《2019 年商船 ( 防止空氣污染 ) ( 修訂 ) 規例》

目錄

<table>
<thead>
<tr>
<th>條次</th>
<th>頁次</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. 生效日期</td>
<td>B284</td>
</tr>
<tr>
<td>2. 修訂《商船 ( 防止空氣污染 ) 規例》</td>
<td>B284</td>
</tr>
<tr>
<td>3. 修訂第 2 條 ( 釋義 )</td>
<td>B284</td>
</tr>
<tr>
<td>4. 加入第 6A 條</td>
<td>B286</td>
</tr>
<tr>
<td>6A. 行駛國際航程的船舶，須有遵守規定證明（耗油報告）</td>
<td>B286</td>
</tr>
<tr>
<td>5. 加入第 14A 條</td>
<td>B288</td>
</tr>
<tr>
<td>14A. 就若干柴油機存放紀錄的責任</td>
<td>B288</td>
</tr>
<tr>
<td>6. 加入第 2 部第 9A 分部</td>
<td>B290</td>
</tr>
</tbody>
</table>

第 9A 分部 —— 收集和報告耗油數據

<table>
<thead>
<tr>
<th>條次</th>
<th>頁次</th>
</tr>
</thead>
<tbody>
<tr>
<td>30A. 本分部的適用範圍</td>
<td>B290</td>
</tr>
<tr>
<td>30B. 收集耗油數據及收集方法</td>
<td>B290</td>
</tr>
<tr>
<td>30C. 報告耗油數據——一般規定</td>
<td>B290</td>
</tr>
</tbody>
</table>

Merchant Shipping (Prevention of Air Pollution) (Amendment) Regulation 2019

Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Commencement</td>
<td>B285</td>
</tr>
<tr>
<td>2. Merchant Shipping (Prevention of Air Pollution) Regulation amended</td>
<td>B285</td>
</tr>
<tr>
<td>3. Section 2 amended (interpretation)</td>
<td>B285</td>
</tr>
<tr>
<td>4. Section 6A added</td>
<td>B287</td>
</tr>
<tr>
<td>6A. Ships engaged in international voyages must have Fuel Oil Consumption Reporting Compliance Statements</td>
<td>B287</td>
</tr>
<tr>
<td>5. Section 14A added</td>
<td>B289</td>
</tr>
<tr>
<td>14A. Duty to keep records for certain diesel engines</td>
<td>B289</td>
</tr>
<tr>
<td>6. Part 2, Division 9A added</td>
<td>B291</td>
</tr>
</tbody>
</table>

