

PILOTAGE ADVISORY COMMITTEE

Pilotage Exemption for Vessels of 1,000 Gross Tonnage or over Proceeding to or from Kwai Chung Container Terminals

Purpose

The purpose of this paper is to seek members' endorsement on relaxing the compulsory pilotage requirement for vessels between 1,000 and below 3,000 Gross Tonnage (GT) to or from the Kwai Chung Container Terminals (KCCT).

Background

2. In accordance with paragraphs 1 and 2 of Schedule 1 to the Pilotage Ordinance (Cap. 84), compulsory pilotage is applicable to a ship of 3,000 GT or over, and a ship of 1,000 GT or over proceeding to or from any container terminal specified in the Third Schedule to the Dangerous Goods (Shipping) Regulations (Cap. 295C).

3. In responding to the demand from the trade and having reviewed the port's environment, the Pilotage Advisory Committee (PAC) supported the granting of pilotage exemption to river trade vessels (RTV) between 1,000 and 2,000 GT proceeding to or from KCCT at its meeting held on 23 October 2001. The conditions for the exemption (PAC Paper No. 3/2002) were endorsed by the PAC on 11 April 2002 (**Attachment I**) and the said pilotage exemption scheme was subsequently implemented on 1 September 2002.

4. In late 2006, Marine Department (MD) had reviewed the situation and found that with effective control the RTV operation had proven to be satisfactory

and no adverse impact on the safety of navigation to or from the container terminals had been observed. After due consideration, MD proposed that the compulsory pilotage requirement for vessels up to 3,000 GT proceeding to or from any container terminal could be relaxed. The proposal (PAC Paper No. 5/2006) was thoroughly discussed and endorsed by the PAC at its meeting held on 14 December 2006 (**Attachment II**).

Present Situation

5. To implement the decision of the PAC, MD had submitted a legislative amendment proposal to exempt the compulsory pilotage requirement for vessels below 3,000 GT to the Transport and Housing Bureau for processing. However, due to limited legislative slots, the said legislative amendment proposal is still outstanding.

6. The undue delay of implementing the proposal is out of the trade's expectation. In fact, had a legislative slot been available after the said proposal was endorsed by the PAC, all vessels between 1,000 and below 3,000 GT would have already been exempted from compulsory pilotage to or from any container terminal.

The Trade's View

7. The Guangdong Shipowners' Association (GDSA) has expressed to MD on their anxiety regarding the early implementation of the above legislative amendment. It is because that the Ministry of Transport of the People's Republic of China has approved since January 2010 the building of some 150 new RTVs over 2,000 GT for trading between Guangdong Province and Hong Kong. A large number of the new vessels will be fitted with twin screws and some of the new builds have already come into service. Moreover, the current arrangement of

specifying the ships on which an exempted master can serve severely restricts the shipping companies in deploying their crew. GDSA therefore urges for further relaxation of the current exemption conditions to cope with the development of the river trade before the amendment to the legislation can be made.

8. The Guangdong & Hong Kong Feeder Association (GHKF) shares the views of GDSA and reckons that whilst waiting for a legislative slot, further relaxations on the current pilotage exemption scheme should be considered.

Review

9. Currently, there are a total of some 300 RTVs exempted from the compulsory pilotage and some 400 masters holding valid exemptions. About 20% of the RTVs applying for pilotage exemption are new builds of 1,800 – 2,000 GT and fitted with twin screws. These RTVs are required to participate in the Vessel Traffic Services (VTS) and their movements are monitored by MD. Since the implementation of the pilotage exemption scheme in 2002, all the exempted masters have operated safely without significant problem.

10. To facilitate the continual growth of the river trade and in view of the good safety record of the exempted masters, it is proposed to grant exemption to RTVs up to 3000GT, and that the number of calls by the masters to qualify for the practical assessment and subsequent annual re-validation can be reduced. In ensuring safe operation of the larger vessels, it is proposed to require new vessels to be equipped with an Automatic Identification System (AIS) identifiable by our VTS system. This requirement should be extended to the existing exempted vessels. Furthermore, from ship handling viewpoint, manoeuvrability of twin-screw RTVs is more effective than single-screw in berthing/unberthing operations as well as in taking action to avoid collision. As such, a new requirement on twin screws is proposed for RTVs above 2,000 GT.

Proposed Arrangements

11. Whilst the legislative amendments endorsed by PAC in 2006 will continue to be pursued, taking into account the development of the river trade and up-keeping of navigation safety, the following interim measures are proposed for members' consideration:

- (a) granting exemption to RTVs up to 2,000 GT will be extended to RTVs below 3,000 GT;
- (b) vessels above 2,000 GT should be fitted with twin screws;
- (c) new vessels applying for exemption should be equipped with Class A or Class B AIS which can be identified by MD's VTS system. Existing vessels should also install AIS before the second re-validation from the date of implementation;
- (d) the existing requirement of 26 calls to Hong Kong per year in order to qualifying for the practical assessment and the subsequent annual re-validation will be reduced to 12 calls;
- (e) masters holding a valid exemption will be allowed to serve on other vessels of the same class; and
- (f) the new arrangements are suggested to commence on 1 January 2012.

