

For Discussion
on 18 December 2023

Legislative Council Panel on Economic Development

Updates on Marine Legislation

PURPOSE

This paper consults Members on the proposed legislative amendments to update and unify the types and formats of geodetic reference datum used in various marine legislation, as well as other miscellaneous amendments to various marine legislation in relation to the definition of the Radio Regulations, anchorages, vessel traffic services, cable reserves, boundary adjustments due to shoreline changes and the Tuen Mun Ferry Terminal (TMFT).

LEGISLATIVE PROPOSAL

I. Updates of World Geodetic System

2. The World Geodetic System (WGS) is a standard used in cartography which defines a geodetic datum. When Hong Kong first enacted marine legislation, the Hong Kong 1980 Geodetic Datum (HK80)¹

¹ Its reference ellipsoid back then was the International Ellipsoid (Hayford 1910).

was used as a reference to represent a location² in the Hong Kong waters.

3. With the technology advancement and effort from various nations over the last 30 years, a new geodetic datum system, i.e. the World Geodetic System 1984 (WGS84), has been developed for use in cartography, geodesy and navigation worldwide. The WGS84 makes reference to the internationally common standard spheroid reference to pinpoint a geographical location and becomes a widely accepted standard for geographical location.

4. Since the late 1990s, the Marine Department (MD) has been using the WGS84 for representing a geographical position in marine legislation. This system is also widely adopted by both the local and international shipping industries. Whenever an opportunity for amending the coordinates in any legislation arises, MD will use the new WGS84 system to update the coordinates and replace the previous HK80 system. However, for those coordinates which do not require any change or update in the past, they are still presented in the HK80 format. Hence, there are currently two different geodetic datum systems in the marine legislation that require unification for consistency and clarity³. We therefore propose to update all coordinates of HK80 format in the following legislation into the WGS84 system by adopting the new format:

(a) the Pilotage Ordinance (Cap. 84);

² A geographic position is usually represented by two sets of numbers to indicate the latitude and longitude.

³ The co-existence of the two systems, though undesirable, has not caused any operational issue in the past. This is because the two systems can be converted to each other through a formula, i.e. latitude WGS84 = latitude HK80 - 5.5" (corrected to nearest 0.1"); and longitude WGS84 = longitude HK80 +8.8" (corrected to nearest 0.1").

- (b) the Dangerous Goods (Shipping) Regulation 2012 (Cap. 295F);
- (c) the Shipping and Port Control Regulations (Cap. 313A);
- (d) the Shipping and Port Control (Ports) Order (Cap. 313J); and
- (e) the Merchant Shipping (Local Vessels) (Safety and Survey) Regulation (Cap. 548G).

II. Other miscellaneous amendments

(a) Definition of Radio Regulations

5. The Radio Regulations are a requirement of the International Telecommunication Union that regulates the radiocommunication services and the utilisation of radio frequencies. The International Maritime Organization (IMO) has adopted a new definition for the term in Chapter IV of the International Convention for the Safety of Life at Sea, 1974⁴, which will come into effect on 1 January 2024. We therefore propose to update the definitions of Radio Regulations in Cap. 313A, Cap. 548G and the Merchant Shipping (Local Vessels) (General) Regulation (Cap. 548F) to align with the latest development.

⁴ In Resolution MSC.496(105) (adopted on 28 April 2022): Amendments to the International Convention for the Safety of Life at Sea, 1974 (<https://www.mardep.gov.hk/en/msnote/pdf/msin2230anx1.pdf>), the definition for “Radio Regulations” was changed from “Radio Regulations means the Radio Regulations annexed to the Constitution and Convention of the International Telecommunication Union currently in force” to “Radio Regulations means the Radio Regulations complementing the Constitution and Convention of the International Telecommunication Union which is in force at any given time.”

(b) Special Anchorages under Cap. 313A

6. Under regulation 25(1)(b) of Cap. 313A, except with the written permission of the Director of Marine, no person shall be embarked or disembarked, and no cargo shall be loaded, unloaded or transhipped, onto or from a vessel at any place within the waters of Hong Kong other than in a special anchorage. Currently, the South-east Lamma Anchorage (SELA), South-west Lamma Anchorage (SWLA) and Urmston Road Anchorage (URMA) are Specified Anchorages under Schedule 3 to Cap. 84 but they are not listed as Special Anchorages under the Seventh Schedule to Cap. 313A. In recent years, there have been increasing demands from the marine industry for conducting activities such as person embarkation/disembarkation and/or cargo operations in these anchorages. Hence, we propose to specify the SELA, SWLA and URMA as Special Anchorages in the Seventh Schedule to Cap. 313A with a view to facilitating the trade to undergo aforesaid activities.