Division 9A—Collecting and Reporting Consumption Data

<table>
<thead>
<tr>
<th>條次</th>
<th>頁次</th>
</tr>
</thead>
<tbody>
<tr>
<td>30A. Application of this Division</td>
<td>B291</td>
</tr>
<tr>
<td>30B. Collecting consumption data and way of collecting</td>
<td>B291</td>
</tr>
<tr>
<td>30C. Reporting consumption data—general</td>
<td>B291</td>
</tr>
<tr>
<td>條次</td>
<td>頁次</td>
</tr>
<tr>
<td>------</td>
<td>------</td>
</tr>
<tr>
<td>30D.</td>
<td>在轉到另一地方註冊的情況下，報告耗油數</td>
</tr>
<tr>
<td>30E.</td>
<td>在船東變更的情況下，報告耗油數據</td>
</tr>
<tr>
<td>30F.</td>
<td>在公司變更的情況下，報告耗油數據</td>
</tr>
<tr>
<td>7.</td>
<td>修訂第 31 條 ( 罪行及罰則 )</td>
</tr>
<tr>
<td>8.</td>
<td>修訂第 4 部標題 (IAPP 證書，HKAPP 證書及 IEE 證書)</td>
</tr>
<tr>
<td>9.</td>
<td>修訂第 60 條 ( 發出 IEE 證書 )</td>
</tr>
<tr>
<td>10.</td>
<td>加入第 60A 條</td>
</tr>
<tr>
<td>60A.</td>
<td>發出遵規證明</td>
</tr>
<tr>
<td>11.</td>
<td>修訂第 62 條 ( 取消證書 )</td>
</tr>
<tr>
<td>12.</td>
<td>修訂第 63 條 ( 罪行及罰則 )</td>
</tr>
<tr>
<td>13.</td>
<td>加入第 64A 條</td>
</tr>
<tr>
<td>64A.</td>
<td>遵行規定證明 (耗油報告) 的期限</td>
</tr>
<tr>
<td>14.</td>
<td>修訂第 70 條 ( 指明證書的格式 )</td>
</tr>
<tr>
<td>15.</td>
<td>修訂第 71 條 ( 更改證書 )</td>
</tr>
<tr>
<td>16.</td>
<td>修訂第 72 條 ( 證書的經核證真實副本 )</td>
</tr>
<tr>
<td>17.</td>
<td>修訂第 81 條 ( 初次檢驗 )</td>
</tr>
<tr>
<td>18.</td>
<td>修訂第 82 條 ( 附加檢驗 )</td>
</tr>
<tr>
<td>Section 30D.</td>
<td>Reporting consumption data on transfer of registry</td>
</tr>
<tr>
<td>30E.</td>
<td>Reporting consumption data on change of owner</td>
</tr>
<tr>
<td>30F.</td>
<td>Reporting consumption data on change of company</td>
</tr>
<tr>
<td>7.</td>
<td>Section 31 amended (offences and penalties)</td>
</tr>
<tr>
<td>8.</td>
<td>Part 4 heading amended (IAPP Certificates, HKAPP Certificates and IEE Certificates)</td>
</tr>
<tr>
<td>9.</td>
<td>Section 60 amended (issue of IEE Certificates)</td>
</tr>
<tr>
<td>10.</td>
<td>Section 60A added</td>
</tr>
<tr>
<td>60A.</td>
<td>Issue of Statements of Compliance</td>
</tr>
<tr>
<td>11.</td>
<td>Section 62 amended (cancellation of Certificates)</td>
</tr>
<tr>
<td>12.</td>
<td>Section 63 amended (offences and penalties)</td>
</tr>
<tr>
<td>13.</td>
<td>Section 64A added</td>
</tr>
<tr>
<td>64A.</td>
<td>Duration of Fuel Oil Consumption Reporting Compliance Statement</td>
</tr>
<tr>
<td>14.</td>
<td>Section 70 amended (form of Certificates)</td>
</tr>
<tr>
<td>15.</td>
<td>Section 71 amended (alteration of Certificates)</td>
</tr>
<tr>
<td>16.</td>
<td>Section 72 amended (certified true copies of Certificates)</td>
</tr>
<tr>
<td>17.</td>
<td>Section 81 amended (initial surveys)</td>
</tr>
<tr>
<td>18.</td>
<td>Section 82 amended (additional survey)</td>
</tr>
<tr>
<td>Section</td>
<td>Page</td>
</tr>
<tr>
<td>---------</td>
<td>------</td>
</tr>
<tr>
<td>19.</td>
<td>Section 85 amended (certificates to be kept on board) ..........B315</td>
</tr>
<tr>
<td>20.</td>
<td>Section 89 amended (offences and penalties) ......................B317</td>
</tr>
<tr>
<td>21.</td>
<td>Section 95 amended (Director may recognize organizations to survey ships and issue certificates etc.) ..........B317</td>
</tr>
<tr>
<td>22.</td>
<td>Certain Division headings amended ....................................B319</td>
</tr>
</tbody>
</table>
Merchant Shipping (Prevention of Air Pollution) (Amendment) Regulation 2019

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

1. Commencement
This Regulation comes into operation on 31 May 2019.

2. Merchant Shipping (Prevention of Air Pollution) Regulation amended
The Merchant Shipping (Prevention of Air Pollution) Regulation (Cap. 413 sub. leg. P) is amended as set out in sections 3 to 22.

3. Section 2 amended (interpretation)
(1) Section 2(1), English text, definition of specified non-conventional propulsion ship, paragraph (b)—
Repeal the full stop
Substitute a semicolon.

