

## LOCAL VESSELS ADVISORY COMMITTEE

### **Amendments to the Merchant Shipping (Prevention of Oil Pollution) Regulations (Cap. 413A)**

#### **Purpose**

This paper provides members with the relevant information on the amendments to the Merchant Shipping (Prevention of Oil Pollution) Regulations (Cap. 413A) to implement the amended Annex I<sup>1</sup> of the International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL).

#### **Background**

2. The 68th session of the Marine Environment Protection Committee of the International Maritime Organization adopted Resolution MEPC.266(68) (see **Appendix**) on 15 May 2015 to amend regulation 12 of MARPOL Annex I regarding the discharge requirements of tank(s) for oil residues (sludge) (hereinafter referred to as sludge tanks).

3. At present, all ships of 400 gross tonnage and above should have already been fitted with a sludge tank of adequate capacity, and a designated pump taking suction from the sludge tank should be provided for disposal of sludge. Except for standard discharge connections, the sludge tank should not be arranged with any piping that has direct connection overboard. According to regulation 12 of Annex I amended by the aforesaid resolution, a sludge tank should not have discharge connections to the bilge system, oily bilge water holding tank, tank top or oily water separators (“the new requirements”).

4. The new requirements are applicable to all Hong Kong ships of 400 gross tonnage and above wherever they may be and all ships within Hong Kong waters, including locally licensed vessels, with retrospective effect. Hence, the locally licensed vessels affected should satisfy the new

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<sup>1</sup> MARPOL is supplemented by two protocols and six annexes, Annex I being “Regulations for the prevention of pollution by oil”, Annex II being “Regulations for the control of pollution by noxious liquid substances in bulk”, Annex III being “Prevention of pollution by harmful substances carried by sea in packaged form”, Annex IV being “Prevention of pollution by sewage from ships”, Annex V being “Prevention of pollution by garbage from ships” and Annex VI being “Prevention of air pollution from ships”.

requirements mentioned above before the first renewal survey for the IOPP Certificate conducted between the effective date of the amended Cap. 413A and 31 December 2021.<sup>2</sup>

5. The draft legislation amendments will pose no substantial effect on locally licensed vessels, as most of these vessels of 400 gross tonnage and above should have already satisfied the new requirements in terms of structure, equipment and discharge connections.

### **Way forward**

6. Resolution MEPC.266(68) entered into force internationally on 1 January 2017. To align with international standards, the Marine Department is drafting amendments to the relevant provisions of Cap. 413A for implementing the new requirements of the resolution. The relevant amendments are expected to be submitted to the Legislative Council for consideration in the legislative session of 2019-2020.

Marine Department  
Multi-Lateral Policy Division  
September 2019

### **Appendix:**

Resolution MEPC.266(68) –  
Amendments to regulation 12 of MARPOL Annex I

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<sup>2</sup> For ships constructed before 1 January 2017 and not required to conduct a renewal survey according to Section 4 of Cap. 413A between 1 January 2017 and the effective date of the amended Cap. 413A, their sludge tanks shall comply with the new requirements as provided in regulation 12.3.3 of MARPOL Annex I on or before the date of the first renewal survey conducted after the amended Cap. 413A entering into force.

**RESOLUTION MEPC.266(68)**  
**(adopted on 15 May 2015)**

**AMENDMENTS TO THE ANNEX OF THE INTERNATIONAL CONVENTION FOR THE  
PREVENTION OF POLLUTION FROM SHIPS, 1973, AS MODIFIED BY THE  
PROTOCOL OF 1978 RELATING THERETO**

**Amendments to regulation 12 of MARPOL Annex I**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING Article 38(a) of the Convention on the International Maritime Organization concerning the functions of the Marine Environment Protection Committee conferred upon it by international conventions for the prevention and control of marine pollution from ships,

NOTING article 16 of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL), which specifies the amendment procedure and confers upon the appropriate body of the Organization the function of considering and adopting amendments thereto,

HAVING CONSIDERED, at its sixty-eight session, proposed amendments to MARPOL Annex I concerning requirements for machinery spaces of all ships,

1 ADOPTS, in accordance with article 16(2)(d) of the 1973 Convention, amendments to regulation 12 of Annex I, the text of which is set out in the annex to the present resolution;

2 DETERMINES, in accordance with article 16(2)(f)(iii) of MARPOL, that the amendments shall be deemed to have been accepted on 1 July 2016 unless prior to that date, not less than one third of the Parties or Parties the combined merchant fleets of which constitute not less than 50% of the gross tonnage of the world's merchant fleet, have communicated to the Organization their objection to the amendments;

3 INVITES the Parties to note that, in accordance with article 16(2)(g)(ii) of MARPOL, the said amendments shall enter into force on 1 January 2017 upon their acceptance in accordance with paragraph 2 above;

4 REQUESTS the Secretary-General, for the purposes of article 16(2)(e) of MARPOL, to transmit certified copies of the present resolution and the text of the amendments contained in the annex to all Parties to MARPOL;

5 REQUESTS FURTHER the Secretary-General to transmit copies of the present resolution and its annex to Members of the Organization which are not Parties to MARPOL.

ANNEX

**AMENDMENTS TO MARPOL ANNEX I**

**Chapter 3**  
**Requirements for machinery spaces of all ships**

**Part A**  
**Construction**

**Regulation 12 – Tanks for oil residues (sludge)**

Paragraphs 1 to 4 of regulation 12 are replaced by the following:

"1 Unless indicated otherwise, this regulation applies to every ship of 400 gross tonnage and above except that paragraph 3.5 of this regulation need only be applied as far as is reasonable and practicable to ships delivered on or before 31 December 1979, as defined in regulation 1.28.1.

2 Oil residue (sludge) may be disposed of directly from the oil residue (sludge) tank(s) to reception facilities through the standard discharge connection referred to in regulation 13, or to any other approved means of disposal of oil residue (sludge), such as an incinerator, auxiliary boiler suitable for burning oil residues (sludge) or other acceptable means which shall be annotated in item 3.2 of the Supplement to IOPP Certificate Form A or B.

3 Oil residue (sludge) tank(s) shall be provided and:

- .1 shall be of adequate capacity, having regard to the type of machinery and length of voyage, to receive the oil residues (sludge) which cannot be dealt with otherwise in accordance with the requirements of this Annex;
- .2 shall be provided with a designated pump that is capable of taking suction from the oil residue (sludge) tank(s) for disposal of oil residue (sludge) by means as described in regulation 12.2;
- .3 shall have no discharge connections to the bilge system, oily bilge water holding tank(s), tank top or oily water separators, except that:
  - .1 the tank(s) may be fitted with drains, with manually operated self-closing valves and arrangements for subsequent visual monitoring of the settled water that lead to an oily bilge water holding tank or bilge well, or an alternative arrangement provided such arrangement does not connect directly to the bilge discharge piping system; and

- .2 the sludge tank discharge piping and bilge-water piping may be connected to a common piping leading to the standard discharge connection referred to in regulation 13; the connection of both systems to the possible common piping leading to the standard discharge connection referred to in regulation 13 shall not allow for the transfer of sludge to the bilge system;
  - .4 shall not be arranged with any piping that has direct connection overboard, other than the standard discharge connection referred to in regulation 13; and
  - .5 shall be designed and constructed so as to facilitate their cleaning and the discharge of residues to reception facilities.
- 4 Ships constructed before 1 January 2017 shall be arranged to comply with paragraph 3.3 of this regulation not later than the first renewal survey carried out on or after 1 January 2017."