

Chapter:	84	PILOTAGE ORDINANCE	Gazette Number	Version Date
----------	----	--------------------	----------------	--------------

		Long title		30/06/1997
--	--	------------	--	------------

To establish the Pilotage Authority, to regulate and control pilotage in Hong Kong and to provide for matters connected therewith.

[20 October 1972] L.N. 215 of 1972

(Originally 73 of 1971)

Part:	I	PRELIMINARY		30/06/1997
-------	---	-------------	--	------------

Section:	1	Short title		30/06/1997
----------	---	-------------	--	------------

This Ordinance may be cited as the Pilotage Ordinance.

Section:	2	Interpretation		30/06/1997
----------	---	----------------	--	------------

In this Ordinance, unless the context otherwise requires-

"Authority" (監督) means the Pilotage Authority established under section 3;

"board of discipline" (紀律委員會) means a board of discipline appointed under section 18 or 19(1A); (Added 36 of 1993 s. 2)

"board of investigation" (調查委員會) means a board of investigation appointed under section 18B(2)(b) or 19(1); (Amended 36 of 1993 s. 2)

"Committee" (諮詢委員會) means the Pilotage Advisory Committee established under section 4;

"junk" (中式帆船), "lorcha" (西式中國帆船) and "launch" (小輪) have the meanings assigned to them by the Merchant Shipping Ordinance(Cap 281);

"licence" (執照) means a licence issued under section 8(1), 9A or 25(2A) or renewed under section 9(2) or 9A and

"licensed pilot" (持有執照的領港員) shall be construed accordingly; (Amended 36 of 1993 s. 2)

"pilot" (領港員、領港) means-

- (a) a person who controls, or is in charge of, the navigation of a ship of which he is not the master; and
- (b) when used as a verb, to control, or be in charge of, the navigation of a ship;

"register" (登記冊) means the register of licensed pilots kept in accordance with section 8(4);

"ship" (船、船舶) means any description of vessel used in navigation other than-

- (a) a vessel propelled by oars; and
- (b) a junk, lorcha or launch, whether or not mechanically propelled; (Amended 29 of 1985 s. 2)

"terminal operator" (終點碼頭經營人) means the operator of a wharf or terminal specified in the First Schedule to the Pilotage Order (Cap 84 sub. leg. C); (Added 42 of 1987 s. 2)

"waters of Hong Kong" (香港水域) has the same meaning as it has in the Shipping and Port Control Ordinance (Cap 313). (Added 29 of 1985 s.2)

Part:	II	ESTABLISHMENT OF PILOTAGE AUTHORITY AND PILOTAGE ADVISORY COMMITTEE		30/06/1997
-------	----	---	--	------------

Section:	3	Establishment of the Pilotage Authority		30/06/1997
----------	---	---	--	------------

- (1) There is hereby established a Pilotage Authority.
- (2) The Director of Marine shall be the Pilotage Authority.

- (3) The Authority may-
- (a) delegate any of his powers, functions and duties to any Deputy or Assistant Director of Marine; and
  - (b) authorize in writing any officer of the Marine Department to exercise such of the powers and perform such of the duties conferred or imposed on the Authority by this Ordinance as the Authority may specify.

Section:	4	Establishment of Pilotage Advisory Committee	64 of 1999	01/07/1997
----------	---	--	------------	------------

Remarks:

Adaptation amendments retroactively made - see 64 of 1999 s. 3

- (1) There is hereby established a committee to be known as the Pilotage Advisory Committee.
- (2) The Committee shall consist of-
  - (a) the Authority, who shall be the chairman; and
  - (b) the members specified in subsection (3), each of whom shall be appointed by the Chief Executive. (Amended 64 of 1999 s. 3)
- (3) The members of the Committee appointed by the Chief Executive shall be-
  - (a) a person who, in the opinion of the Chief Executive, represents the interest of the Hong Kong Shipowners Association;
  - (b) a person who, in the opinion of the Chief Executive, represents the interest of the Hong Kong Liner Shipping Association;
  - (c) a person who, in the opinion of the Chief Executive, represents the interest of the container terminal operators;
  - (d) a person who, in the opinion of the Chief Executive, represents the interest of the dry bulk cargo terminal operators;
  - (e) a person who, in the opinion of the Chief Executive, represents the interest of the break bulk cargo operators;
  - (f) a person who, in the opinion of the Chief Executive, represents the interest of the oil terminal operators;
  - (g) a person who, in the opinion of the Chief Executive, represents the interest of the dockyard industry;
  - (h) a person who, in the opinion of the Chief Executive, represents the interest of the tug operators;
  - (i) the following persons nominated by the Authority-
    - (i) a master mariner who holds a Certificate of Competency (Deck Officer) Class 1 (Master Mariner) issued or deemed to be issued under the relevant regulation made under the Merchant Shipping (Seafarers) Ordinance (Cap 478) or a certificate which is under that regulation to be treated as equivalent to such a certificate of competency, and who has had experience in command of ships on long international voyages; (Amended 44 of 1995 s. 143)
    - (ii) a master mariner who holds a Certificate of Competency (Deck Officer) Class 1 (Master Mariner) issued or deemed to be issued under the relevant regulation made under the Merchant Shipping (Seafarers) Ordinance (Cap 478) or a certificate which is under that regulation to be treated as equivalent to such a certificate of competency, and who has had experience in berthing and unberthing ships at buoys, wharves or piers in Hong Kong; (Amended 44 of 1995 s. 143)
    - (iii) a master mariner who holds a Certificate of Competency (Deck Officer) Class 1 (Master Mariner) issued or deemed to be issued under the relevant regulation made under the Merchant Shipping (Seafarers) Ordinance (Cap 478) or a certificate which is under that regulation to be treated as equivalent to such a certificate of competency, and who has had experience in the shipping industry in Hong Kong; (Amended 44 of 1995 s. 143)
    - (iv) 2 licensed pilots; and
    - (v) 3 officers of the Marine Department. (Replaced 36 of 1993 s. 3. Amended 64 of 1999 s. 3)
- (4) The members of the Committee, other than those members who are public officers, shall be appointed for a period of 2 years or for such lesser period as the Chief Executive may in any particular case determine and shall be eligible for reappointment. (Amended 64 of 1999 s. 3)
- (5) Any member of the Committee who is not a public officer may at any time by notice in writing to the Chief Executive resign from the Committee. (Amended 64 of 1999 s. 3)
- (6) 7 members of the Committee shall form a quorum at any meeting of the Committee. (Amended 42 of 1987