(2) Section 2(1)—
Add in alphabetical order
“calendar year (公曆年) means a period of 12 months beginning on 1 January;
consumption data (耗油數據) means the data specified in Appendix IX to Annex VI, other than the identification data;
Fuel Oil Consumption Reporting Compliance Statement (遵行規定證明(耗油報告)) means—
4. Section 6A added

Part 2, Division 1, after section 6—

Add

“6A. Ships engaged in international voyages must have Fuel Oil Consumption Reporting Compliance Statements

(1) This section applies to a ship—

(a) that is of 5 000 gross tonnage or above;

(b) that is not a non-Chapter 4 ship; and

(c) that is engaged in an international voyage.

(2) A ship must have in force in respect of it a Fuel Oil Consumption Reporting Compliance Statement.

(3) If a ship is put into service on or before 31 May 2019, subsection (2) applies to it with effect from 1 June 2020.
5. **Section 14A added**

**After section 14—**

**Add**

“14A. Duty to keep records for certain diesel engines”

(1) This section applies to a ship that has installed on it a regulated diesel engine certified to meet the NO\(_x\) emission standards that are referred to in Regulation 13.5.3 of Annex VI in relation to a marine diesel engine.

(2) There must be kept on board a ship a record showing the information required in relation to a marine diesel engine by Regulation 13.5.3 of Annex VI that is recorded whenever—

(a) the ship enters an NO\(_x\) Tier III emission control area; 

(b) the ship leaves an NO\(_x\) Tier III emission control area; or 

(c) the on/off status of the regulated diesel engine of the ship changes within an NO\(_x\) Tier III emission control area.

(3) In this section—

NO\(_x\) Tier III emission control area means an area specified in Regulation 13 of Annex VI as an emission control area.”.
6. Part 2, Division 9A added

Part 2, after Division 9—

Add

“Division 9A—Collecting and Reporting Consumption Data

30A. Application of this Division

This Division applies to a Hong Kong ship—

(a) that is of 5 000 gross tonnage or above; and

(b) that is not a non-Chapter 4 ship.

30B. Collecting consumption data and way of collecting

For the purposes of sections 30C, 30D, 30E and 30F; the consumption data of a ship must be collected in accordance with the methodology specified in the Ship Energy Efficiency Management Plan required by section 30 to be kept on board the ship.

30C. Reporting consumption data—general

(1) Subject to subsection (3), this section applies to a ship—

(a) that is registered in Hong Kong throughout a calendar year after 2018; or

(b) that becomes registered in Hong Kong on a day in a calendar year after 2018 and remains so on 31 December of the year.

(2) The owner of a ship—

(a) must aggregate by item the consumption data of the ship collected for a calendar year;
Section 6

(b) must report the data aggregated under paragraph (a), together with the identification data of the ship, to the Director or a recognized organization by electronic means in the form specified in Appendix IX to Annex VI by 31 March of the next calendar year;

(c) must keep the consumption data of the ship collected for a calendar year until the expiry of 31 December of the next calendar year; and

(d) must report the data mentioned in paragraph (c) to the Director or a recognized organization at the Director’s or the organization’s request made during the period the data is required to be kept under that paragraph.

(3) This section does not apply to a ship if section 30E or 30F applies in relation to the ship.

30D. Reporting consumption data on transfer of registry

(1) This section applies if a ship ceases to be registered in Hong Kong and is registered in another place instead on a day (transfer day) in a calendar year.

(2) The owner of the ship—

(a) must aggregate by item the consumption data of the ship collected for the part of the year during which the ship is registered in Hong Kong (registered period);

(b) must report the data aggregated under paragraph (a), together with the identification data of the ship, to the Director or a recognized organization by electronic means in the form specified in Appendix IX to Annex VI within 30 days beginning on the transfer day;
30E. Reporting consumption data on change of owner

(1) This section applies if a person (new owner) replaces another person (original owner) as the owner of a ship on a day (replacement day) in a calendar year.

