

Ocean Going Vessels Fuel Switch at Berth

22 May 2015



Outline

- ∞ Air Pollution Control (Ocean Going Vessels)
(Fuel at Berth) Regulation
- ∞ Extended Port Facilities and Light Dues
Incentive Scheme
- ∞ Q&A

The Regulation

Air Pollution Control (Ocean
Going Vessels) (Fuel at Berth)
Regulation
(Cap. 311 AA)

The Regulation will come
into operation on

1 July 2015

Ocean Going Vessels (OGVs)

- SOLAS certificate
- Certificate issued by the Mainland for travelling in the coast of the Mainland
- 500 gross tonnage or above and certificate issued by a government authority outside Hong Kong

- OGVs must not use **non-compliant fuel** to operate the **specified machinery** during **prohibition period**
- Keep **records** on board for 3 years

1. low sulphur marine fuel (LSMF), i.e. marine fuel with sulphur content not exceeding 0.5% by weight;
2. liquefied natural gas; or
3. any other fuel approved by the Director of Environmental Protection (DEP) on the ground that its use can achieve SO₂ reduction at least as effectively as the use of LSMF.

Any fuel other than compliant fuel is non-compliant fuel

- the main engine (except for propulsion) ;
- the auxiliary engine;
- the boiler; and
- the generator.

Prohibition Period

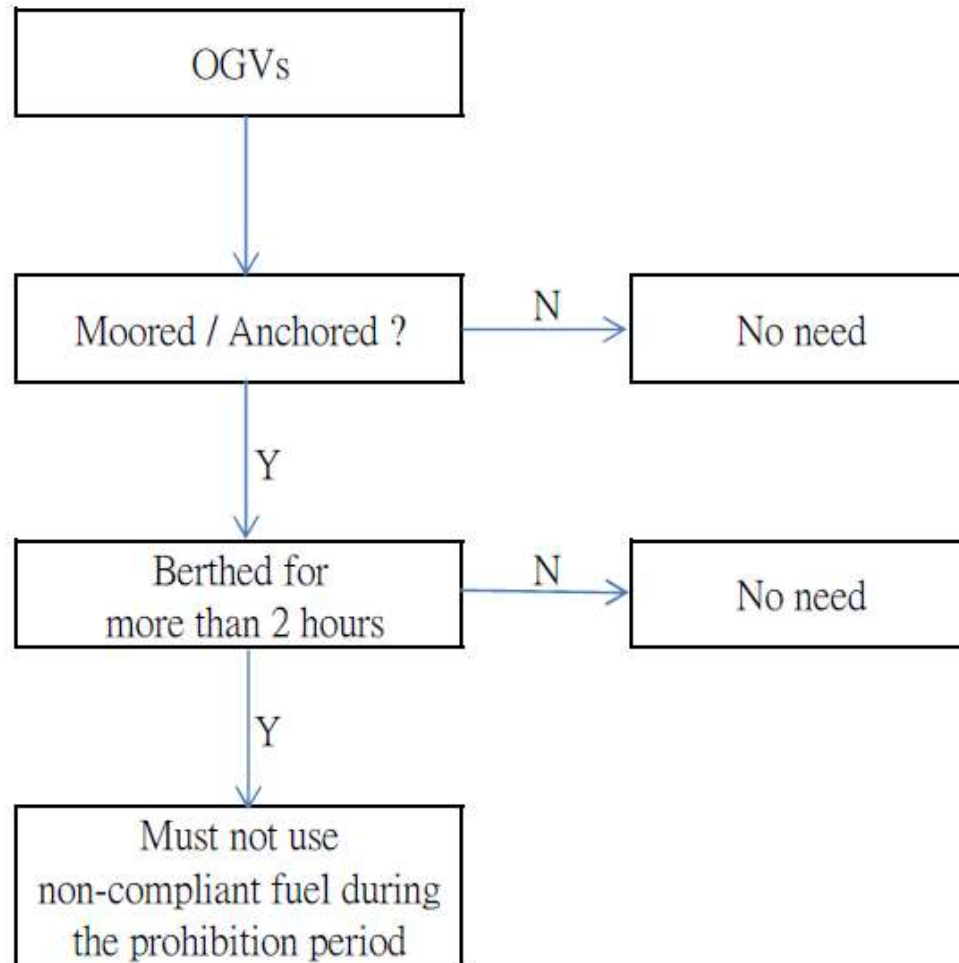
Cap. 311AA



A place in the waters of Hong Kong
at which the OGV is not underway

Need to switch fuel?

Cap. 311AA



- a vessel plying exclusively within river trade limits;
- a warship or any other vessel on military service;
- a vessel that only sails across the waters of Hong Kong without berthing;

a vessel that

1. does not carry any compliant fuel;
2. enters the waters of Hong Kong solely for the purpose(s) of:
 - a. reducing risks to the safety of the vessel concerned,
 - b. sheltering from stress of weather or
 - c. landing a sick or injured person; and
3. the owner or master of the vessel has notified the Director of Marine of such purpose(s) before the vessel enters the waters of Hong Kong.