- s. 3)
- (7) The chairman of the Committee shall preside at all meetings of the Committee:  
 Provided that, if the chairman is absent from any meeting or any part thereof, he may nominate a member to preside in his absence as chairman at the meeting or part thereof.
- (8) The chairman of the Committee or any member presiding in his absence shall have a vote on all matters coming before the Committee; and in the case of an equality of votes he shall also have a casting vote.
- (9) The Director of Marine shall appoint an officer of the Marine Department to be the secretary of the Committee.
- (10) The secretary of the Committee shall furnish to the Authority a record in writing of every meeting of the Committee.
- (11) Subject to the provisions of this Ordinance, the Authority may make rules regulating the procedure at meetings of the Committee.

Section:	5	Functions of the Committee		30/06/1997
----------	---	----------------------------	--	------------

- (1) Without prejudice to any other provision of this Ordinance, the Authority may seek the advice of the Committee on any matter which is connected with or incidental to-
- the exercise of his powers, or the performance of his duties, under this Ordinance; or
  - the general regulation or control of pilotage in Hong Kong.
- (2) The Committee shall advise the Authority on any matter referred to it under subsection (1).

Part:	III	ISSUE OF LICENCES, CLASSIFICATION OF PILOTS AND PERIODIC EXAMINATION OF PILOTS	28 of 1998; 64 of 1999	01/07/1997
-------	-----	--	------------------------	------------

Section:	6	Application for licence	28 of 1998; 64 of 1999	01/07/1997
----------	---	-------------------------	------------------------	------------

Remarks:

Adaptation amendments retroactively made - see 28 of 1998 s. 2(1); 64 of 1999 s. 3

- (1) Any person who-
- is a permanent resident of the Hong Kong Special Administrative Region or has the permission of the Chief Executive under subsection (2); (Amended 80 of 1982 s. 2)
  - has the prescribed qualifications; and
  - unless he has the permission of the Authority under subsection (3), has the prescribed experience,
- may apply for a licence.
- (2) The Chief Executive may permit a person to apply for a licence notwithstanding that he is not a permanent resident of the Hong Kong Special Administrative Region. (Amended 80 of 1982 s. 2)
- (3) The Authority may permit a person to apply for a licence notwithstanding that he does not have the prescribed experience.
- (Amended 28 of 1998 s. 2; 64 of 1999 s. 3)

Section:	7	Examination of applicants		30/06/1997
----------	---	---------------------------	--	------------

- (1) Save as otherwise provided in this Ordinance, the Authority shall, on application in the prescribed manner and on payment of the prescribed fee, cause an applicant for a licence to be examined-
- as to his competence to pilot ships, by a board of examiners consisting of such members of the Committee as the Authority may appoint;
  - as to his physical and mental fitness, by a medical officer appointed by the Director of Health; (Amended L.N. 76 of 1989)
  - as to his eyesight, by an officer of the Marine Department appointed by the Authority.
- (1A) The Authority may exempt an applicant from the requirements of subsection (1)(b) and (c) if-
- the applicant has within the previous 12 months submitted himself to a similar examination; and
  - the Authority is satisfied as to the applicant's physical and mental fitness and eyesight. (Added 42 of

1987 s. 4)

(1B) The Director of Health may prescribe the fee payable under subsection (1)(b) and (c). (Added 42 of 1987 s. 4. Amended L.N. 76 of 1989)

(2) An applicant shall be required to attain such standards of competence to pilot ships and of eyesight as may be determined by the Authority.

(3) The Committee shall notify the Authority of the results of an examination under subsection (1)(a).

Section:	8	Issue of licences, and classification of pilots	30/06/1997
----------	---	---	------------

(1) The Authority may, if he is satisfied as to the competence, physical and mental fitness and eyesight of an applicant who has been examined in accordance with section 7, issue to him, on payment of the prescribed fee, a licence to act as a pilot and shall specify in such licence the prescribed class of pilotage which in his opinion the holder may undertake.

(2) If-

(a) a licensed pilot has such experience, and has passed such examination, as may be prescribed; and

(b) the Authority is satisfied that the licensed pilot is qualified to undertake a prescribed class of pilotage higher than that specified in his licence,

the Authority may amend the licence accordingly.

(3) Subject to any conditions of the licence, a licence shall entitle the holder thereof to undertake the prescribed class of pilotage specified therein.

(4) The Authority shall maintain a register of licensed pilots, containing such particulars as he thinks fit.

Section:	9	General provisions relating to licences	30/06/1997
----------	---	---	------------

(1) A licence shall-

(a) be in such form as the Authority may determine; and

(b) subject to this Ordinance, be valid until 31 December next following the day on which it was issued.

(2) On-

(a) application by a licensed pilot in the prescribed manner, not later than 14 days after the expiry of his licence; and

(b) payment of the prescribed fee,

the Authority shall renew the licence-

(i) (where the licensed pilot is under the age of 64 years) for 1 year with effect from its expiry; or

(ii) (where the licensed pilot has attained the age of 64 years) for a period ending on the day immediately before the licensed pilot attains the age of 65 years. (Amended 36 of 1993 s. 4)

(3) If a licence is lost, destroyed or defaced, the Authority may, on application by the licensed pilot and payment of the prescribed fee, issue a copy of the licence.