(2) The original owner—

(a) must aggregate by item the consumption data of the ship collected for the part of the year during which the original owner is the owner of the ship (period A);

(b) must report the data aggregated under paragraph (a), together with the identification data of the ship, to the Director or a recognized organization by electronic means in the form specified in Appendix IX to Annex VI within 30 days beginning on the replacement day;

(c) must keep the consumption data of the ship collected for period A until the expiry of 12 months after the replacement day; and

(d) must report the data mentioned in paragraph (c) to the Director or a recognized organization at the Director’s or the organization’s request made during the period the data is required to be kept under that paragraph.
(3) The new owner—

(a) must aggregate by item the consumption data of the ship collected for the part of the year during which the new owner is the owner of the ship (period B);

(b) must report the data aggregated under paragraph (a), together with the identification data of the ship, to the Director or a recognized organization by electronic means in the form specified in Appendix IX to Annex VI—

(i) if the new owner is subsequently replaced by another person as the owner of the ship on a day in the year—within 30 days beginning on that day; or

(ii) otherwise—by 31 March of the next calendar year;

(c) must keep the consumption data of the ship collected for period B—

(i) if the new owner is subsequently replaced by another person as the owner of the ship on a day in the year—until the expiry of 12 months after that day; or

(ii) otherwise—until the expiry of 31 December of the next calendar year; and

(d) must report the data mentioned in paragraph (c) to the Director or a recognized organization at the Director’s or the organization’s request made during the period the data is required to be kept under that paragraph.
30F. Reporting consumption data on change of company

(1) This section applies if an organization or person (new company) replaces another organization or person (original company) as the company of a ship on a day (replacement day) in a calendar year.

(2) The original company—

(a) must aggregate by item the consumption data of the ship collected for the part of the year during which the original company is the company of the ship (period A);

(b) must report the data aggregated under paragraph (a), together with the identification data of the ship, to the Director or a recognized organization by electronic means in the form specified in Appendix IX to Annex VI within 30 days beginning on the replacement day;

(c) must keep the consumption data of the ship collected for period A until the expiry of 12 months after the replacement day; and

(d) must report the data mentioned in paragraph (c) to the Director or a recognized organization at the Director’s or the organization’s request made during the period the data is required to be kept under that paragraph.

(3) The new company—

(a) must aggregate by item the consumption data of the ship collected for the part of the year during which the new company is the company of the ship (period B);
(b) must report the data aggregated under paragraph (a), together with the identification data of the ship, to the Director or a recognized organization by electronic means in the form specified in Appendix IX to Annex VI—

(i) if the new company is subsequently replaced by another organization or person as the company of the ship on a day in the year—within 30 days beginning on that day; or

(ii) otherwise—by 31 March of the next calendar year;

(c) must keep the consumption data of the ship collected for period B—

(i) if the new company is subsequently replaced by another organization or person as the company of the ship on a day in the year—until the expiry of 12 months after that day; or

(ii) otherwise—until the expiry of 31 December of the next calendar year;

(d) must report the data mentioned in paragraph (c) to the Director or a recognized organization at the Director's or the organization's request made during the period the data is required to be kept under that paragraph.

(4) In this section—

company (公司), in relation to a ship, means an organization or person, such as the manager, or the bareboat charterer, of the ship, who—
7. Section 31 amended (offences and penalties)

(1) Section 31(1), after “5(1) or (3),”—
Add
“6A(2),”.

(2) Section 31(3), after “section”—
Add
“14A(2) or”.

8. Part 4 heading amended (IAPP Certificates, HKAPP Certificates and IEE Certificates)

Part 4, heading—
Repeal
“and IEE Certificates”
Substitute
“IEE Certificates and Statements of Compliance”.

9. Section 60 amended (issue of IEE Certificates)

Section 60(4)(b)—
Repeal
10. Section 60A added

Part 4, Division 2, after section 60—

Add

“60A. Issue of Statements of Compliance

(1) The owner of a ship of 5 000 gross tonnage or above (other than a non-Chapter 4 ship) engaged in an international voyage may apply to the Director for a Statement of Compliance in respect of the ship.

(2) The application must be accompanied by the prescribed fee for the Statement.

(3) The Director may issue a Statement of Compliance in respect of a ship on an application made in a calendar year if—

(a) the Director is satisfied that section 30C(2)(b), 30D(2)(b), 30E(3)(b) or (3)(b) or 30F(3)(b) or (3)(b) (as the case requires) has been complied with in respect of the ship in the year; and

(b) the data reported under that section in respect of the ship in the year has been verified by the Director.

