

Pilotage Advisory Committee

Consultation on paragraph 9 of PAC paper No. 5/2021

This paper aims to seek members' views on the proposed amendment as contained in paragraph 9 of PAC paper No.5/2021 with regard to pilot boarding stations as currently expressed in Schedule 2 to the Pilotage Ordinance (Cap.84).

2. *Annex I* contains an extract of existing Schedule 2 of Cap.84. Under the current expression, the Pilotage Authority (the Authority) sees the uncertainty of where-about of the pilot boarding stations (PBS) arising from the ambiguity between the general description using an area off a geographical place such as "Area off Lam Kok Tsui (Black Point) in Urmston Road" (in the second column of the Schedule) and the precise co-ordinate to 3 places after a decimal of latitude and longitude (in the third column of the Schedule). The ambiguity and uncertainty will not only create legal concerns under certain circumstances but will also cause hurdles or difficulties to shipmasters in day-to-day operations due to different expectations of pilotage service and interpretation of the area of PBS by different parties. In the worsen case as demonstrated in *Annex II*, the ship may be left with no pilot on board during the passage at the congested and busy Urmston Road in between the position and the Hong Kong boundary as indicated, if ship's pilot takes his own view to board or disembark at the said position, which will inevitably give rise to navigational safety concern.

3. For the interest of navigational safety of visiting ships and local vessels, the Authority, therefore, suggests to remove the ambiguity with the proposed amendment as presented in Paragraph 9 of the PAC paper No.5/2021 which reads:

Quote"

Schedule 2 of Cap.84 specifies 8 numbers of Pilot Boarding Stations (PBS) and describes the PBS in general terms as an "area off" a geographical place and in specific term as a geographical co-ordinate in degrees and minutes (to 3 places after decimal) of Latitude and Longitude. These presentations of PBS are ambiguous and argumentative, it also led to divided interpretations of where the actual boarding /disembarkation location should be. It was therefore proposed to amend Schedule 2 of Cap 84 to clearly specify the areas of PBSs as an area of 0.4 or 0.5 nautical mile radius centered by their

respective positions with the same co-ordinates given in that schedule as illustrated in *Annex III*.

“Unquote

4. Chartlets of different scales showing the proposed radius of the PBS are attached in *Annex IV* for reference.

5. In the PAC meeting held on 24 August 2021, members expressed the views as follows:

- i. the general description in the second column is too general, it does not specify how far or how close the distance from the physical point should be considered as “off”;
- ii. it is unrealistic to require ships to arrive at a pin-point location such as the position accurate to three points after the decimal for embarking or disembarking pilot;
- iii. it would be difficult for pilots to manoeuvre the ship to within 0.5/0.4 nautical mile radius (about 900m) of the PBS;
- iv. no penalty clause has been proposed against pilots if not embarking or disembarking of pilots at PBS;
- v. ships are required to comply with the requirement of compulsory pilotage¹.
- vi. it would be logical and operationally more viable to use an area of a half-mile radius or one-mile circle instead of a pin-point location as a PBS; and
- vii. weather elements are always a part of day-to-day traffic management consideration.

6. With regard to member’s view of no penalty clause for pilots failing to embark or disembark at PBS, the Authority has no strong objection to add a penalty clause despite the objective of the proposed amendment is not to penalize pilots but for the purpose of enhancing navigation safety. Nevertheless, your views are sought on the following:

¹ Section 10C(3) of Cap.84 if master of ship failed to comply, he is liable to a fine at level 3 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.

Please ✓ in the appropriate box of Agree/Disagree

item	question	Agree	Disagree
1	To remove the ambiguity as proposed in Paragraph 9 of the PAC paper No.5/2021		
2	I tend to agree consulting the members on the suggestion of adding a penalty clause against pilot if he/she fails to board or disembark a ship within the area of a PBS without reasonable excuse.		

