

## LEGISLATIVE COUNCIL BRIEF

Shipping and Port Control Regulations (Cap. 313A) and  
Merchant Shipping (Local Vessels) (General) Regulation (Cap. 548F)

### Legislative Amendments to Improve Vessel Traffic Services

## INTRODUCTION

For more effective monitoring of vessel movement, we need to improve the vessel traffic services (“VTS”) provided by the Vessel Traffic Centre (“VTC”) of the Marine Department (“MD”) by amending the Shipping and Port Control Regulations (Cap. 313A) and the Merchant Shipping (Local Vessels) (General) Regulation (Cap. 548F)<sup>1</sup>.

2. At the meeting of the Executive Council on 10 October 2017, the Council ADVISED and the Chief Executive ORDERED that, under section 80 of the Shipping and Port Control Ordinance (Cap.313), the Shipping and Port Control (Amendment) (No.2) Regulation 2017, at A **Annex A**, should be made to streamline the procedures for reporting to VTC and increase the number of very high frequency (“VHF”) sector to enhance communication between VTC and vessels.

3. In order for the aforementioned improvements to apply to local vessels, the Secretary for Transport and Housing has made the Merchant Shipping (Local Vessels) (General) (Amendment) (No.2) Regulation

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<sup>1</sup> The Shipping and Port Control Ordinance applies to all vessels (except local vessels) in Hong Kong waters, whereas the Merchant Shipping (Local Vessels) (General) Regulation applies to local vessels.

B 2017, at **Annex B**, under section 89 of the Merchant Shipping (Local Vessels) Ordinance (Cap. 548).

## **JUSTIFICATIONS**

4. VTC 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 (“specified vessels”) are required under the Shipping and Port Control Regulations and the Merchant Shipping (Local Vessels) (General) Regulation to report their movements to VTC through designated VHF channels when they sail through calling-in points or from one VHF sector to another.

5. In view of increasing marine traffic in Hong Kong, MD commissioned a study on Hong Kong Vessel Traffic Services (“the Study”) in 2013. The Study found that the existing three VHF sectors are becoming saturated, especially during peak 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.

6. Furthermore, with the advancement of navigational technology<sup>2</sup>, repeated reporting of vessels’ whereabouts is no longer necessary.

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<sup>2</sup> Specified vessels are required to be fitted with an automatic identification system (AIS), which allows voyage and navigational information of a ship (e.g. ship’s position, name, course, speed) to be automatically sent to VTC.

Hence, we propose streamlining the communication process between VTC and vessels by doing away with unnecessary reporting.

## **LEGISLATIVE PROPOSALS**

### ***Increasing the number of VHF Sectors***

7. Currently, there are three VHF sectors, namely, the Eastern Approaches VHF Sector, Western Approaches VHF Sector and Harbour VHF Sector. We propose to increase the number of VHF sectors from three to five by splitting the Western Approaches VHF Sector and the Harbour VHF Sector, and adding two new VHF sectors – the Lantau South VHF Sector and the Harbour East VHF Sector. We will also take the opportunity to adjust the boundaries of existing VHF sectors to better align them with major traffic routes, so as to do away with repeated reporting whenever a vessel crosses VHF sectors. A map showing the five new VHF sectors after the proposed re-alignment is at **Annex C**.

C

### ***Streamlining VTS Reporting Procedures***

8. Specified vessels are required to make reports to VTC regarding different stages of movements, namely, pre-move report, pre-departure report, ready-to-move report, ready-to-depart report, move-underway report and departure-underway report. For more effective communication, we will consolidate the reports into one movement report and one departure report.

### *Other amendments*

9. Arising from the re-alignment of VHF sectors, nine calling-in points will be removed and two new ones will be included. The necessary consequential amendments are at **Annex D**.

D

## **THE REGULATIONS**

### **Shipping and Port Control (Amendment) (No.2) Regulation 2017**

10. The Shipping and Port Control (Amendment) (No.2) Regulation 2017 amends the Shipping and Port Control Regulations to streamline the procedures of reporting to the VTC and increase the number of VHF sectors from three to five.

### **Merchant Shipping (Local Vessels) (General) (Amendment) (No.2) Regulation 2017**

11. The Merchant Shipping (Local Vessels) (General) (Amendment) (No.2) Regulation 2017 Amendment Regulation amends the Merchant Shipping (Local Vessels) (General) Regulation to streamline the procedures of reporting by local vessels to the VTC.

