

LEGISLATIVE COUNCIL BRIEF

Pilotage Ordinance
(Chapter 84)

Pilotage (Amendment) Order 2016 and Pilotage (Amendment) Regulation 2016

INTRODUCTION

The Director of Marine (“DM”), as Pilotage Authority, has made the Pilotage (Amendment) Order 2016 (“the Amendment Order”) under section 22 of the Pilotage Ordinance (Cap. 84) (“the Ordinance”) to update the pilotage scale, requirements for pilotage progression and information on the berths used for progression purpose.

2. In consequence, the Chief Executive in Council made the Pilotage (Amendment) Regulation 2016 (“the Amendment Regulation”) to reflect the reference to the new pilotage scale.

JUSTIFICATION

The Pilotage Order (Cap. 84C) (“the Order”)

Pilotage Scale

3. Pilotage services are mandatory for ships of 3 000 gross tonnage or over visiting Hong Kong to ensure their safe navigation within Hong Kong waters. The Ordinance and its subsidiary legislation regulate the pilotage services provided by licensed pilots in Hong Kong. The experience and qualification of these pilots are regulated by the Order.

4. Currently, there are 108 pilots licensed by DM in the capacity of the Pilotage Authority to provide pilotage services. These pilots are classified into Class I and Class II pilots according to their experience. There are four classes of pilotage in Class II (Class IIA, IIB, IIC and IID). A pilot with Class I licence can pilot a vessel of any length, whereas a

pilot with Class IIA, IIB, IIC or IID licence can only pilot vessels with lengths not exceeding 260 metres, 220 metres, 165 metres, and 150 metres respectively. Pilots are required to accumulate the experience stipulated in the Order for progression from one level to the next.

5. Alongside the international shipping trend of using larger vessels for economy of scale, the length of vessels calling at Hong Kong has been increasing over the years. As longer vessels require more skill to operate, the Pilotage Advisory Committee (“PAC”)¹ decided to add two more levels of Class II pilotage, Class IIE and IIF, to enable pilots to acquire the necessary experience in handling larger vessels in a progressive manner. To effect this enhancement, the length of vessels which different pilotage classes could command, as well as the experience required for different pilotage classes, need to be amended. A The detailed requirements are at **Annex A**.

6. The proposed amendments do not have retrospective effect. Pilots who have registered as Class II pilots before commencement of the new legislation will continue to progress in accordance with the old scale with four levels at Class II before advancing to Class I pilot. The proposed new scale with six levels of Class II pilotage will only apply to those who are registered as Class II pilots after commencement of the Amendment Order.

Berth Information

7. To apply for a licence to provide pilotage services, an intending pilot has to undergo apprenticeship lasting from six to 12 months, during which the apprentice will accompany licensed pilots as an observer and performs pilotage services in various berths, anchorages and shipping routes. To ensure that apprentices obtain all-rounded experience, Schedule 1 to the Order specifies the number of berthing and unberthing instances at designated points and time required of them. We last updated the Schedule in 2013. Some berths have since ceased operations or have been renamed while new ones have come into service. B **Annex B** details the necessary updating in this exercise.

¹ The PAC is established under section 4 of Cap. 84 to advise the Pilotage Authority on matters relating to the general regulation or control of pilotage in Hong Kong. It comprises stakeholders of the shipping industry, namely, licensed pilots, ship-owners, container terminal operators, liner operators, dockyard operators, tug operators and bulk cargo operators.

8. Apart from the above amendments, we will take the opportunity of the current amendment exercise to remove the requirement for the use of calibration of direction finder to identify the location of a vessel, an obsolete technology which is no longer used.

The Pilotage Regulations (Cap. 84A) (“the Regulations”)

9. The Regulations requires the payment of a prescribed fee for the examination of an applicant’s competence to pilot ships, as well as the examination of the applicant’s physical and mental fitness and eyesight, when the applicant applies for a Class I or a Class IID licence. The proposed Amendment Order changes the entry level of Class II pilotage from Class IID to Class IIF. As a result, the Regulations should be correspondingly amended.

LEGISLATIVE PROPOSAL

C 10. The Amendment Order, at **Annex C**, amends the Order to give effect to the new pilotage scale and berth information, as well as to remove the obsolete requirement.

D 11. The Amendment Regulation, at **Annex D**, will provide for the charging of fees for the examinations carried out under the Ordinance in line with the proposed new pilotage scale, by updating the references to pilotage class in regulation 6 from “IID” to “IIF”.

