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PREVENTION OF POLLUTION OF THE SEA ACT (CHAPTER 243)

PREVENTION OF POLLUTION OF THE SEA (HAZARDOUS AND NOXIOUS SUBSTANCES POLLUTION PREPAREDNESS, RESPONSE AND CO-OPERATION) REGULATIONS 2004

ARRANGEMENT OF REGULATIONS

PART I

PRELIMINARY

Regulation

1. Citation and commencement
2. Definitions

PART II

EQUIPMENT AND RESPONSE CAPABILITY

3. Application of this Part
4. Dealing with pollution incidents
5. Assistance to Authority

PART III

HAZARDOUS AND NOXIOUS SUBSTANCES POLLUTION EMERGENCY PLANS AND REPORTING OF HAZARDOUS AND NOXIOUS SUBSTANCES POLLUTION INCIDENTS

6. Application of this Part
7. Hazardous and noxious substances pollution emergency plans for handling facilities
8. Hazardous and noxious substances pollution emergency plans for ships
9. Reporting of incidents

PART IV
MISCELLANEOUS

Regulation

10. Inspection
 11. Exemption
 12. Offences and penalties
- The Schedule
-

In exercise of the powers conferred by section 34 of the Prevention of Pollution of the Sea Act, the Maritime and Port Authority of Singapore, with the approval of the Minister for Transport, hereby makes the following Regulations:

PART I
PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Prevention of Pollution of the Sea (Hazardous and Noxious Substances Pollution Preparedness, Response and Co-operation) Regulations 2004 and shall come into operation on 1st April 2004.

Definitions

2. In these Regulations, unless the context otherwise requires —

“GT” means gross tonnage;

“hazardous and noxious substances” means any substance, other than oil, which if introduced into the marine environment is likely to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea;

“hazardous and noxious substances handling facility” means any facility where hazardous and noxious substances are loaded into or unloaded from ships and includes —

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- (a) any hazardous and noxious substances terminal, offering berths alongside, on buoys or at anchor, to ships; and
 - (b) any shipyard and cargo terminal, offering berths alongside, on buoys or at anchor, to hazardous and noxious substances tankers of over 150 GT, and carrying out hazardous and noxious substances transfers from ship to ship or within a ship;

“hazardous and noxious substances pollution emergency plan” means a contingency plan (other than the Marine Emergency Action Procedure) setting out arrangements for responding to incidents which cause or may cause marine pollution by hazardous and noxious substances, with a view to preventing such pollution or reducing or minimising its effect;

“hazardous and noxious substances pollution incident” means an occurrence or series of occurrences having the same origin, including fire or explosion, which results or may result in a discharge of hazardous and noxious substances and which poses or may pose a threat to the marine environment, or to the coastline or related interests of Singapore, and which requires emergency action or other immediate response;

“Marine Emergency Action Procedure” means the national plan for pollution emergencies prepared by the Authority;

“operator”, in relation to a hazardous and noxious substances handling facility, means a person having, for the time being, the management of such facility in Singapore.

PART II

EQUIPMENT AND RESPONSE CAPABILITY

Application of this Part

3.—(1) This Part shall apply to any operator of a hazardous and noxious substances handling facility.

(2) Notwithstanding paragraph (1), the Port Master may by notice exempt an operator of any hazardous and noxious substances handling facility from the provisions of this Part.

Dealing with pollution incidents

4.—(1) An operator of a hazardous and noxious substances handling facility shall ensure that adequate measures are taken to effectively deal with any hazardous and noxious substances pollution incident arising from that facility and any vessel alongside that facility.

(2) The measures referred to in paragraph (1) shall include the provision of sufficient number of trained personnel and items of equipment specified in the Schedule to effectively deal with that incident.

(3) Subject to paragraph (4), an operator may either provide for the measures referred to in paragraph (1) himself or engage an external service provider, who is approved by the Authority, to provide them.

(4) An operator shall at all times —

- (a) provide at least 6 trained personnel at the handling facility to respond within 15 minutes to a hazardous and noxious substances pollution incident; and
- (b) keep and maintain at the facility the minimum quantities of the items of equipment specified in the Schedule.

Assistance to Authority

5.—(1) In the event of a hazardous and noxious substances pollution incident, an operator of a hazardous and noxious substances handling facility shall, upon the request of the Authority, provide to the Authority the equipment kept under regulation 4(4).

(2) An operator shall render such assistance and services as may be required by the Authority for eliminating or reducing the hazardous and noxious substances pollution.