Advice Sought

12. Members are invited to consider the arrangements detailed in para. 11 and are recommended to endorse the proposal.

Vessel Traffic Services Branch

Marine Department

September 2011

PILOTAGE ADVISORY COMMITTEE

**Proposed Condition for
Pilotage Exemption for Vessels of 1000 Gross Tonnage or Over
Proceeding to and from Kwai Chung Container Terminals**

Background

At the PAC meeting held on 23 October 2001, members endorsed in principle the exemption of compulsory pilotage for river trade vessels proceeding to and from the Kwai Chung Container Terminals. This paper sets out the proposed conditions for exemption for members' endorsement.

Proposed Conditions

2. The following conditions for exemption are proposed:
 - (a) The Exemption is to be given to the master of the same ship which should be either less than 80 metres LOA, or less than 2000 Gross Tonnes, whichever is the less and NOT carrying dangerous cargoes in bulk or loose form onboard.
 - (b) The master should hold a valid master Certificate and Licence issued by the Chinese Authority. He must have completed a minimum of 26 similar calls to Hong Kong per year, be able to communicate effectively and pass the practical assessment by Marine Department.
 - (c) The vessel shall carry VHF radio onboard and participate in Hong Kong Vessel Traffic Services.
 - (d) The vessel must carry a full set of updated Hong Kong charts.

- (e) The Exemption is valid for one year and only for the same routes(s) as specified by the Pilot Authority. Re-validation is subject to the master meeting the required number of calls during the year immediately before the re-validation, failing which a fresh application would be required together with the practical assessment.
- (f) The Exemption may be withdrawn at any time at the discretion of the Pilotage Authority.

Recommendation

3. The above proposed conditions have been discussed and agreed by the PAC Working Group on 20 February 2002. Members are recommended to endorse these conditions for formal implementation.

Presentation

4. This paper will be presented by Mr. C. N. Chung of Marine Department.

Vessel Traffic Services Branch
Marine Department
April 2002

PILOTAGE ADVISORY COMMITTEE

Compulsory Pilotage Exemption for Vessels of 1000 Gross Tonnage or over Proceeding to or from Container Terminals

Purpose

The purpose of this paper is to seek members' endorsement on relaxing the compulsory pilotage requirement for vessels between 1000 and 3000 Gross Tonnage (GT) proceeding to or from any container terminal.

Background

2. In accordance with paragraphs 1 and 2 of Schedule 1 to the Pilotage Ordinance Cap. 84 (see Annex I), 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) (see Annex II).

3. Since the introduction of the above Regulation in 1984, the GT of vessels, especially river trade vessels (RTV) has increased significantly over the years. Having reviewed the port's environment, the RTV mode of operation and the masters' local experience etc., the Pilotage Advisory Committee supported the granting of pilotage exemption to RTV proceeding to or from Kwai Chung Container Terminals (KCCT) at the meeting on 11 April 2002. The exemption scheme was implemented on 1 September 2002 to vessels which met the following conditions:

- (a) The exemption is to be given to the master of the vessel which should be either less than 80 metres LOA, or less than 2000 GT, whichever is the less and not carrying dangerous cargoes in bulk.

- (b) The master should have completed a minimum of 26 similar calls to Hong Kong per year and pass the practical assessment by Marine Department.
- (c) The exemption is valid for one year. Re-validation is subject to the master meeting the required number of calls during the year immediately before the re-validation.

4. The River Trade Terminal (RTT), which started operating in 1998 is not included in the Third Schedule to Cap. 295C. As such, paragraph 2 of Schedule 1 to the Pilotage Ordinance does not apply to the RTT. Vessels under 3000 GT going to or from the terminal are not subject to compulsory pilotage. So far no adverse impact on the safety of navigation to or from the terminal has been observed.

Present Situation

5. In the proposed amendments to Cap. 295 sub. leg., the Third Schedule will be updated and the RTT will be included in the schedule for the purpose of dangerous goods control (see Annex III). The inclusion of RTT in the Third Schedule will change the current situation. Paragraph 2 of Schedule 1 to the Pilotage Ordinance will then be applicable to the RTT, and therefore vessels of 1000 GT or over proceeding to or from the RTT will be subject to compulsory pilotage.

6. In the past twelve months, vessels between 1000 to 3000 GT that called at KCCT and RTT are shown below: -

	1000 GT – 1999 GT	2000 GT – 2999 GT
	No. of Vessels	No. of Vessels
KCCT	98	3
RTT	57	5

7. As of today, the Pilotage Authority has issued 72 valid pilotage exemptions to RTV going to or from KCCT. All these vessels are required to participate in the Vessel Traffic Services and their movements are monitored by the Vessel Traffic Centre and the Kwai Chung Marine Traffic Control Station. The present control on the RTV is considered satisfactory.

