS Certificate
(1) The owner of a ship in respect of which an INLS Certificate or HKNLS Certificate has been issued may apply to the Director for the issue of a certified true copy of the Certificate.
(2) The application must be accompanied by the prescribed fee for the certified true copy.”.

23. Regulation 25 amended (maintenance of condition after survey)
(1) Regulation 25(1)—
Repeal
“these regulations”
Substitute
“Annex II”.
(2) Regulation 25(2)—
Repeal
“of the ship under regulation 23 has been completed”
Substitute
24. **Part VI heading amended (offences and penalties)**

**Part VI**, heading—

**Repeal**

“Offences and Penalties”

**Substitute**

“Powers to Inspect and Penalties etc.”.

25. **Regulations 27A and 27B added**

**Part VI**, before regulation 28—

**Add**

“General power of Government surveyors to inspect, examine etc. ships

(1) Any of the powers conferred by this regulation may be exercised for ascertaining whether these regulations have been or are being complied with.

(2) A Government surveyor may, at any reasonable time—
(a) board a ship that is within the waters of Hong Kong; and
(b) take with the surveyor any other person and any equipment or materials required to assist the surveyor.

(3) After boarding the ship, the surveyor may—
(a) inspect the ship;
(b) make any examination and investigation as the surveyor considers necessary;
(c) take samples of any article or substance found on the ship that the surveyor may reasonably require for the inspection, examination or investigation;
(d) inspect, seize and remove from the ship any article or substance in respect of which the surveyor suspects on reasonable grounds that an offence under these regulations has been committed;
(e) detain the article or substance for so long as is necessary—
(i) for the inspection, examination or investigation; and
(ii) to ensure that it is available for use as evidence in any proceedings for an offence under these regulations;
(f) take any measurements and photographs and make any recordings that the surveyor may reasonably require for the inspection, examination or investigation;
（g）规定該船舶，其任何部分或該船舶上的任何東西，在為進行上述檢查、查驗或調查而需要的期間內，不受干擾（不論是一般地或在特定方面）；

（h）在該驗船師合理相信某人能夠提供攸關上述檢查、查驗或調查的資料的情況下，規定該人——

(i) 在該驗船師指明的時間，於該驗船師指明的地點現身；

(ii) 回答該驗船師認為適合提出的問題；及

(iii) 簽署一份聲明，聲明該人的有關回答屬真實無詐；

(i) 規定出示以下項目；查閱以下項目或其中任何記項，以及為以下項目或其中任何記項製作複本——

(i) 本規例規定須存放的任何證書、簿冊或文件；及

(ii) 該驗船師認為進行上述檢查、查驗或調查而需要的任何其他證書、簿冊或文件；及

(j) 在任何人控制任何事宜或東西或就任何事宜或東西負有責任的情況下，規定該人就該事宜或東西，提供該驗船師認為對於令到該驗船師能夠行使本條所賦予的權力而需要的方便及協助。
(4) If an inspection of a ship under paragraph (3) reveals a deficiency, the Director may give a direction to the master of the ship requiring the master to cause the ship not to proceed to sea until the deficiency is rectified.

(5) A master to whom a direction is given under paragraph (4) must—
(a) comply with the direction;
(b) take steps to rectify the deficiency; and
(c) inform the Director once the deficiency is rectified.

(6) If the ship is a Hong Kong ship and the deficiency is not rectified within the period specified by the Director, the Director may, by written notice to the owner and master of the ship, require the surrender of the specified Certificate issued in respect of the ship to the Director.

(7) On receiving a notice under paragraph (6), the owner and master of the ship must deliver the Certificate to the Director immediately.

(8) The owner or master of the ship may, after the deficiency in respect of the ship has been rectified, apply to the Director for the return of the Certificate.

(9) On receiving an application under paragraph (8), if the Director is satisfied that the deficiency in respect of the ship has been rectified, the Director must, by written notice to the applicant, return the Certificate to the applicant.
26. **Regulation 28 amended (prohibition on uncertificated carriage)**

(1) Regulation 28(1)—

Repeal

“A, B, C or D”

Substitute

“X, Y or Z”.