(3) The Authority shall reimburse the operator such amounts and on such terms as the Authority and the operator may agree from time to time for the equipment and services provided.

(4) If the Authority and the operator are unable to agree on the amounts or the terms of reimbursement under paragraph (3), the matter shall be referred to the Minister whose decision shall be final, and the Authority shall reimburse the operator in accordance with the decision.

PART III

HAZARDOUS AND NOXIOUS SUBSTANCES POLLUTION EMERGENCY PLANS AND REPORTING OF HAZARDOUS AND NOXIOUS SUBSTANCES POLLUTION INCIDENTS

Application of this Part

6. This Part shall apply to —

- (a) hazardous and noxious substances terminals, offering berths alongside, on buoys or at anchor, to ships;
- (b) shipyards and cargo terminals, offering berths alongside, on buoys or at anchor, to hazardous and noxious substances tankers of over 150 GT, and carrying out hazardous and noxious substances transfers from ship to ship or within a ship;
- (c) any hazardous and noxious substances handling facility, in respect of which the Port Master has served the operator with a notice stating that he is of the opinion that maritime activities are undertaken at that facility which involve a significant risk of discharge of hazardous and noxious substances; and
- (d) any hazardous and noxious substances handling facility, in respect of which the Port Master has served the operator with a notice stating that he is of the opinion that it is located in an area of significant environmental sensitivity, or in an area where a discharge of hazardous and noxious

substances or other substances could cause significant economic damage.

Hazardous and noxious substances pollution emergency plans for handling facilities

7.—(1) Every operator of a hazardous and noxious substances handling facility shall have a hazardous and noxious substances pollution emergency plan in accordance with this regulation.

(2) There shall be a separate hazardous and noxious substances pollution emergency plan for each hazardous and noxious substances handling facility.

(3) In preparing a hazardous and noxious substances pollution emergency plan, an operator shall take into account any guidance given by the Authority.

(4) An operator shall submit a hazardous and noxious substances pollution emergency plan in respect of his hazardous and noxious substances handling facility to the Authority for approval.

(5) Where, on or after 1st April 2004, a hazardous and noxious substances handling facility comes into being, the operator of the facility shall submit a hazardous and noxious substances pollution emergency plan in respect of the facility to the Authority for approval at least 2 months before the facility comes into being.

(6) Subject to paragraph (7), every operator shall fully review his hazardous and noxious substances pollution emergency plan no later than 5 years after the submission of the plan in accordance with paragraph (4) or (5), as the case may be, and re-submit within that period a hazardous and noxious substances pollution emergency plan to the Authority for approval.

(7) Where any change occurs which affects or is likely to affect the validity or effectiveness of a hazardous and noxious substances pollution emergency plan to a material extent, the operator shall submit to the Authority for approval a new hazardous and noxious substances pollution emergency plan, or amendments to the existing hazardous and noxious substances pollution emergency plan within 3 months of such change becoming known to the operator.

(8) Where the Authority is of the opinion that any hazardous and noxious substances pollution emergency plan, or amendment thereto, submitted under paragraph (4), (5), (6) or (7) —

- (a) is not compatible with the Marine Emergency Action Procedure for the time being in force; or
- (b) is not appropriate for dealing with hazardous and noxious substances pollution incidents which may occur in the area in which the operator exercises responsibility,

the Authority may, after consultation with the operator, direct that the hazardous and noxious substances pollution emergency plan be altered in such a manner as the Authority considers appropriate, and the operator shall alter the hazardous and noxious substances pollution emergency plan in accordance with such direction.

(9) Every operator shall implement the hazardous and noxious substances pollution emergency plan as approved or altered under this regulation in the event of a hazardous and noxious substances pollution incident.

Hazardous and noxious substances pollution emergency plans for ships

8.—(1) The owner, agent or master of —

- (a) any hazardous and noxious substances tankers of over 150 GT;
- (b) any ship in Singapore waters carrying hazardous and noxious substances; and
- (c) any Singapore ship carrying hazardous and noxious substances, whether in Singapore waters or elsewhere,

shall ensure that there is carried on board a pollution incident emergency plan.

(2) The emergency plan in paragraph (1) shall fulfil the requirements of regulation 17 of Annex II to the Convention or the Emergency Response Procedures for Ships Carrying Dangerous

Goods of the International Maritime Dangerous Goods Code, as the case may be.

[S 689/2006 wef 01/01/2007]

(3) In this regulation, “Annex II” means Annex II to the Convention which contains regulations for the control of noxious liquid substances in bulk and which is set out in the First Schedule to the Prevention of Pollution of the Sea (Noxious Liquid Substances in Bulk) Regulations 2006 (G.N. No. S 686/2006).