Port Control Division
Marine Department
August 2021

Schedule 2

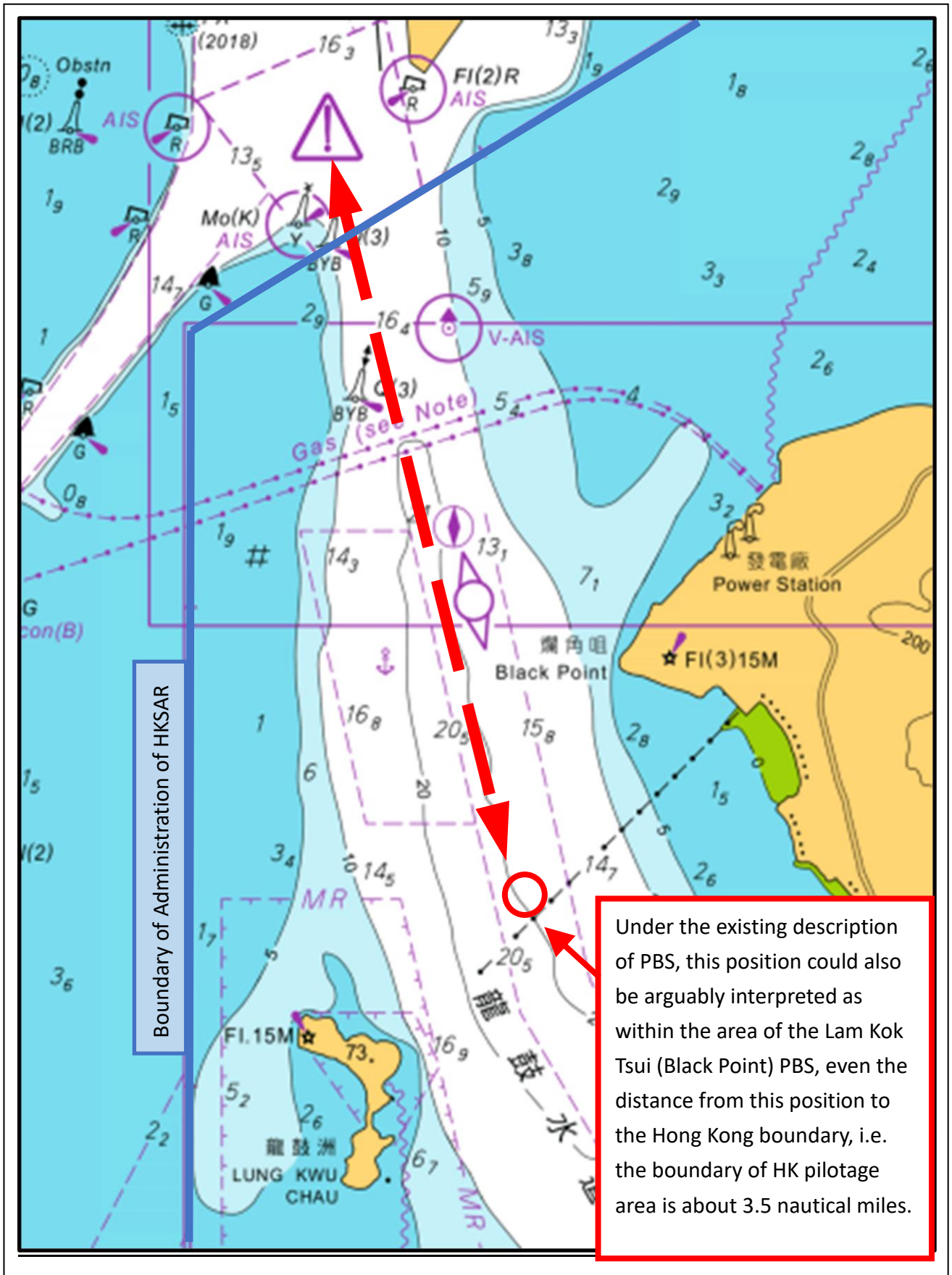
[ss. 10A & 10F]

