

For discussion on
27 June 2022

Legislative Council Panel on Economic Development

Pilotage (Amendment) Bill 2022

INTRODUCTION

This paper consults Members on the proposal to amend the Pilotage Ordinance (Cap. 84) (“the Ordinance”) and its subsidiary legislation to refine the arrangements for the medical examination of pilots and other existing practices, and to adjust the pilotage dues.

BACKGROUND

2. Under the Ordinance and its subsidiary legislation, visiting ships of 3 000 gross tonnage or over, ships 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 within Hong Kong waters. Pilots, who are master mariners familiar with the local marine environment, advise the visiting ship’s master on the safest navigational route. These pilots are licensed by the Director of Marine, in the Director’s capacity as the Pilotage Authority (“Authority”), to provide pilotage services for

specified lengths of vessels as prescribed by different classes of pilotage¹ in accordance with the qualifications and experience requirements under the Ordinance. At present, there are 100 licensed pilots in Hong Kong, amongst them 12 are aged 65 or above.

3. The Ordinance and its subsidiary legislation also provide for the regulation of pilotage services in respect of requirement for obtaining, upgrading and renewing a pilot licence, disciplinary proceedings of licensed pilots, the pilotage dues charged, location of pilot boarding stations and enforcement action conducted by the Marine Department (“MD”). After reviewing the relevant statutory provisions governing the above matters, we have drawn up legislative proposals in consultation with industry stakeholders in the light of past experience and changes in circumstances to better meet the industry’s operational needs. The proposals are set out in the following paragraphs.

LEGISLATIVE PROPOSALS

Medical examination and re-examination

4. Applicants for pilot licence are required under the Ordinance to be examined as to their physical and mental fitness by a medical officer appointed by the Director of Health (“DH”), as well as eyesight by a MD officer appointed by the Authority (collectively referred to as “medical

¹ There are seven classes of pilotage, namely Class I, IIA, IIB, IIC, IID, IIE and IIF as provided in Schedule 2 to the Pilotage Order (Cap. 84 sub. leg. C). A pilot with a Class I licence could pilot a vessel of any length whereas a pilot with a Class IIA, IIB, IIC, IID, IIE and IIF licence could only pilot a vessel of length not exceeding 350 metres, 300 metres, 250 metres, 210 metres, 180 metres and 160 metres respectively.

examination”). The Ordinance contains an exemption provision that an applicant for pilot licence may be exempted from the requirement of medical examination if (a) he has submitted within the previous 12 months himself to a similar examination; and (b) the Authority is satisfied as to his physical and mental fitness and eyesight². In addition, licensed pilots are subject to requirements for medical re-examination (a) at least once in every 2 years where he has not attained the age of 65 years, (b) at least once every year where he has attained the age of 65 years, and (c) at such other times as the Authority may require³.

5. As pilotage services are provided round the clock, pilots are required to work irregular hours. In order to facilitate pilots in meeting the medical examination requirements at regular intervals, we propose to amend the Ordinance such that the medical examination for applicants of pilot licence and the medical re-examination of licensed pilots can be carried out by a registered medical practitioner in Hong Kong following the medical standard under the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers. Applicants of pilot licence and licensed pilots may make timely appointments with registered medical practitioners of their own choice flexibly to meet the medical examination and re-examination requirements.

6. The main purpose of medical examination and re-examination is to ensure that the pilot is physically and mentally fit as well as with good eyesight to carry out the pilotage duties. As long as the medical examination is of a comparable standard to the prevailing standard adopted in Hong Kong, there may not be the need for such medical

² Section 7(1A) of Cap. 84.

³ Section 10(1) of Cap. 84.

examination to be conducted in Hong Kong. We therefore propose to specify clearly in the Ordinance that the Authority may exempt an applicant for pilot licence or a licensed pilot from the medical examination or re-examination if the applicant has within the previous 12 months submitted himself to a similar examination under a comparable standard, regardless of whether such examination is conducted in Hong Kong. In practice, MD will accept a medical examination conducted anywhere in accordance with the medical standard under the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers.

Pilotage dues adjustment

7. Pilotage dues are charged by pilots for the provision of pilotage services. The pilotage dues, including the standard dues and additional dues where applicable, are prescribed in the Pilotage (Dues) Order (Cap. 84D). The standard dues are dependent on the gross tonnage of a vessel⁴, 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). The dues are reviewed periodically by pilotage service providers (represented by the Hong Kong Pilots Association) and users (represented by the Hong Kong Liner Shipping Association), taking into account a number of factors including inflation and market situation. Pilotage dues revision proposal mutually agreed by the parties will be considered by the Authority, having regard to the advice of the statutory

⁴ Currently, the standard dues consist of a basic fixed charge of HK\$4,700 per applicable vessel plus a charge depending on the gross tonnage of the vessel, ranging from HK\$0.055 to HK\$0.07 per ton.