[S 689/2006 wef 01/01/2007]

Reporting of incidents

9.—(1) The master of any ship in Singapore waters and any Singapore ship, whether in Singapore waters or elsewhere, who observes or otherwise becomes aware of any event involving a discharge of hazardous and noxious substances into the sea from another ship or from a hazardous and noxious substances handling facility shall, without delay report it —

- (a) if the ship is in Singapore waters, to the Authority; and
- (b) if the ship is elsewhere, to the nearest coastal state.

(2) A person having charge of any hazardous and noxious substances handling facility who observes or otherwise becomes aware of —

- (a) any event involving a discharge of hazardous and noxious substances;
- (b) any event involving a probable discharge of hazardous and noxious substances; or
- (c) the presence of hazardous and noxious substances in the sea,

shall, without delay, report it to the Authority.

(3) A report under this regulation shall, so far as appropriate, comply with the requirements set out in the "General principles for ship reporting systems and ship reporting requirements, including guidelines for reporting incidents involving dangerous goods, harmful substances and/or marine pollutants", adopted by the

International Maritime Organisation by resolution A.648 (16) as amended, revised or replaced by another resolution from time to time.

PART IV MISCELLANEOUS

Inspection

10. An officer of the Authority may, for the purposes of these Regulations —

- (a) enter the premises of any hazardous and noxious substances handling facility;
- (b) inspect the equipment maintained at the hazardous and noxious substances handling facility; or
- (c) by notice require any person to provide such information or document as the officer may reasonably require.

Exemption

11. The Port Master may, either absolutely or subject to such conditions as he thinks fit, exempt any person from any of the provisions of these Regulations if he is satisfied that compliance with the provisions is either impracticable or unreasonable.

Offences and penalties

12. Any person who —

- (a) contravenes regulation 4, 5, 7, 8 or 9;
- (b) contravenes any condition imposed under regulation 11;
- (c) obstructs or hinders an officer of the Authority in the exercise of his powers under these Regulations;
- (d) fails to comply with a notice of an officer of the Authority referred to in regulation 10(c); or
- (e) being required by such a notice to provide information to an officer of the Authority, provides any information which he knows or has reason to believe is false in a material particular,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 2 years or to both.

THE SCHEDULE

Regulation 4(2) and (4)

ITEMS OF EQUIPMENT TO BE KEPT AND MAINTAINED AT HAZARDOUS AND NOXIOUS SUBSTANCES FACILITY

1. Personal protective equipment for personnel to handle the hazardous and noxious substances emergency —

- (a) at least 6 self-contained breathing apparatus of 30 minutes capacity;
- (b) at least 6 chemical splash suits;
- (c) at least 6 fully encapsulated chemical suits;
- (d) at least 6 full faced respirators;
- (e) at least 18 cartridges suitable to protect and capable of filtering the vapour or particles produced by the hazardous and noxious substances handled at the facility; and
- (f) at least one breathing apparatus skit with bottle storage.

2. At least 300 metres of containment barrier equipped with a connecting device for common linkage with other containment barriers during joint use which are approved by the Authority.

3. Materials for removal or recovery of hazardous and noxious substances including —

- (a) at least 300 absorbent sheets;
- (b) at least 100 metres absorbent barriers; and
- (c) at least 4 recovery drums.

4. At least 3 explosion proof portable pumps.

5. At least one decontamination showers for decontamination of emergency response personnel.

6. At least one oxygen resuscitators.

7. Equipment for detection of the vapour of hazardous and noxious substances handled at the facility including —

- (a) at least 2 oxygen and combustible combination gas detectors;
- (b) at least 2 chemical gas detectors; and

THE SCHEDULE — *continued*

(c) at least 2 boxes of 10 tubes each box of chemical tubes for each type of hazardous and noxious substances handled at the facility.

8.—(1) At least 6 portable radio sets on a frequency specified by the Port Master with transmitter power not exceeding 2 watts.

(2) The radio sets and transmitter power must be approved by the Info-communications Media Development Authority (established by section 3 of the Info-communications Media Development Authority Act 2016 (Act 22 of 2016)).
[S 478/2016 wef 01/10/2016]

9. Sufficient quantity and effective inhibitor and neutralising agent (if applicable) for the types of chemicals handled at the terminals.

Made this 15th day of March 2004.

PETER ONG
Chairman,
Maritime and Port Authority of
Singapore.

[MPA 46/06.010 V04/TKS; AG/LEG/SL/243/2003/1 Vol.1]