Pilot Boarding Stations

	Description		Position
1.	Area off Ha Mei Wan, west of Lamma Island	latitude longitude	22°11.908' north, 114°05.447' east. <i>(Replaced L.N. 162 of 1999)</i>
2.	Area off the turning buoy in the Tathong Channel	latitude longitude	22°15.908' north, 114°15.814' east.
3.	Area off Lam Kok Tsui (Black Point) in Urmston Road	latitude longitude	22°24.925' north, 113°53.347' east. <i>(Amended 2 of 2013 s. 10)</i>
4.	Area off the entrance to Tolo Channel	latitude longitude	22°29.508' north, 114°19.848' east. <i>(Added L.N. 210 of 1986. Amended L.N. 224 of 1986)</i>
5.	Area off Ngan Chau in East Lamma Channel	latitude longitude	22°12.958' north, 114°09.847' east. <i>(Added L.N. 511 of 1996)</i>
6.	Area off Ping Chau in Mirs Bay	latitude longitude	22°32.800' north, 114°23.600' east. <i>(Added L.N. 147 of 2019)</i>
7.	Area off Crooked Island in Mirs Bay	latitude longitude	22°33.500' north, 114°20.200' east. <i>(Added L.N. 147 of 2019)</i>
8.	Area off Shek Ngau Chau in Mirs Bay	latitude longitude	22°29.700' north, 114°26.540' east. <i>(Added L.N. 147 of 2019)</i>

Note: In this Schedule, the geographical co-ordinates of a position are based on the World Geodetic System 1984 (WGS 84). *(Added L.N. 147 of 2019)*

(Schedule 2 added 29 of 1985 s. 7. Amended L.N. 147 of 2019)



Proposed radius for specifying the area of pilot boarding stations

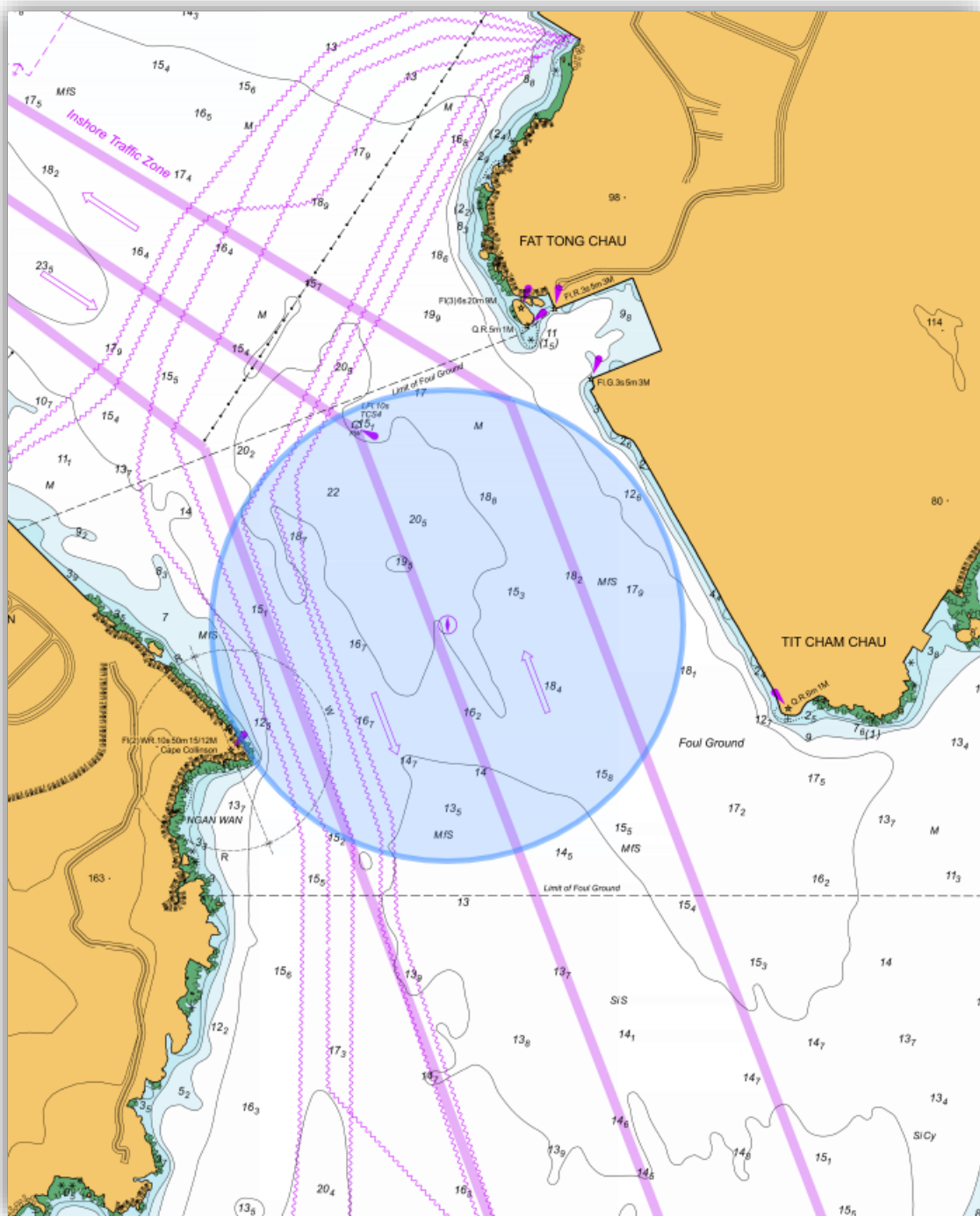
Description	Position
1. Ha Mei Wan, west of Lamma Island	An area of 0.5 nautical mile radius centred by position latitude 22°11.908' north, longitude 114°05.447' east.
2. Turning buoy in the Tathong Channel	An area of 0.4 nautical mile radius centred by position latitude 22°15.908' north, longitude 114°15.814' 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.
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.
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Annex IV

