

Pilotage (Amendment) Bill 2022

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A BILL

To

Amend the Pilotage Ordinance and the subsidiary legislation made under it to provide for the medical examinations required for the application for pilot licences, and the medical re-examinations required for the continued holding of pilot licences, to be carried out by registered medical practitioners; to empower the Pilotage Authority to exempt licensed pilots from such medical re-examinations, and to exempt applicants for registration as apprentice pilots from medical examinations, if certain conditions are met; to adapt a provision to bring it into conformity with the Basic Law and with Hong Kong's status as a Special Administrative Region of the People's Republic of China; to increase the amounts of pilotage dues; and to provide for related and miscellaneous matters.

Enacted by the Legislative Council.

Part 1

Preliminary

1. Short title

This Ordinance may be cited as the Pilotage (Amendment) Ordinance 2022.

2. Enactments amended

The enactments specified in Parts 2 to 6 are amended as set out in those Parts.

Part 2

Amendments to Pilotage Ordinance (Cap. 84)

3. Section 2 amended (interpretation)

Section 2—

Add in alphabetical order

“*registered medical practitioner* (註冊醫生) has the meaning given by section 2(1) of the Medical Registration Ordinance (Cap. 161);”.

4. Section 7 substituted

Section 7—

Repeal the section

Substitute

“7. Examination of applicants

- (1) The Authority must, on application in the prescribed manner and on payment of the prescribed fee, cause an applicant for a licence to be examined, as to the applicant’s competence to pilot ships, by a board of examiners consisting of those members of the Committee appointed by the Authority.
- (2) The Committee must notify the Authority of the results of an examination under subsection (1).
- (3) Subject to subsection (4), an applicant for a licence must as soon as reasonably practicable after making the application submit to an examination, as to the applicant’s physical and mental fitness and eyesight, by a registered medical practitioner.

- (4) The Authority may exempt an applicant from an examination under subsection (3) (*medical examination*) if—
- (a) the Authority is satisfied that the applicant has, within the period of 12 months immediately before the date on which the application is made, submitted to another examination (whether or not carried out in Hong Kong) that is, in the Authority’s opinion, similar in nature, and comparable in assessment standard, to a medical examination; and
 - (b) the Authority is satisfied as to the applicant’s physical and mental fitness and eyesight.
- (5) An applicant must attain the standards of—
- (a) competence to pilot ships;
 - (b) physical and mental fitness; and
 - (c) eyesight,
- that are determined by the Authority.”.

5. Section 10 amended (re-examination of licensed pilots)

- (1) Section 10(1)—

Repeal

“A licensed”

Substitute

“Subject to subsection (2A), a licensed”.

- (2) Section 10—

Repeal subsection (2)

Substitute

- “(2) An examination under subsection (1) (*medical examination*) must be carried out by a registered medical practitioner.
- (2A) The Authority may exempt a licensed pilot from a medical examination if—
- (a) the Authority is satisfied that the pilot has, within the period of 12 months immediately before the date on which the pilot last made an application under section 9(2), submitted to another examination (whether or not carried out in Hong Kong) that is, in the Authority’s opinion, similar in nature, and comparable in assessment standard, to a medical examination; and
 - (b) the Authority is satisfied as to the pilot’s physical and mental fitness and eyesight.”.

(3) Section 10—
Repeal subsection (3).

6. **Section 15 amended (licensed pilot to carry licence where on duty)**

(1) Section 15, English text, heading—
Repeal
“where”
Substitute
“when”.

(2) Section 15(1)(b)—
Repeal
“marine officer”
Substitute

“Marine Inspector”.

7. Section 17 amended (complaints in respect of misconduct, etc. of licensed pilots)

After section 17(3)(b)—

Add

“(ba) without reasonable excuse, refuses to, when piloting a ship, be accompanied by a registered apprentice pilot (as defined by paragraph 2 of the Pilotage Order (Cap. 84 sub. leg. C)) for, or in connection with, the apprenticeship concerned;”.

8. Section 20 heading amended (appeal against cancellation or suspension of licence under section 19)

Section 20, heading—

Repeal

“cancellation or suspension of licence under section”

Substitute

“certain decisions under section 18B or”.