(4) A licence relating to a pilot who has died shall be deposited forthwith with the Authority by any person into whose possession it comes.

(5) Any person who contravenes subsection (4) shall be guilty of an offence and shall be liable on conviction to a fine of \$1000.

Section:	9A	Extension of service beyond the age of 65	30/06/1997
----------	----	---	------------

(1) A licensed pilot who is about to attain the age of 65 years or who has attained the age of 65 years but has not attained the age of 68 years may, not later than 14 days after the expiry of his licence, apply to the Authority in the prescribed manner for permission to work as a pilot beyond the age of 65 years for any period not exceeding 1 year.

(2) Where the Authority is satisfied as to the physical and mental fitness and eyesight of an applicant under subsection (1) who has been re-examined in accordance with section 10, the Authority may, subject to subsection (3) and on payment of the prescribed fee, permit the applicant to work as a pilot beyond the age of 65 years and issue or renew, as may be appropriate, to the applicant a Class IIC licence as prescribed in the Pilotage Order (Cap 84 sub. leg. C) valid for any period not exceeding 1 year.

(3) A licensed pilot shall not be permitted to work beyond the time when he attains the age of 68 years.

(Added 36 of 1993 s. 5)

Section:	10	Re-examination of licensed pilots		30/06/1997
----------	----	-----------------------------------	--	------------

- (1) A licensed pilot shall submit to an examination as to his physical and mental fitness and his eyesight-
- (a) at least once in every 2 years, where he has not attained the age of 65 years; (Amended 36 of 1993 s. 6)
  - (aa) at least once every year, where he has attained the age of 65 years; and (Added 36 of 1993 s. 6)
  - (b) at such other times as the Authority may require.
- (2) An examination under subsection (1) as to the physical and mental fitness of a licensed pilot shall be carried out by a medical officer appointed by the Director of Health and as to the eyesight of a licensed pilot shall be carried out by an officer of the Marine Department appointed by the Authority. (Amended L.N. 76 of 1989)
- (3) The Director of Health may prescribe the fee payable for an examination under subsection (1). (Replaced 42 of 1987 s. 5. Amended L.N. 76 of 1989)
- (4) A licensed pilot who is required under subsection (1)(b) to submit to an examination shall forthwith deposit his licence with the Authority.
- (5) If-
- (a) a licensed pilot contravenes subsection (1)(a) or (aa) or does not submit to an examination in accordance with a requirement under subsection (1)(b) within 14 days after he receives notice in writing of such requirement; or (Amended 36 of 1993 s. 6)
  - (b) the Authority is not satisfied as to the physical and mental fitness and eyesight of a licensed pilot who has been examined in accordance with this section,
- the Authority may cancel the licence of the licensed pilot or suspend it for such period as he thinks fit.

Part:	IIIA	COMPULSORY PILOTAGE		30/06/1997
-------	------	---------------------	--	------------

(Part IIIA added 29 of 1985 s.3)

Section:	10A	Interpretation		30/06/1997
----------	-----	----------------	--	------------

In this Part, unless the context otherwise requires-

"compulsory pilotage" (強制領港) means compulsory pilotage of a ship as required by section 10C(1);

"dynamically supported craft" (動力承托的航行器) has the same meaning as it has in the Shipping and Port Control Ordinance (Cap 313);

"exempted ship" (豁免船舶) means any ship referred to in section 10D(1) or exempted under section 10D(2) or (3) or in respect of which a waiver of the requirement of compulsory pilotage is made under section 10F(c) and (d);

"pilot boarding station" (領港員登船區) means an area of the waters of Hong Kong specified as such in Schedule 2 or designated as such under section 10F(b);

"pilotage area" (領港區) means the pilotage area referred to in section 10B;

"river trade limits" (內河航限) has the same meaning as it has in the Shipping and Port Control Ordinance (Cap 313);

"specified anchorage" (指明碇泊處) means an area of the waters of Hong Kong specified as such in Schedule 3;

"V.H.F." (甚高頻) means very high frequency.

Section:	10B	Pilotage area		30/06/1997
----------	-----	---------------	--	------------

The waters of Hong Kong shall be a pilotage area.

Section:	10C	Compulsory pilotage	64 of 1999	01/07/1997
----------	-----	---------------------	------------	------------

Remarks:

Adaptation amendments retroactively made - see 64 of 1999 s. 3

(1) Subject to subsection (2), every ship specified in Schedule 1, other than an exempted ship, while navigating in the pilotage area shall be under the pilotage of a licensed pilot or pilots, whose number shall be determined by the Authority under section 10E(3).

- (2) A ship required to be under compulsory pilotage may navigate in the pilotage area without a licensed pilot-
- (a) if it is on its inward voyage and its master has reported to the Authority under section 10E(1), from the time it enters the pilotage area to the time it arrives at a pilot boarding station or specified anchorage, so long as it is directly proceeding to a pilot boarding station or specified anchorage;
  - (b) if it is on its outward voyage under the pilotage of a licensed pilot, from the time the licensed pilot disembarks to the time it leaves the pilotage area, so long as it is directly leaving the pilotage area;
  - (c) if through stress of weather it is seeking shelter within the waters of Hong Kong; or
  - (d) within a dockyards approach area specified in Schedule 4 for the purpose of berthing, changing berths or docking at dockyards in the waters of Hong Kong. (Replaced 36 of 1993 s. 7)
- (3) If a ship is not under pilotage as required by subsection (1), the master of the ship commits an offence and is liable to a fine of \$10000 or double the amount of the pilotage dues which would have been payable in respect of the ship if it had been under pilotage, whichever is the greater.
- (4) It shall be a defence in proceedings for an offence under subsection (3) to prove that on the occasion to which the charge relates the ship was being navigated in the pilotage area only so far as was necessary to avoid serious danger to the ship or to any other ship or property.
- (5) The Chief Executive in Council may, by order published in the Gazette, amend Schedule 1. (Amended 64 of 1999 s. 3)

