

PILOTAGE ADVISORY COMMITTEE

Proposed Amendments to Pilotage Ordinance, Cap.84

Purpose

The purpose of this paper is to seek members' views on seven previously endorsed legislative amendment proposals.

Background

2. Seven legislative amendment proposals on the Pilotage Ordinance, Cap. 84 were endorsed by the Pilotage Advisory Committee (PAC) between 1995 and 2006. However, due to limited legislative slots and other legislative priorities, the proposed legislative amendments to Cap. 84 are still outstanding. The Marine Department (MD) is striving for a legislative slot in the 2010 – 2011 legislative session for the outstanding legislative amendments. Since these proposals were endorsed by the PAC some time ago, it is necessary to consult members again in order to commence the process for the legislative amendment.

3. A summary of the outstanding legislative amendment is as follows:

(i) To pay remuneration to members of a Board of Investigation –

At present, the Pilotage Ordinance contains no provision for the Pilotage Authority to pay remuneration to members serving a Board of Investigation (BOI). In the past the Pilotage Authority, in appreciation of the work of the members, did arrange through administrative procedures payment of remuneration to members of a BOI at the same level as an assessor of a Marine Court.

In order to empower the Pilotage Authority to pay remuneration to members serving a BOI and for the Chief Executive to approve the rate of remuneration, it is proposed that the Pilotage Ordinance be amended to include a provision similar to the manner in which members of a Marine Court are paid.

The relevant PAC Paper No. 3/95 was discussed and endorsed by PAC members on 23 February 1995.

(ii) **To add membership to the Pilotage Advisory Committee –**

The Pilotage Advisory Committee comprises of 16 members representing the interests of various sectors in the shipping industry. Members of the PAC are appointed by the Chief Executive upon nomination by the Pilotage Authority.

In the PAC meeting held on 5 March 1997, the Committee reviewed the PAC's existing membership and considered that it would be beneficial to the work of the Committee by expanding the industry's representation. The meeting agreed that a new member representing the local shipping agencies' sector should be invited to join the Committee as a representative of consumers' interests in the pilotage services.

(iii) **To add a requirement for payment of prescribed fees for services rendered by the Director of Marine related to the granting of exemption from Compulsory Pilotage –**

Under Sections 10D(2) and (3) of the Pilotage Ordinance (Cap. 84), the Pilotage Authority may exempt certain types of ships, or under certain situation, may exempt a specific ship from compulsory pilotage.

It has been the practice for the Pilotage Authority to charge applicants for services related to the exemption in accordance with regulation 6, 7 and 8 of the Merchant Shipping (Fees) Regulations (Cap. 281). The charges are basically to recover the administration costs of services provided by the Government. For the sake of good order, it would be more logical if a provision is to be included in the Pilotage Ordinance for the Pilotage Authority to charge such fees.

The relevant PAC Paper No. 4/99 was discussed and endorsed by PAC members on 1 June 1999.

(iv) **To substitute the term 'gross registered tonnage' with 'gross tonnage' –**

In 1969, the Inter-Governmental Maritime Consultative Organisation (now the International Maritime Organisation) introduced a universal tonnage measurement system under "the Convention on Tonnage Measurement 1969". The previous term "'Gross Registered

Tonnage" (GRT) was replaced by "Gross Tonnage" (GT). The Convention extended to Hong Kong came into force on 18 July 1982 through the Merchant Shipping (Tonnage) Regulations 1983 (subsequently became the existing Merchant Shipping (Registration) (Tonnage) Regulations (Cap.415 Sub.Leg.)).

Corresponding amendment to the Pilotage Ordinance is therefore necessary to replace the obsolete term "GRT" by the current term "GT".

The relevant PAC Paper No. 5/99 was discussed and endorsed by PAC members on 1 June 1999.

(v) To amend the location of Urmston Road Pilot Boarding Station –

In early 2001, due to limited sea room and geographical constraints, several marine accidents had happened in the Urmston Road area while transiting vessels were waiting for either Hong Kong pilots or Shekou pilots. In order to improve navigation safety in the Urmston Road, operational procedures have been established to match the timing for embarking/disembarking the Hong Kong pilots and Shekou pilots so as to reduce the duration when a transiting ship will have to navigate in that area without a pilot. At the same time, it is necessary to move the existing pilot boarding station in Urmston Road closer to the SAR boundary by relocating it to a position about 1.5 nautical miles northward.

The relevant PAC Paper No. 4/2001 was discussed and endorsed by PAC members on 23 October 2001.

(vi) To change from Class IIC to IID licence for pilot serving beyond the age 65 –

The existing Section 9A of the Pilotage Ordinance provides for a licensed pilot to apply for permission to continue to work beyond the age of 65, by issuing the applicant with a Class IIC licence subject to meeting certain specified requirements. The Class IIC licence was the lowest class of the pilotage licence at the time when Section 9A was enacted in 1993.

The various classes of the pilotage licences was revised in 1996 following a consultancy study commissioned by MD on the pilotage services, and a new "Class IID" pilotage licence was introduced into

the legislation, which became the lowest class of the pilotage licences. However, Section 9A has not been amended accordingly.

The policy intention has always been that a pilot serving beyond the age of 65 should only be given the lowest class of pilotage licence. It is therefore proposed that the current legislation should be amended to reflect this policy intention so that a pilot will be issued with a Class IID licence if he wishes to continue to work after the age of 65.

The relevant PAC Paper No. 2/2002 was discussed and endorsed by PAC members on 11 April 2002.

(vii) To relax the compulsory pilotage requirement for vessels between 1000 and 3000 Gross Tonnage proceeding to or from any container terminal –

Schedule 1 to the Pilotage Ordinance stipulates that compulsory pilotage is applicable to a ship of 3000 GT or over, and a ship of 1000 GT or over proceeding to or from any container terminal specified in the Third Schedule to the Dangerous Goods (Shipping) Regulations (Cap. 295C).

In 2002, in response to the demand from the trade, and having reviewed the port's environment, the PAC supported the granting of pilotage exemption to river trade vessel (RTV) between 1000 and 2000 GT proceeding to or from Kwai Chung Container Terminals (KCCT).

On the other hand as the River Trade Terminal (RTT), which started operating in 1998 has not been included in the Third Schedule to Cap. 295C, Schedule 1 to the Pilotage Ordinance does not apply to the RTT and vessels under 3000 GT going to or from the terminal are therefore not subject to compulsory pilotage.

Over the years, there were very few RTVs between 2000 and 3000 GT that called KCCT or RTT and the current exemption of vessels from compulsory pilotage has proven to be acceptable. The present control on the RTVs is considered effective and no adverse impact on the safety of navigation to or from the KCCT or RTT has been observed.

Having consulted the PAC and the then Provisional Local Vessel Advisory Committee in late 2006, members of both committees

endorsed MD's proposal to remove the requirement for compulsory pilotage for vessels between 1000 and 3000 GT proceeding to or from any container terminal as stipulated in Schedule 1 to the Pilotage Ordinance.

The relevant PAC Paper No. 5/2006 was discussed and endorsed by PAC members on 14 December 2006.

4. In order to save paper, the PAC papers for items 1, 3-7 and the notes of meeting for item (ii) on the above outstanding legislative amendment proposals are not attached to this paper. However, these can be obtained from the Secretary of the PAC, on request by Members.

Recommendation

5. Members are recommended to re-endorse the above legislative amendment proposals on the Pilotage Ordinance, Cap. 84.

Presentation

6. This paper will be presented by Mr. L. H. Ng of the Marine Department.

Marine Department
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