Pilotage Advisory Committee (“PAC”)⁵. Pilotage dues were last revised in 2016. The current proposal, at **Annex**, to increase the pilotage dues by an average of 9.7% was endorsed by PAC at its meeting on 18 January 2022. We propose to amend Cap. 84D to reflect the latest pilotage dues proposal.

Adaptation of laws and miscellaneous amendments

8. We also propose to make an adaptation of laws amendment to a provision in the Pilotage (Disciplinary Procedure) Regulations (Cap. 84B) which contains an obsolete reference to persons before which depositions relating to disciplinary procedure of pilots could be made on oath⁶, as well as to make miscellaneous amendments to refine the existing practices and facilitate enforcement under the Ordinance, the Pilotage Regulations (Cap. 84A) and the Pilotage Order (Cap. 84C). They include proposals to –

- (a) facilitate the enforcement action of MD by empowering MD officers not below the rank of Marine Inspector to require a pilot to produce his licence for inspection;
- (b) refine the disciplinary proceedings against pilots by including the breach of an existing obligation of licensed pilots under Cap. 84C, i.e. a licensed pilot shall not unreasonably refuse to

⁵ PAC is established to advise the Director of Marine, 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

⁶ It is proposed that the obsolete reference to “magistrate in any Commonwealth country” be replaced

be accompanied by a registered apprentice pilot undergoing training or gaining experience, in the definition of misconduct under the Ordinance;

- (c) prescribe the fee for the examination for upgrading the class of a licensed pilot from Class IID to Class IIC;
- (d) refine the description of pilotage services under Schedule 2 of Cap. 84C, which is confined to services involving berthing of ships at buoys or anchorages, to include services for transit of ships, i.e. the ship do not berth at any buoys or anchorages; and
- (e) specify the areas of pilot boarding stations to facilitate pilots' compliance with the statutory requirements when boarding or disembarking the ships.

CONSULTATION

9. MD consulted PAC and obtained its endorsement in August 2021 on the legislative proposals to amend the arrangements for the medical examination of pilots and refine the existing practices to facilitate enforcement under the Ordinance and its subsidiary legislation. PAC was further consulted and endorsed the proposal on pilotage dues adjustment in January 2022.

LEGISLATIVE TIMETABLE

10. We aim at introducing the legislative amendments into the Legislative Council in the current legislative session.

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ADVICE SOUGHT

11. Members are invited to comment on the legislative proposals set out in this paper.

Transport and Housing Bureau

Marine Department

June 2022

Annex

Proposed Revision of Pilotage Dues

Existing Rate			Proposed New Rate		Change
1	Basic Pilotage Due	\$4,700	Basic Pilotage Due	\$5,150	+\$450
2	Additional due per ton for ships of –		Additional due per ton for ships of –		N/A
	● <40000 GRT	\$0.07	● <40000 GRT	\$0.0768	+\$0.0068 per GRT
	● ≥40000 & ≤80000 GRT (min. \$2,800)	\$0.065	● ≥40000 & ≤80000 GRT (min. \$3,072)	\$0.0712	+\$0.0062 per GRT, or +\$272
	● >80000 & ≤120000 GRT (min. \$5,200)	\$0.0625	● >80000 & ≤120000 GRT (min. \$5,696)	\$0.0685	+\$0.006 per GRT, or +\$496
	● >120000 & ≤140000 GRT (min. \$7,500)	\$0.055	● >120000 & ≤140000 GRT (min. \$8,220)	\$0.0603	+\$0.0053 per GRT, or +\$720
	● >140000 GRT	\$7,700	● >140000 GRT	\$8,448	+\$748
3	Pilotage outward beyond Pilot Boarding Station	\$700	Pilotage outward beyond Pilot Boarding Station	\$1,482	+\$782
4	Additional due for Ngan Chau or west of Lamma Island	\$2,000	Additional due for Ngan Chau or west of Lamma Island	\$2,191	+\$191
5	Additional due for West of East Brother	\$2,800	Additional due for West of East Brother	\$3,070	+\$270
6	Additional due for North of Black Point	\$1,300	Additional due for North of Black Point	\$1,425	+\$125
7	Additional due for Tolo Harbour	\$4,200	Additional due for Tolo Harbour	\$4,605	+\$405
8	Due for detention of pilots - per half hour for the first hour & thereafter	\$1,300	Due for detention of pilots - per half hour for the first hour & thereafter	\$1,720	+\$420
9	Cancellation of engagement	\$4,700	Cancellation of engagement	\$5,150	+\$450
10	Alternation of engagement	\$300	Alternation of engagement	\$349	+\$49
11	Alternation of engagement more than twice	\$300	Alternation of engagement more than twice	\$349	+\$49