

## **LEGISLATIVE COUNCIL BRIEF**

### **Pilotage Regulations (Chapter 84A)**

### **Pilotage (Amendment) Regulation 2013**

#### **INTRODUCTION**

At the meeting of the Executive Council on 20 August 2013, the Council ADVISED and the Chief Executive ORDERED that the Pilotage (Amendment) Regulation 2013 (the Regulation), at **Annex**, should be introduced into the Legislative Council.

#### **JUSTIFICATIONS**

##### Pilotage (Amendment) Ordinance 2013

2. The Pilotage (Amendment) Bill 2013 was passed by the Legislative Council on 22 May 2013. The Pilotage (Amendment) Ordinance 2013 (the Amendment Ordinance), which was gazetted on 31 May 2013, has added section 10D(5) to provide that a prescribed fee must be paid where an officer of Marine Department (MD) has visited a ship or other site in assessing an application for exemption from compulsory pilotage.

##### Exemption from Compulsory Pilotage

3. Compulsory pilotage is required of all ships visiting Hong Kong that are of 3,000 gross tonnage or over, or as specified under the Pilotage Ordinance (Cap. 84) (the Ordinance). This is to ensure the safe navigation of non-local vessels within Hong Kong waters. Section 10D(2) and (3) of the

Ordinance allows applications for exemption from compulsory pilotage to be made to the Pilotage Authority, viz. the Director of Marine. In considering an application for exemption, MD may need to visit the ship to assess the master's ship-handling skills. At present, where a visit has been made, MD has been charging a fee according to "fees for miscellaneous services" prescribed under Regulation 7 of the Merchant Shipping (Fees) Regulations (Cap. 281 sub. leg. F) at a rate of \$3,270 for the first hour or part hour of the visit, and \$1,115 for each subsequent hour or part hour of the visit. The charges are basically to recover the administrative costs of services provided by the Government.

4. As advised by the Department of Justice, the Ordinance should have its own provisions directly enabling MD to recover the administrative costs for exemption services rendered (rather than relying on Regulation 7 of the Merchant Shipping (Fees) Regulations). The Ordinance was therefore amended in May 2013 by adding a new section 10D(5) to provide that the applicant for the exemption must pay the prescribed fee to MD for the visit made.

#### Proposal to Prescribe Fee

5. To prescribe the fee payable under section 10D(5), we propose to stipulate under Regulation 6 of the Pilotage Regulations (Cap.84 sub. leg. A) the fee level payable by applicants for exemption from compulsory pilotage, i.e. \$3,270 for the first hour or part hour of the visit, and \$1,115 for each subsequent hour or part hour of the visit. This fee level is the same as that currently levied under Regulation 7 of the Merchant Shipping (Fees) Regulations (Cap.281 sub. leg. F).

## **THE REGULATION**

6. The Regulation amends Regulation 6 to specify that the fee payable under section 10D(5) of the Ordinance for a visit is \$3,270 for the first hour or part hour and \$1,115 for each subsequent hour or part hour during which the visit continues.

## **LEGISLATIVE TIMETABLE**

7. The Regulation will be published in the Gazette on 30 August 2013 and introduced into the Legislative Council on 9 October 2013.

## **IMPLICATIONS OF THE PROPOSAL**

8. The Regulation has no financial, civil service, productivity, economic, family, environment or sustainability implications. It is in conformity with the Basic Law, including provisions concerning human rights. It will not affect the current binding effect of the Ordinance.

## **PUBLIC CONSULTATION**

9. The Legislative Council Panel on Economic Development raised no objection to the fee proposal when we consulted them at the meeting on 26 November 2012. The Pilotage Advisory Committee, which comprises various stakeholders in the shipping industry, was consulted and endorsed the proposal.

## **PUBLICITY**

10. A press release will be issued on 28 August 2013. A spokesman will be available to handle enquiries.

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**ENQUIRIES**

11. Any enquiries on this brief could be addressed to Mr. Desmond Wong, Assistant Secretary for Transport and Housing (Transport) (Tel: 3509 8261) or Mr. W.H. Wong, Senior Marine Officer (Tel: 2233 7813).

**Transport and Housing Bureau**

**28 August 2013**

**Pilotage (Amendment) Regulation 2013**

(Made by the Chief Executive in Council under section 21 of the Pilotage Ordinance (Cap. 84))

**1. Commencement**

This Regulation comes into operation on the day on which section 5 of the Pilotage (Amendment) Ordinance 2013 (2 of 2013) comes into operation.

**2. Pilotage Regulations amended**

The Pilotage Regulations (Cap. 84 sub. leg. A) are amended as set out in section 3.

**3. Regulation 6 amended (prescribed fees)**

After regulation 6(5)—

**Add**

“(5A) The fee payable under section 10D(5) of the Ordinance for a visit is \$3,270 for the first hour or part hour and \$1,115 for each subsequent hour or part hour during which the visit continues.”.

Clerk to the Executive Council

COUNCIL CHAMBER

2013

**Explanatory Note**

This Regulation amends regulation 6 of the Pilotage Regulations (Cap. 84 sub. leg. A) to prescribe the fee payable by a person applying for exemption from compulsory pilotage under section 10D of the Pilotage Ordinance (Cap. 84) if an officer of the Marine Department has visited a ship or other site for assisting the Pilotage Authority established under that Ordinance in considering whether or not to grant the exemption.