

立法會
Legislative Council

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(These minutes have been seen
by the Administration)

Ref : CB1/SS/13/12

**Subcommittee on Pilotage (Amendment) Regulation 2013 and
Pilotage (Amendment) Ordinance 2013 (Commencement) Notice**

**Minutes of first meeting held on
Friday, 18 October 2013, at 10:45 am
in Conference Room 2A of the Legislative Council Complex**

Members present : Hon Frankie YICK Chi-ming (Chairman)
Hon Alan LEONG Kah-kit, SC
Hon YIU Si-wing
Hon SIN Chung-kai, SBS, JP

Public Officers attending : Agenda item II

Ms Jenny CHAN
Principal Assistant Secretary for Transport and
Housing (Transport)

Mr CHUNG Siu-man
Assistant Director/Port Control
Marine Department

Ms Mandy NG
Senior Government Counsel (Acting)
Department of Justice

Clerk in attendance : Mr Derek LO
Chief Council Secretary (1)5

Staff in attendance : Miss Winnie LO
Assistant Legal Adviser 7

Mr Daniel SIN
Senior Council Secretary (1)7

Ms Michelle NIEN
Legislative Assistant (1)5

Action

I Election of Chairman

Mr Alan LEONG Kah-kit, the member with the highest precedence in the Council among all members of the Subcommittee present, presided over the election of Chairman of the Subcommittee. He invited nominations for the chairmanship of the Subcommittee.

2. Mr SIN Chung-kai nominated Mr Frankie YICK Chi-ming and the nomination was seconded by Mr Alan LEONG Kah-kit. Mr YICK Chi-ming accepted the nomination. There being no other nomination, Mr YICK Chi-ming was elected Chairman of the Subcommittee.

Late membership

3. The Chairman informed members that Mr YIU Si-wing had submitted a late application to join the Subcommittee. Members agreed to accept Mr YIU Si-wing as a member of the Subcommittee.

II Meeting with the Administration

<i>(issued by the Transport and Housing Bureau on 28 August 2013</i>	—Legislative Council Brief on Pilotage (Amendment) Regulation 2013
<i>issued by the Transport and Housing Bureau on 28 August 2013</i>	—Legislative Council Brief on Pilotage (Amendment) Ordinance 2013 (Commencement) Notice
L.N. 142 of 2013	—Pilotage (Amendment) Regulation 2013
L.N. 143 of 2013	—Pilotage (Amendment) Ordinance 2013 (Commencement) Notice

- LC Paper No. LS75/12-13 —Legal Service Division Report
- LC Paper No. CB(1)61/13-14(01) —Marked-up copy of the Pilotage (Amendment) Regulation 2013 prepared by the Legal Service Division
(Restricted to members)
- LC Paper No. CB(1)61/13-14(02) —Paper on Pilotage (Amendment) Regulation 2013 and Pilotage (Amendment) Ordinance 2013 (Commencement) Notice prepared by the Legislative Council Secretariat (Background brief))

4. The Subcommittee deliberated (Index of proceedings attached at the **Appendix**).

5. The Chairman said that the Subcommittee had completed the scrutiny of the Pilotage (Amendment) Regulation 2013 and Pilotage (Amendment) Ordinance 2013 (Commencement) Notice.

III Any other business

6. There being no other business, the meeting ended at 11:15 am.

Council Business Division 1
Legislative Council Secretariat
8 November 2013

**Proceedings of first meeting of the
Subcommittee on Pilotage (Amendment) Regulation 2013 and
Pilotage (Amendment) Ordinance 2013 (Commencement) Notice
on Friday, 18 October 2013, at 10:45 am
in Conference Room 2A of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
Election of Chairman			
000710 – 000840	Mr Alan LEONG	Mr Frankie YICK was elected Chairman uncontested.	
000841 – 000900	Chairman	Mr YIU Si-wing's late application for membership was accepted.	
Meeting with the Administration			
001030 – 001228	Chairman Administration	The Administration introduced the objectives and main provisions of the Pilotage (Amendment) Regulation 2013 ("Amendment Regulation") and Pilotage (Amendment) Ordinance 2013 (Commencement) Notice ("Commencement Notice").	
001232 – 001720	Chairman Mr SIN Chung-kai Administration	<p>Mr SIN Chung-kai sought clarification on:</p> <ul style="list-style-type: none"> (a) the time taken to assess an application for exemption from compulsory pilotage; (b) the number of applications anticipated; (c) the reasons for the small number of applications at present; and (d) whether the prescribed fees could recover the cost of providing the service. <p>The Administration explained that:</p> <ul style="list-style-type: none"> (a) it was an on-going mechanism under the Pilotage Ordinance (Cap. 84) to give exemption from compulsory pilotage to eligible vessels; (b) it was difficult to assess the number of future applications for exemption; (c) at present, only one vessel which called on the China Ferry Terminal frequently, was granted exemption from compulsory pilotage; (d) crew of ocean-going vessels calling on Hong Kong were not sufficiently familiar with the navigational situations to dispense with pilot service while operating within Hong Kong 	