LEGISLATIVE TIMETABLE

12. The legislative timetable for the Regulation and the Order are as follows –

| | |
|---|------------------|
| Publication in the Gazette | 7 October 2016 |
| Tabling at the Legislative Council for negative vetting | 12 October 2016 |
| Commencement Date | 23 December 2016 |

IMPLICATIONS OF THE PROPOSAL

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

PUBLIC CONSULTATION

14. The proposals to amend the pilotage class and the requisite experience for various pilotage classes were endorsed by the PAC at its meeting on 18 January 2013. The updated berth information was considered and endorsed on 29 April 2014. We consulted the Legislative Council Panel on Economic Development on 19 April 2016. Members supported the proposed revisions.

PUBLIC REACTION

15. The shipping industry sector welcomes the proposed amendments for providing a qualifications regime that caters for current navigation trends and updating the berth information.

PUBLICITY

16. A press release will be issued on 7 October 2016. A spokesman will be available to answer enquires.

ENQUIRIES

17. Any enquiries on this brief can be addressed to Ms Louisa Yan, Principal Assistant Secretary for Transport and Housing (Transport) (Tel: 3509 8162) or Mr. C T Lai, Assistant Director, Port Control, Marine Department (Tel: 2852 4541).

**Transport and Housing Bureau
October 2016**

Pilotage Class and Experience Requirements for Progression

| Existing Arrangement | | | Proposed Arrangement | | |
|----------------------|---------------|---|----------------------|---------------|--|
| Class of Pilotage | Vessel Length | Experience Required | Class of Pilotage | Vessel Length | Experience Required |
| | | | IIF | 160m | (a) Pilotage of ships not exceeding 160 metres in length on at least 10 occasions*. (b) Berthing or unberthing of ships not exceeding 160 metres in length on at least 20 occasions*. |
| | | | IIE | 180m | (a) A minimum of 12 months continuous experience in Class IIF. (b) Pilotage of ships not exceeding 180 metres in length on at least 10 occasions*. (c) Berthing or unberthing of ships not exceeding 180 metres in length on at least 20 occasions*. |
| IID | 150m | (a) Pilotage of ships of not more than 150 metres in length on at least 10 occasions*. (b) Berthing and unberthing of ships of not more than 150 metres in length on at least 20 occasions*. | IID | 210m | (a) A minimum of 12 months continuous experience in Class IIE. (b) Pilotage of ships not exceeding 210 metres in length on at least 10 occasions*. (c) Berthing or unberthing of ships not exceeding 210 metres in length on at least 20 occasions*. |

| Existing Arrangement | | | Proposed Arrangement | | |
|----------------------|---------------|---|----------------------|---------------|--|
| Class of Pilotage | Vessel Length | Experience Required | Class of Pilotage | Vessel Length | Experience Required |
| IIC | 165m | (a) A minimum of 12 months continuous experience in Class IID. (b) Pilotage of ships of not more than 165 metres in length on at least 10 occasions*. (c) Berthing and unberthing of ships of not more than 165 metres in length on at least 20 occasions*. | IIC | 250m | (a) A minimum of 12 months continuous experience in Class IID. (b) Pilotage of ships not exceeding 250 metres in length on at least 10 occasions*. (c) Berthing or unberthing of ships not exceeding 250 metres in length on at least 20 occasions*. |
| IIB | 220m | (a) A minimum of 12 months continuous experience in Class IIC. (b) Pilotage of ships of not more than 220 metres in length on at least 10 occasions*. (c) Berthing and unberthing of ships of not more than 220 metres in length on at least 20 occasions*. | IIB | 300m | (a) A minimum of 12 months continuous experience in Class IIC. (b) Pilotage of ships not exceeding 300 metres in length on at least 10 occasions*. (c) Berthing or unberthing of ships not exceeding 300 metres in length on at least 20 occasions*. |
| IIA | 260m | (a) A minimum of 12 months continuous experience in Class IIB. (b) Pilotage of ships of not more than 260 metres in length on at least 10 occasions*. (c) Berthing and unberthing of ships of not more than 260 metres in length on at least 20 occasions*. | IIA | 350m | (a) A minimum of 12 months continuous experience in Class IIB. (b) Pilotage of ships not exceeding 350 metres in length on at least 10 occasions*. (c) Berthing or unberthing of ships not exceeding 350 metres in length on at least 20 occasions*. |
| I | Any | A minimum of 12 months continuous experience in Class IIA. | I | Any | A minimum of 12 months continuous experience in Class IIA. |

* At least half of such occasions must commence during the hours between sunset and sunrise.

