

PILOTAGE ADVISORY COMMITTEE

Proposed Amendment to Pilotage Order, Cap. 84C

Purpose

The purpose of this paper is to seek members' comments on the proposed amendment to Paragraph 9 of the Pilotage Order, Cap. 84C to remove the explicit reference to Hong Kong Pilots Association Limited (HKPAL).

Background

2. Paragraph 9 of the Pilotage Order, Cap. 84C stipulates that “*The rate of remuneration of a registered apprentice pilot shall be not less than \$15000 per month which shall be payable by the Hong Kong Pilots Association Limited*”. The explicit reference to HKPAL in this paragraph has potential misconception that the Cap. 84C grants exclusivity to HKPAL.

3. In October 2005, the Government received an anonymous complaint against the HKPAL. One of the allegations was that the Marine Department (MD) granted exclusivity to the HKPAL in the provision of pilotage services. The complaint was also referred to the Competition Policy Advisory Group.

4. Investigations found that the HKPAL does not have exclusivity for the provision of pilotage services in Hong Kong, and in fact there is no restriction on licensed pilots forming their own associations to provide similar services. Nevertheless, in order to clear the misconception that exclusivity is granted to HKPAL the explicit reference to HKPAL in the relevant legislation should be amended.

Proposal

5. To eliminate the above potential misconception, it is proposed that legislative amendment should be made to Paragraph 9 of the Pilotage Order, Cap. 84C to the effect that the requirement for remunerating the registered apprentice pilot shall be payable by the person with whom the apprentice pilot has made a contract of apprenticeship. Copy of the existing Paragraph 9 of the Pilotage Order, Cap. 84C and the proposed amendment are attached in Annex I and II respectively for reference.

Recommendation

6. Members are recommended to endorse the proposed amendment.

Pilotage Unit
Vessel Traffic Section
Vessel Traffic Services Branch
Marine Department
16 December 2008

Existing Legislation

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Chapter:	84C	Title:	PILOTAGE ORDER	Gazette Number:	
Paragraph:	9	Heading:	Remuneration of apprentice pilots	Version Date:	30/06/1997

The rate of remuneration of a registered apprentice pilot shall be not less than \$15000 per month which shall be payable by the Hong Kong Pilots Association Limited.

Proposed Amendments

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The rate of remuneration of a registered apprentice pilot shall be not less than \$15000 per month which shall be payable by the **person with whom the apprentice pilot had made a contract of apprenticeship.**