Time marker	Speaker	Subject(s)	Action required
		waters.	
001721 – 002345	Chairman Mr YIU Si-wing Administration	<p>Mr YIU Si-wing's queries on:</p> <ul style="list-style-type: none"> (a) whether exemption from compulsory pilotage was instituted to relieve the shortage of pilots; (b) the Administration's plan to ensure adequate supply of pilots; and (c) the Administration's measures to meet possible increase in the number of applications for exemption from compulsory pilotage as a result of the commissioning of the Kai Tak Cruise Terminal and the growth in freight vessel traffic. <p>The Administration's response that:</p> <ul style="list-style-type: none"> (a) the supply of pilots was adequate to meet service demand; (b) an incentive scheme funded by the Administration had been in place since 2004 to encourage youngsters to pursue a sea-going career and to obtain sea experience, which was required for becoming qualified pilots; (c) exemption from compulsory pilotage would only be given under special circumstances and without compromising navigational safety within Hong Kong waters; and (d) long term supply of pilots would be monitored in consultation with the Pilotage Advisory Committee. <p>The Chairman queried whether compulsory pilotage could be waived for ocean-going vessels that navigated in Hong Kong waters frequently.</p> <p>The Administration advised that it would be up to ship owners or operators to decide whether or not to submit applications for exemption from compulsory pilotage.</p>	
002350 – 002722	Chairman Mr Alan LEONG Administration	<p>In respect of each application for exemption from compulsory pilotage, Mr Alan LEONG queried about:</p> <ul style="list-style-type: none"> (a) the safety criteria the Administration would consider; 	

Time marker	Speaker	Subject(s)	Action required
		<p>(b) the actual work carried out by an officer of the Marine Department (MD) when visiting a vessel; and</p> <p>(c) how the current fee levels were calculated.</p> <p>The Administration explained that:</p> <p>(a) the navigational qualifications and experience of the vessel's captain in operating within Hong Kong waters would be assessed;</p> <p>(b) the MD officer would visit a vessel and inspect the captain's ship-handling skills including his practical abilities in navigating in Hong Kong waters and in interacting effectively with the Department's Vessel Traffic Centre; and</p> <p>(c) the fee was in the same amount as that in the Merchant Shipping (Fees) Regulations (Cap. 281F) which was set in accordance with the advice provided by the Treasury taking into account the average staff cost of the rank of officers rendering the service.</p> <p>Mr Alan LEONG said that Members belonging to the Civic Party would support the Amendment Regulation and the Commencement Notice.</p>	
002723 – 003040	Chairman Mr YIU Si-wing Administration	<p>Mr YIU Si-wing commented that the Administration should avoid giving an impression that the mechanism for granting exemption from compulsory pilotage was tailored for one particular vessel only.</p> <p>The Administration clarified that application for exemption from compulsory pilotage was an on-going arrangement under the Pilotage Ordinance (Cap. 84) for any eligible ship that met relevant criteria. The current technical amendments to the Pilotage Regulations (Cap. 84 sub. leg. A) aimed at tidying up the fee-charging provisions in respect of such applications.</p> <p>Mr YIU Si-wing and Mr SIN Chung-kai expressed support for the proposed Amendment Regulation and the Commencement Notice.</p>	

Time marker	Speaker	Subject(s)	Action required
003041 – 003045	Chairman	The Chairman concluded that the Subcommittee had completed scrutiny on the Amendment Regulation and the Commencement Notice.	

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