(c) Vessel Traffic Service within Hong Kong Waters

7. Under Cap. 313A, every vessel shall have on board radiotelephone equipment that is capable of operation in the very high frequency (VHF) band on the channels specified in the regulation. When a vessel is in the vicinity of any calling-in point, the master of that vessel shall report the identity of the vessel and the position of the vessel in relation thereto, to the Vessel Traffic Centre (VTC) on the VHF channel appropriate to the VHF sector in which the vessel is located.

8. The Kwai Chung Control Station (KCCS) is a sub-station of the

VTC. It aims to enhance marine safety and efficiency of vessel operations in the Kwai Chung Container Terminal Basin and its approaches. It has been providing Vessel Traffic Service to monitor, regulate as well as harmonise all marine traffics within the KCCS service area. However, the KCCS service area and the VHF channel 74 currently being used for providing such service had not been included and specified in the First and Second Schedule to Cap. 313A. We therefore propose to –

- (a) add a VHF Channel 74 to Cap. 313A;
- (b) create and specify the KCCS service area as a new VHF sector, namely KCCS VHF sector;
- (c) revise the boundaries of the existing VHF sectors of Harbour and Harbour East; and
- (d) add two calling-in Points, namely Shek Ngau Chau and Crooked Island, in Cap. 313A.

9. A map showing the new VHF sectors after the proposed re-demarcation and the two Calling-in Points is at **Annex A**.

(d) *Cable Reserves in the Sixth Schedule to Cap. 313A*

10. Cap. 313A provides that no vessel should enter and remain in an area of any cable reserve except for specified purposes of (a) laying or repairing a submarine cable or pipeline; or (b) berthing at any pier within any such area. The Stonecutters Island (East) Cable Reserve and the Stonecutters Island (West) Cable Reserve were originally established for laying power cables to the Stonecutter Island. Owner of the cables, CLP Power Hong Kong Limited has advised that the two Cable Reserves were

no longer required as all power cables therein had been disabled. Therefore, we propose to remove these two Cable Reserves from Cap. 313A.

(e) *Boundary Adjustments due to Shoreline Changes*

11. Regulations 23, 23A and 23B of Cap. 313A restrict the entering and movement of vessels in the restricted areas listed in the Fifth Schedule to Cap. 313A. Due to shoreline changes⁵ in the past years, the boundaries of Tsing Tsuen and Tsing Yi Bridges Area, the Ap Lei Chau Bridge Area and the Kap Shui Mun Bridge Area are found either unnecessarily covering reclaimed land or cannot fully cover all the waters surrounding the Bridges. We therefore propose to slightly adjust their boundaries in the Fifth Schedule to Cap. 313A for better protection of the Bridges and the safety of vessels navigating in the vicinities. The revised boundaries of the three Bridge Areas are shown in **Annex B**.

(f) *Boundary of Junk Bay Dangerous Goods Anchorage*

12. The Junk Bay Dangerous Goods Anchorages (JBDGA1) is a specified anchorage under Cap. 84. Due to its geographical location, its utilisation rate has been low in the past years and it is expected that the utilisation rate will be further reduced after the operation of the newly-built Tseung Kwan O Cross Bay Bridge and the Tseung Kwan O Southern Bridge, which are close to this anchorage. On the other hand, a special anchorage Junk Bay Dangerous Goods Anchorage (JBDGA2) has been

⁵ Changes of shorelines are attributable to various reasons, such as reclamation, port facility development etc.

established under Cap. 313A⁶. Considering its low utilisation rate, we propose to remove JBDGA1 under Cap. 84 and specify the location of JBDGA2 as a new specified anchorage therein. In effect, the location of JBDGA2 will serve as both a specified anchorage under Cap. 84 and a special anchorage under Cap. 313A. The revised boundary of JBDGA2 is shown in **Annex C**.

