

立法會

Legislative Council

LC Paper No. CB(4)158/17-18(05)

Ref: CB4/SS/3/17

Subcommittee on Legislative Amendments to Improve Traffic Services and Regulate Marine Safety

Background brief

Purpose

This paper provides background information on the legislative amendments made under the Shipping and Port Control (Amendment) (No. 2) Regulation 2017, the Merchant Shipping (Local Vessels) (General) (Amendment) (No. 2) Regulation 2017, the Merchant Shipping (Local Vessels) (General) (Amendment) (No. 3) Regulation 2017 and the Shipping and Port Control Regulations (Amendment of Schedules) Notice 2017 (L.N. 171, L.N. 178, L.N. 179 and L.N. 180) for improving vessel traffic services and regulating marine safety. It also summarizes the major views and concerns expressed by members of the Panel on Economic Development ("the Panel") on the subject.

The subsidiary legislation

L.N. 171 and L.N. 178

2. As advised by the Administration, the Vessel Traffic Centre ("VTC") of the Marine Department ("MD") coordinates vessel movements and provides navigational assistance as necessary through its vessel traffic services system. Currently, ocean-going vessels, river trade vessels exceeding 300 gross tonnage, as well as specified local vessels such as dangerous goods carriers are required under the Shipping and Port Control Regulations (Cap. 313A) and the Merchant Shipping (Local Vessels) (General) Regulation (Cap. 548F) to report their movements to VTC through designated very high frequency ("VHF") channels when they sail through calling-in points or from one VHF sector to another.

3. In view of increasing marine traffic in Hong Kong, MD commissioned a study on Hong Kong Vessel Traffic Services in 2013. The study found that the existing three VHF sectors¹ are becoming saturated, especially during peak

¹ Currently, there are three VHF sectors, namely, the Eastern Approaches VHF Sector, Western Approaches VHF Sector and Harbour VHF Sector.

hours and typhoon periods when communications between VTC and vessels are most frequent. It is therefore necessary to increase the VHF sectors to enable vessels to communicate with VTC more promptly and efficiently. Furthermore, with the advancement of navigational technology, repeated reporting of vessels' whereabouts is no longer necessary. The Administration hence proposes streamlining the communication process between VTC and vessels.

4. L.N. 171 is made by the Chief Executive in Council under section 80 of the Shipping and Port Control Ordinance (Cap. 313) to amend Cap. 313A mainly to:

- (a) increase the number of VHF sectors from three to five by adding Lantau South VHF Sector and Harbour East VHF sector;
- (b) adjust the number of calling-in points situated in waters of Hong Kong from 28 to 15 as a result of the abovementioned re-alignment of VHF sectors; and
- (c) streamline the procedure of reporting to VTC by repealing certain existing reporting requirements (e.g. requirements of making pre-departure report and departure underway report).

5. L.N. 178 is made by the Secretary for Transport and Housing ("STH") under section 89 of the Merchant Shipping (Local Vessels) Ordinance (Cap. 548) to amend Cap. 548F to introduce for local vessels reporting procedures similar to those provided in L.N. 171.

6. L.N. 171 and L.N. 178 will come into operation on 1 March 2018.

L.N. 179 and L.N. 180

7. To enhance navigation safety, MD establishes principal fairways in busy waters to regulate vessel movements. Vessels navigating within the principal fairways are required to comply with rules mandated by the International Maritime Organization to avoid collision², including navigating as close to the right side of the fairway as practicable and following specific procedures when overtaking other vessels. Given the busy marine traffic, fishing activities are prohibited in all principal fairways. At present, there are 10 principal fairways in Hong Kong waters. The boundaries of principal fairways are set out in Cap. 313A, and are amended from time to time having regard to the latest marine traffic pattern and volume.

² The set of navigation rules specific to principal fairways is adopted from the International Regulations for Preventing Collisions at Sea 1972.

8. Due to the development of neighbouring ports in the Pearl River Delta ("PRD"), marine traffic around North Lantau is getting heavier. It is therefore necessary to regulate vessel movements by establishing principal fairways along the waters.

9. L.N. 179 and L.N. 180 are respectively made by STH under section 89 of Cap. 548 and the Director of Marine under regulation 72(1) of Cap. 313A. These two items of subsidiary legislation relate to the alignment of principal fairways within Hong Kong waters.

10. L.N. 180 amends Cap. 313A to:

- (a) provide for the boundaries of three new principal fairways on the north side of Lantau Island (namely the Urmston Road Fairway, the Castle Peak Fairway and the Ha Pang Fairway);
- (b) re-align the boundaries of four existing principal fairways in the western part of Victoria Harbour (namely the Southern Fairway, the North Green Island Fairway, the Northern Fairway and the Central Fairway); and
- (c) provide for the boundaries of a new prohibited fishing area that joins the Ma Wan Fairway, the Kap Shui Mun Fairway and the Ha Pang Fairway.