9. Schedule 2 substituted

Schedule 2—

Repeal the Schedule

Substitute

“Schedule 2

[ss. 10A & 10F]

Pilot Boarding Stations

Column 1	Column 2	Column 3
Item	Description	Position
1.	Ha Mei Wan, west of Lamma Island	An area of 0.5 nautical mile radius centred by position latitude 22°11.908' north, longitude 114°05.447' east.
2.	Turning buoy in the Tathong Channel	An area of 0.4 nautical mile radius centred by position latitude 22°15.908' north, longitude 114°15.814' east.
3.	Lam Kok Tsui (Black Point) in Urmston Road	An area of 0.5 nautical mile radius centred by position latitude 22°24.925' north, longitude 113°53.347' east.
4.	Entrance to Tolo Channel	An area of 0.5 nautical mile radius centred by position latitude 22°29.508' north, longitude 114°19.848' east.

Column 1	Column 2	Column 3
Item	Description	Position
5.	Ngan Chau in East Lamma Channel	An area of 0.5 nautical mile radius centred by position latitude 22°12.958' north, longitude 114°09.847' east.
6.	Ping Chau in Mirs Bay	An area of 0.5 nautical mile radius centred by position latitude 22°32.800' north, longitude 114°23.600' east.
7.	Crooked Island in Mirs Bay	An area of 0.5 nautical mile radius centred by position latitude 22°33.500' north, longitude 114°20.200' east.
8.	Shek Ngau Chau in Mirs Bay	An area of 0.5 nautical mile radius centred by position latitude 22°29.700' north, 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).”

Part 3

Amendments to Pilotage Regulations (Cap. 84 sub. leg. A)

10. Regulation 2 amended (application for registration as an apprentice pilot)

Regulation 2—

Repeal paragraph (3)

Substitute

“(3) Section 7(3) and (4) of the Ordinance applies in relation to the applicant as if the application were an application for a licence.”.

11. Regulation 6 amended (prescribed fees)

(1) Regulation 6—

Repeal paragraph (1).

(2) Regulation 6(1A)—

Repeal

“7(1)(a) only”

Substitute

“7(1)”.

(3) Regulation 6(1A)(a)—

Repeal

“and”.

(4) After regulation 6(1A)(a)—

Add

“(ab) \$4,620 for a Class IIC licence; and”.

- (5) Regulation 6—
Repeal paragraphs (5) and (6).
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Part 4

Amendments to Pilotage (Disciplinary Procedure) Regulations (Cap. 84 sub. leg. B)

12. Regulation 5 amended (power of board to receive evidence and summon witnesses)

(1) Regulation 5(4)—

Repeal

everything after “evidence” and before “if”

Substitute

“a deposition made on oath by any person before a holder of a judicial office or other person authorized by law to take the deposition, or before a consular officer”.

(2) Regulation 5(4)(b)—

Repeal

“magistrate or consular officer”

Substitute

“person”.

Part 5

Amendments to Pilotage Order (Cap. 84 sub. leg. C)

- 13. Paragraph 3 amended (registration of apprentice pilots)**
Paragraph 3(2)—
Repeal
“a certificate”
Substitute
“a licence”.

- 14. Paragraph 8A repealed (obligation to be accompanied by an apprentice pilot)**
Paragraph 8A—
Repeal the paragraph.

- 15. Schedule 2 substituted**
Schedule 2—
Repeal the Schedule
Substitute

“Schedule 2

[para. 5]

Classes of Pilotage

Column 1	Column 2	Column 3
Item	Class	Pilotage service
1.	IIF	Pilotage of ships not exceeding 160 metres in length
2.	IIE	Pilotage of ships not exceeding 180 metres in length
3.	IID	Pilotage of ships not exceeding 210 metres in length
4.	IIC	Pilotage of ships not exceeding 250 metres in length
5.	IIB	Pilotage of ships not exceeding 300 metres in length
6.	IIA	Pilotage of ships not exceeding 350 metres in length
7.	I	Pilotage of ships of any length”.

Part 6

Amendments to Pilotage (Dues) Order (Cap. 84 sub. leg. D)

16. Schedule amended

- (1) The Schedule, Part 1, paragraph 1—

Repeal

“4,700”

Substitute

“5,150”.

- (2) The Schedule, Part 1, paragraph 1(a)—

Repeal

“0.07”

Substitute

“0.0768”.

- (3) The Schedule, Part 1, paragraph 1(b)—

Repeal

everything after “80 000 tons,” and before “, whichever”

Substitute

“\$0.0712 per ton of the ship’s gross tonnage or \$3,072”.

