

Pilotage (Amendment) Bill 2013

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A BILL

To

Amend the Pilotage Ordinance and its subsidiary legislation to enable the renewal of certain classes of licences held by pilots about to attain or having attained the age of 65 but below the age of 68; to remove the requirement of compulsory pilotage for certain ships on certain routes; to change the location of a pilot boarding station; and to provide for miscellaneous amendments for improving the operation of the Ordinance, and for incidental and related matters.

Enacted by the Legislative Council.

Part 1

Preliminary

1. Short title and commencement

- (1) This Ordinance may be cited as the Pilotage (Amendment) Ordinance 2013.
- (2) Subject to subsection (3), this Ordinance comes into operation on the day on which it is published in the Gazette.
- (3) Section 5 comes into operation on a day to be appointed by the Secretary for Transport and Housing by notice published in the Gazette.

2. Enactments amended

The enactments specified in Parts 2, 3 and 4 are amended as set out in those Parts.

Part 2

Amendments to Pilotage Ordinance (Cap. 84)

3. Section 4 amended (establishment of Pilotage Advisory Committee)

(1) Section 4(3)(a) and (b), English text—

Repeal

“interest”

Substitute

“interests”.

(2) After section 4(3)(b)—

Add

“(ba) a person who, in the opinion of the Chief Executive, represents the interests of the shipping agencies;”.

(3) Section 4(3)(c) to (h), English text—

Repeal

“interest”

Substitute

“interests”.

4. Section 9A amended (extension of service beyond the age of 65)

Section 9A(2)—

Repeal

“issue or renew, as may be appropriate, to the applicant a Class IIC licence as prescribed in the Pilotage Order (Cap. 84 sub. leg.) valid”

Substitute

“renew the applicant’s licence”.

5. Section 10D amended (exemption from compulsory pilotage)

(1) Section 10D(3)—

Repeal

“from compulsory pilotage if he is”

Substitute

“other than one referred to in subsection (1) or (2) from compulsory pilotage if”.

(2) After section 10D(4)—

Add

“(5) If an officer of the Marine Department, on application for an exemption to be granted under subsection (2) or (3), has visited a ship or other site for assisting the Authority in considering whether or not to grant the exemption, the applicant for the exemption must pay the prescribed fee for the visit to the Authority.”.

6. Section 10E amended (duty to report to Authority)

Section 10E(1)(a)(ii) and (2)(b)—

Repeal

“registered”.

7. Section 12 amended (information and assistance to pilot)

Section 12(1)(a)—

Repeal

“registered”.

8. Section 19A added

After section 19—

Add

“19A. Remuneration of member of board of investigation

- (1) A member of a board of investigation is to be remunerated at a rate that takes account of the amount of work done and time spent by the member on the business of the board.
- (2) The remuneration is to be determined by the Secretary for Transport and Housing either generally from time to time or specifically in a particular case.
- (3) Nothing in this section authorizes the payment of remuneration to any person employed full time in any office of emolument under the Government.”.

9. Schedule 1 amended (ships subject to compulsory pilotage)

- (1) Schedule 1, item 1—

Repeal

“registered”.

- (2) Schedule 1, item 2—

Repeal

“registered”.

- (3) Schedule 1, item 2—

Repeal

“, and any container terminal specified in the Third Schedule.”.

- (4) Schedule 1, items 3, 4 and 5—

Repeal

“registered”.

10. Schedule 2 amended (pilot boarding stations)

Schedule 2, item 3—

Repeal

“latitude	22°	23′	30″	north,
longitude	113°	53′	30″	east.”

Substitute

“latitude	22°	25′	01″	north,
longitude	113°	53′	12″	east.”.

Part 3

Amendments to Pilotage Order (Cap. 84 sub. leg. C)

11. Paragraph 9 amended (remuneration of apprentice pilots)

Paragraph 9—

Repeal

“shall be not less than \$15,000 per month which shall be payable by the Hong Kong Pilots Association Limited”

Substitute

“must be not less than \$15,000 per month which is to be payable by the person who has recruited the registered apprentice pilot”.

12. First Schedule amended (appropriate experience of applicant)

(1) First Schedule, Table 1, item 1, second column—

Repeal

“North Berth—

(Inner)

(Outer)”

Substitute

“North Berth”.

(2) First Schedule, Table 1, item 1, third column—

Repeal

“or North (Inner) when another ship of any length was occupying South (Outer) or North (Outer)”

Substitute

“when another ship of any length was occupying South (Outer)”.

- (3) First Schedule, Table 1, item 2, second column—

Repeal

“Berth No. 9”

Substitute

“Berth No. 9

Berth No. 15

Berth No. 16

Berth No. 17

Berth No. 18

Berth No. 19

Berth No. 20”.

- (4) First Schedule, Table 1, item 2, third column—

Repeal

“3 berthings and 3 unberthings (of which 1 berthing and 1 unberthing must have commenced during the hours between sunset and sunrise) of a ship of any length”

Substitute

“2 berthings and 2 unberthings (of which 1 berthing and 1 unberthing must have commenced during the hours between sunset and sunrise) of a ship of any length”.

- (5) First Schedule, Table 1, item 4, second column—

Repeal

“and west inner berth”

Substitute

“, west inner berth and No. 3 berth”.

