

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

**Background brief**

**Purpose**

This paper provides information on the Pilotage (Amendment) Regulation and summarizes the views expressed by the Panel on Economic Development ("the Panel") on issues related to fees for application for exemption from compulsory pilotage.

**Background**

2. The Pilotage Ordinance (Cap. 84) ("the Ordinance") provides for the establishment of the Pilotage Authority, and the regulation and control of pilotage in Hong Kong. Under the Ordinance, compulsory pilotage is required of all ships visiting Hong Kong that are of 3 000 gross tonnage or over, or as specified under the Ordinance. Section 10D(2) and (3) allows applications for exemption from compulsory pilotage to be made to the Director of Marine, the Pilotage Authority. A fee is payable for such an application, and the level of fee is prescribed under regulation 7 of the Merchant Shipping (Fees) Regulations (Cap. 281 sub. leg. F).

3. On 22 May 2013, the Legislative Council ("LegCo") passed the Pilotage (Amendment) Bill 2013, which sought to amend the Ordinance and its subsidiary legislation in respect of, *inter alia*, the requirement of compulsory pilotage for certain ships on certain routes as well as a number of miscellaneous matters to improve the operation of the Ordinance and subsidiary legislation. The Pilotage (Amendment) Ordinance 2013 ("the Amendment Ordinance") was gazetted on 31 May 2013 and came into operation on the same date with the exception of section 5. Section 5 of the Amendment Ordinance has added a new subsection (5) to section 10D of the Ordinance to provide that an applicant for an exemption from compulsory pilotage must pay a prescribed fee to the Marine Department ("MD")

if an officer of MD has visited a ship or other site for assisting the Pilotage Authority in considering whether or not to grant the exemption. According to the Administration, the new section 10D(5) directly enables MD to recover the administrative costs for exemption services rendered without having to rely on the Merchant Shipping (Fees) Regulations.

4. By the Pilotage (Amendment) Ordinance 2013 (Commencement) Notice ("the Commencement Notice"), the Secretary for Transport and Housing has appointed 1 December 2013 as the day on which section 5 of the Amendment Ordinance will come into operation.

5. The Pilotage (Amendment) Regulation 2013 ("the Amendment Regulation") amends regulation 6 of the Pilotage Regulations (Cap. 84 sub. leg. A) to prescribe the fee payable under section 10D(5) of the Pilotage Ordinance as described in paragraph 3 above. The fee level is the same as that currently levied under regulation 7 of the Merchant Shipping (Fees) Regulations, i.e. \$3,270 for the first hour or part hour, and \$1,115 for each subsequent hour or part hour of the visit by an officer of MD to a ship or other site for the purpose of determining an application for exemption from compulsory pilotage.

### **Panel discussions on exemption on compulsory pilotage**

6. The Panel has not been specifically consulted on the Amendment Regulation or the Commencement Notice. The Panel deliberated the policy aspects of the Pilotage (Amendment) Bill 2013 on 26 November 2012. Members noted the proposed fee for applying for exemption from compulsory pilotage submitted under section 10D of the Ordinance, and raised no comments on the fee levels.

7. During deliberation, a member of the Panel expressed doubt as to whether compulsory pilotage should be required at all for vessels which frequently travelled in Hong Kong waters. However, another member considered compulsory pilotage essential to guide the crew of vessels who were unfamiliar with the routes and conditions of the harbour.

### **Latest development**

8. At the meeting on 18 October 2013, the Subcommittee will examine the Amendment Regulation and the Commencement Notice. If no amendments are

to be made by 6 November 2013, the Amendment Regulation and the Commencement Notice will remain effective, and section 5 of the Amendment Ordinance will come into operation on 1 December 2013 and the Amendment Regulation will come into operation on the same day.

## References

Administration's paper on Pilotage (Amendment) Bill 2012

<http://www.legco.gov.hk/yr12-13/english/panels/e/dev/papers/e/dev1126cb1-189-7-e.pdf>

Background brief on the Pilotage Ordinance

<http://www.legco.gov.hk/yr12-13/english/panels/e/dev/papers/e/dev1126cb1-189-8-e.pdf>

Minutes of the Panel meeting on 26 November 2012

<http://www.legco.gov.hk/yr12-13/english/panels/e/dev/minutes/e/dev20121126.pdf>

Legislative Council Brief on Pilotage (Amendment) Regulation 2013

[http://www.legco.gov.hk/yr13-14/english/subleg/brief/142\\_brf.pdf](http://www.legco.gov.hk/yr13-14/english/subleg/brief/142_brf.pdf)

Legislative Council Brief on Pilotage (Amendment) Ordinance 2013  
(Commencement) Notice

[http://www.legco.gov.hk/yr13-14/english/subleg/brief/143\\_brf.pdf](http://www.legco.gov.hk/yr13-14/english/subleg/brief/143_brf.pdf)

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