

Circular of the Human Settlements and Environment Commission of Shenzhen Municipality, the Maritime Safety Administration of Shenzhen Municipality and the Transport Commission of Shenzhen Municipality on the Use of Low Sulfur Oil by Vessels when Berthing at Shenzhen Port
SRHG[2016] No.1

For the implementation of the “Law of the People’s Republic of China on the Prevention and Control of Atmospheric Pollution”, further improve the ambient air quality in our city, promote the healthy development of Shenzhen shipping industry, and implement the requirements in the “Implementation Plan on Domestic Emission Control Areas in Waters of the Pearl River Delta, the Yangtze River Delta and Bohai Rim(Beijing, Tianjin and Hebei)” (JHF[2015] No.177) and the “Working Plan of Shenzhen Port on Implementation of Pollution Control Measures for Berthing Ship”(SFBH[2016]No.125), it is decided to require compulsorily vessels to use low sulfur oil when berthing at Shenzhen port. The relevant matters are hereby notified as follows:

- I. As of October 1, 2016, vessels should use low sulfur oil with sulfur content less than or equal to 0.5% m/m when berthing at Shenzhen port (except for the first hour after berthing and the last hour before departure). The berth time counts from fastening the first line and the departure time starts from casting off the last line.
- II. Vessels shall, as required, keep fuel documents such as the Fuel switch record, fuel supplying and receiving document, oil record book and engine logbook, for inspection by relevant departments and institutions.
- III. The vessel can put forward an immunity or exemption to Shenzhen MSA if there are special circumstances causing the performance of the requirement of this Circular to be impossible. The specific circumstances under which immunity or exemption may be granted are provided in the annex of this Circular.
- IV. The vessel can take alternative measures equivalent to the emission reduction requirement. Except for the use of shore power or liquefied natural gas clean energy, prior recognition shall be obtained from the Shenzhen MSA and the Human Settlements and Environment Commission of Shenzhen Municipality for the effect of other measures.
- V. Shenzhen MSA shall strengthen the supervision of arriving vessels, enhance the random inspection on the quality of fuel and the discharge from vessels. vessel using low sulfur oil that does not meet the standards or requirements will be punished in accordance with Article 106 of the “Law of the People’s Republic of China on the Prevention and Control of Atmospheric Pollution”
- VI. “Vessel” as referred to in this Circular does not include vessels or crafts for military purpose, fishing boats, or athletic sports watercrafts.

It is hereby notified.

Annex: Exemptions

Human Settlements and Environment Commission of Shenzhen Municipality
Maritime Safety Administration of Shenzhen Municipality
Transport of Shenzhen Municipality

2016.8.16

Printed and circulated by the secretariat of the Human Settlements and Environment
Commission of Shenzhen Municipality

Annex: Circumstances of Immunities and Exemptions for A vessel

I. Immunities

The vessel side may request immunity in advance if she could not fulfill the requirements of the "Circular on the Use of Low Sulfur Oil by Vessels When Berthing at Shenzhen Port" under any of the following circumstances. If a vessel wants to apply for immunity, her company or agency shall put forward such request to the MSA in advance and submit sufficient proof materials. After verification by the MSA, the vessel can be immunized:

1. The vessel side can provide sufficient evidences to prove that it has exercised due diligence, but still failed to obtain low sulfur oil.
2. The vessel side can provide sufficient evidences to prove that the vessel shall go through alteration before she can use low sulfur oil and ensure that such alteration will be completed before January 1, 2017.
3. The vessel side can provide sufficient evidences to prove that using low sulfur oil during berthing will cause danger to the safety of the vessel herself.

II. Exemptions

The vessel side can provide sufficient evidences indicating that the failure of use low sulfur oil during berthing was caused as a result of force majeure or the occurrence of other emergency situations. Under such circumstances, the vessel shall put forward its request immediately to MSA through VHF or telephone etc, and shall supplement written materials afterwards. After verification by the MSA, it can be exempted from liability.