(4) If the Director decides, on the basis of the consumption data and identification data reported under section 30C(2)(b), 30E(3)(b)(ii) or 30F(3)(b)(ii) in respect of a ship for a calendar year, to issue a...
Statement of Compliance in respect of the ship, the Director must issue the Statement by 31 May of the next calendar year.

(5) If the Director decides, on the basis of the consumption data and identification data reported under section 30D(2)(b), 30E(2)(b) or (3)(b)(i) or 30F(2)(b) or (3)(b)(i) in respect of a ship, to issue a Statement of Compliance in respect of the ship, the Director must issue the Statement as soon as practicable.”.

11. Section 62 amended (cancellation of Certificates)

(1) Section 62, heading, after “Certificates”—
Add
“etc.”.

(2) Section 62(1)—
Repeal
“certificates”.

(3) Section 62(1)(c)—
Repeal the full stop
Substitute a semicolon.

(4) After section 62(1)(c)—
Add
“(d) a Fuel Oil Consumption Reporting Compliance Statement.”.

(5) Section 62(2)—
Repeal
“concerned was issued, or any endorsement on it”
Substitute
“or Statement concerned was issued, or any endorsement on the Certificate concerned”.

(6) Section 62(3) and (4), after “Certificate”—
Add
“or Statement”.

12. Section 63 amended (offences and penalties)
Section 63(1), after “61(4)”—
Add
“or 62(4)”.

13. Section 64A added
After section 64—
Add
“64A. Duration of Fuel Oil Consumption Reporting Compliance Statement
A Fuel Oil Consumption Reporting Compliance Statement issued in a calendar year has effect from the date of issue until—
(a) if it is issued in compliance with section 60A(4)—the expiry of 31 May of the next calendar year (second year); or
(b) if it is issued in compliance with section 60A(5)—the expiry of 31 May of the calendar year immediately after the second year.”.

14. Section 70 amended (form of Certificates)
(1) Section 70, heading, after “Certificates”—
Add
15. **Section 71 amended (alteration of Certificates)**

(1) Section 71, heading, after “Certificates”—

Add

“etc.”.

(2) Section 71(1)—

**Repeal**

everything after “specified Certificate”

**Substitute**

“, an International Energy Efficiency Certificate or a Fuel Oil Consumption Reporting Compliance Statement.”.

(3) Section 71(3)—

**Repeal**

“Certificate”

**Substitute**

“Certificate or Statement”.

16. **Section 72 amended (certified true copies of Certificates)**

(1) Section 72, heading, after “Certificates”—
17. 修訂第 81 條 (初次檢驗)

(1) 第 81(3)(a) 條——
廢除
在 “而言——” 之後而在 “，已” 之前的所有字句
代以
“第 30 條規定須存放在該船舶上的《船舶能效管理計劃》（《管理計劃》）”。

(2) 第 81(3)(b)(ii) 條——
廢除
“；及”
代以分號。

(3) 在第 81(3)(b)(ii) 條之後——
加入
“(iia) （如該船舶屬 5 000 總噸或以上，並經過重大改動，
而有關改動影響該船舶的數據收集方法或報告程序）
已適當修改須存放在該船舶上的《管理計劃》，以反
映該項改動；及”。

17. Section 81 amended (initial surveys)

(1) Section 81(3)(a)—

Repeal
everything after “that” and before “is”

Substitute
“the Ship Energy Efficiency Management Plan required
by section 30 to be kept on board the ship (SEEM Plan)”.

(2) Section 81(3)(b)(ii)—

Repeal
“; and”

Substitute a semicolon.

(3) After section 81(3)(b)(ii)—

Add
“(iia) (if the ship is of 5 000 gross tonnage or above and
has undergone a major modification that affects the
data collection methodology or reporting process of
the ship) that the SEEM Plan required to be kept on
board the ship has been revised appropriately to
reflect the modification; and”.
18. Section 82 amended (additional survey)

(1) Section 82(3)(b)—
Repeal
everything before “is placed”
Substitute
“(iii) that the SEEM Plan”.

