

L.N. 47 of 2019

**Merchant Shipping (Prevention of Pollution by Sewage)
(Amendment) 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 31 May 2019.

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

The Merchant Shipping (Prevention of Pollution by Sewage)
Regulation (Cap. 413 sub. leg. K) is amended as set out in
sections 3 to 7.

3. Section 28 amended (restriction on discharge of sewage into sea)

After section 28(1)—

Add

“(1A) This section does not apply to a ship to which section
28B applies.”.

4. Sections 28A and 28B added

After section 28—

Add

“28A. Additional restriction on sewage discharge—ships operating in polar waters

- (1) To avoid doubt, the application of this section to a ship does not preclude the application of section 28 to the ship.
- (2) No sewage may be discharged into the sea from a ship that operates in polar waters unless any of the exceptions specified in paragraph 4.2 of Chapter 4 of Part II-A of the Polar Code applies.
- (3) In this section—

Polar Code (《極地規則》) means the International Code for Ships Operating in Polar Waters, adopted by International Maritime Organization Resolutions MSC.385(94) and MEPC.264(68), as from time to time revised or amended by any revision or amendment to any provision of such Code that applies to Hong Kong;

polar waters (極地水域) has the same meaning as in Annex IV.

28B. Restriction on sewage discharge—passenger ships within special area etc.

- (1) This section applies—
 - (a) on and after 1 June 2019, to a new passenger ship within a special area;
 - (b) on and after 1 June 2021, to an existing passenger ship within a special area; and
 - (c) on and after 1 June 2023, to an existing passenger ship—
 - (i) that is en route directly—

-
- (A) from a port located outside a special area to a port located east of longitude $28^{\circ}10'E$ within the special area; or
 - (B) from a port located east of longitude $28^{\circ}10'E$ within a special area to a port located outside the special area; and
- (ii) that does not call at any port within a special area (other than the port referred to in subparagraph (i)(A) or (B)).
- (2) No sewage may be discharged into the sea from a passenger ship.
 - (3) Subsection (2) does not apply to a passenger ship if—
 - (a) it has in operation a sewage treatment plant referred to in section 1(a) of the Schedule; and
 - (b) the effluent from it—
 - (i) does not produce visible floating solids; and
 - (ii) does not cause any discoloration of the surrounding water.
 - (4) In this section, the following terms have the same meaning as in Annex IV—
 - (a) existing passenger ship;
 - (b) new passenger ship;
 - (c) passenger ship;
 - (d) special area.”.

Section 5

5. Section 29 amended (exceptions to section 28)

(1) Section 29, heading—

Repeal

“Exceptions to section 28”

Substitute

“General exceptions to sections 28, 28A and 28B”.

(2) Section 29—

Repeal

“Section 28 does”

Substitute

“Sections 28, 28A and 28B do”.

6. Section 30 amended (offences and penalties)

Section 30(1), after “28(1)”—

Add

“, 28A(2), 28B(2)”.

7. Schedule amended (requirements for equipments, etc.)

The Schedule—

Repeal

“& 28]”

Substitute

“, 28 & 28B]”.

Merchant Shipping (Prevention of Pollution by Sewage) (Amendment) Regulation
2019

L.N. 47 of 2019
B1021

Frank CHAN Fan
Secretary for Transport and
Housing

26 March 2019

Explanatory Note

This Regulation amends the Merchant Shipping (Prevention of Pollution by Sewage) Regulation (Cap. 413 sub. leg. K) to implement the requirements under Chapter 4 of Part II-A of the International Code for Ships Operating in Polar Waters (*Polar Code*) and give effect to the relevant amendments made to Annex IV to the International Convention for the Prevention of Pollution from Ships, 1973 (*MARPOL Annex IV*).

2. The relevant amendments made to MARPOL Annex IV include—
 - (a) declaring that ships operating in polar waters must not discharge sewage into the sea unless the exceptions in Chapter 4 of Part II-A of the Polar Code apply; and
 - (b) providing for the restriction and exceptions in relation to the discharge of sewage into the sea from passenger ships within a special area.