(2) Regulation 28(1)(a)(i)—

Repeal

everything after “valid”

Substitute

“specified Certificate or BCH Code Certificate or IBC Code Certificate, covering the substance in question; and”.

(3) Regulation 28(1)(a)(ii)—

Repeal

“; and”

Substitute a full stop.
(4) Regulation 28(1)(a)—
Repeal sub-subparagraph (iii).

(5) Regulation 28(1)—
Repeal subparagraph (b).

(6) Regulation 28—
Repeal paragraph (2).

(7) Regulation 28(3)—
Repeal
“an unassessed liquid substance in bulk”
Substitute
“in bulk any liquid substance that is not listed in the Pollution Category column of the table in Chapter 17 or 18 of the IBC Code”.

(8) Regulation 28(3)—
Repeal subparagraph (a)
Substitute
“(a) the following condition is met—
(i) the Director has, under regulation 28A, provisionally assessed the substance and given written permission for its carriage in bulk; or
(ii) an Administration has, with the concurrence of the Director, provisionally assessed the substance in accordance with Regulation 6.3 of Annex II and given written permission for its carriage in bulk; and”.

(9) After regulation 28(3)—
Add
“(4) In paragraph (1)—
27. Regulation 28A added

After regulation 28—

Add

“28A. Provisional assessment

(1) This regulation applies to a liquid substance that is not listed in the Pollution Category column of the table in Chapter 17 or 18 of the IBC Code.

(2) The Director may, in accordance with Regulation 6 of Annex II—

(a) provisionally assess a substance; and

(b) give written permission for a ship to carry the substance in bulk.”.

28. Regulation 29 amended (penalties)

After regulation 29(2)—

Add

“(3) If an offence under this regulation is committed or would, but for the operation of paragraph (2), have been committed by the owner or master of a ship due to the act or omission of some other person, that other person also commits the offence and may be charged with and convicted of the offence whether or not proceedings are taken against the owner or master.”.
Section 29

29. Regulation 31 added

After regulation 30—

Add

“31. Saving of Certificates and pending applications

(1) An INLS Certificate issued under these regulations and in force immediately before the commencement date of the Amendment Regulation 2018 is taken as an International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk issued in accordance with these regulations as amended by the Amendment Regulation 2018.

(2) A HKNLS Certificate issued under these regulations and in force immediately before the commencement date of the Amendment Regulation 2018 is taken as a Hong Kong Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk issued in accordance with these regulations as amended by the Amendment Regulation 2018.

(3) If an application for an INLS Certificate has been made before the commencement date of the Amendment Regulation 2018 for which a decision is pending, the application is to be regarded as an application for an INLS Certificate made under these regulations as amended by the Amendment Regulation 2018.

(4) If an application for a HKNLS Certificate has been made before the commencement date of the Amendment Regulation 2018 for which a decision is pending, the application is to be regarded as an application for a HKNLS Certificate made under
30. Third and Fourth Schedules repealed

Third and Fourth Schedules—

Repeal the Schedules.

Frank CHAN Fan
Secretary for Transport and Housing

10 May 2018
Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) (Amendment) Regulation 2018

Explanatory Note

Paragraph 1

This Regulation amends the Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) Regulations (Cap. 413 sub. leg. B) (principal Regulations) to give effect to certain changes made to Annex II (MARPOL Annex II) to the International Convention for the Prevention of Pollution from Ships, 1973.

2. Parts II, III, IV and V of the principal Regulations impose requirements on ships in relation to, respectively, the discharge and washing of tanks, documents, construction and equipment, and surveys and related matters. The Regulation amends those Parts to reflect the latest requirements of MARPOL Annex II.

3. New provisions have been introduced to provide for—

(a) the meaning of various new terms used in the principal Regulations;
(b) the power of the Director of Marine (Director) to recognize organizations to perform certain functions;
(c) the power of the Director to specify the form in relation to certain certificates;
(d) the power of the Director to conduct provisional assessment of a liquid substance; and
(e) the general power of Government surveyors to inspect or examine ships within the waters of Hong Kong.

4. The Regulation removes from the principal Regulations certain provisions that are obsolete or outdated, including some definitions and the Schedules.
5. The Regulation also provides for the saving of INLS Certificates and HKNLS Certificates issued before its commencement.