Proposed Amendments to Schedule 1 to Pilotage Order

A. Deletions

The following berths, which have ceased operation or have been renamed, will be deleted –

1. Mobil;
2. Esso;
3. Caltex;
4. China Resources Company main berth;
5. China Resources Company, east inner berth, west inner berth and No.3 berth; and
6. Caltex LPG berth.

B. Additions

The following new berths have come into service –

1. ExxonMobil, West;
2. ExxonMobil, East;
3. Chevron;
4. Sinopec main berth;
5. Sinopec, east inner berth, west inner berth and No.3 berth;
6. Chevron LPG berth;
7. Kai Tak Cruise Terminal, Berth No.1, Berth No.2; and
8. ASB Biodiesel Terminal.

Pilotage (Amendment) Order 2016

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Pilotage (Amendment) Order 2016

(Made by the Pilotage Authority under section 22 of the Pilotage Ordinance (Cap. 84) after consultation with the Pilotage Advisory Committee)

- 1. Commencement**
This Order comes into operation on 23 December 2016.
- 2. Pilotage Order amended**
The Pilotage Order (Cap. 84 sub. leg. C) is amended as set out in sections 3 to 7.
- 3. Paragraph 5 amended (classes of pilotage)**
 - (1) Paragraph 5—
Repeal
“the first column”
Substitute
“column 2”.
 - (2) Paragraph 5—
Repeal
“the second column”
Substitute
“column 3”.
- 4. Paragraph 6 amended (experience of licensed pilots)**
 - (1) Paragraph 6(1)—
Repeal
“in the case of the classes”

Substitute

“for amendment of the licence for each class”.

- (2) Paragraph 6(1)—

Repeal

“the first column”

Substitute

“column 2”.

- (3) Paragraph 6(1)—

Repeal

“the second column”

Substitute

“column 3”.

5. Paragraph 10 added

After paragraph 9—

Add

“10. Transitional provision

- (1) Schedules 2 and 3 to the pre-amended Order continue to apply to a person who is a licensed pilot immediately before 23 December 2016 as if section 7 of the Pilotage (Amendment) Order 2016 had not been made.

- (2) In this paragraph—

pre-amended Order (《修訂前命令》) means this Order in force immediately before 23 December 2016.”.

6. Schedule 1 amended (appropriate experience of applicant)

- (1) Schedule 1, paragraph 1(d), after “ship was”—

Add

“being piloted while the ship was”.

- (2) Schedule 1, paragraph 1—

Repeal subparagraph (f)**Substitute**

“(f) on at least 4 occasions when a ship was being piloted outside the harbour for the purpose of—

- (i) compass adjustment; or
(ii) speed trials or engine trials;”.

- (3) Schedule 1, paragraph 1(g)—

Repeal

everything before “was being”

Substitute

“(g) during the pilotage of a ship on at least the number of occasions specified in the third column of the following Table 1 when the ship”.

- (4) Schedule 1, Table 1—

Repeal item 1**Substitute**

“1. Tsim Sha Tsui, Kowloon—

Ocean Terminal
Wharf—

- South Berth—
- (Inner)
- (Outer)
- North Berth

- (a) 4 berthings and 4 unberthings (of which 1 berthing and 1 unberthing must have commenced during the hours between sunset and sunrise) of a ship of any length at any of these berths; and
- (b) 1 berthing and 1 unberthing of a ship of any length at South (Inner) when another ship of any length was occupying South (Outer), or 1 berthing and 1 unberthing of a ship exceeding 200 metres in length at any of these berths.”