## **LEGISLATIVE TIMETABLE**

12. The legislative timetable for the Shipping and Port Control (Amendment) (No.2) Regulation 2017 and the Merchant Shipping (Local Vessels) (General) (Amendment) (No.2) Regulation 2017 are as follows –

Publication in the Gazette	20 October 2017
Tabling at the Legislative Council for negative vetting	25 October 2017
Commencement Date	1 March 2018

## **IMPLICATIONS OF THE PROPOSAL**

13. The proposal has no productivity, economic, competition, 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 Shipping and Port Control Ordinance, the Merchant Shipping (Local Vessels) Ordinance and their subsidiary legislation.

## **PUBLIC CONSULTATION**

14. The Pilotage Advisory Committee and the Port Operations Committee were consulted on the above proposal on 7 January 2016 and 3 March 2016 respectively. We also consulted the Legislative Council Panel on Economic Development on 24 April 2017. Members supported the proposal.

## **PUBLICITY**

15. A press release will be issued on 20 October 2017. A spokesman will be available to answer enquires.

## **ENQUIRIES**

16. 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 2017**

## Shipping and Port Control (Amendment) (No. 2) Regulation 2017

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## Shipping and Port Control (Amendment) (No. 2) Regulation 2017

(Made by the Chief Executive in Council under section 80 of the Shipping and Port Control Ordinance (Cap. 313))

### 1. Commencement

This Regulation comes into operation on 1 March 2018.

### 2. Shipping and Port Control Regulations amended

The Shipping and Port Control Regulations (Cap. 313 sub. leg. A) are amended as set out in sections 3 to 19.

### 3. Regulation 3 amended (interpretation)

Regulation 3, definition of *special condition of the vessel*—

#### Repeal

““special condition of the vessel” (船隻的特殊狀況)”

#### Substitute

“*special condition* (特殊狀況), in relation to a vessel.”

### 4. Regulations 8, 8A and 8B substituted

Regulations 8, 8A and 8B—

#### Repeal the regulations

#### Substitute

#### “8. Pilot report

When a vessel embarks or disembarks a pilot in the waters of Hong Kong, the master of the vessel must, on the VHF channel appropriate to the VHF sector in which the vessel is located—

- (a) report the embarkation or disembarkation to the vessel traffic centre; and
- (b) give the time of the embarkation or disembarkation and the location of the vessel.

### 8A. Arrival report

When a vessel arrives in the waters of Hong Kong, the master of the vessel must, on the VHF channel appropriate to the VHF sector in which the vessel is located—

- (a) report the arrival to the vessel traffic centre; and
- (b) give the time of the arrival and the berth or other location of the vessel.

### 8B. Movement report

(1) Before a vessel gets underway for a movement within the waters of Hong Kong, the master of the vessel must, on the VHF channel appropriate to the VHF sector in which the vessel is located—

- (a) report the intended movement to the vessel traffic centre;
- (b) request permission to move; and
- (c) provide the vessel traffic centre with all the information specified in paragraph (2).

(2) The following information is specified for the purposes of paragraph (1)(c)—

- (a) the name of the vessel;
- (b) the call sign of the vessel;
- (c) the berth or other location of the vessel;
- (d) the intended berth or other intended location of the vessel;



- (e) any special condition of the vessel;
- (f) any other relevant information, including the intention of the master of the vessel to undertake a seatrial during the movement.”.

#### 5. Regulations 8C and 8D repealed

Regulations 8C and 8D—

**Repeal the regulations.**

#### 6. Regulations 8E and 8F substituted

Regulations 8E and 8F—

**Repeal the regulations**

**Substitute**

##### “8E. Move finished report

When a vessel ceases to be underway after the master of the vessel has reported an intended movement under regulation 8B, the master must, on the VHF channel appropriate to the VHF sector in which the vessel is located—

- (a) report the cessation of the movement of the vessel to the vessel traffic centre; and
- (b) give the time of the cessation and the berth or other location of the vessel.

##### 8F. Departure report

- (1) Before a vessel gets underway for a departure from the waters of Hong Kong, the master of the vessel must, on the VHF channel appropriate to the VHF sector in which the vessel is located—
  - (a) report the intended departure to the vessel traffic centre;

- (b) request permission to depart; and
- (c) provide the vessel traffic centre with all the information specified in paragraph (2).
- (2) The following information is specified for the purposes of paragraph (1)(c)—
  - (a) the name of the vessel;
  - (b) the call sign of the vessel;
  - (c) the berth or other location of the vessel;
  - (d) the number of the port clearance obtained for the vessel under section 15 of the Ordinance;
  - (e) any special condition of the vessel;
  - (f) any other relevant information, including the intention of the master of the vessel to undertake a seatrial before the departure.”.