- (4) The Schedule, Part 1, paragraph 1(c)—

Repeal

everything after “120 000 tons,” and before “, whichever”

Substitute

“\$0.0685 per ton of the ship’s gross tonnage or \$5,696”.

- (5) The Schedule, Part 1, paragraph 1(ca)—

Repeal

everything after “140 000 tons,” and before “, whichever”

Substitute

“\$0.0603 per ton of the ship’s gross tonnage or \$8,220”.

- (6) The Schedule, Part 1, paragraph 1(d)—

Repeal

“7,700”

Substitute

“8,448”.

- (7) The Schedule, Part 2, paragraph 4—

Repeal

“700”

Substitute

“1,482”.

- (8) The Schedule, Part 2, paragraph 5—

Repeal

“2,000”

Substitute

“2,191”.

- (9) The Schedule, Part 2, paragraph 5A—

Repeal

“2,800”

Substitute

“3,070”.

- (10) The Schedule, Part 2, paragraph 5B—

Repeal

“1,300”

Substitute

“1,425”.

- (11) The Schedule, Part 2, paragraph 5C—

Repeal

“4,200”

Substitute

“4,605”.

- (12) The Schedule, Part 2, paragraph 6—

Repeal

“1,300” (wherever appearing)

Substitute

“1,720”.

- (13) The Schedule, Part 3, paragraph 1—

Repeal

“4,700”

Substitute

“5,150”.

- (14) The Schedule, Part 3, paragraphs 2 and 3—

Repeal

“300”

Substitute

“349”.

Explanatory Memorandum

This Bill amends the Pilotage Ordinance (Cap. 84) (*Ordinance*) and the subsidiary legislation made under it—

- (a) to provide for the medical examinations required for the application for pilot licences, and the medical re-examinations required for the continued holding of pilot licences, to be carried out by registered medical practitioners;
- (b) to empower the Pilotage Authority to exempt licensed pilots from such medical re-examinations, and to exempt applicants for registration as apprentice pilots from medical examinations, if certain conditions are met;
- (c) to adapt a provision to bring it into conformity with the Basic Law and with Hong Kong's status as a Special Administrative Region of the People's Republic of China;
- (d) to increase the amounts of pilotage dues; and
- (e) to provide for related and miscellaneous matters.

2. The Bill is divided into 6 Parts.

Part 1—Preliminary

3. Clause 1 sets out the short title.

Part 2—Amendments to Ordinance

4. Under sections 7 and 10 of the Ordinance, the medical examinations required for the application for pilot licences, and the medical re-examinations required for the continued holding

of pilot licences, may be carried out by certain appointed officers. Clauses 4 and 5 amend those sections respectively to change the persons eligible to carry out the examinations and re-examinations to registered medical practitioners.

5. Clause 5 also amends section 10 of the Ordinance to empower the Pilotage Authority to exempt licensed pilots from medical re-examinations if certain conditions are met.
6. Clauses 4, 6, 7, 8 and 9 make miscellaneous amendments to the Ordinance.

Part 3—Amendments to Pilotage Regulations (Cap. 84 sub. leg. A)

7. Clause 10 makes related amendments to regulation 2 of the Pilotage Regulations (Cap. 84 sub. leg. A) (*Cap. 84A*). That clause also amends that regulation to empower the Pilotage Authority to exempt applicants for registration as apprentice pilots from medical examinations if certain conditions are met.
8. Clause 11 makes related and miscellaneous amendments to regulation 6 of Cap. 84A.

Part 4—Amendments to Pilotage (Disciplinary Procedure) Regulations (Cap. 84 sub. leg. B)

9. Clause 12 adapts regulation 5 of the Pilotage (Disciplinary Procedure) Regulations (Cap. 84 sub. leg. B) to bring it into conformity with the Basic Law and with Hong Kong's status as a Special Administrative Region of the People's Republic of China.

Part 5—Amendments to Pilotage Order (Cap. 84 sub. leg. C)

10. Clauses 13, 14 and 15 make miscellaneous amendments to paragraphs 3 and 8A of, and Schedule 2 to, the Pilotage Order (Cap. 84 sub. leg. C).

Part 6—Amendments to Pilotage (Dues) Order (Cap. 84 sub. leg. D)

11. Clause 16 amends the Schedule to the Pilotage (Dues) Order (Cap. 84 sub. leg. D) to increase the amounts of pilotage dues.