

LEGISLATIVE COUNCIL BRIEF

Pilotage Ordinance (Cap. 84)

Legislative Amendments for facilitating the provision of Pilotage Services in Mirs Bay

INTRODUCTION

To establish three pilot boarding stations in Mirs Bay and to set the pilotage dues for the provision of pilotage services in the region, the Director of Marine (“DM”) has made the Pilotage Ordinance (Amendment of Schedule 2) Notice 2019 (“the Notice”) at **Annex A**, as well as the Pilotage (Dues) (Amendment) Order 2019 (“the Order”) at **Annex B**, under Sections 10F(a) and 22(a) of the Pilotage Ordinance (Cap. 84) (“the Ordinance”) respectively.

BACKGROUND

Pilotage Requirement and Pilotage Dues

2. Under the Ordinance and its subsidiary legislation¹, visiting vessels of 3 000 gross tonnage or over, those of 1 000 gross tonnage or over carrying dangerous goods and gas carriers of any gross tonnage are required to be under the pilotage of licensed pilots within the waters of Hong Kong. The objective is to ensure the safe navigation of visiting ships as well as local ships in Hong Kong waters. Licensed pilots are regulated by the Ordinance to ensure their competence. A licensed pilot, who is a master mariner familiar with the local marine environment and licensed under the Ordinance, advises the master of the visiting vessel on the safest navigational route within the waters of Hong Kong.

3. To facilitate the provision of pilotage services, pilot boarding stations are set up in various points of Hong Kong waters for pilots to board or disembark the visiting ships before or after the provision of pilotage services.

¹ The four pieces of subsidiary legislation under the Ordinance are –

- (a) Pilotage Regulations (Cap. 84A);
- (b) Pilotage (Disciplinary Procedure) Regulations (Cap. 84B);
- (c) Pilotage Order (Cap. 84C); and
- (d) Pilotage (Dues) Order (Cap. 84D).

The existing pilot boarding stations are listed in Schedule 2 to the Ordinance.

4. Pilotage dues are charged by pilots for provision of pilotage services. The dues, including the standard dues and additional dues where applicable, are set out in the Schedule to the the Pilotage (Dues) Order (Cap. 84D) (“the Dues Order”). The standard dues are dependent on the gross tonnage of a vessel, while the additional dues are applicable for different routes (e.g. additional dues for services in remote areas) or under specified circumstances (e.g. services provided during typhoon, service requested on short notice).

Pilotage Arrangement in Mirs Bay

5. While the Ordinance states that the waters of Hong Kong shall be a pilotage area, no pilot boarding station has been designated in Mirs Bay and visiting vessels have been plying the area without pilotage service. In 1998, there were on average about 17 vessel trips daily plying around Mirs Bay made by visiting ocean-going vessels (“OGVs”) of 3 000 gross tonnage or above that should have required pilotage service. The then Pilotage Advisory Committee (“PAC”)², having regard to the relatively light marine traffic in Mirs Bay as compared with that in other regions of Hong Kong waters and the remoteness of the area, decided to exempt vessels transiting Mirs Bay from the relevant pilotage requirement in 1998.

6. With the establishment of three additional Liquefied Natural Gas (“LNG”) receiving facilities at East Shenzhen in the proximity of Mirs Bay since 2014, the navigation risk in the region has increased. Meanwhile, marine traffic in the region has become heavier. In 2017, the average number of daily trips transiting Mirs Bay made by OGVs of 3 000 gross tonnage or above has grown to about 36. Moreover, OGVs transiting Mirs Bay nowadays, including container vessels, are much bigger than those in 1998. The increase in number and size of vessels including LNG vessels means that pilotage would be necessary to mitigate the increasing navigation risk in the Mirs Bay region. In taking forward the exercise, it has also transpired that the decision to exempt vessels transiting Mirs Bay from the pilotage requirement in 1998 was without legal backing, and hence must be rectified as soon as practicable.

² PAC is established under the Ordinance to advise DM, as the Pilotage Authority, on matters relating to the general regulation or control of pilotage in Hong Kong. It comprises stakeholders of the shipping industry, including licensed pilots, ship-owners, container terminal operators, liners, dockyard operators, tug operators and bulk cargo operators, etc.

LEGISLATIVE PROPOSALS

Establishing three pilot boarding stations near Mirs Bay

7. Noting that marine traffic of various vessel sizes and types navigating in the Mirs Bay area is becoming increasingly busy, to facilitate the provision of pilotage services in the region, we propose to establish the three pilot boarding stations at the following locations in Mirs Bay by amending Schedule 2 to the Ordinance –

- (i) Area off Shek Ngau Chau;
- (ii) Area off Crooked Island; and
- (iii) Area off Ping Chau.

8. The locations of the Mirs Bay and the proposed pilot boarding stations are shown on the maps at Annex C and Annex D respectively.