Proposal

8. It is proposed to remove the requirement for compulsory pilotage for vessels between 1000 and 3000 GT going to or from any container terminal.

Implications

9. According to the figures in paragraph 6, if compulsory pilotage for vessels between 1000 and 3000 GT going to or from KCCT is removed, a total of 101 vessels will be excluded from the pilotage requirement. However, it should be noted that among these 101 vessels, 98 are presently eligible to apply for pilotage exemption as mentioned in paragraph 3. Therefore, only three vessels between 2000 and 3000 GT will actually be excluded.

10. As for the RTT, a total of 62 vessels between 1000 GT and 3000 GT will be excluded. Again, it should be noted that these vessels are in fact not subject to compulsory pilotage at present (see paragraph 4 above).

Recommendation

11. Members are recommended to endorse the proposal in paragraph 8 above. Upon members' endorsement, Marine Department will follow up to amend paragraph 2 of Schedule 1 to the Pilotage Ordinance Cap. 84 accordingly.

Port Control Division

Marine Department

October 2006

Chapter:	84	Title:	PILOTAGE ORDINANCE	Gazette Number:	10 of 2005
Schedule:	1	Heading:	SHIPS SUBJECT TO COMPULSORY PILOTAGE	Version Date:	08/07/2005

[sections 10C & 10D]

1. A ship of 3000 gross registered tonnage or over. (Amended L.N. 163 of 1987; L.N. 160 of 1995)
2. A ship of 1000 gross registered tonnage or over proceeding to or from any wharf specified in Part I of the First Schedule, and any container terminal specified in the Third Schedule, to the Dangerous Goods (Shipping) Regulations (Cap 295 sub. leg. C).
3. A ship of 1000 gross registered tonnage or over carrying dangerous goods specified in Categories 1, 2 and 5 in the Schedule to the Dangerous Goods (Application and Exemption) Regulations (Cap 295 sub. leg. A). (Amended 10 of 2005 s. 208)
4. A ship of 1000 gross registered tonnage or over proceeding to or from a Government mooring buoy.
5. A ship of 300 gross registered tonnage or over which-
 - (a) is, for any reason, unable to proceed under its own power, manoeuvre with its own steering gear, or work with its own anchors;
 - (b) has any part of the hull structure removed, or under repair, which may affect the water-tight integrity of the ship; or
 - (c) is at risk of causing injury to persons or damage to property, any other ship or the environment by virtue of the condition of the ship or the nature or condition of its cargo.
6. A gas carrier as defined in regulation 2 of the Merchant Shipping (Safety) (Gas Carriers) Regulations (Cap 369 sub. leg. Z). (Added L.N. 160 of 1995)
(Schedule 1 added 29 of 1985 s. 7. Amended L.N. 163 of 1987; L.N. 160 of 1995)

Annex II

Chapter:	295C	Title:	DANGEROUS GOODS (SHIPPING) REGULATIONS	Gazette Number:
Schedule:	3	Heading:	APPROVED CONTAINER TERMINALS	Version Date: 30/06/1997

[regulation 2]

1. The Container Terminal at Tsim Sha Tsui belonging to Wharf (Holdings) Limited.
2. (Repealed L.N. 80 of 1992)
3. The Container Terminals at Kwai Chung belonging to Modern Terminals Ltd.
4. The Container Terminal at Kwai Chung belonging to Hong Kong International Terminals Ltd. or its subsidiaries.
5. The Container Terminal at Kwai Chung belonging to Sea-Land Orient Limited.
(L.N. 190 of 1990)

Proposed Amendments to Dangerous Goods (Shipping) Regulations
(Cap. 295 sub. leg.)

THIRD SCHEDULE

[reg. 2]

APPROVED CONTAINER TERMINALS

1. The Container Terminal at Tsim Sha Tsui belonging to Wharf (Holdings) Limited.
2. (Repealed L.N. 80 of 1992)
3. The Container Terminals at Kwai Chung belonging to Modern Terminals Ltd.
4. The Container Terminal at Kwai Chung belonging to Hong Kong International Terminals Ltd. or its subsidiaries.
5. The Container Terminal at Kwai Chung belonging to Sea-Land Orient Limited.
6. The Container Terminal at Kwai Chung belonging to COSCO-HIT Terminals (Hong Kong) Ltd.
7. The River Trade Terminal at Area 38, Tuen Mun (T.M.T.L. 393) belonging to the River Trade Terminal Co. Ltd.
8. The Container Terminal at Kwai Chung (CT-8 West) belonging to Asia Container Terminals Ltd.
9. The Container Terminal at Tsing Yi (CT-9 North) belonging to Hongkong International Terminals Ltd.
10. The Container Terminal at Tsing Yi (CT-9 South) belonging to Modern Terminals Ltd.

(L.N. 190 of 1990)