(g) Tuen Mun Ferry Terminal

13. TMFT has ceased operation as a cross-boundary ferry terminal since 8 June 2021. We propose to take the opportunity to amend the Shipping and Port Control (Ferry Terminals) Regulations (Cap. 313H) by removing TMFT from Schedule 1 of Cap. 313H to be commensurate with the latest situation, so that the area concerned in TMFT will no longer be designated as a restricted area.

CONSULTATION

14. MD consulted the Local Vessels Advisory Committee, the Pilotage Advisory Committee and the Port Operations Committee on legislative amendment items I, and II(a) to (f) above in October 2023. Members supported the legislative proposal. As regards item II(g), the Government has announced on 1 June 2021 that the cross-boundary passenger ferry services at TMFT would cease upon the termination of the tenancy agreement on 8 June 2021 by the tenant.

⁶ While having the same name, the two anchorages are located at different positions.

LEGISLATIVE TIMETABLE

15. Subject to the progress in refining and drafting the proposed legislation, we plan to introduce the legislative proposal into the Legislative Council for negative vetting in the first half of 2024

ADVICE SOUGHT

16. Members are invited to comment on the legislative proposal set out in this paper.

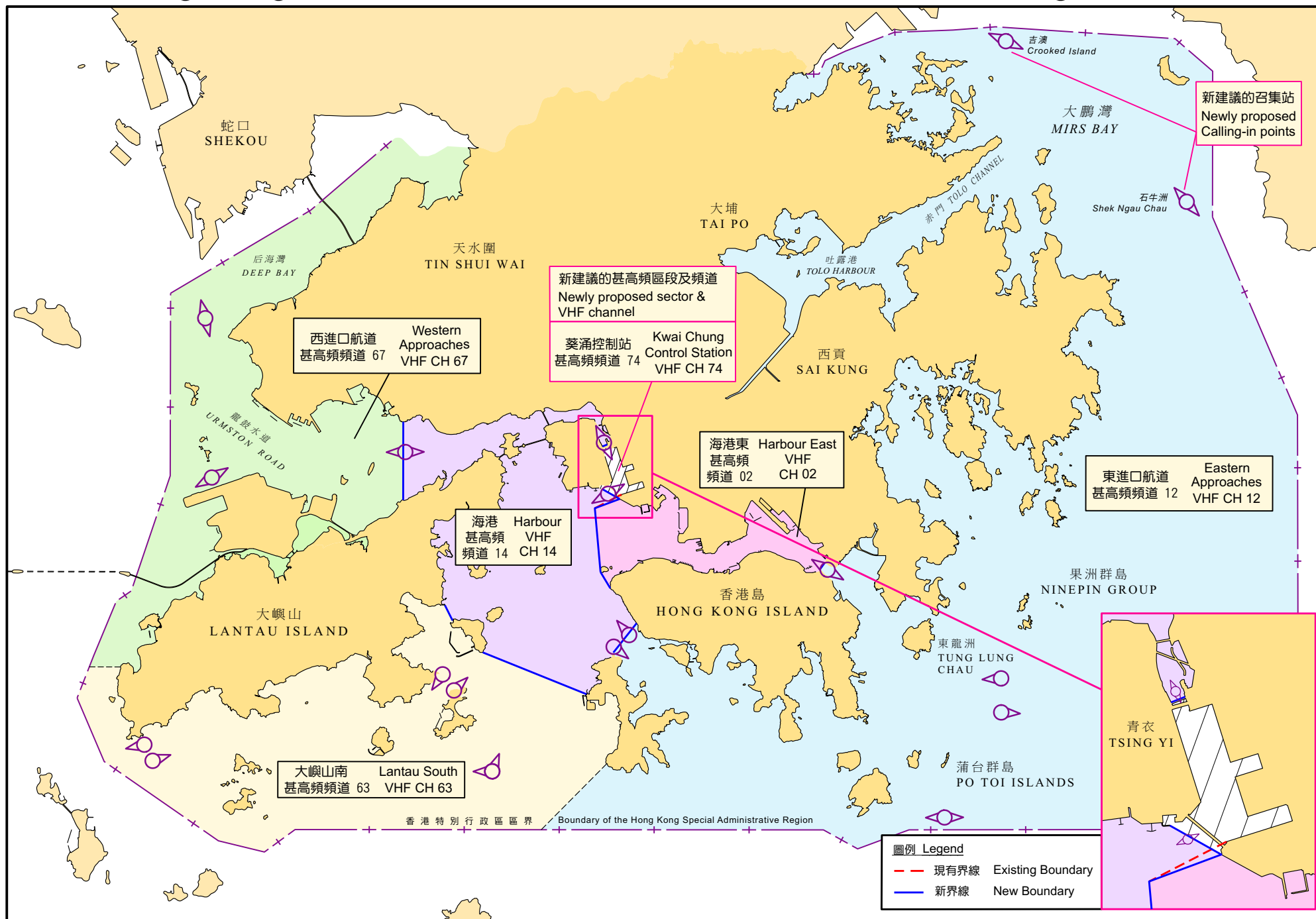
Transport and Logistics Bureau

Marine Department

December 2023

香港船隻航行監察服務 – 甚高頻區段及召集站 Hong Kong Vessel Traffic Service – VHF Sectors and Calling-in Points

附件A
Annex A

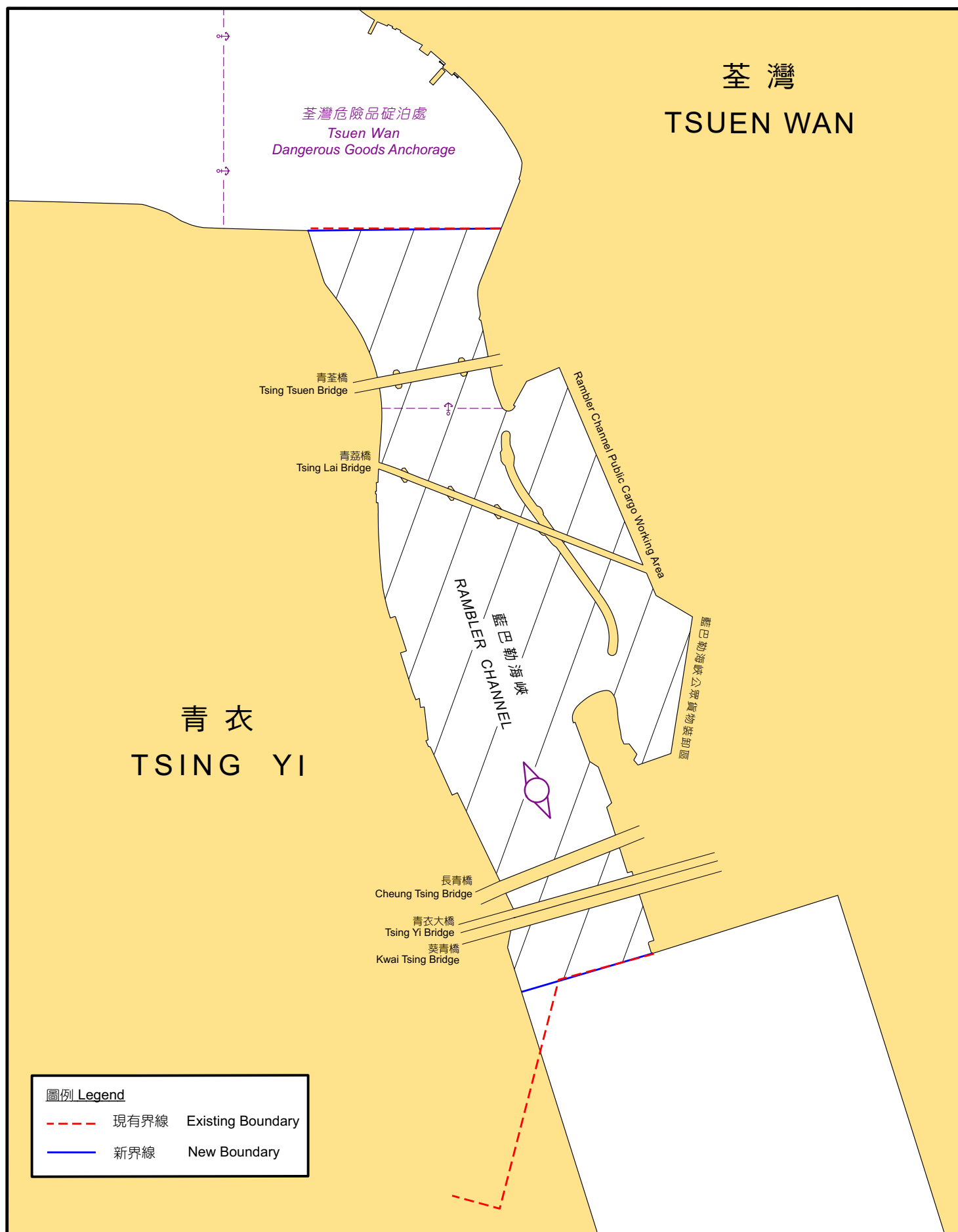


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Prepared by the Hydrographic Office,
Marine Department. August 2023