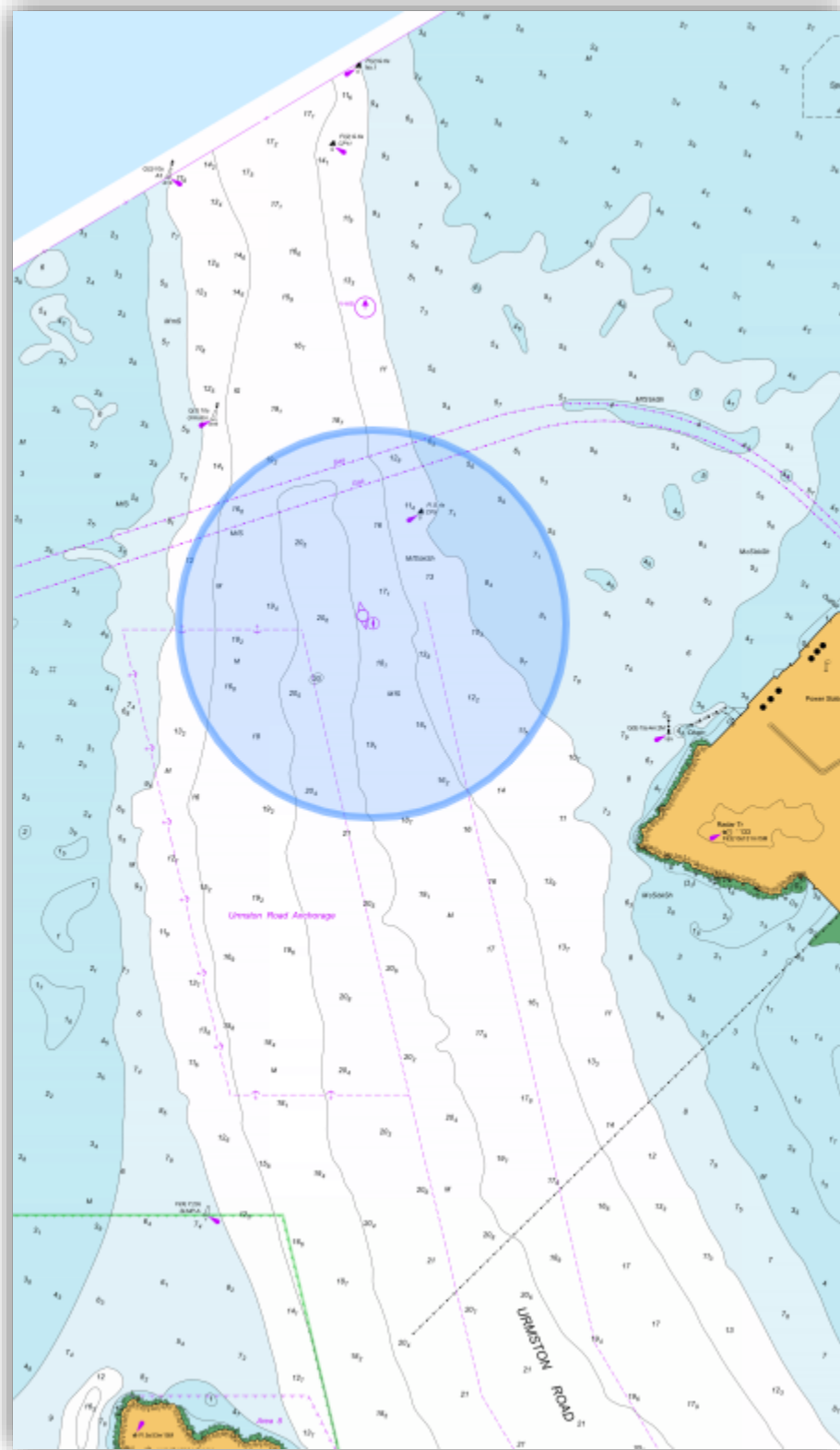
1. Ha Mei Wan, west of Lamma Island - An area of 0.5 nautical mile radius centred by position.....