- (6) First Schedule, Table 1, item 4, second column—

Repeal

“(Shell inner LPG berth)”

Substitute

“(Shell inner LPG berth)
(Caltex LPG berth)”.

- (7) First Schedule, Table 1, item 4, second column—

Repeal

“(Whampao)
(Yiu Lian No. 1)”

Substitute

“(United)
(Yiu Lian No. 1)
(Yiu Lian No. 3)”.

- (8) First Schedule, Table 1—

Repeal item 5.

- (9) First Schedule, Table 1, item 7—

Repeal

“China Cement Company Wharf	3 berthings and 3 unberthings of a ship exceeding 168 metres in length.”
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Substitute

“China Cement Company Wharf	3 berthings and 3 unberthings of a ship exceeding 168 metres in length.
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- | | |
|----------------------------------|--|
| Permanent Aviation Fuel Facility | 3 berthings and 3 unberthings (of which 1 berthing and 1 unberthing must have commenced during the hours between sunset and sunrise) of a ship of any length; and 1 berthing and 1 unberthing of a ship exceeding 168 metres in length when another ship of the same length or longer was occupying part of the berth. |
| Shiu Wing Steel Wharf | 2 berthings and 2 unberthings of a ship exceeding 168 metres in length.”. |
- (10) First Schedule, Table 1, item 8, third column—
- Repeal**
“of a ship exceeding 168 metres in length”
- Substitute**
“(of which 1 berthing and 1 unberthing must have commenced during the hours between sunset and sunrise) of a ship exceeding 168 metres in length; and 1 berthing and 1 unberthing of a ship exceeding 168 metres in length when another ship of the same length or longer was occupying part of the berth”.
- (11) First Schedule, Table 1, item 8—
- Repeal**
“Sok Kwu Wan—
- | | |
|--------------|--|
| Cement Wharf | 1 berthing and 1 unberthing of a ship of any length.”. |
|--------------|--|
- (12) First Schedule, Table 3, item 1, second column—
- Repeal**

“North Berth—
 (Inner)
 (Outer)”

Substitute

“North Berth”.

- (13) First Schedule, Table 3, item 2, second column—

Repeal

“Berth No. 9”

Substitute

“Berth No. 9

Berth No. 15

Berth No. 16

Berth No. 17

Berth No. 18

Berth No. 19

Berth No. 20”.

- (14) First Schedule, Table 3, item 3—

Repeal

“H.K. United Dockyards Seawalls Wharf	2 berthings and 2 unberthings of a ship of any length.”
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Substitute

“H.K. United Dockyards Seawalls Wharf Yiu Lian Seawalls Wharf	}	2 berthings and 2 unberthings of a ship of any length at each wharf.”.
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Part 4

Consequential Amendments to Pilotage (Dues) Order (Cap. 84 sub. leg. D)

13. Schedule amended

- (1) The Schedule, Part 1, paragraph 1(a), (b), (c) and (d)—
Repeal
“registered” (wherever appearing).
 - (2) The Schedule, Part 1, Notes, paragraph (c)—
Repeal
“registered”.
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Explanatory Memorandum

The object of this Bill is to improve the operation of the Pilotage Ordinance (Cap. 84) (*the Ordinance*) and its subsidiary legislation.

2. Clause 1 sets out the short title and provides for commencement.
3. Clause 3 amends section 4 of the Ordinance to expand the representation of the Pilotage Advisory Committee by including a person who represents the interests of the shipping agencies.
4. Clause 4 amends section 9A(2) of the Ordinance so that the Pilotage Authority (*Authority*) may renew a licence of any class held by a pilot who applies under section 9A(1) of the Ordinance. This refers to a pilot who is about to attain the age of 65 years or who has attained the age of 65 years but has not attained the age of 68 years.
5. Clause 5 amends section 10D(3) of the Ordinance to provide that the Authority may exempt a ship other than one referred to in subsection (1) or (2). It also adds a new subsection (5) to section 10D of the Ordinance to provide that an applicant for an exemption under section 10D(2) or (3) of the Ordinance must pay a prescribed fee to the Authority if an officer of the Marine Department has visited a ship or other site for assisting the Authority in considering whether or not to grant the exemption.
6. Clauses 6, 7, 9(1), (2) and (4) and 13 amend the term “gross registered tonnage” to “gross tonnage”.
7. Clause 8 adds a new section 19A to the Ordinance to provide for remuneration of a member of the board of investigation.

8. Clause 9(3) amends item 2 of Schedule 1 to the Ordinance so that a ship of 1 000 gross tonnage or over proceeding to or from any container terminal specified in the Third Schedule to the Dangerous Goods (Shipping) Regulations (Cap. 295 sub. leg. C) is no longer subject to compulsory pilotage.
9. Clause 10 amends item 3 of Schedule 2 to the Ordinance to change the location of a pilot boarding station.
10. Clause 11 amends paragraph 9 of the Pilotage Order (Cap. 84 sub. leg. C) (*the Order*) so that a registered apprentice pilot's remuneration is payable by the person who has recruited the apprentice pilot.
11. Clause 12 amends Tables 1 and 3 of Schedule 1 to the Order to revise the list of wharves, berths or docks that are relevant in ascertaining the appropriate experience required for an applicant for a licence under the Ordinance and to make related changes.