(2) After section 82(3)(b)—
Add
“(ba) (if the ship is of 5000 gross tonnage or above and the major modification affects the data collection methodology or reporting process of the ship) that the Ship Energy Efficiency Management Plan required by section 30 to be kept on board the ship (SEEM Plan) has been revised appropriately to reflect the modification; and”.

(3) Section 82(3)(c)—
Repeal
everything before “is placed”
Substitute
“(c) that the SEEM Plan”.

19. Section 85 amended (certificates to be kept on board)

(1) Section 85, heading, after “Certificates”—
Add
20. Section 89 amended (offences and penalties)

Section 89(1)—

Repeal

“(2), (3) or (4)”.

Substitute

“(2), (3) or (4)”.

21. Section 95 amended (Director may recognize organizations to survey ships and issue certificates etc.)

(1) Section 95(b)—

Repeal

“the following certificates”

Substitute

“any of the following”.

(2) Section 95(b)(ii)—

Repeal

“or”.

20. Section 89(1)—

Repeal

“(2) or (3)”

Substitute

“(2), (3) or (4)”.

20. Section 20

“etc.”.

(2) After section 85(3)—

Add

“(4) The owner and the master of a ship of 5 000 gross tonnage or above (other than a non-Chapter 4 ship) engaged in an international voyage must—

(a) keep on board the ship a Fuel Oil Consumption Reporting Compliance Statement that is in force in respect of the ship; and

(b) make the Statement available for inspection by a Government surveyor at all reasonable times.”.
22. Certain Division headings amended
The following provisions, after “Certificates” (wherever appearing)—
(a) Part 2, Division 1, heading;

(3) After section 95(b)(iii)—
Add
“(iv) Fuel Oil Consumption Reporting Compliance Statements;”.

(4) Section 95(e), after “Certificates”—
Add
“or Statements”.

(5) Section 95(f)—
Repeal
everything after “Certificates”
Substitute
“or Statements referred to in paragraph (b) that are issued by the organization;”.

(6) Section 95(g)—
Repeal the full stop
Substitute a semicolon.

(7) After section 95(g)—
Add
“(h) receiving consumption data and identification data of Hong Kong ships reported under Division 9A of Part 2; and
(i) verifying the reported data mentioned in paragraph (h).”.

22. 修訂若干分部標題
以下條文，在所有“證書”之後——
(a) 第 2 部，第 1 分部，標題；
(b) Part 4, Division 2, heading;
(c) Part 4, Division 3, heading;
(d) Part 4, Division 4, heading;
(e) Part 4, Division 6, heading—
Add
“etc.”.

Frank CHAN Fan
Secretary for Transport and
Housing

13 February 2019
Explanatory Note

This Regulation amends the Merchant Shipping (Prevention of Air Pollution) Regulation (Cap. 413 sub. leg. P) (principal Regulation) to give effect to International Maritime Organization Resolutions MEPC.271(69) and MEPC.278(70), which amend Annex VI to the International Convention for the Prevention of Pollution from Ships, 1973 (Annex VI).

2. Section 3 adds new definitions for the interpretation of the principal Regulation as amended by the Regulation.

3. Under Annex VI, as amended, a ship of 5 000 gross tonnage or above (other than a non-Chapter 4 ship) engaged in an international voyage must collect and report fuel oil consumption data for the issue of a Fuel Oil Consumption Reporting Compliance Statement (Statement), which must be kept on board the ship. Parts 2, 4 and 6 of the principal Regulation are amended to provide for these matters.

4. Part 4 of the principal Regulation is also amended to provide for the cancellation, duration, form, alteration and issue of certified true copies of a Statement.

5. New requirements for initial survey and additional survey are added for certain ships that have undergone major modifications that affect the data collection methodology or reporting process of the ships.
6. A new provision is added to Division 3 of Part 2 of the principal Regulation to provide that a ship engaged in an international voyage must keep a record for a specified regulated diesel engine installed on it, with a view to regulating emission of nitrogen oxides from ships in certain areas.

7. The offence and penalty provisions in the principal Regulation are amended accordingly.