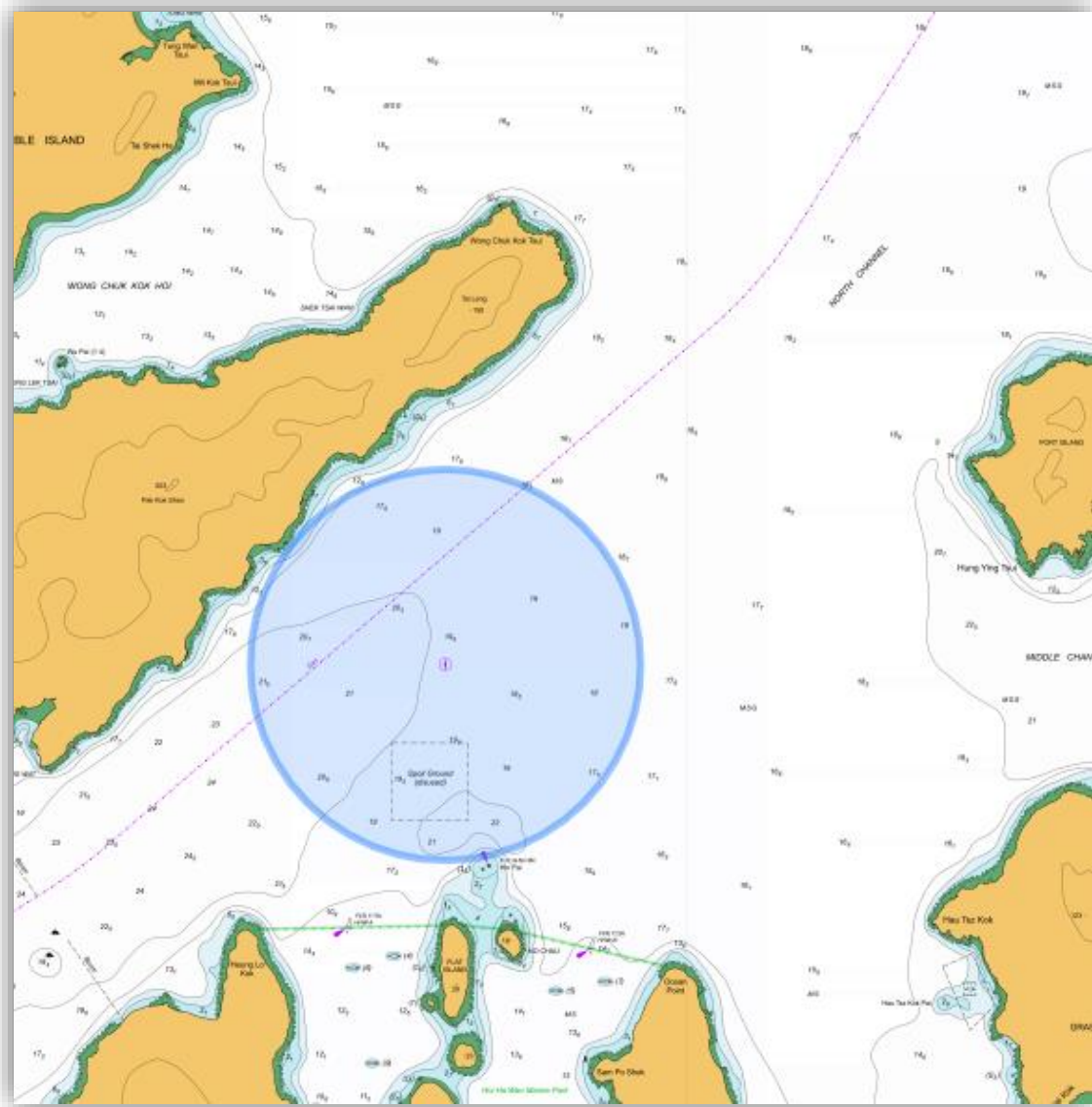
2. Turning buoy in the Tathong Channel - An area of 0.4 nautical mile radius centred by position....