Exemption may be granted if :

1. a vessel uses technology which can reduce SO₂ emission at least as effectively as using LSMF;
or
2. compliance with the fuel switch at berth requirements will pose a risk to the safety of the vessel.

- ☞ Must be in writing in a specified form with supporting documents
- ☞ At least 14 days in advance
- ☞ specified form available from EPD webpage

Defences (1)

All practicable measures taken

Cap. 311AA

1. Procedures for fuel switch operation to compliant fuel available on board the vessel;
2. The vessel was conducting fuel switch operation to compliant fuel;
3. All practicable measures in accordance with the procedures had been taken after arrival; and
4. It was not reasonably practicable to complete the fuel switch operation within 1 hour.

Unexpected event delaying departure

1. The vessel was delayed from the expected time of departure (ETD) to a later time due to an unexpected event beyond the person's control;
2. The unexpected event occurred within 1 hour before the ETD;
3. The contravention happened within the period beginning at 1 hour before the ETD and ending at 1 hour before the actual departure time; and
4. The expected date and time of departure and details of the unexpected event were recorded in a log book as soon as practicable.

Defences (3)

Misled by the fuel supplier

Cap. 311AA

1. All due diligence exercised to prevent contravention; but
2. Was misled by the supplier of the marine fuel as to the sulphur content of the fuel.

Defences (4)

Compliant fuel not available

Cap. 311AA

1. Exercised all due diligence to obtain compliant fuel; but
2. Failed to obtain such fuel.

1. The vessel was in an emergency situation that did not permit it to comply with the fuel switch requirements.

1. the **bunker delivery note** that relates to any marine fuel delivered to the vessel
2. the **log book(s)** recording
 - date and time of arrival,
 - date and time of departure,
 - date and completion time of switching to compliant fuel,
 - date and commencement time of switching to non-compliant fuel
3. for any **unexpected event** causing delay in departure of a vessel, a description of the event and the expected date and time of departure of the vessel

Offences and Penalties (1)

Cap. 311AA

Offences	Maximum Penalty
Using non-compliant fuel during the prohibition period	A fine of \$200,000 and imprisonment for 6 months
Failing to record the required particulars in the log book without reasonable excuse	A fine at level 5 (i.e. \$50,000) and imprisonment for 3 months
Failing to keep the required documents on board and make them available for inspection without reasonable excuse	

Offences and Penalties (2)

Cap. 311AA

Offences	Maximum Penalty
Failing to comply with a notice issued by the DEP without reasonable excuse	A fine at level 5 (i.e. \$50,000) and imprisonment for 3 months
Submitting a copy of a document which is false or misleading in purported compliance with a notice issued by the DEP	
Providing false or misleading information or document in an application for exemption	

The Incentive Scheme

The extended Port Facilities and Light Dues Incentive Scheme

(1 July 2015 – 31 March 2018)