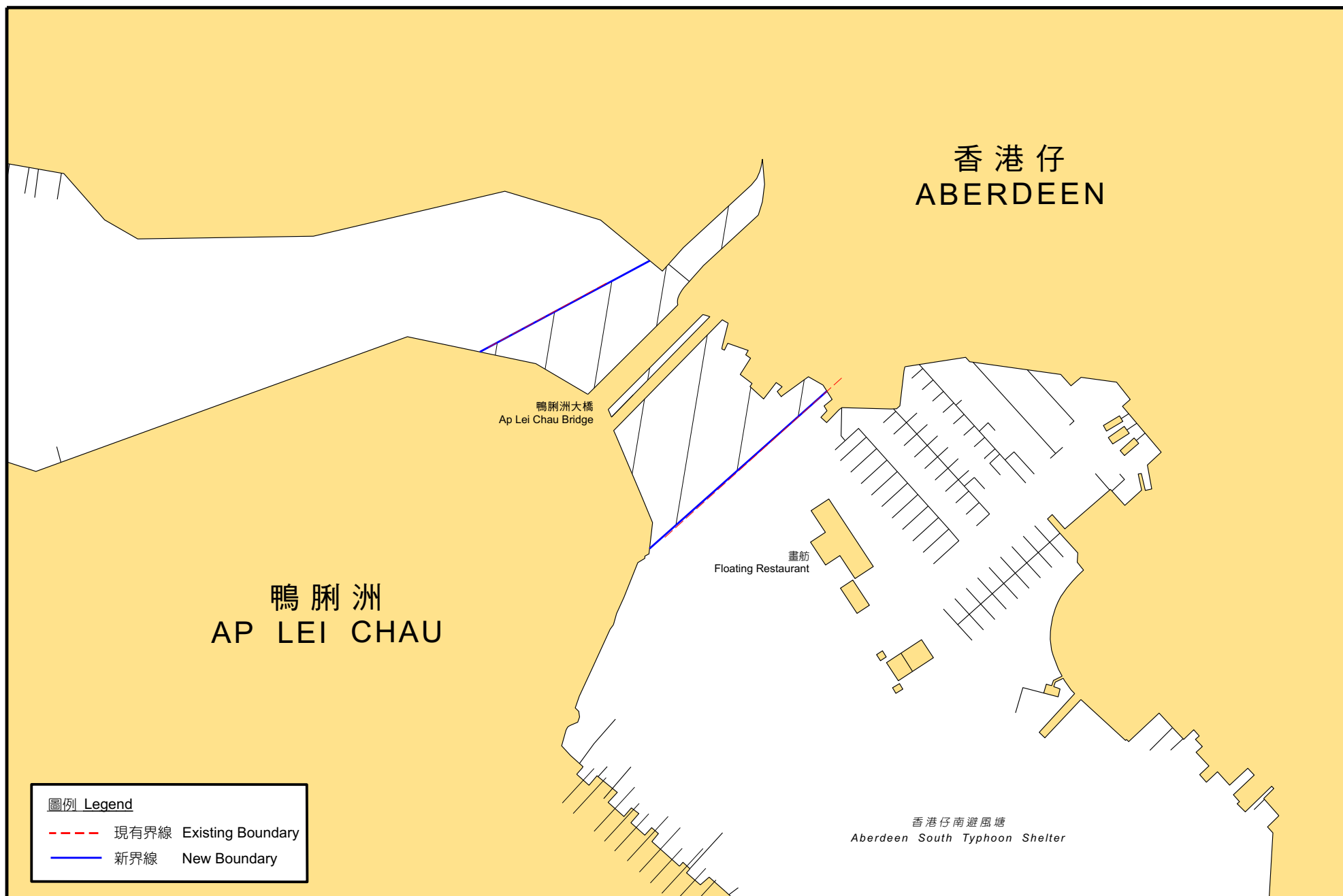
不宜作航行用途
Not to be used for navigation

圖則編號
Drawing No. 2023MAR032

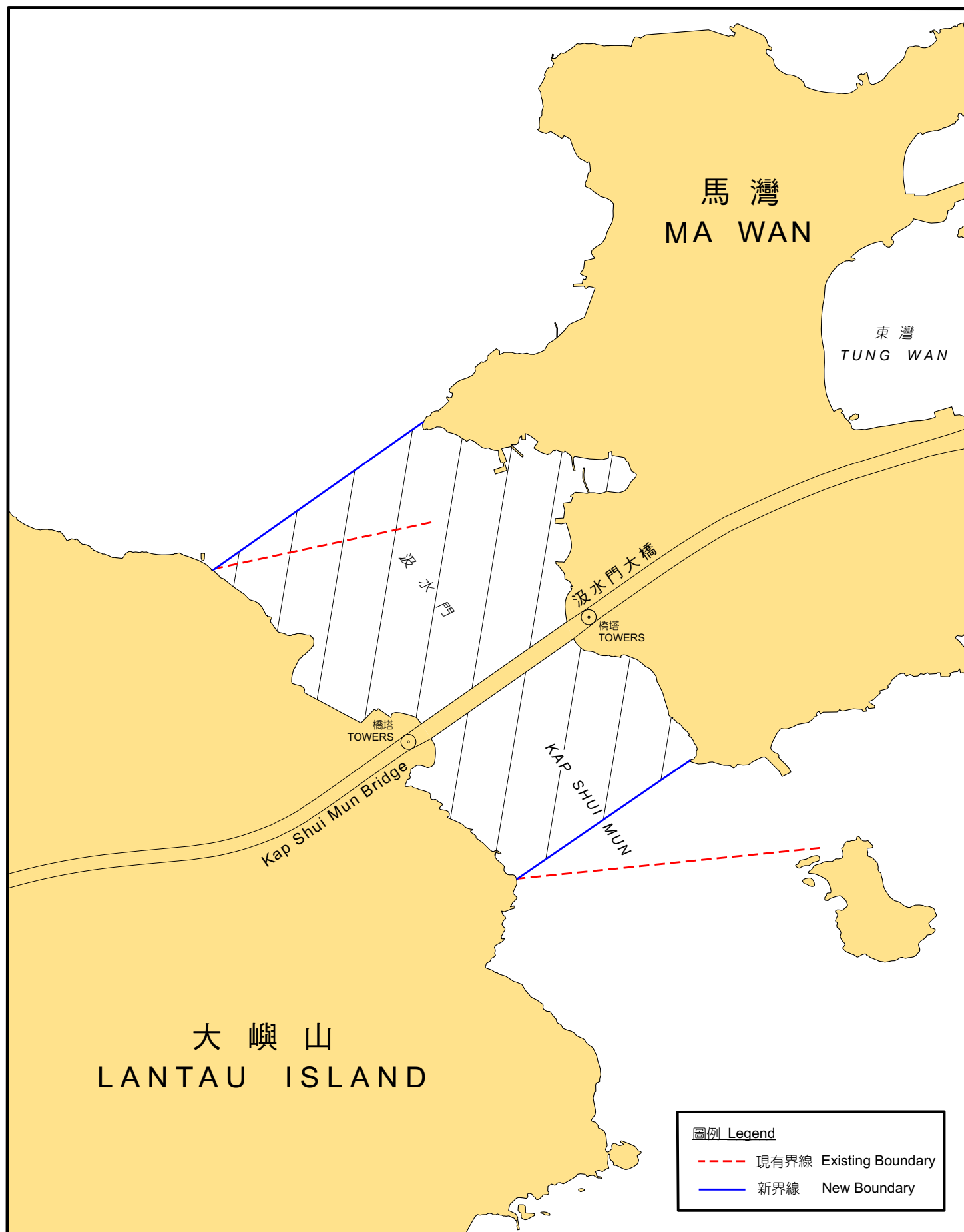
青荃橋及青衣大橋區域 Tsing Tsuen and Tsing Yi Bridges Area



鴨脷洲大橋區域 Ap Lei Chau Bridge Area



汲水門大橋區域 Kap Shui Mun Bridge Area



將軍澳危險品碇泊處
Junk Bay Dangerous Goods Anchorage

附件C
Annex C