Section:	10D	Exemption from compulsory pilotage	L.N. 282 of 2006	02/01/2007
----------	-----	------------------------------------	------------------	------------

- (1) The following ships shall be exempted from compulsory pilotage-
- (a) ships belonging to Her Majesty;
  - (b) ships for the time being used by the Government;
  - (c) local vessels within the meaning of the Merchant Shipping (Local Vessels) Ordinance (Cap 548) other than-
    - (i) vessels regularly employed in trading to or from Hong Kong;
    - (ii) any vessel referred to in paragraph (e) of the definition of "local vessel" in section 2 of that Ordinance. (Replaced 43 of 1999 s. 91)
- (2) The following ships, whether individually or as a class, may be exempted from compulsory pilotage by the Authority on application in writing to him-
- (a) vessels and dynamically supported craft engaged on ferry services for the conveyance of passengers (whether or not goods are also conveyed) between Hong Kong, Macau and other Chinese ports within river trade limits; and (Amended 64 of 1999 s. 3)
  - (b) ships engaged in salvage or cable laying operations.
- (3) The Authority may exempt a ship from compulsory pilotage if he is satisfied-
- (a) that no licensed pilot is available to pilot the ship; or
  - (b) that compliance with the requirement of compulsory pilotage is unnecessary in the circumstances of the case.
- (4) Notwithstanding subsections (1), (2) and (3), an exempted ship under this section other than one referred to in subsection (2)(a) or to which the Merchant Shipping (Local Vessels) Ordinance (Cap 548) applies, shall be subject to compulsory pilotage if it is a ship specified in item 5 of Schedule 1. (Amended 42 of 1987 s. 6; 43 of 1999 s. 91)

Section:	10E	Duty to report to Authority		30/06/1997
----------	-----	-----------------------------	--	------------

- (1) No ship to which compulsory pilotage applies and which is on its inward voyage shall enter the pilotage area unless the master of the ship has in writing or over a V.H.F. radiotelephone reported to the Authority-
- (a) not less than 12 hours before such entry-
    - (i) the name and nationality of the ship;
    - (ii) the type and gross registered tonnage of the ship;
    - (iii) the overall length and the maximum draft of the ship;
    - (iv) the operational status of the machinery and steering equipment of the ship;
    - (v) the requirement of pilotage services;
    - (vi) the estimated time of arrival at a pilot boarding station or specified anchorage; and
    - (vii) any other information as may be required by the Authority; and
  - (b) not less than 4 hours before such entry, any change in or the confirmation of the estimated time of

arrival reported under paragraph (a)(vi).

(2) Not less than 3 hours before a ship to which compulsory pilotage applies proceeds to sea on its outward voyage or navigates within the pilotage area, the master of the ship shall report in writing or over a V.H.F. radiotelephone to the Authority-

- (a) the name and nationality of the ship;
- (b) the type and gross registered tonnage of the ship;
- (c) the overall length and the maximum draft of the ship;
- (d) the operational status of the machinery and steering equipment of the ship;
- (e) the requirement of pilotage services;
- (f) the estimated time of departure on its outward voyage or commencement of navigation within the pilotage area; and
- (g) any other information as may be required by the Authority.

(3) The Authority, after considering a report under subsection (1) or (2), shall determine the number of licensed pilots required to pilot the ship.

(4) A master who without reasonable excuse contravenes subsection (1) or (2) commits an offence and is liable to a fine of \$10000.

Section:	10F	Powers of the Authority		30/06/1997
----------	-----	-------------------------	--	------------

The Authority-

- (a) may by notice in the Gazette amend Schedules 2, 3 and 4;
- (b) may designate over the V.H.F. radiotelephone or by any other means of communication any area within the waters of Hong Kong, other than that specified in Schedule 2, to be a pilot boarding station;
- (c) may waive the requirement of compulsory pilotage in respect of a ship navigating in the pilotage area if there exists any condition which in the opinion of the Authority may cause danger to a licensed pilot; and
- (d) immediately before, or during the continuance of, the hoisting of a tropical cyclone warning signal, may by announcement made over the V.H.F. radiotelephone or by any other means of communication waive the requirement of compulsory pilotage in respect of ships navigating in the pilotage area.

Part:	IV	RESTRICTION ON PERFORMANCE OF PILOTAGE AND PAYMENT OF PILOTAGE DUES ETC.		30/06/1997
-------	----	--	--	------------

Section:	11	Restrictions on pilotage		30/06/1997
----------	----	--------------------------	--	------------

(1) A person shall not pilot a ship unless he is a licensed pilot or the master of the ship.

(2) A licensed pilot shall not pilot a ship unless his licence is of the appropriate class.

(3) A person shall not engage or permit another person to pilot a ship unless such other person is a licensed pilot whose licence is of the appropriate class or is the master of the ship.

(4) A licence is of the appropriate class for the purposes of this section only if there is specified therein such prescribed class of pilotage as entitles the licensed pilot to undertake the pilotage which he undertakes in relation to the ship concerned.

(5) Any person who contravenes subsection (1), (2) or (3) shall be guilty of an offence and shall be liable on conviction to a fine of \$5000 and to imprisonment for 1 year.

Section:	12	Information and assistance to pilot		30/06/1997
----------	----	-------------------------------------	--	------------

(1) The master of a ship shall-

- (a) on request by a licensed pilot who is piloting the ship, inform him of its draught of water, gross registered tonnage, length and beam, and provide him with such other information relating to the ship or its cargo as the pilot requires to enable him to carry out his duties as the pilot of the ship;
- (b) bring to the notice of every licensed pilot who is piloting the ship any defects in, and any matter peculiar to, the ship and its machinery and equipment of which the master knows and which might

- affect materially the navigation of the ship; and
- (c) render all reasonable assistance to the licensed pilot who is piloting the ship.
- (2) The master of a ship who-
- (a) refuses to comply with a request made to him pursuant to subsection (1)(a);
- (b) makes a statement which he knows is false, or recklessly makes a statement which is false, in response to such a request or is privy to the making by another person in response to such a request of a statement which the master knows is false; or
- (c) fails without reasonable excuse to perform any duty imposed on him by subsection (1)(b) or (c), commits an offence and is liable to a fine of \$10000 and to imprisonment for 1 year.

