

Circular From NORTH**Date: 24 July 2018****Hong Kong - New Air Pollution Regulations**

New Hong Kong air pollution control regulations will enter into force on the 1 January 2019.

The regulation requires all ocean going vessels entering Hong Kong waters to burn only complaint fuels such as low-sulphur marine fuel (sulphur content not exceeding 0.5%), liquefied natural gas or any other fuel approved by the Director of Environmental Protection.

Vessels using onboard equipment that reduces emissions to the same or lesser levels of sulphur dioxide may be exempt from using such fuels.

Vessels will be required to record the date and time of fuel switching and keep these records for a minimum of three years.

The air pollution control regulation issued by the Environmental Protection Department can be read [here](#) and main contents as below for your reference.

- The Government has been implementing the Air Pollution Control (Ocean Going Vessels) (Fuel at Berth) Regulation (the “Fuel at Berth” Regulation) (Cap. 311AA) since 1 July 2015, requiring ocean-going vessels (OGVs) to switch to compliant fuel while berthing in Hong Kong to reduce their emissions. The Regulation seeks to extend the mandatory use of compliant fuel in OGVs while at berth to all vessels (including OGVs and non-OGVs) within the waters of Hong Kong, irrespective of whether they are sailing or berthing. Compliant fuel required by the Regulation includes low-sulphur marine fuel (sulphur content not exceeding 0.5 per cent), liquefied natural gas or any other fuel approved by the Director of Environmental Protection, which has the same requirements as set out in the current “Fuel at Berth” Regulation.
- The type of vessels affected by the Regulation is mainly OGVs that are using heavy fuel oil (with an average sulphur content of 2.6 per cent). Other non-OGVs (including river trade and local vessels) normally use locally supplied marine light diesel with a sulphur content not exceeding 0.05 per cent and therefore are not affected by the Regulation.
- When the Regulation comes into effect, OGVs that are using heavy fuel oil are required to switch to compliant fuel before entering Hong Kong waters. The owner and master of an OGV are required to record the date and time of fuel switching and keep the relevant records for three years. If an OGV uses technology that can achieve the same or less emission of sulphur dioxide (SO₂) when compared with using low-sulphur marine fuel, the OGV may be exempted from using compliant fuel. As the Regulation will cover the scope of control under the current “Fuel at Berth” Regulation, upon the commencement of the Regulation, the “Fuel at Berth” Regulation will be repealed.

- When the Regulation comes into effect, except for specified vessel types as set out in the Regulation, the master and owner concerned of any vessel using non-compliant fuel within the waters of Hong Kong will be liable to a maximum fine of \$200,000 and imprisonment for six months. Shipmasters and ship owners of OGVs who fail to record or keep the required particulars will also be liable to a maximum fine of \$50,000 and imprisonment for three months.

Source of Information: North of England P&I Club

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