

L.N. 48 of 2019

**Merchant Shipping (Prevention of Pollution by Garbage)
(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 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 9.

3. Section 2 amended (interpretation)

- (1) Section 2(1), English text, definition of *treated food wastes*, paragraph (b)—

Repeal

“25 mm;”

Substitute

“25 mm.”.

- (2) Section 2(1)—

Repeal the definition of *treated introduced avian products*.

- (3) Section 2(1)—

Add in alphabetical order

“*Antarctic area* (南極區域) has the same meaning as in Annex V;

Arctic waters (北極水域) has the same meaning as in Annex V;

Polar Code (《極地規則》) means the International Code for Ships Operating in Polar Waters, adopted by IMO 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;”.

4. Section 4 amended (prohibition on discharge of garbage from ships)

Section 4(1)—

Repeal

“and 6”

Substitute

“, 5A, 6 and 6A”.

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

(1) Section 5, heading—

Repeal

“special”

Substitute

“protected”.

(2) Section 5(1)—

Repeal

Section 6

“special”

Substitute

“protected”.

- (3) Section 5(2)—

Repeal

“special”

Substitute

“protected”.

- (4) After section 5(8)—

Add

“(9) In this section—

protected area (受保護區域) means—

- (a) a special area; or
- (b) Arctic waters.”.

6. Section 5A added

After section 5—

Add

“5A. Discharge of garbage from ships in Arctic waters permitted in certain circumstances

- (1) Despite section 3, this section does not apply to a ship that is—
 - (a) alongside a fixed or floating platform; or
 - (b) within 500 m of a fixed or floating platform.
- (2) Food wastes may be discharged from a ship into the sea in Arctic waters if the discharge is made in accordance with—

-
- (a) Regulations 4.1 (excluding Regulation 4.1.1) and 7.2 of Annex V; and
 - (b) paragraph 5.2.1 of Chapter 5 of Part II-A of the Polar Code.
- (3) Special cargo residues contained in cargo hold wash water may be discharged from a ship into the sea in Arctic waters if the discharge is made in accordance with—
- (a) Regulation 4.1 of Annex V; and
 - (b) paragraph 5.2.1.5 of Chapter 5 of Part II-A of the Polar Code.
- (4) Cleaning agents or additives contained in cargo hold wash water may be discharged from a ship into the sea in Arctic waters if—
- (a) the ship is en route; and
 - (b) the discharge is made in accordance with—
 - (i) Regulation 4.2 of Annex V; and
 - (ii) paragraph 5.2.1.5 of Chapter 5 of Part II-A of the Polar Code.
- (5) Cleaning agents or additives contained in deck wash water or in external surfaces wash water may be discharged from a ship into the sea in Arctic waters if the discharge is made in accordance with Regulation 4.2 of Annex V.”.

7. Section 6 amended (discharge of garbage from ships within special areas permitted in certain circumstances)

- (1) Section 6, heading—

Repeal

“special”

Section 7

Substitute

“specified”.

- (2) Section 6(1)—

Repeal

“, (5)”.

- (3) Section 6(1)—

Repeal

“special”

Substitute

“specified”.

- (4) Section 6(2)—

Repeal

“special”

Substitute

“specified”.

- (5) Section 6(4)—

Repeal

“(other than treated introduced avian products)”.

- (6) Section 6—

Repeal subsection (5).

- (7) Section 6(7)(a)—

Repeal

“special” (wherever appearing)

Substitute

“specified”.

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

Repeal

“Annex V.”

Substitute

“Annex V;”.

- (9) Section 6(9)—

Add in alphabetical order

“*specified area* (指明區域) means a special area other than the Antarctic area.”.

8. Section 6A added

After section 6—

Add

“6A. Discharge of garbage from ships in Antarctic area permitted in certain circumstances

- (1) Despite section 3, this section does not apply to a ship that is—
- (a) alongside a fixed or floating platform; or
 - (b) within 500 m of a fixed or floating platform.
- (2) Food wastes may be discharged from a ship into the sea in the Antarctic area if the discharge is made in accordance with—
- (a) Regulations 6.1 and 7.2 of Annex V; and
 - (b) paragraph 5.2.2 of Chapter 5 of Part II-A of the Polar Code.

- (3) Special cargo residues contained in cargo hold wash water may be discharged from a ship into the sea in the Antarctic area if the discharge is made in accordance with—
 - (a) Regulation 6.1 of Annex V; and
 - (b) paragraph 5.2.2.1 of Chapter 5 of Part II-A of the Polar Code.
- (4) Cleaning agents or additives contained in cargo hold wash water may be discharged from a ship into the sea in the Antarctic area if the discharge is made in accordance with—
 - (a) Regulation 6.1 of Annex V; and
 - (b) paragraph 5.2.2.1 of Chapter 5 of Part II-A of the Polar Code.
- (5) Cleaning agents or additives contained in deck wash water or in external surfaces wash water may be discharged from a ship into the sea in the Antarctic area if the discharge is made in accordance with Regulation 6.2 of Annex V.”.

9. Section 9 amended (placards)

Section 9(3)(a)—

Repeal

“and 6”

Substitute

“, 5A, 6 and 6A”.

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

L.N. 48 of 2019
B1039

Frank CHAN Fan
Secretary for Transport and
Housing

26 March 2019

Explanatory Note

This Regulation amends the Merchant Shipping (Prevention of Pollution by Garbage) Regulation (Cap. 413 sub. leg. O) to implement the requirements under Chapter 5 of Part II-A of the International Code for Ships Operating in Polar Waters (*Chapter 5*) and give effect to the relevant amendments made to Annex V to the International Convention for the Prevention of Pollution from Ships, 1973.

2. Chapter 5 imposes additional requirements for discharge of garbage from a ship into the sea in Arctic waters and the Antarctic area.