(Replaced 29 of 1985 s.4)

Section:	13	Pilotage dues to be paid for pilotage service		30/06/1997
----------	----	---	--	------------

- (1) The prescribed pilotage dues shall be paid for any pilotage service rendered by a licensed pilot.
- (2) The master of the ship and the person who engaged the licensed pilot shall be liable for the payment of the prescribed pilotage dues.
- (3) The Director of Marine may refuse to grant clearance to a ship until all pilotage dues payable in respect of pilotage services rendered for that ship have been paid.

Section:	14	No payment other than prescribed pilotage dues to be made for pilotage service		30/06/1997
----------	----	--	--	------------

- (1) No person shall demand or receive any fee or other payment for any pilotage service other than the prescribed pilotage dues.
- (2) No person shall pay or offer to pay to any licensed pilot or other person any fee or other payment for any pilotage service other than the prescribed pilotage dues.
- (3) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine of \$5000 and to imprisonment for 1 year.

Section:	15	Licensed pilot to carry licence where on duty		30/06/1997
----------	----	---	--	------------

- (1) A licensed pilot shall-
- (a) keep his licence in his possession at all times when he is acting as a pilot; and
- (b) produce it for inspection whenever he is required to do so by the Authority, any officer of the Marine Department not below the rank of marine officer or any person who has engaged, or intends to engage, him to pilot a ship. (Amended 29 of 1985 s.5)
- (2) A licensed pilot who fails or refuses without reasonable excuse to produce his licence when required to do so under subsection (1)(b) commits an offence and is liable to a fine of \$5000. (Added 29 of 1985 s.5)

Section:	16	Accidents to ships under pilotage to be reported		30/06/1997
----------	----	--	--	------------

- (1) A licensed pilot shall, when an accident occurs while a ship is being piloted by him, report the accident to the Authority, orally forthwith and in writing within 24 hours.
- (2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine of \$2000.

Part:	V	DISCIPLINARY PROCEEDINGS AGAINST LICENSED PILOTS		30/06/1997
-------	---	--	--	------------

Section:	17	Complaints in respect of misconduct, etc. of licensed pilots		30/06/1997
----------	----	--	--	------------

- (1) Any person who has reasonable grounds for believing that a licensed pilot-
- (a) has been guilty of misconduct as a pilot;

- (b) has otherwise failed in, or neglected without reasonable excuse, his duties as a pilot; or
- (c) is otherwise not a fit and proper person to act as a pilot,

may report the matter in writing to the Authority.

(2) The Authority may refuse to take any action on a report under subsection (1)(a) or (b) unless it is made in writing within a reasonable time after the occurrence of the matter to which it relates.

(3) For the purposes of this Ordinance, any licensed pilot who-

- (a) without reasonable excuse, refuses to pilot a ship if he is engaged to do so, or is directed to do so by the Authority;
- (b) without reasonable excuse, delays in piloting a ship which he is engaged to pilot;
- (c) refuses to navigate a ship, which he is piloting, to any port or place within the waters of Hong Kong when directed to do so by the Authority, or requested to do so by the master or owner of the ship, unless he has reasonable grounds for believing that to do so would endanger the ship; (Amended 29 of 1985 s.6)
- (d) leaves a ship which he is piloting-
  - (i) without the consent of the master of the ship before completing the pilotage service for which he was engaged; or
  - (ii) if he is piloting the ship on the direction of the Authority, without the consent of the Authority;
- (e) pilots a ship when he is under the influence of alcohol or drugs;
- (f) pilots a ship while his licence is suspended;
- (g) gives his licence to any other person for such other person's use, whether on loan or otherwise; or
- (h) unnecessarily cuts or slips, or causes to be cut or slipped, any cable which forms part of the equipment of any ship,

shall be guilty of misconduct as a pilot.

Section:	18	Referral to board of discipline or holding of preliminary inquiry		30/06/1997
----------	----	---	--	------------

Where-

- (a) any matter is reported to the Authority under section 17(1); or
- (b) any accident occurs while a ship is being piloted by a licensed pilot,

the Authority may, where he thinks it necessary or expedient so to do,-

- (i) in case the matter or accident is, in his opinion, of a minor nature, appoint a board of discipline to examine the matter or accident, as the case may be; or
- (ii) in case the matter or accident is, in his opinion, of a serious nature, appoint an officer of the Marine Department to hold a preliminary inquiry into the matter or accident, as the case may be.

(Replaced 36 of 1993 s. 8)

Section:	18A	Preliminary inquiry		30/06/1997
----------	-----	---------------------	--	------------

(1) The officer appointed under section 18 or 18B(2)(a) to hold a preliminary inquiry shall have the powers under section 115 of the Merchant Shipping (Safety) Ordinance (Cap 369).

(2) Section 116 of the Merchant Shipping (Safety) Ordinance (Cap 369) shall apply to a preliminary inquiry held under section 18 or 18B(2)(a).

(3) On completion of a preliminary inquiry, the officer who held the inquiry shall submit a written report thereof to the Authority.