Dues for the provision of pilotage services in Mirs Bay

9. We propose no change to the standard pilotage dues which is applicable to all pilotage services irrespective of routes. Taking into account the remoteness of and the rough sea conditions in Mirs Bay which necessitate a longer transit time and the use of tugboats for pilots to access the three proposed pilot boarding stations, we propose to amend the Schedule to the Dues Order to provide for –

- (a) the charge of additional dues for pilotage services where a pilot is required to board or disembark a ship in any of the three proposed pilot boarding stations to be set up near Mirs Bay. The additional charges range from HK\$10,350 to HK\$12,150;
- (b) the charge of an additional due for pilotage services in Mirs Bay which is provided on notice of less than five hours. The additional due is proposed to be set at 50% overall of the standard pilotage dues that shall be payable; and
- (c) the charge of an additional due of HK\$4,700 and HK\$300 respectively for cancellation or alteration of pilotage services on short notice of three hours and five hours respectively in Mirs Bay.

THE NOTICE AND THE ORDER

Pilotage Ordinance (Amendment of Schedule 2) Notice 2019

10. The Notice amends Schedule 2 to the Ordinance to establish three pilot boarding stations located at the area off Shek Ngau Chau, the area off Crooked Island and the area off Ping Chau respectively in Mirs Bay.

11. The opportunity is also taken to convert the existing presentation of the coordinates of the five existing pilot boarding stations used in Schedule 2 to the Ordinance from historical HK1980 geodetic system datum (HK80) to World Geodetic System 1984 (WGS84) datum, which is the present geodetic system used for marine charting.

Pilotage (Dues) (Amendment) Order 2019

12. The Order amends the Dues Order to provide for the additional pilotage dues applicable to the provision of pilotage services in Mirs Bay, as well as the additional dues applicable to the provision, alteration and cancellation of pilotage services on short notice in Mirs Bay.

LEGISLATIVE TIMETABLE

13. The Notice and the Order will be published in the Gazette on 18 October 2019 and introduced into the Legislative Council on 23 October 2019.

IMPLICATIONS OF THE PROPOSAL

14. Given that pilotage due is a relatively minor cost item for international shipping and the proposed pilotage dues in Mirs Bay are estimated to constitute about 1% of the total port related fees for vessels transiting Mirs Bay, the proposal should not have significant economic implications.

15. Furthermore, the proposal has no productivity, financial, family, gender, civil service, environmental or sustainability implications. It is in conformity with the Basic Law, including the provision concerning human rights. It will not affect the current binding effect of the Ordinance and its subsidiary legislation stated in paragraph 2 above.

PUBLIC CONSULTATION

16. As in the case in past pilotage dues revision exercises, PAC was consulted on the proposal in June 2016 and December 2017. In the discussion of the PAC, the Hong Kong Liner Shipping Association (“HKLSA”) representing the major service users considered the dues for pilotage services in Mirs Bay expensive. Meanwhile, the Hong Kong Pilots Association (“HKPA”) representing service providers was of the view that the dues should commensurate with the time, expenses and risks that have to be borne by their pilots. After critically examining the fee proposals submitted by HKLSA and HKPA, MD derived a consolidated fee proposal as set out in paragraph 9. At its meeting in December 2017, noting the comments of the HKLSA and HKPA as mentioned above and that the current consolidated proposal has incorporated the views from the two sides as far as practicable, most members of the PAC had no objection to the proposal.

17. We also consulted the Legislative Council Panel on Economic Development in 26 June 2018, where Members were generally supportive of the proposal.

PUBLICITY

18. A press release will be issued on 18 October 2019. A spokesman will be available to answer enquiries.

ENQUIRIES

19. 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 2019**

Pilotage Ordinance (Amendment of Schedule 2) Notice 2019

(Made by the Pilotage Authority under section 10F(a) of the Pilotage Ordinance (Cap. 84))

1. **Commencement**
This Notice comes into operation on 1 January 2020.
2. **Pilotage Ordinance amended**
The Pilotage Ordinance (Cap. 84) is amended as set out in section 3.
3. **Schedule 2 amended (pilot boarding stations)**
 - (1) Schedule 2, English text, column 3, heading—
Repeal
“Location”
Substitute
“Position”.
 - (2) Schedule 2, item 1—
Repeal
“22° 12’ 00””
Substitute
“22°11.908””.
 - (3) Schedule 2, item 1—
Repeal
“114° 05’ 18””
Substitute

- “114°05.447””.
- (4) Schedule 2, item 2—
Repeal
“22° 16’ 00””
Substitute
“22°15.908””.
 - (5) Schedule 2, item 2—
Repeal
“114° 15’ 40””
Substitute
“114°15.814””.
 - (6) Schedule 2, item 3—
Repeal
“22° 25’ 01””
Substitute
“22°24.925””.
 - (7) Schedule 2, item 3—
Repeal
“113° 53’ 12””
Substitute
“113°53.347””.
 - (8) Schedule 2, item 4—
Repeal
“22° 29’ 36””
Substitute
“22°29.508””.

(9) Schedule 2, item 4—

Repeal

“114° 19’ 42””

Substitute

“114°19.848”.

(10) Schedule 2, item 5—

Repeal

“22° 13’ 03””

Substitute

“22°12.958”.

(11) Schedule 2, item 5—

Repeal

“114° 09’ 42””

Substitute

“114°09.847”.