- (5) Schedule 1, Table 1, item 4—
Repeal

- “(Mobil)
(Esso)
(Caltex)
(China Resources Company main berth)
(Shell main berth)
 - “(China Resources Company, east inner berth, west inner berth and No. 3 berth)
(Shell inner LPG berth)
(Caltex LPG berth)
 - Substitute**
“(ExxonMobil, West)
(ExxonMobil, East)
(Chevron)
(Sinopec main berth)
(Shell main berth)
 - “(Sinopec, east inner berth, west inner berth and No. 3 berth)
 - “(Shell inner LPG berth)
(Chevron LPG berth)
 - (6) Schedule 1, Table 1, item 7—
Repeal
“China Cement Company Wharf

Permanent Aviation Fuel
- } 4 berthings and 3 unberthings of a ship of any length at each wharf.
- } 2 berthings and 2 unberthings of a ship of any length at each berth.”
- } 4 berthings and 3 unberthings of a ship of any length at each of these berths.
- } 6 berthings and 6 unberthings of a ship of any length at any of these berths.
- } 2 berthings and 2 unberthings of a ship of any length at each of these berths.”.
- } 3 berthings and 3 unberthings of a ship exceeding 168 metres in length.
- } 3 berthings and 3 unberthings

Facility (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.”

Substitute

“China Cement Company Wharf
Shiu Wing Steel Wharf } 5 berthings and 5 unberthings of a ship exceeding 168 metres in length at any of these wharves.

Permanent Aviation Fuel Facility (a) 3 berthings and 3 unberthings of a ship of any length; and

(b) 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.”

(7) Schedule 1, Table 1, after item 10—
Add

“11. Kowloon City, Kowloon—
Kai Tak Cruise
Terminal—

Berth No. 1 } 1 berthing at flood tide and
Berth No. 2 } 1 berthing at ebb tide of a
ship of any length at any
of these berths.

12. Junk Bay—

ASB Biodiesel
Terminal

1 berthing at flood tide and
1 berthing at ebb tide of a
ship of any length.”

(8) Schedule 1, Table 3, item 1—

Repeal

“South Berth—
(Inner)
(Outer)”

Substitute

“South Berth”.

7. **Schedules 2 and 3 substituted**

Schedules 2 and 3—

Repeal the Schedules

Substitute

“Schedule 2

Classes of Pilotage

| Column 1 | Column 2 | Column 3 |
|----------|----------|---|
| Item | Class | Pilotage service |
| 1. | IIF | Pilotage of ships not exceeding 160 metres in length to and from buoys and anchorages at any time and the berthing and unberthing of ships not exceeding 160 metres in length to and from wharves, berths, docks and piers at any time. |
| 2. | IIE | Pilotage of ships not exceeding 180 metres in length to and from buoys and anchorages at any time and the berthing and unberthing of ships not exceeding 180 metres in length to and from wharves, berths, docks and piers at any time. |
| 3. | IID | Pilotage of ships not exceeding 210 metres in length to and from buoys and anchorages at any time and the berthing and unberthing of ships not exceeding 210 metres in length to and from wharves, berths, docks and piers at any time. |
| 4. | IIC | Pilotage of ships not exceeding 250 metres in length to and from buoys and anchorages at any time and the berthing and unberthing of ships not exceeding |

| Column 1 | Column 2 | Column 3 |
|----------|----------|---|
| Item | Class | Pilotage service |
| | | 250 metres in length to and from wharves, berths, docks and piers at any time. |
| 5. | IIB | Pilotage of ships not exceeding 300 metres in length to and from buoys and anchorages at any time and the berthing and unberthing of ships not exceeding 300 metres in length to and from wharves, berths, docks and piers at any time. |
| 6. | IIA | Pilotage of ships not exceeding 350 metres in length to and from buoys and anchorages at any time and the berthing and unberthing of ships not exceeding 350 metres in length to and from wharves, berths, docks and piers at any time. |
| 7. | I | Pilotage of ships of any length to and from buoys and anchorages at any time and the berthing and unberthing of ships of any length to and from wharves, berths, docks and piers at any time.”. |

Schedule 3

[para. 6]

Experience Required for Amendment of Licence to Higher Class of Pilotage

| Column 1 | Column 2 | Column 3 |
|----------|-------------------|---|
| Item | Class of pilotage | Experience required |
| 1. | From IIF to IIE | (a) A minimum of 12 months continuous experience in Class IIF. (b) Pilotage of ships exceeding 107 metres and not exceeding 160 metres in length to or from buoys or anchorages on at least 10 occasions, of which at least 5 must commence during the hours between sunset and sunrise. (c) Berthing or unberthing of ships exceeding 107 metres and not exceeding 160 metres in length to or from wharves, berths, docks or piers on at least 20 occasions, of which at least 10 must commence during the hours between sunset and sunrise. |
| 2. | From IIE to IID | (a) A minimum of 12 months continuous experience in Class IIE. |