#### 7. Regulations 8G and 8H repealed

Regulations 8G and 8H—

**Repeal the regulations.**

#### 8. Regulation 8I substituted

Regulation 8I—

**Repeal the regulation**

**Substitute**

##### “8I. Delay report

- (1) This regulation applies if, after a report of an intended movement or departure has been made under regulation 8B or 8F, the movement or departure is delayed for any reason.

- (2) The master must report the delay to the vessel traffic centre on the VHF channel appropriate to the VHF sector in which the vessel is located.”.

**9. Regulation 8J amended (special reports)**

- (1) Regulation 8J(1)—

**Repeal**

everything after “in which the vessel”

**Substitute**

“is located.”.

- (2) Regulation 8J(2)—

**Repeal**

everything after “in which the vessel”

**Substitute**

“is located.”.

- (3) Regulation 8J(3)—

**Repeal**

everything after “in which the vessel”

**Substitute**

“is located.”.

- (4) Regulation 8J(4)—

**Repeal**

everything after “in which the vessel”

**Substitute**

“is located.”.

**10. Regulation 11 amended (listening watch on radiotelephone)**

Regulation 11(1)—

**Repeal**

everything after “in which the vessel”

**Substitute**

“is located.”.

**11. Regulation 12A amended (observation report)**

Regulation 12A—

**Repeal**

everything after “in which the vessel”

**Substitute**

“is located.”.

**12. Regulation 12B amended (calling-in point report)**

Regulation 12B—

**Repeal**

everything after “in which the vessel”

**Substitute**

“is located.”.

**13. Regulation 14 amended (deviation from this Part in emergencies)**

Regulation 14(2)—

**Repeal**

everything after “in which the vessel”

**Substitute**

“is located.”.

**14. Regulation 14A amended (advice from the vessel traffic centre)**

Regulation 14A—

**Repeal**

everything after “in which the vessel”

**Substitute**

“is located.”.

**15. Regulation 15 amended (failure of radiotelephone equipment)**

Regulation 15(2)—

**Repeal subparagraphs (a) and (b)****Substitute**

- “(a) compliance with regulation 11 is not required;
- (b) subject to subparagraph (c), compliance with regulation 7, 8, 8A, 8B, 8E, 8F, 8I, 12A, 12B or 14A (*prescribed regulation*) is not required; and
- (c) if it is possible for the master of the vessel to make the report required by a prescribed regulation by telephone or another means—
  - (i) compliance with the prescribed regulation is required; and
  - (ii) it is sufficient compliance with the requirement under the prescribed regulation to make a report on a VHF channel if the report is instead made by telephone or the other means.”.

**16. Regulation 16 amended (penalties)**

Regulation 16(2)—

**Repeal**

“8C, 8D, 8E, 8F, 8G, 8H,”

**Substitute**

“8E, 8F,”.

**17. First Schedule amended (VHF channels)**

(1) First Schedule—

**Repeal**

“14 Harbour”

**Substitute**

“14 Harbour  
 02 Harbour East  
 63 Lantau South”.

(2) First Schedule, Note (1)—

**Repeal**

everything after “in which the vessel”

**Substitute**

“is located.”.

(3) First Schedule, Note (2)—

**Repeal**

“into which the vessel is to enter those waters”

**Substitute**

“which the vessel is to enter”.

(4) First Schedule, Note (3)—

**Repeal**

“from which the vessel left those waters”

**Substitute**

“which the vessel left”.

**18. Second Schedule amended (VHF sectors)****(1) Second Schedule—****Repeal item 1****Substitute****“1. Eastern Approaches**

The area of the waters of Hong Kong bounded to the west—

- (a) by a straight line drawn from the westernmost extremity of Siu Chau Wan Point to the westernmost extremity of A Kung Ngam Point (sometimes known as Kung Am);
- (b) by a straight line drawn from position latitude 22°15.393' north, longitude 114°07.869' east to position latitude 22°14.470' north, longitude 114°07.085' east;
- (c) by a straight line drawn from position latitude 22°10.968' north, longitude 114°06.847' east to position latitude 22°08.910' north, longitude 114°04.657' east.”.

**(2) Second Schedule, item 2—****Repeal**

“to the east”.

**(3) Second Schedule, item 2(a)—****Repeal**

“114°00'00””

**Substitute**

“114°00.000”.

