

Introduction of Quality Bunker Operator Scheme

Introduction

1. To encourage improving service quality and increase the accuracy of the amount of fuel bunkered for maritime fuel oil¹ bunkering, the Marine Department (“MD”) establishes the “Quality Bunker Operator Scheme” (“Scheme”) to recognize bunker operators and their vessels that install and use a certified mass flow meter (“MFM”) system onboard.
2. Participation in the Scheme is voluntary. Bunker operators with bunker vessels meeting the basic requirements for joining the Scheme can apply to the MD for participating the Scheme, with relevant information and documentary proof provided. After verification and approval of the application, the MD will publish information on the website for the relevant bunker operators and their vessels for shipping companies' and relevant stakeholders' reference.

Basic Requirements

3. Bunker operators are required to install an MFM system on their bunker vessels and obtain an accreditation certificate for the MFM system issued by an accredited body² after an inspection conducted in accordance with the International Organization for Standardization's ISO 22192 Standard or equivalent requirements. After verification of the certificate and approval of the application, the MD will include the bunker operators and their vessels concerned in the “List of Qualified Bunker Vessels” (“List”).
4. Bunker operators must conduct zero verification of their MFM systems according to ISO 22192 Standard requirements, perform verification or calibration at least annually, and submit to the MD the certificates and reports issued by an accredited body in respect of such verification and calibration. After verification of the certificates and approval of the application by the MD, the bunker operators and their vessels concerned will continue to be recognized under the Scheme.
5. Bunker operators must also meet other requirements, including:-
 - a. To cooperate with the MD and other law enforcement agencies (such as Customs) for their onboard inspections;

¹ Maritime fuel oil refers to heavy oil, diesel, gasoline and bio-diesel.

² Accredited bodies refer to authorized bodies recognized by the Director of Marine under Section 7 or 7A of the Merchant Shipping (Local Vessels) Ordinance (Chapter 548), or bodies accredited by the Hong Kong Accreditation Service under the Innovation and Technology Commission and qualified to conduct certification according to the ISO 22192 standard. These bodies include standard certification bodies recognized by signatories of the latest multilateral mutual recognition agreement of the International Laboratory Accreditation Cooperation through the Hong Kong Inspection Body Accreditation Scheme mutual recognition scheme or multilateral mutual recognition scheme.

Please refer to the Hong Kong Accreditation Service's website for details

(https://www.itc.gov.hk/en/quality/hkas/information/mra_mla_arrangements.html).

- b. To conduct regular certification and calibration of their MFM systems in accordance with ISO 22192 Standard requirements;
 - c. To retain relevant verification certificates and reports for their MFM systems for at least three years;
 - d. To retain relevant bunker delivery notes and related documents (e.g. bunker plan, bunker checklist and fuel (cargo) records) for at least three years;
 - e. To cooperate with the MD and other law enforcement agencies for investigation into bunkering-related complaints, including but not limited to submitting documents as required by the MD and other law enforcement agencies for review, and devising and implementing corrective action plans in accordance with MD's instructions; and
 - f. To declare that they have not been convicted in court in the past 5 years.
6. If a bunker operator fails to meet the above requirements, such as failing to provide certificates and reports for the periodic verification and calibration of instruments for a particular bunker vessel, the MD will remove the bunker vessels or the bunker operators from the List. The MD will announce its decision to change the relevant contents of the List through MD's website.

Complaint Handling Mechanism

7. With reference to the arrangements at other major ports, the complaint handling mechanism under the Scheme aims to investigate whether a bunker operator has correctly installed and used the MFM system on their vessels according to ISO standards, not to intervene with commercial disputes between a bunker operator and a bunker recipient.
8. If a bunker recipient considers that a bunker operator has not properly used the MFM system during a bunker operation, it may lodge a complaint with the MD within 14 days of the completion of the bunker operation. After obtaining sufficient information, the MD will assess whether the MFM system has been correctly installed, operated, and used in accordance with the applicable technical and operational requirements. In other words, the investigation is for determining whether a bunker operator is in compliance with the technical aspect only.
9. If necessary, the MD will review the bunkering data of the MFM system and consult relevant accredited bodies for MFM systems for their technical advice in order to assess the performance of the MFM system.
10. If the MD assesses that the MFM system is operating in compliance with the relevant requirements in paragraph 8, the complainant will be notified of the results. If the complainant still considers that there are other operational problems, it may consider submitting relevant information to the relevant law enforcement agencies for follow-up.

11. If the MD assesses that a bunker vessel has not properly used the MFM system in accordance with the requirements under the Scheme, or complied with other requirements under the Scheme, MD will consider taking appropriate administrative measures, such as requesting the bunker operator concerned to rectify the problems within a specific time, or removing the relevant bunker vessels or bunker operators from the List.
12. If fraud or other criminal elements are found during the assessment, the MD will refer the case to relevant law enforcement agencies for follow-up investigation.

Publication of Information

13. The List contains information on the relevant bunker vessels, including the name of the bunker operators, their contact information, the name of the bunker vessels, the types of fuels used, and MFM systems used. Shipping companies or relevant stakeholders in need may refer to the List and contact the relevant bunker operators for service.
14. The MD will also upload onto its website a list of bunker operators with MFM systems installed, albeit not certified in accordance with ISO 22912 Standard.