(12) Schedule 2—

Add

“6. Area off Ping Chau latitude 22°32.800’ north,
in Mirs Bay longitude 114°23.600’ east.

7. Area off Crooked latitude 22°33.500’ north,
Island in Mirs Bay longitude 114°20.200’ east.

8. Area off Shek Ngau latitude 22°29.700’ north,
Chau in Mirs Bay longitude 114°26.540’ east.

Note: In this Schedule, the geographical co-ordinates of a position are based on the World Geodetic System 1984 (WGS 84).”.



Pilotage Authority

4 October 2019

Explanatory Note

This Notice amends Schedule 2 to the Pilotage Ordinance (Cap. 84) to specify 3 areas of water in Mirs Bay as pilot boarding stations.

2. The Notice also makes technical amendments to that Schedule so that co-ordinates based on the World Geodetic System 1984 (WGS 84) are adopted.

Pilotage (Dues) (Amendment) Order 2019

(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 1 January 2020.

2. Pilotage (Dues) Order amended

The Pilotage (Dues) Order (Cap. 84 sub. leg. D) is amended as set out in sections 3, 4 and 5.

3. Section 1A added

After section 1—

Add

“1A. Interpretation

In this Order—

pilot boarding station (領港員登船區) has the meaning given by section 10A of the Ordinance.”.

4. Section 3 amended (fees and maintenance of pilot carried out of Hong Kong)

Section 3(2)—

Repeal

“paragraph 3(1)(b) shall be”

Substitute

“subsection (1)(b) is”.

5. Schedule amended

(1) The Schedule, English text—

Repeal

“[para. 2]”

Substitute

“[s. 2]”.

(2) The Schedule, English text, Part 2, paragraph 4—

Repeal

“area” (wherever appearing)

Substitute

“station”.

(3) The Schedule, Chinese text, Part 2, paragraph 5—

Repeal

“海面或南丫島西面對開海面”

Substitute

“的範圍或南丫島西面的範圍”.

(4) The Schedule, Part 2, after paragraph 5B—

Add

“5C. An additional pilotage due of \$4,200 is payable for any pilotage service performed if a pilot is required to board, or disembark from, a ship in Tolo Harbour.

5D. An additional pilotage due of \$10,350 is payable for any pilotage service performed if a pilot is required to board, or disembark from, a ship at the pilot boarding station described in item 6 of Schedule 2 to the Ordinance (area off Ping Chau in Mirs Bay).

5E. An additional pilotage due of \$12,150 is payable for any pilotage service performed if a pilot is required to board, or disembark from, a ship at—

- (a) the pilot boarding station described in item 7 of Schedule 2 to the Ordinance (area off Crooked Island in Mirs Bay); or
- (b) the pilot boarding station described in item 8 of Schedule 2 to the Ordinance (area off Shek Ngau Chau in Mirs Bay)."

(5) The Schedule, Part 2—

Repeal paragraph 7

Substitute

"7. An additional pilotage due equal to 50% overall of the standard pilotage dues is payable for any pilotage service that is provided—

- (a) if a pilot is required to board, or disembark from, a ship in Mirs Bay—on notice of less than 5 hours; or
- (b) if a pilot is required to board, or disembark from, a ship elsewhere—on notice of less than 3 hours."

(6) The Schedule, Part 2—

Repeal paragraph 8.

(7) The Schedule, Part 3—

Repeal paragraphs 1 and 2

Substitute

"1. If the engagement of a pilot is cancelled—

- (a) within 3 hours before the last stated time of a requirement for pilotage services in Mirs Bay;

(b) within 1.5 hours before the last stated time of a requirement for pilotage services in Tolo Harbour or at the west of East Brother Island; or

(c) within 1 hour before the last stated time of a requirement for pilotage services elsewhere,


a pilotage due of \$4,700 is payable.

2. If the engagement of a pilot is altered—

(a) within 3 to 5 hours before the last stated time of a requirement for pilotage services in Mirs Bay; or

(b) within 1 to 3 hours before the last stated time of a requirement for pilotage services elsewhere,

an additional pilotage due of \$300 is payable."


Pilotage Authority

4 October 2019

Explanatory Note

This Order mainly amends the Schedule to the Pilotage (Dues) Order (Cap. 84 sub. leg. D) (*principal Order*) to provide for—

- (a) additional pilotage dues for requiring a pilot to board, or disembark from, a ship in Mirs Bay (section 5(4));
 - (b) an additional pilotage due for boarding, or disembarking from, a ship in Mirs Bay on notice of less than 5 hours (section 5(5));
 - (c) a pilotage due for cancelling the engagement of a pilot within 3 hours before the last stated time of a requirement for pilotage services in Mirs Bay (section 5(7)); and
 - (d) an additional pilotage due for altering the engagement of a pilot—
 - (i) within 3 to 5 hours before the last stated time of a requirement for pilotage services in Mirs Bay (section 5(7));
 - (ii) within 1 to 3 hours before the last stated time of a requirement for pilotage services elsewhere (section 5(7)).
2. The Order also makes other minor textual amendments to the principal Order.

大鵬灣的位置示意圖
Location Map of Mirs Bay

附件 C
Annex C