| Column 1 | Column 2 | Column 3 |
|----------|-------------------|---|
| Item | Class of pilotage | Experience required |
| | | (b) Pilotage of ships exceeding 160 metres and not exceeding 180 metres in length to or from buoys or anchorages on at least 10 occasions, of which at least 5 must commence during the hours between sunset and sunrise. (c) Berthing or unberthing of ships exceeding 160 metres and not exceeding 180 metres in length to or from wharves, berths, docks or piers on at least 20 occasions, of which at least 10 must commence during the hours between sunset and sunrise. |
| 3. | From IID to IIC | (a) A minimum of 12 months continuous experience in Class IID. (b) Pilotage of ships exceeding 180 metres and not exceeding 210 metres in length to or from buoys or anchorages on at least 10 occasions, of which at least 5 must commence during the hours between sunset and sunrise. (c) Berthing or unberthing of ships exceeding 180 metres and not exceeding 210 metres in length to or from wharves, berths, docks or piers |

| Column 1 | Column 2 | Column 3 |
|----------|-------------------|--|
| Item | Class of pilotage | Experience required |
| | | on at least 20 occasions, of which at least 10 must commence during the hours between sunset and sunrise. |
| 4. | From IIC to IIB | <p>(a) A minimum of 12 months continuous experience in Class IIC.</p> <p>(b) Pilotage of ships exceeding 210 metres and not exceeding 250 metres in length to or from buoys or anchorages on at least 10 occasions, of which at least 5 must commence during the hours between sunset and sunrise.</p> <p>(c) Berthing or unberthing of ships exceeding 210 metres and not exceeding 250 metres in length to or from wharves, berths, docks or piers on at least 20 occasions, of which at least 10 must commence during the hours between sunset and sunrise.</p> |
| 5. | From IIB to IIA | <p>(a) A minimum of 12 months continuous experience in Class IIB.</p> <p>(b) Pilotage of ships exceeding 250 metres and not exceeding 300 metres in length to or from buoys or anchorages on at least 10 occasions, of which at least 5 must commence</p> |

| Column 1 | Column 2 | Column 3 |
|----------|-------------------|--|
| Item | Class of pilotage | Experience required |
| | | during the hours between sunset and sunrise. |
| | | (c) Berthing or unberthing of ships exceeding 250 metres and not exceeding 300 metres in length to or from wharves, berths, docks or piers on at least 20 occasions, of which at least 10 must commence during the hours between sunset and sunrise. |
| 6. | From IIA to I | <p>(a) A minimum of 12 months continuous experience in Class IIA.</p> <p>(b) Pilotage of ships exceeding 300 metres and not exceeding 350 metres in length to or from buoys or anchorages on at least 10 occasions, of which at least 5 must commence during the hours between sunset and sunrise.</p> <p>(c) Berthing or unberthing of ships exceeding 300 metres and not exceeding 350 metres in length to or from wharves, berths, docks or piers on at least 20 occasions, of which at least 10 must commence during the hours between sunset and sunrise.”.</p> |

2016

Pilotage Authority

Explanatory Note

This Order mainly amends the Schedules to the Pilotage Order (Cap. 84 sub. leg. C)—

- (a) to reflect the changes of wharves and berths at which registered apprentice pilots have to acquire the necessary experience to obtain a pilot's licence;
- (b) to add 2 new classes of pilotage and to revise the existing classification structure of pilotage services; and
- (c) to provide for the experience required for the new classes of pilotage and to revise the experience required for the existing classes of pilotage.

Pilotage (Amendment) Regulation 2016

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

1. Commencement

This Regulation comes into operation on 23 December 2016.

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)

(1) Regulation 6(1)(b)—

Repeal

“IID”

Substitute

“IIF”.

(2) Regulation 6(1A)(b)—

Repeal

“IID”

Substitute

“IIF”.

Clerk to the Executive Council

COUNCIL CHAMBER

2016

Explanatory Note

The Pilotage (Amendment) Order 2016 amends the Pilotage Order (Cap. 84 sub. leg. C) to add 2 new classes of pilotage to the existing classification structure of pilotage services. This Regulation amends the Pilotage Regulations (Cap. 84 sub. leg. A) to make the consequential amendments that are required as a result of the addition of the new classes of pilotage.