



Pilotage Advisory Committee

Ref. : HQ/COM 928/19 (4)

Minutes of Working Group Meeting

Date: 12 December 2002
Venue: Conference Room A, 24/F, Harbour Building
Time: 2:30 p.m.

Present

Chairman :	Mr. SIN Tak-cheung	GM/VTS, Marine Department
Members :	Capt. Alan Loynd	Master Mariner
	Mr. Jimmy NG	- ditto -
	Capt. LEE Tai-kuen	Representing HK Liner Shipping Association
	Capt. PANG Kim-wing	Representing HK Pilots Association Ltd.
	Capt. WU Ka-shun	Representing Tug Operators
Secretary :	Ms. Shirley HO	ADS/C&G, Marine Department

In attendance

Capt. CHAN Shui-hoi	HK Pilots Association Ltd.
Capt. LAM Chee-kin	- ditto -
Mr. SHUM Yum-pui	- ditto -
Mr. Peter CHEUNG	Wallem Shipping (HK) Ltd.
Mr. L Y BUTT	SMO/VTC, Marine Department
Mr C N CHUNG	MO/Pilotage, Marine Department

Absent with Apologies

Capt. LI Kwan-wood	Master Mariner
Mr. CHEUNG Shun-hing	Representing Break Bulk Cargo Operators
Mr. MA Yan-kwong	Representing Container Terminal Operators
Mr. LI Pok-yan	Representing Dockyard Industry
Mr. Richard Lancaster	Representing Dry Bulk Cargo Operators
Capt. SIU Wai-lim	Representing HK Pilots Association Ltd.

Mr. YOUNG Yick-sing	Representing HK Shipowners Association
Mr. CHUI Hing-cheung	Representing Oil Terminal Operators
Mr. Terrence SIT	Shipping Agents/HKGCC
Mr. FAN Wai-biu	S(N)/PSC, Marine Department

I. OPENING REMARKS

1. The Chairman welcomed all to the meeting and introduced Mr. Jimmy NG (new PAC member) and Mr. Peter CHEUNG who were attending the WG meeting for the first time.

II. CONFIRMATION OF MINUTES OF LAST MEETING

2. The minutes of last meeting held on 26 August 2002 were confirmed without amendments.

III. MATTERS ARISING FROM PREVIOUS MINUTES

The Revised Pilot Booking Form and its Standard Terms and Conditions

3. The Chairman briefed members that based on the consensus reached at the last meeting, the HKPA had discussed with the HK Liner Shipping Association and representatives of the GenCham, and come up with a revised Pilot Booking Form with some new standard terms and conditions to deal with delayed/interrupted pilotage voyages. The purpose of this meeting was to review this revised Form to see if it was agreeable to all concerned parties. The Chairman emphasized that the Pilot Booking Form was the contract between the HKPA and the ship agents, which was purely a matter between them. The Pilotage Authority's concern (and therefore that of PAC) was only to ensure that the Terms in the new Form did not contravene the Pilotage Ordinance. Members' views on the Form were summarized below -
 - (i) Capt. LEE Tai-kuen had no in-principle objection to the new Form but pointed out that the master was in command of the vessel and therefore when there was a delay the pilot should consult the shipmaster and seek

his agreement before discontinuing the trip and taking the vessel to anchor. He suggested that para 10 (1) (a), 10 (1) (b) and 10 (2) should be revised accordingly.

- (ii) Capt. PANG Kim-wing said that he had no strong view on Capt. LEE's suggestion. Mr. CHAN Shui-hoi said they believed that it was already implied in the contract that the shipmasters would always have the ultimate authority on the vessel as to whatever action taken. However, the HKPA would try to make it clear in the Form to avoid any future arguments.

Post-meeting Note

The HKPA suggested and Capt. LEE agreed that the Form would be amended as follows –

- (i) Para. 10 (1), last line
To replace “..., the pilot may in his sole discretion” by “..., the pilot **may decide in consultation with the master**”
- (ii) Para. 10 (2), first line
To replace “If the pilot in his sole discretion considers ...” by “If the pilot **in consultation with the master decides that ...**”

- (iii) Mr. Jimmy NG commented that it might be better to replace the term “GRT” on the Form by the more updated term “GT”, which was now used universally. He also suggested that the HKPA should accept pilot bookings by email, rather than just by fax. Mr. C N CHUNG pointed out that “GRT” was a term presently being used in the Pilotage Ordinance. However the department was processing the legislative amendment to amend it to “GT”.
- (iv) Mr. PANG Kim-wing said that the HKPA was working towards the direction of e-business and the e-Booking Form was under active planning. However, given the limited resources, it might take some time before they could provide this service.

4. The Chairman reiterated that the terms in the Form should be agreed between the HKPA and the users. The department would consult the Department of Justice as to whether there was a need to amend the legislation and he would update the members in due course. In the meantime the PAC would be informed at its next meeting in January, through a brief paper, of the revised Pilot Booking Form and the background leading to this revision.

Post-meeting Note

PAC Information Paper No. 2/2003 on this subject was presented to the PAC meeting held on 17 January 2003.

IV. ANY OTHER BUSINESS

(A) Revision of Pilotage Dues

5. In response to Mr Peter Cheung's enquiry, Mr. C N CHUNG reported that the Amendment to the Pilotage (Dues) Order would be gazetted on 20 December 2002. The Chairman added that the Policy Bureau had advised that it was necessary for this to go through the negative vetting procedure by LegCo. They advised that the earliest date to table the Amendment at LegCo was 8 January 2003 and the period for negative vetting was 28 days, therefore the revised dues could only take effect from mid February 2003.
6. The Chairman admitted that it was very unsatisfactory for taking almost 10 months to complete the legislative process to revise the pilotage dues and could well understand members' dissatisfaction in this matter. He would explore with concerned parties on ways to improve the situation.

(B) Tidal Window for Ma Wan Passage

7. The Chairman said that following the WG meeting on 26 August 2002 a trial had now been carried out for about 3 months on using the predicted tidal current for determining the transit window for Ma Wan passage. He invited members' feedback on the trial-run and said that if members had no adverse comments, the department would proceed to amend the Berthing Guidelines to formalise the new arrangement.

8. Members expressed their satisfaction about the trial. They considered that the provision of tidal current information by the Hydrographic Office was very useful, as it provided handy information for both the pilots and agents in planning the ships schedule, which was transparent to all parties and thus helped avoid misunderstanding/arguments. They appreciated the department's efforts in making the new system a success.
9. The Chairman thanked all parties for their support and said that the proposal to amend the Berthing Guidelines would be put up to the PAC for endorsement at its next meeting.

Post-meeting Notes

PAC Paper No. 1/2003 on revising the Berthing Guidelines for the Ma Wan passage was presented to the PAC, and endorsed, at the meeting held on 17 January 2003.

V. DATE OF NEXT MEETING

10. There being no other business, the meeting ended at 3:30 p.m. The date of next meeting would be announced in due course.