(Added 36 of 1993 s. 8)

Section:	18B	Board of discipline		30/06/1997
----------	-----	---------------------	--	------------

(1) If, after considering the information referred to it by the Authority further to an appointment under section 18, a board of discipline considers that the matter or accident should be the subject of inquiry by a board of investigation, it may decide not to commence an examination and request the Authority to consider, in respect of such matter or accident, if-

- (a) a preliminary inquiry, instead of an examination by a board of discipline, should be conducted; or
- (b) a board of investigation should be appointed without going through a preliminary inquiry; or

- (c) the board of discipline should proceed with an examination.
- (2) Upon a request by a board of discipline under subsection (1)-
  - (a) where the Authority considers that the matter or accident should be the subject of a preliminary inquiry, the Authority shall direct that the board of discipline shall not commence an examination and shall appoint an officer to hold a preliminary inquiry into the matter or accident, as the case may be; or
  - (b) where the Authority considers that the matter or accident should be investigated by a board of investigation direct without first holding a preliminary inquiry, appoint a board of investigation in accordance with this Ordinance; or
  - (c) where the Authority considers that the matter or accident should be examined and processed by a board of discipline, the Authority shall direct that the board of discipline should proceed with the examination.

(3) If, after due examination following an appointment under section 18 or 19(1A) or a direction under subsection (2)(c), a board of discipline is satisfied that a licensed pilot-

- (a) has been guilty of misconduct as a pilot;
- (b) has otherwise failed in, or neglected without reasonable excuse, his duties as a pilot; or
- (c) is otherwise not a fit and proper person to be a licensed pilot of his present class or of the next higher class, as the case may be,

the board shall, after referring to the pilot's record, recommend to the Authority that the Authority should-

- (i) issue a pilot with a caution in writing; or
- (ii) issue a pilot with a warning in writing which shall be entered in his record but shall be removed 12 months after its entry; or
- (iii) issue a pilot with a reprimand in writing which shall be entered in his record permanently; or
- (iv) downgrade a pilot or defer his upgrading for a period as proposed by the board which period shall not exceed 12 months; or
- (v) take any other action or no further action,

and the Authority may, on consideration of the recommendation of the board, take any action in accordance with paragraph (i), (ii), (iii), (iv) or (v) at his discretion.

(Added 36 of 1993 s. 8)

Section:	19	Cancellation or suspension of licence after inquiry by board of investigation		30/06/1997
----------	----	---	--	------------

- (1) If, on consideration of-
  - (a) the report of the officer who held a preliminary inquiry under section 18 or 18B(2)(a); or (Amended 36 of 1993 s. 9)
  - (b) the report made after a preliminary inquiry under section 51 of the Merchant Shipping Ordinance (cap 281),

the Authority considers that-

- (i) any matter reported to the Authority under section 17(1); or
- (ii) any accident which occurred while a ship was being piloted by a licensed pilot,

should be further investigated, the Authority shall appoint a board of investigation in accordance with this Ordinance.

(1A) If, on consideration of-

- (a) the report of the officer who held a preliminary inquiry under section 18 or 18B(2)(a); or
- (b) the report made after a preliminary inquiry under section 51 of the Merchant Shipping Ordinance (Cap 281),

the Authority considers that the matter or accident is in fact of a minor nature, the Authority may appoint a board of discipline to examine the matter of accident. (Added 36 of 1993 s. 9)

(2) If, after due inquiry, a board of investigation appointed under subsection (1) or section 18B(2)(b) is satisfied that a licensed pilot-

- (a) has been guilty of misconduct as a pilot;
- (b) has otherwise failed in, or neglected without reasonable excuse, his duties as a pilot; or
- (c) is otherwise not a fit and proper person to be a licensed pilot,

the board shall, after referring to the pilot's record, recommend to the Authority that the licence of that licensed pilot be cancelled or suspended, and the Authority may, on consideration of the recommendation of the board, cancel the licence or suspend the same for such period as he thinks fit.

(Amended 36 of 1993 s. 9)

Section:	20	Appeal against a caution, warning, reprimand, downgrading, deferred upgrading, cancellation or suspension of licence under section 18B or 19	25 of 1998	01/07/1997
----------	----	--	------------	------------

Remarks:

Adaptation amendments retroactively made - see 25 of 1998 s. 2

(1) A licensed pilot-

- (a) who has been issued a caution, warning, reprimand or whose licence has been downgraded, or the upgrading of such licence has been deferred under section 18B(3); or
- (b) whose licence has been cancelled or suspended under section 19(2),

may appeal against the caution, warning, reprimand, downgrading, deferred upgrading, cancellation or suspension, as the case may be, to a judge by lodging a notice in writing with the Registrar of the High Court within 14 days after he was notified of the caution, warning, reprimand, downgrading, deferred upgrading, cancellation or suspension (as the case may be). (Replaced 36 of 1993 s. 10. Amended 25 of 1998 s. 2)

(2) On an appeal under subsection (1), the judge may confirm, reverse or vary the decision of the Authority or may make such other order as he thinks fit, including an order that the case be referred for further consideration by the board of discipline or board of investigation. (Replaced 36 of 1993 s. 10)

(3) The Chief Justice may make rules regulating the practice and procedure on any such appeal.

(4) Subject to any rules made under subsection (3), the practice and procedure on any such appeal shall be such as the judge may determine.

Part:	VI	SUPPLEMENTARY AND MISCELLANEOUS	64 of 1999	01/07/1997
-------	----	---------------------------------	------------	------------

Section:	21	Power of Chief Executive in Council to make regulations	64 of 1999	01/07/1997
----------	----	---	------------	------------

Remarks:

Adaptation amendments retroactively made - see 64 of 1999 s. 3

The Chief Executive in Council may make regulations providing for all or any of the following matters- (Amended 64 of 1999 s. 3)

- (a) the conduct and duties of licensed pilots;
- (b) empowering the Authority to give directions to licensed pilots;
- (c) the general supervision of pilotage and pilots in Hong Kong by the Authority;
- (d) the registration of apprentice pilots;
- (e) the manner in which applications for licences and the renewal thereof shall be made;
- (f) the composition and powers of boards of discipline; (Replaced 36 of 1993 s. 11)
- (g) the composition of boards of investigation;
- (h) the powers of boards of investigation and the procedure on an investigation by a board of investigation;
- (i) anything which is to be or may be prescribed;
- (j) the better carrying out of this Ordinance.

