

1987 No. 664

MARINE POLLUTION

The Merchant Shipping (Prevention and Control of
Pollution) (Hong Kong) Order 1987

<i>Made</i> - - - -	<i>7th April 1987</i>
<i>Laid before Parliament</i>	<i>15th April 1987</i>
<i>Coming into force</i>	<i>6th May 1987</i>

At the Court at Windsor Castle, the 7th day of April 1987

Present,

The Queen's Most Excellent Majesty in Council

Whereas by virtue of section 20(1)(a) and(d) of the Merchant Shipping Act 1979(a) ("the Act of 1979") Her Majesty may by Order in Council make such provision as She considers appropriate for the purpose of giving effect to -

- (a) the International Convention for the Prevention of Pollution from Ships (including its protocols, annexes and appendices) which constitutes attachment 1 to the final act of the International Conference on Marine Pollution signed in London on 2nd November 1973 ("the Convention")(b), and
- (b) any international agreement, not mentioned in paragraphs (a)-(c) of the said section 20(1), which relates to the prevention, reduction or control of pollution of the sea or other waters by matter from ships:

And whereas the said section 20(1) further provides that the reference to an agreement in paragraph (d) of the said section 20(1) (being the provision recited in paragraph (b) above) includes an agreement which provides for modification of another agreement, including (inter alia) the Convention:

And whereas the Marine Environment Protection Committee of the International Maritime Organisation by Resolution MEPC 16(22) dated 5th December 1985 adopted, in accordance with Article 16(2)(d) of the Convention, amendments relating to Annex II to the Convention:

And whereas the said Marine Environment Protection Committee by Resolution MEPC 21(22) dated 5th December 1985 adopted, in accordance with the said Article 16(2)(d) of the Convention, amendments relating to Protocol I to the Convention:

And whereas the said Annex II to the Convention and the said amendments thereto come into force internationally on 6th April 1987:

And whereas by virtue of section 20(3)(e) of the Act of 1979 such an Order may extend to certain territories:

And whereas this Order is made only for the purpose of giving effect in Hong Kong to Annex II to the Convention:

Now, therefore, Her Majesty, in exercise of the powers conferred by section 20(1)(a) and (d), (2), (3) and (4) of the Act of 1979 and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1. This Order may be cited as the Merchant Shipping (Prevention and Control of Pollution) (Hong Kong) Order 1987 and shall come into force on 6th May 1987.
2. The provisions of Article 3 of the Merchant Shipping (Prevention and Control of Pollution) Order 1987(a), as modified in the Schedule hereto, shall extend to Hong Kong.

G. I. de Deney
Clerk of the Privy Council

SCHEDULE

Article 2

ARTICLE 3 OF THE MERCHANT SHIPPING (PREVENTION AND CONTROL OF POLLUTION) ORDER 1987, AS EXTENDED TO HONG KONG

3.—The Governor may make regulations for the prevention of pollution by noxious liquid substances (hereinafter referred to as ‘the Regulations’) for the purpose of giving effect to the said Annex II to the Convention, and the Regulations may in particular include provisions –

- (a) with respect to the approval of documents and the carrying out of surveys and inspections for that purpose, and for the issue, duration and recognition of certificates for that purpose and the payment of fees in connection with such a survey, inspection or certificate;
- (b) with respect to the application of the Regulations to the Crown and the extra-territorial operation of the Regulations;
- (c) for requiring the reporting of incidents involving pollution or the threat of pollution for the purpose of giving effect to the said Protocol I to the Convention as amended;
- (d) that specified contraventions of the Regulations shall be offences punishable on summary conviction by a fine not exceeding 500,000 Hong Kong dollars and on conviction on indictment by imprisonment for a term not exceeding two years and a fine;
- (e) for detaining any ship in respect of which such a contravention is suspected to have occurred and, in relation to such a ship, for applying section 692 of the Merchant Shipping Act 1894(b) (which relates to the detection of a ship) with such modifications, if any, as are prescribed by the Regulations;

and the Regulations may –

- (i) provide that the Regulations for the time being in force under Article 3(1) of the Merchant Shipping (Prevention and Control of Pollution) Order 1987 as it applies in the United Kingdom shall, subject to such modifications (if any) as may be specified by the Governor be deemed to be Regulations made by the Governor under this Article;
- (ii) make different provisions for different circumstances;
- (iii) provide for exemptions from any provisions of the Regulations;
- (iv) provide for the delegation of functions exercisable by virtue of the Regulations; and

(a) S.I. 1987/

(b) 1894 c.60.

- (v) include such incidental, supplemental and transitional provisions as appear to the Governor to be expedient for the purposes of the Regulations.
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EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends to Hong Kong certain provisions of the Merchant Shipping (Prevention and Control of Pollution) Order 1987. Its main purpose is to give the Governor of Hong Kong power to make regulations to enable effect to be given in Hong Kong to Annex II to the International Convention for the Prevention of Pollution from Ships 1973 (Cmnd. 5748).