

L.N. 153 of 2021

**Merchant Shipping (Prevention of Air Pollution)
(Amendment) Regulation 2021**

(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 1 April 2022.

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 7.

3. Section 17 amended (sulphur content of fuel oil)

After section 17(2)—

Add

“(3) The owner and the master of a ship of 400 gross tonnage or above must ensure that the requirements on in-use fuel oil sampling point set out in Regulation 14 of Annex VI are complied with in relation to the ship.”.

4. Section 31 amended (offences and penalties)

Section 31(1)—

Repeal

“17(1) or (2)”

Substitute

“17(1), (2) or (3)”.

5. Section 46 amended (sulphur content of fuel oil)

(1) Section 46—

Renumber the section as section 46(1).

(2) After section 46(1)—

Add

“(2) The owner and the master of a ship of 400 gross tonnage or above must ensure that the requirements on in-use fuel oil sampling point set out in Regulation 14 of Annex VI are complied with in relation to the ship.”.

6. Section 56 amended (offences and penalties)

Section 56(1)—

Repeal

“46”

Substitute

“46(1) or (2)”.

7. Section 90 amended (power to inspect bunker delivery notes, etc.)

Section 90(1)(a), English text—

Repeal

everything after “the ship”

Substitute

“to—

- (i) provide for inspection any bunker delivery note of the fuel oil required to be kept under section 87; and
- (ii) provide for examination any representative sample of the fuel oil required to be retained under section 87;”.

Frank CHAN Fan
Secretary for Transport and
Housing

4 August 2021

Explanatory Note

This Regulation amends the Merchant Shipping (Prevention of Air Pollution) Regulation (Cap. 413 sub. leg. P) (*principal Regulation*) to give effect to the amendments made to Annex VI to the International Convention for the Prevention of Pollution from Ships, 1973 (*Annex VI*) by the International Maritime Organization Resolution MEPC.324(75).

2. The Regulation imposes new requirements in relation to the use of fuel oil for ships of 400 gross tonnage or above, whether engaged in an international voyage or a non-international voyage as respectively defined in the principal Regulation.
3. Sections 3 and 5 amend sections 17 and 46 of the principal Regulation respectively so that owners and masters of those ships must ensure that the “in-use fuel oil sampling point” requirements set out in Annex VI are complied with.
4. Sections 4 and 6 respectively amend the offence provisions under sections 31 and 56 of the principal Regulation accordingly.
5. Section 7 makes a minor textual amendment to the English text of section 90 of the principal Regulation.