Section:	22	Power of Authority to make orders		30/06/1997
----------	----	-----------------------------------	--	------------

The Authority may, after consultation with the Committee, by order published in the Gazette provide for-

- (a) the amount of pilotage dues;
- (b) the fees and expenses payable to, and the maintenance of, licensed pilots carried outside Hong Kong;
- (c) the registration of apprentice pilots and the qualifications and experience of applicants for registration;
- (d) the remuneration of apprentice pilots and liability for payment thereof;
- (e) the training and examination of apprentice pilots;
- (f) requiring apprentice pilots to keep a record of training;

- (g) the qualifications and experience of applicants for a licence;
- (h) the classes of pilotage;
- (i) the training and examination for each class of pilotage;
- (j) standards of competency for each class of pilotage;
- (k) the pilotage services which may be carried out by each class of pilotage.

Section:	23	Exemption of Authority and Government from liability for pilot		30/06/1997
----------	----	--	--	------------

Neither the Authority nor the Government shall be liable for any death, injury, loss or damage caused by or arising out of any act or omission of a licensed pilot.

Section:	24	Liability of owner or master in the case of a vessel under pilotage		30/06/1997
----------	----	---	--	------------

The owner or master of a vessel navigating under circumstances in which pilotage is compulsory shall be answerable for any loss or damage caused by the vessel or by any fault of the navigation of the vessel in the same manner as he would if pilotage were not compulsory.

Section:	24A	Liability of licensed pilot for neglect or want of skill		30/06/1997
----------	-----	--	--	------------

A licensed pilot shall not be liable in damages for neglect or want of skill on his part while piloting a ship for any amount exceeding in the aggregate the sum of \$1000 and the amount of pilotage dues payable in respect of pilotage services rendered by him for that ship.

(Added 55 of 1982 s.2)

Section:	25	Pilot to be notified of cancellation or suspension of licence, etc.		30/06/1997
----------	----	---	--	------------

(1) If the licence of a licensed pilot is cancelled, suspended or downgraded or the upgrading of such licence is deferred, the Authority shall-

- (a) inform the pilot thereof in writing; and
- (b) record the cancellation, suspension or downgrading in the register. (Replaced 36 of 1993 s. 12)

(2) A pilot whose licence is cancelled, suspended or downgraded shall deposit his licence with the Authority within 3 days after he is notified of the cancellation, suspension or downgrading under subsection (1)(a), unless the licence has been so deposited in accordance with section 10(4). (Amended 36 of 1993 s. 12)

(2A) After a licensed pilot whose licence is downgraded has deposited his licence with the Authority under subsection (2), the Authority shall, as soon as it is practicable issue him with a new licence of the appropriate class of pilotage to expire on the date on which his original licence would expire. (Added 36 of 1993 s. 12)

(3) Any person who contravenes subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine of \$1000.

Section:	26	(Spent)		30/06/1997
----------	----	---------	--	------------

(Spent)

**Note:**

**See s. 26 of 1971.**

Schedule:	1	SHIPS SUBJECT TO COMPULSORY PILOTAGE	10 of 2005	08/07/2005
-----------	---	--------------------------------------	------------	------------

[sections 10C & 10D]

1. A ship of 3000 gross registered tonnage or over. (Amended L.N. 163 of 1987; L.N. 160 of 1995)

2. A ship of 1000 gross registered tonnage or over proceeding to or from any wharf specified in Part I of the First Schedule, and any container terminal specified in the Third Schedule, to the Dangerous Goods (Shipping) Regulations (Cap 295 sub. leg. C).
3. A ship of 1000 gross registered tonnage or over carrying dangerous goods specified in Categories 1, 2 and 5 in the Schedule to the Dangerous Goods (Application and Exemption) Regulations (Cap 295 sub. leg. A). (Amended 10 of 2005 s. 208)
4. A ship of 1000 gross registered tonnage or over proceeding to or from a Government mooring buoy.
5. A ship of 300 gross registered tonnage or over which-
  - (a) is, for any reason, unable to proceed under its own power, manoeuvre with its own steering gear, or work with its own anchors;
  - (b) has any part of the hull structure removed, or under repair, which may affect the water-tight integrity of the ship; or
  - (c) is at risk of causing injury to persons or damage to property, any other ship or the environment by virtue of the condition of the ship or the nature or condition of its cargo.
6. A gas carrier as defined in regulation 2 of the Merchant Shipping (Safety) (Gas Carriers) Regulations (Cap 369 sub. leg. Z). (Added L.N. 160 of 1995)  
(Schedule 1 added 29 of 1985 s. 7. Amended L.N. 163 of 1987; L.N. 160 of 1995)

Schedule:	2	PILOT BOARDING STATIONS	L.N. 162 of 1999	25/06/1999
-----------	---	-------------------------	------------------	------------

[sections 10A & 10F]

	Description		Location
1.	Area off Ha Mei Wan, west of Lamma Island	latitude	22° 12' 00"north, 114°
		longitude	05' 18"east. (Replaced L.N. 162 of 1999)
2.	Area off the turning buoy in the Tathong Channel	latitude	22° 16' 00"north, 114°
		longitude	15' 40"east.
3.	Area off Lam Kok Tsui (Black Point) in Urmston Road	latitude	22° 23' 30"north, 113°
		longitude	53' 30"east.
4.	Area off the entrance to Tolo Channel	latitude	22° 29' 36"north, 114°
		longitude	19' 42"east. (Added L.N. 210 of 1986. Amended L.N. 224 of 1986)
5.	Area off Ngan Chau in East Lamma Channel	latitude	22° 13' 03"north, 114°
		longitude	09' 42"east. (Added L.N. 511 of 1996) (Schedule 2 added 29 of 1985 s. 7)

Schedule:	3	SPECIFIED ANCHORAGES		30/06/1997
-----------	---	----------------------	--	------------