The current Port Facilities and Light Dues (PF&LD) Incentive Scheme

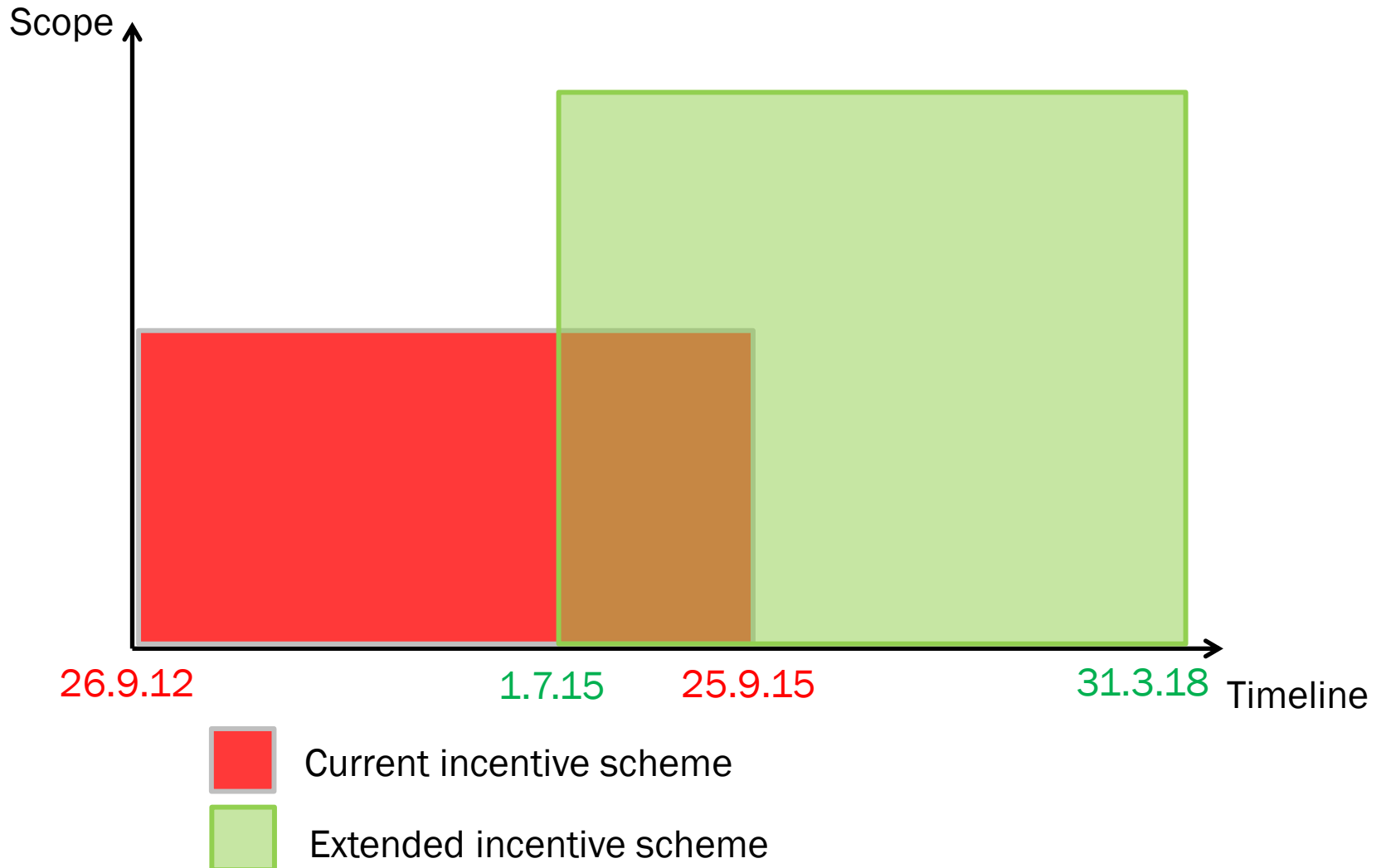
- was launched on **26 September 2012**
- will end on **25 September 2015**

An OGV will have its PF&LD reduced by half if

- registered with Environmental Protection Department (EPD)
- use LSMF with sulphur content not exceeding 0.5% while berthing
- submit forms with supporting documents to Marine Department (MD) for every call

From current to extended

Incentive Scheme



Additional to LSMF (i.e. fuel with sulphur content not exceeding 0.5%), the extended incentive scheme also includes

- liquefied natural gas;
- approved fuel
- technology that can achieve SO_2 emission reduction at least as effectively as using LSMF while berthing

Under the extended incentive scheme:

- Registered with EPD (one off)
- Use clean fuel/technology and notify EPD of its use within 24 hours from arrival

Streamlined procedure

Incentive Scheme

Current Incentive Scheme	Extended Incentive Scheme
Register with EPD	Register with EPD
Submit forms to MD for every call <ol style="list-style-type: none">no later than 4 hours after switching fuel at berthwithin 3 days after the vessel leaving Hong Kong waters	Submit notification form to EPD for every call within 24 hours if <ol style="list-style-type: none">Used compliant fuel/technology
Supporting documents required <ol style="list-style-type: none">Logbook showing fuel switchingBunker delivery notes	
Means for submission <ol style="list-style-type: none">By eBSBy faxIn person at service counters	Means for notification <ol style="list-style-type: none">By emailBy fax

Overlapping period (1 Jul – 25 Sept)

Incentive Scheme

registered under	follow
1. The current incentive scheme but NOT extended incentive scheme	the current practice (i.e. current scheme)
2. both current incentive scheme and extended incentive scheme (current registration will become invalid once registered under the extended incentive scheme)	Streamlined procedure (i.e. extended scheme)
3. the extended incentive scheme only	Streamlined procedure (i.e. extended scheme)

Application for registration under the extended PF&LD Incentive Scheme:

- Details will be available from EDP's webpage on 1 June 2015
- Will start receiving applications on 1 June 2015
- Applicants will be notified of the result in 10 days
- Once registration under the extended incentive becomes effective, registration under the current incentive scheme will be invalid

Information & Enquiry

Air Policy Group,
Environmental Protection Department,
33/F, Revenue Tower,
5 Gloucester Road, Wan Chai, HK

- Email: ogvfuelswitch@epd.gov.hk (the regulation)
ogvincentive@epd.gov.hk (incentive scheme)
- Webpage: www.epd.gov.hk
- Hotline: 2823 3111 (the regulation)
2594 6452 (incentive scheme)
- Fax: 2823 2155

End of Briefing

Thank you for your attention

Q & A Time