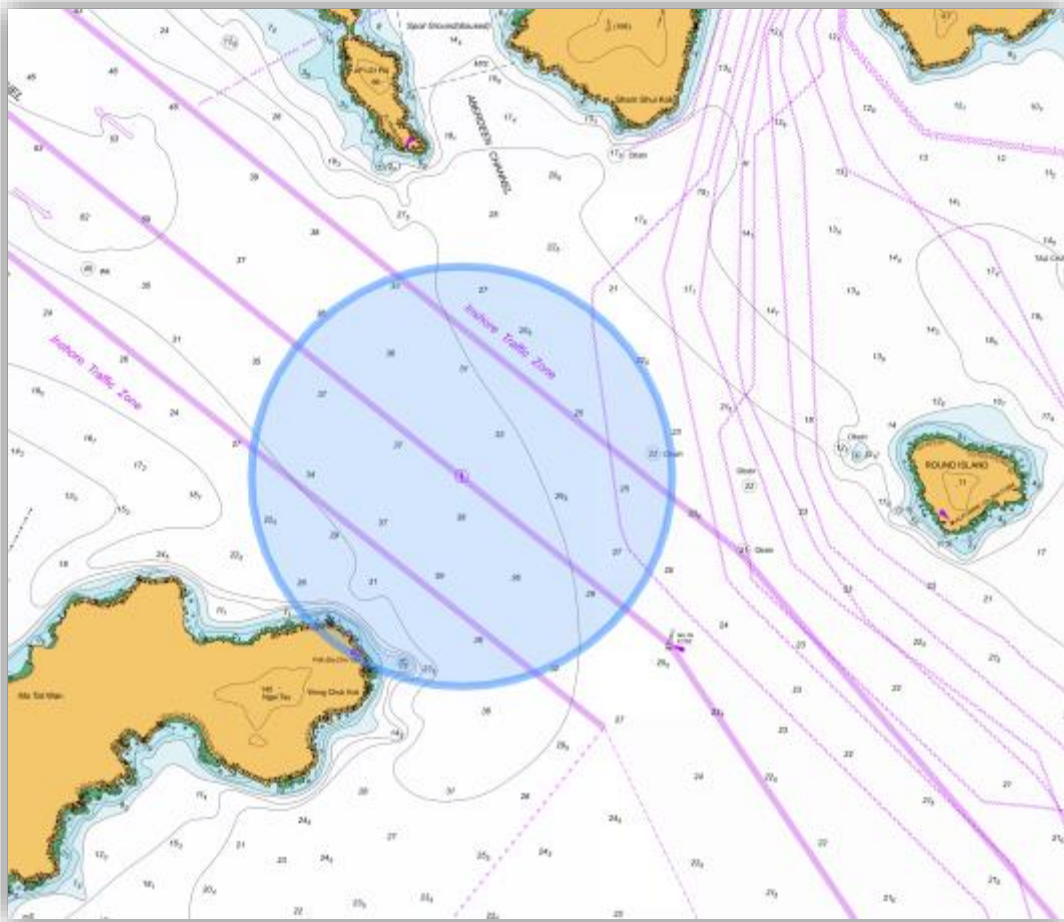
3. Lam Kok Tsui (Black Point) in Urmston Road - An area of 0.5 nautical mile radius centred by position



4. Entrance to Tolo Channel - An area of 0.5 nautical mile radius centred by position ...



5. Ngan Chau in East Lamma Channel - An area of 0.5 nautical mile radius centred by position ...



6-8 Ping Chau / Crook Island / Shek Ngau Chau in Mirs Bay - An area of 0.5 nautical mile radius centred by position ...