[sections 10A & 10F]

1. Urmston Road Anchorage

The area of the waters of Hong Kong bounded by straight lines joining the following positions-

- |       |           |      |     |     |        |
|-------|-----------|------|-----|-----|--------|
|       | latitude  | 22°  | 25' | 00" | north, |
|       |           | 113° |     |     |        |
|       | longitude |      | 52' | 30" | east;  |
| (ii)  | latitude  | 22°  | 25' | 00" | north, |
|       |           | 113° |     |     |        |
|       | longitude |      | 53' | 00" | east;  |
| (iii) | latitude  | 22°  | 23' | 48" | north, |
|       |           | 113° |     |     |        |
|       | longitude |      | 53' | 18" | east;  |
| (iv)  | latitude  | 22°  | 23' | 48" | north, |
|       |           | 113° |     |     |        |
|       | longitude |      | 52' | 48" | east.  |

## 2. South-east Lamma Anchorage

The area of the waters of Hong Kong bounded by straight lines joining the following positions-

- |       |           |      |     |     |        |
|-------|-----------|------|-----|-----|--------|
| (i)   | latitude  | 22°  | 10' | 24" | north, |
|       |           | 114° |     |     |        |
|       | longitude |      | 10' | 00" | east;  |
| (ii)  | latitude  | 22°  | 09' | 30" | north, |
|       |           | 114° |     |     |        |
|       | longitude |      | 10' | 00" | east;  |
| (iii) | latitude  | 22°  | 09' | 30" | north, |
|       |           | 114° |     |     |        |
|       | longitude |      | 09' | 00" | east;  |
| (iv)  | latitude  | 22°  | 10' | 24" | north, |
|       |           | 114° |     |     |        |
|       | longitude |      | 09' | 00" | east.  |

## 3. South Lamma Dangerous Goods Anchorage

The area of the waters of Hong Kong bounded by straight lines joining the following positions-

- |       |           |      |     |     |        |
|-------|-----------|------|-----|-----|--------|
| (i)   | latitude  | 22°  | 10' | 24" | north, |
|       |           | 114° |     |     |        |
|       | longitude |      | 08' | 48" | east;  |
| (ii)  | latitude  | 22°  | 09' | 30" | north, |
|       |           | 114° |     |     |        |
|       | longitude |      | 08' | 48" | east;  |
| (iii) | latitude  | 22°  | 09' | 30" | north, |
|       |           | 114° |     |     |        |
|       | longitude |      | 08' | 00" | east;  |
| (iv)  | latitude  | 22°  | 10' | 24" | north, |
|       |           | 114° |     |     |        |
|       | longitude |      | 08' | 00" | east.  |

## 4. South-west Lamma Anchorage

The area of the waters of Hong Kong bounded by straight lines joining the following positions-

- |     |          |      |     |     |        |
|-----|----------|------|-----|-----|--------|
| (i) | latitude | 22°  | 10' | 24" | north, |
|     |          | 114° |     |     |        |

- (ii) longitude 07' 48" east;  
latitude 22° 09' 30" north,  
114°
- (iii) longitude 07' 48" east;  
latitude 22° 09' 30" north,  
114°
- (iv) longitude 07' 00" east;  
latitude 22° 10' 24" north,  
114°
- longitude 07' 00" east.

5. Junk Bay Dangerous Goods Anchorage

The area of the waters of Hong Kong bounded by straight lines joining the following positions-

- (i) latitude 22° 17' 33" north,  
114°
- (ii) longitude 15' 00" east;  
latitude 22° 17' 33" north,  
114°
- (iii) longitude 15' 21" east;  
latitude 22° 17' 12" north,  
114°
- (iv) longitude 15' 21" east;  
latitude 22° 17' 12" north,  
114°
- longitude 15' 00" east.

6. Mirs Bay Dangerous Goods Anchorage

The area of the waters of Hong Kong bounded by straight lines joining the following positions-

- (i) latitude 22° 32' 18" north,  
114°
- (ii) longitude 22' 00" east;  
latitude 22° 32' 18" north,  
114°
- (iii) longitude 23' 00" east;  
latitude 22° 31' 18" north,  
114°
- (iv) longitude 23' 00" east;  
latitude 22° 31' 18" north,  
114°
- longitude 22' 00" east. (Added L.N. 210 of 1986)

(Schedule 3 added 29 of 1985 s. 7)

Schedule:	4	DOCKYARDS APPROACH AREAS	30/06/1997
-----------	---	--------------------------	------------

[sections 10C & 10F]

1. The waters of Hong Kong bounded by the coast of Tsing Yi Island and straight lines joining the following positions-

- (i) latitude 22° 21' 09" north,  
114°
- longitude 04' 43" east;

- (ii) latitude  $22^{\circ} 21' 09''$ north,  
longitide  $114^{\circ} 04' 00''$ east;
  - (iii) latitude  $22^{\circ} 19' 42''$ north,  
longitide  $114^{\circ} 04' 00''$ east;
  - (iv) latitude  $22^{\circ} 19' 42''$ north,  
longitide  $114^{\circ} 05' 24''$ east;
- (Added 29 of 1985 s. 7. Amended 36 of 1993 s. 13)

2. The waters of Hong Kong bounded by the northern coast of Lantau Island and the mainland falling within-

- (a) the straight line joining the following positions-
  - (i) latitude  $22^{\circ} 20' 56''$ north,  
longitide  $114^{\circ} 02' 38''$ east;
  - (ii) latitude  $22^{\circ} 21' 46''$ north,  
longitide  $114^{\circ} 02' 38''$ east;
- (b) the straight line joining the following positions-
  - (i) latitude  $22^{\circ} 21' 59''$ north,  
longitide  $113^{\circ} 59' 34''$ east;
  - (ii) latitude  $22^{\circ} 18' 53''$ north,  
longitide  $113^{\circ} 59' 34''$ east; (Added 36 of 1993 s. 13)