11. L.N. 180 also makes corresponding adjustments to the boundaries of the areas of the waters in which a vessel may only proceed within speed limits ("speed limit zone") and to the boundaries of anchorages adjacent to the re-aligned principal fairways.

12. L.N. 179 amends Cap. 548F mainly to adjust the boundaries of different speed limit zones for local vessels to align with the boundaries of principal fairways as re-aligned under L.N. 180.

13. L.N. 179 and L.N. 180 will come into operation on 1 February 2018.

Previous discussions

14. At its meeting on 24 April 2017, the Panel was consulted on the Administration's proposals to improve vessel traffic services and establish a stretch of principal fairways, which is divided into three sections with different names for the purpose of clear communication - Urmston Road Fairway, Castle Peak Fairway and Ha Pang Fairway.

15. Members in general supported the legislative proposals to enhance marine safety. Some members however were particularly concerned about the impact of the proposed establishment of the new principal fairways and the new prohibited fishing area on the livelihood of fishermen. A public hearing was subsequently held on 21 July 2017 to receive views from the shipping industry and the fishing industry on the proposal of establishing the new principal fairways. While the former was concerned about the busy marine traffic in the area and looked forward to the early implementation of the proposal to ensure navigation safety, the latter expressed concerns over the loss of fishing ground which would have impact on the fishermen's livelihood.

16. At the meeting on 21 July 2017, members discussed various alternative proposals put forward by the fishing industry. Such alternative proposals included establishing a traffic separation scheme which allowed fishing vessels to operate in the separation zone between two one-way traffic lanes for bigger vessels; establishing the new principal fairways in South Lantau instead of North Lantau; allowing large vessels to use the proposed principal fairways only at designated time; and imposing speed limit on vessels using the proposed fairways.

17. The Administration advised that it had thoroughly considered the alternative proposals suggested by the fishing industry. However, it found that the proposals were not feasible due to various reasons. These included that the strip of water north of Lantau was not wide enough to allow two large deep-draught vessels to navigate in opposite directions while having a separation zone in between; the waters in South Lantau was not deep enough for large vessels to pass through; the adverse implications on Hong Kong's economic development if large vessels were only allowed to use the proposed principal fairway at designated time, against the backdrop that the Hong Kong port operated round-the-clock; and the safety risks posed by imposing speed limit on vessels using the proposed principal fairways since large vessels needed to maintain a minimal navigational speed to manoeuvre and take appropriate action in response to accident. The Administration reiterated that given the heavy marine traffic along the proposed principal fairways and the strong current in the proposed new prohibited fishing area, prohibiting fishing activities therein was essential to safeguard the safety of all vessels navigating in the area, including fishing vessels.

18. Notwithstanding the Administration's explanation, the Administration was urged to study the suggestions raised at the meeting, including redirection of marine traffic from North Lantau to South Lantau with a view to minimizing the impact of the proposal to the fishing industry.

19. The Administration subsequently advised the Panel vide LC Paper No. CB(4)1577/16-17(01) that MD had studied the proposed alternative to redirect marine traffic but the waters in South Lantau was found to be not deep enough for large vessels to pass through, leaving North Lantau the only waterway in the western part of Hong Kong to accommodate container vessels travelling to and from PRD. For safety reasons, it was essential to prohibit fishing activities inside the proposed fairways.

20. The Administration also advised that to promote sustainable fishing and provide support to the fisheries industry, the Government has set up the Sustainable Fisheries Development Fund to help the local fishing community move towards sustainable or high value-added operations so that the trade can enhance its overall competitiveness and cope with new challenges. In addition, the Airport Authority Hong Kong has set up the Fisheries Enhancement Fund to fund activities that will enhance fisheries resources in the vicinity of the airport, in Hong Kong western waters and further afield into the Pearl River Estuary. The fishing community may apply for these funds as they see fit.

Latest position

21. At the meeting of the House Committee on 27 October 2017, Members agreed to form a subcommittee to study L.N. 171, L.N. 178 to L.N. 180.

List of relevant papers

Issued by	Meeting date/ Issue date	Paper
Panel on Economic Development	24 April 2017 (Item V)	Administration's paper Follow-up paper Minutes
	21 July 2017 (Item IV)	Administration's paper Follow-up paper Minutes
Transport and Housing Bureau	October 2017	Legislative Council Brief on L.N. 171 and L.N. 178 Legislative Council Brief on L.N. 179 and L.N. 180
Legislative Council Secretariat	27 October 2017	Legal Service Division Report