

立法會
Legislative Council

LC Paper No. LS33/12-13

**Paper for the House Committee Meeting
on 22 March 2013**

**Legal Service Division Report on
Pilotage (Amendment) Bill 2013**

I. SUMMARY

- 1. The Bill** The Bill seeks to amend the Pilotage Ordinance (Cap. 84) and its subsidiary legislation in respect of -

 - (a) the licensing of pilots about to attain or having attained the age of 65 but below the age of 68;
 - (b) the requirement of compulsory pilotage for certain ships on certain routes;
 - (c) the location of a pilot boarding station; and
 - (d) miscellaneous matters to improve the operation of the Ordinance and subsidiary legislation.

- 2. Public Consultation** The Pilotage Advisory Committee was consulted and supported the legislative proposal.

- 3. Consultation with LegCo Panel** The Panel on Economic Development was consulted and members in general supported the legislative proposal. Some members expressed concern over the replacement of retiring pilots and the proposed lifting of compulsory pilotage requirement for vessels of less than 3,000 gross tonnage proceeding to and from the Kwai Tsing container terminals.

- 4. Conclusion** In view of the concerns raised at the Panel meeting, Members may wish to set up a Bills Committee to study the Bill in detail.

II. REPORT

The date of First Reading of the Bill is 20 March 2013. Members may refer to the LegCo Brief (File Ref.: MA 50/1) issued by Transport and Housing Bureau on 6 March 2013 for further details.

Object of the Bill

2. To amend the Pilotage Ordinance (Cap. 84) (the Ordinance) and its subsidiary legislation to -

- (a) enable the renewal of certain classes of licences held by the pilots about to attain or having attained the age of 65 but below the age of 68;
- (b) remove the requirement of compulsory pilotage for certain ships on certain routes;
- (c) change the location of a pilot boarding station; and
- (d) provide for miscellaneous amendments for improving the operation of the Ordinance and the subsidiary legislation.

Background

3. To ensure the safe navigation of non-local vessels within Hong Kong waters, 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 unless exempted. Pilotage is the service provided by licensed pilots taken on board for conducting a ship through a river, or channel, or from or into a port. According to the LegCo Brief, there are currently about 106 licensed pilots in Hong Kong.

4. The Ordinance provides, among other things, for the regulation of pilotage in respect of continued employment of licensed pilots beyond the age of 65, training requirements of an apprentice pilot, requirement of pilotage for specified categories of vessels under 3,000 gross tonnage, and location of the pilot boarding stations.

5. The Pilotage Order (Cap. 84 sub. leg. C) provides for the registration and remuneration of apprentice pilots and sets out the requisite qualification and experience of an applicant for pilot's licence. The Pilotage (Dues) Order (Cap. 84 sub. leg. D) sets out the amount of pilotage dues and the fees and expenses payable to, and the maintenance of, licensed pilots carried out outside Hong Kong.

Provisions of the Bill

6. The Bill comprises of four parts. Part 1 sets out the short title and the commencement. Parts 2 and 3 set out the amendments to the Ordinance and the Pilotage Order (Cap. 84 sub. leg. C) respectively. Part 4 sets out the consequential amendments to the Pilotage (Dues) Order (Cap. 84 sub. leg. D).

7. The major proposed amendments would -

- (a) enable a licensed pilot who is about to attain or has attained the age of 65 to apply for retaining the same class¹ of the licence for a period not exceeding 12 months until the age of 68 subject to re-examination as to physical and mental fitness and eyesight (Clause 4);
- (b) remove the requirement of compulsory pilotage of ships of 1,000 gross tonnage or over proceeding to or from any of the container terminals at Tsim Sha Tsui and Kwai Chung as specified in the Third Schedule to the Dangerous Goods (Shipping) Regulations (Cap. 295 sub. leg. C) (Clause 9(3)); and
- (c) change the location of the existing pilotage station in Urmston Road to a position of about 1.5 nautical miles north (Clause 10).

8. The other proposed amendments would -

- (a) expand the representation of the Pilotage Advisory Committee by providing for the appointment by the Chief Executive of one member representing the interests of the shipping agencies (Clause 3);
- (b) provide for the payment of a prescribed fee where an officer of the Marine Department has visited a ship or other site for assisting the Pilotage Authority in considering an application for exemption from compulsory pilotage (Clause 5);
- (c) provide for the remuneration of a member of the board of investigation according to work done and time spent at a rate to be determined by the Secretary for Transport and Housing (Clause 8);

¹ Under the existing section 9A of the Ordinance, a licensed pilot is, during the extended service, only permitted to renew a licence for a lower Class IIC, which means that the pilot can only pilot a vessel of a length not exceeding 165 metres. There are five classes of pilotage, namely Class I, IIA, IIB, IIC and IID. A working pilot with a Class I licence could pilot a vessel of any length whereas one with a Class IIA, IIB, IIC or IID licence could only pilot a vessel of a length not exceeding 260 metres, 220 metres, 165 metres or 150 metres respectively.

- (d) provide that a registered apprentice pilot's remuneration is payable by the person who has recruited the apprentice pilot (Clause 11) and 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 (Clause 12); and
- (e) amend the term "gross registered tonnage" to "gross tonnage" (Clauses 6, 7, 9(1), (2) and (4) and 13).

Commencement

9. The Bill, if enacted, will come into operation on the day on which it is published in the Gazette, except section 5 (i.e. amendments regarding exemption from compulsory pilotage) which will only come into operation on a day to be appointed by the Secretary for Transport and Housing by notice published in the Gazette.

Public Consultation

10. According to paragraph 14 of the LegCo Brief, the Administration consulted the Pilotage Advisory Committee and it supported the legislative proposal. The Committee, established under the Ordinance, consists of representatives of different stakeholders in the shipping industry including licensed pilots, ship-owners, liners operators, container terminal operators and in the dockyard industry.

Consultation with LegCo Panel

11. The Clerk to the Panel on Economic Development has advised that the Panel was consulted on the policy aspects of the Pilotage (Amendment) Bill 2013 on 26 November 2012. Members in general supported the legislative proposal. During deliberation, some members expressed concern about whether there would be sufficient replacement for retiring pilots to meet the future demand of pilotage service. A member asked whether the Administration would re-consider the proposed lifting of compulsory pilotage requirement for vessels of less than 3,000 gross tonnage proceeding to and from the Kwai Tsing container terminals. The Administration explained that the lifting of the requirement was proposed after taking into account the incident-free record in the Kwai Tsing container terminals and good performance of the coxswains of river trade vessels.

Conclusion

12. In view of the concerns raised at the Panel meeting, Members may wish to set up a Bills Committee to study the Bill in detail.

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