**(4) Second Schedule—****Repeal item 2(b)****Substitute**

“(b) by latitude 22°14.000' north between the points where it intersects the western shore of Lantau Island and the boundary of Hong Kong waters.”.

**(5) Second Schedule—****Repeal item 2(c) and (d).****(6) Second Schedule, item 3(a)—****Repeal**

“114°00'00””

**Substitute**

“114°00.000”.

**(7) Second Schedule, item 3(b)—****Repeal**

everything after “line drawn from”

**Substitute**

“position latitude 22°15.952' north, longitude 114°01.410' east to position latitude 22°15.477' north, longitude 114°01.666' east;”.

**(8) Second Schedule, item 3(c)—****Repeal**

everything after “line drawn from”

**Substitute**

“position latitude 22°14.475' north, longitude 114°02.685' east to position latitude 22°13.166' north, longitude 114°06.180' east;”.

**(9) Second Schedule—****Repeal item 3(d)**

**Substitute**

“(d) by a straight line drawn from position latitude 22°15.393′ north, longitude 114°07.869′ east to position latitude 22°14.470′ north, longitude 114°07.085′ east;”.

## (10) Second Schedule—

**Repeal item 3(e)****Substitute**

“(e) by a straight line drawn from the westernmost point of the Island of Hong Kong to the westernmost point of Green Island;

(f) by a straight line drawn from the westernmost point of Green Island to position latitude 22°19.000′ north, longitude 114°06.459′ east;

(g) by a straight line drawn from position latitude 22°19.000′ north, longitude 114°06.459′ east to position latitude 22°19.431′ north, longitude 114°07.358′ east.”.

## (11) Second Schedule, after item 3—

**Add**

## “4. Harbour East

The area of the waters of Hong Kong bounded—

(a) by a straight line drawn from the westernmost point of the Island of Hong Kong to the westernmost point of Green Island;

(b) by a straight line drawn from the westernmost point of Green Island to position latitude 22°19.000′ north, longitude 114°06.459′ east;

(c) by a straight line drawn from position latitude 22°19.000′ north, longitude 114°06.459′ east to

position latitude 22°19.431′ north, longitude 114°07.358′ east;

(d) by a straight line drawn from the westernmost extremity of Siu Chau Wan Point to the westernmost extremity of A Kung Ngam Point (sometimes known as Kung Am).

## 5. Lantau South

The area of the waters of Hong Kong bounded—

(a) by latitude 22°14.000′ north between the points where it intersects the western shore of Lantau Island and the boundary of Hong Kong waters;

(b) by a straight line drawn from position latitude 22°15.952′ north, longitude 114°01.410′ east to position latitude 22°15.477′ north, longitude 114°01.666′ east;

(c) by a straight line drawn from position latitude 22°14.475′ north, longitude 114°02.685′ east to position latitude 22°13.166′ north, longitude 114°06.180′ east;

(d) by a straight line drawn from position latitude 22°10.968′ north, longitude 114°06.847′ east to position latitude 22°08.910′ north, longitude 114°04.657′ east.

**Note:**

In this Schedule, a reference to the co-ordinates of a point is a reference to the co-ordinates of that point based on the World Geodetic System 1984 (WGS 84).”.

**19. Tenth Schedule amended (calling-in points)**

(1) Tenth Schedule—

**Repeal item 1(b).**

(2) Tenth Schedule—

**Repeal item 2(b) and (d).**

(3) Tenth Schedule—

**Repeal item 3(b) and (d).**

(4) Tenth Schedule—

**Repeal item 4(b) and (c).**

(5) Tenth Schedule—

**Repeal item 5(c) and (d).**

(6) Tenth Schedule—

**Repeal item 6(c) and (d).**

(7) Tenth Schedule—

**Repeal item 7(b), (d) and (e).**

(8) Tenth Schedule—

**Repeal item 8**

**Substitute**

“8. Northern Fairway and Rambler Channel

(a) Northern 4 Buoy

(b) Cheung Tsing Bridge”.



Clerk to the Executive Council

COUNCIL CHAMBER

10<sup>th</sup> October, 2017

### **Explanatory Note**

This Regulation amends the Shipping and Port Control Regulations (Cap. 313 sub. leg. A) (*Regulations*) mainly to—

- (a) facilitate efficient monitoring of the movement of vessels;
- (b) increase the number of VHF sectors (as delineated in the Second Schedule to the Regulations) from 3 to 5;
- (c) adjust the number of calling-in points (as specified in the Tenth Schedule to the Regulations) from 28 to 15; and
- (d) adopt the World Geodetic System 1984 (WGS 84) for setting out the co-ordinates that delineate the VHF sectors.

