

Working Group of Pilotage Advisory Committee

PAC WG Paper No. 2/2002

Charging of pilotage dues for an interrupted pilotage trip

Purpose

The purpose of this paper is to seek members' advice on the arrangements for handling delays/interruptions during a pilotage trip and the appropriate charges that should be applied under such circumstances.

Background

2. The subject of charging of pilotage dues under the circumstances of a delay during a vessel's berthing has been discussed by the Pilotage Advisory Committee (PAC) before. At a meeting of the PAC on 9 January 1986, it was agreed that during a vessel's inbound passage to berthing within the port, should there be a delay due to the berth being unavailable, and the waiting time being uncertain, the pilot should exercise his judgment to decide if the vessel is to be anchored while waiting for the berth. Under such situation the pilot may leave the vessel after the anchoring and any subsequent movement of the vessel to the berth would be regarded as a separate movement. The above principle has been adopted by the Hong Kong Pilots Association in the past for delays to berthing at the Kwai Chung Terminals. On many occasions, in order to avoid the need for the agent to place a new booking and the extra time for pilot disembarkation and re-boarding, the pilot has remained on board after the anchoring, and the vessel would still be charged a separate movement for the subsequent berthing.

3. Recently there was a dispute over a case where a vessel was on transit to Shekou, which was forced to anchor at the Western Anchorage during the passage due to poor visibility. The vessel has anchored for about 3 hours, during which time the pilot has remained on board. Accordingly the HKPA has charged the vessel for 2 movements but the agent considers that the correct charge should be one single trip plus 3 hours detention. He was of the view that given the original pilot booking, which was from Ngan Chau to Urmston Road Anchorage, the pilot had the obligation

to complete the job for which he was assigned and the anchoring at WA should not be considered as automatic termination of the original assignment. A number of points have also been concerning the provisions of the Pilotage Ordinance as well as the applicability of the principle agreed by the PAC in 1986. Legal advice is being sought on these to clarify the issue.

Advice Sought

4. Members are requested to take note of the above incident and give their comments as to what should be the appropriate arrangements for handling similar delays/interruptions during a pilotage trip in future in order to avoid further disputes.

Presentation

5. Mr C K Yeung of Marine Department will present this paper.

Marine Department
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