## **Merchant Shipping (Local Vessels) (General) (Amendment) (No. 2) Regulation 2017**

(Made by the Secretary for Transport and Housing under section 89 of the Merchant Shipping (Local Vessels) Ordinance (Cap. 548))

### **1. Commencement**

This Regulation comes into operation on 1 March 2018.

### **2. Merchant Shipping (Local Vessels) (General) Regulation amended**

The Merchant Shipping (Local Vessels) (General) Regulation (Cap. 548 sub. leg. F) is amended as set out in sections 3 to 9.

### **3. Section 64 substituted**

Section 64—

**Repeal the section**

**Substitute**

#### **“64. Movement report**

- (1) Before a specified local vessel gets underway for a movement within the waters of Hong Kong, the coxswain of the vessel must—
  - (a) report the intended movement;
  - (b) request permission to move; and
  - (c) provide in the report all the information specified in subsection (2).
- (2) The following information is specified for the purposes of subsection (1)(c)—

- (a) the name of the vessel;
- (b) the call sign of the vessel (if any);
- (c) the present location of the vessel;
- (d) the intended berth or other intended location of the vessel;
- (e) any special condition of the vessel;
- (f) such other information, including the intention of the coxswain of the vessel to undertake a seatrial during the movement, as the vessel traffic centre may reasonably require.”.

### **4. Sections 65 and 66 repealed**

Sections 65 and 66—

**Repeal the sections.**

### **5. Section 67 amended (move finished report)**

(1) Section 67—

**Repeal**

“section 66”

**Substitute**

“section 64”.

(2) Section 67—

**Repeal**

“the intended destination reported under section 64(d)”

**Substitute**

“the berth or other location reported under section 64(2)(d)”.

### **6. Section 68 substituted**

Section 68—



**Repeal the section****Substitute****“68. Departure report**

- (1) Before a specified local vessel gets underway for a departure from the waters of Hong Kong, the coxswain of the vessel must—
  - (a) report the intended departure;
  - (b) request permission to depart; and
  - (c) provide in the report all the information specified in subsection (2).
- (2) The following information is specified for the purposes of subsection (1)(c)—
  - (a) the name of the vessel;
  - (b) the call sign of the vessel (if any);
  - (c) the present location of the vessel;
  - (d) the number of the port clearance obtained for the vessel under section 6;
  - (e) any special condition of the vessel;
  - (f) such other information, including the intention of the coxswain of the vessel to undertake a seatrial before the departure, as the vessel traffic centre may reasonably require.”.

**7. Sections 69 and 70 repealed**

Sections 69 and 70—

**Repeal the sections.****8. Section 82 amended (failure of radiotelephone equipment)**

Section 82(2)—

**Repeal paragraphs (a) and (b)****Substitute**

- “(a) compliance with section 75(1) is not required;
- (b) subject to paragraph (c), compliance with section 61, 62, 63, 64, 67, 68, 71, 72, 77, 78, 80(2) or 81 (*prescribed section*) is not required; and
- (c) if it is possible for the coxswain of the vessel to make the report required by a prescribed section by telephone or another means—
- (i) compliance with the prescribed section is required; and
  - (ii) it is sufficient compliance with the requirement under the prescribed section to make a report on a VHF channel if the report is instead made by telephone or the other means.”.

**9. Section 83 amended (offences under this Part)**

(1) Section 83(2)—

**Repeal**

“65, 66, 67, 68, 69, 70”

**Substitute**

“67, 68”.

(2) Section 83(6)—

**Repeal**

“section 65”

**Substitute**

“section 64”.

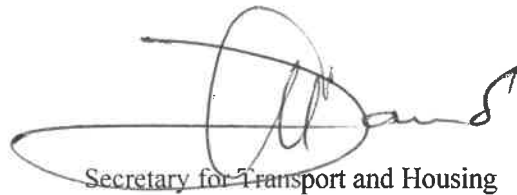
(3) Section 83(7)—

**Repeal**

“section 69”

**Substitute**

“section 68”.



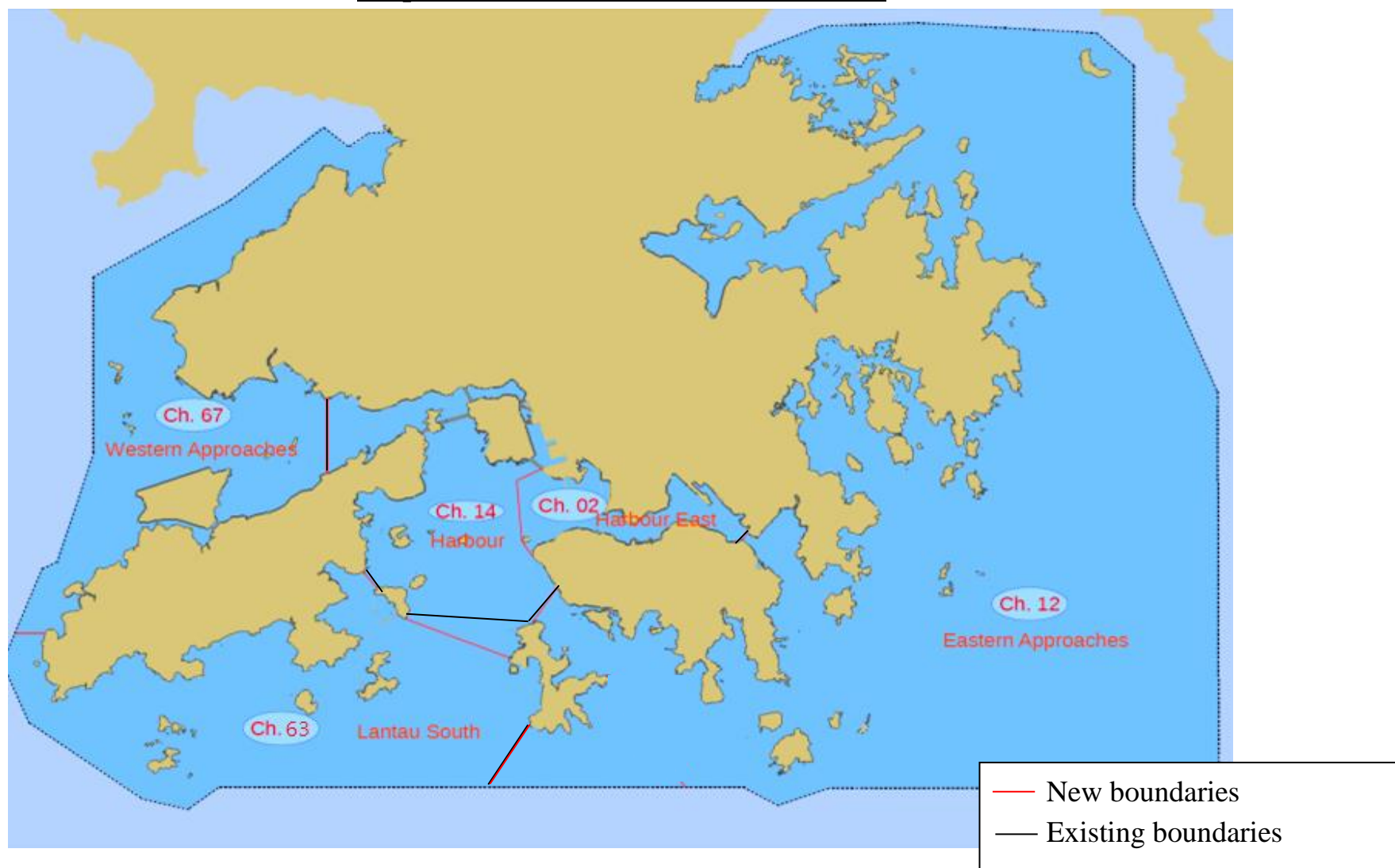
Secretary for Transport and Housing

13 Oct 2017

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**Explanatory Note**

This Regulation amends the Merchant Shipping (Local Vessels) (General) Regulation (Cap. 548 sub. leg. F) to facilitate efficient monitoring of the movement of local vessels.

**Proposed Re-demarcation of VHF Sectors**

**Proposed Amendments regarding Calling-in Points**

**A. Deletions**

The following calling-in points will be deleted –

1. Hak Kok Tau (Cape Collinson);
2. Lamma Channel Separation Buoy No. 1;
3. Chesterman Buoy;
4. Green Island;
5. Shek Kok Tsui;
6. North West Ma Wan Traffic Light;
7. Ma Wan Buoy;
8. Castle Peak No.8 Buoy; and
9. West Quarantine Buoy.

**B. Additions**

The following new calling-in points will be added –

1. Northern 4 Buoy; and
2. Cheung Tsing Bridge