

Question—put and agreed to.

Bill read a first time.

9. *Fire Brigade Amendment Bill.*—The Attorney General moved the Second reading of the Bill intituled “An Ordinance to amend the Fire Brigade Ordinance, 1923.”

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a second time.

Council in Committee on the Bill.

On Council resuming, the Attorney General reported that the Bill had passed through Committee without amendment and moved that it be read a third time.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a third time and passed.

ADJOURNMENT.

10. The Council then adjourned *sine die*.

W. PEEL,
Governor.

Confirmed this 2nd day of October, 1930.

N. L. SMITH,
Deputy Clerk of Councils.

No. 609.—His Excellency the Governor has given his assent, in the name and on behalf of His Majesty the KING, to the following Ordinance passed by the Legislative Council :—

Ordinance No. 11 of 1930.—An Ordinance to provide for and regulate the employment of pilots.

HONG KONG.

No. 11 OF 1930.

I assent.



W. PEEL,
Governor.

3rd October, 1930.

An Ordinance to provide for and regulate the employment of pilots.

[3rd October, 1930.]

BE it enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof, as follows :—

1. This Ordinance may be cited as the Pilots Ordinance, 1930. Short title.
2. In this Ordinance "ship" includes every description of vessel used in navigation, over 60 tons net register, propelled by machinery. Interpretation.
- 3.—(1) Subject to the provisions of this Ordinance, the Harbour Master may license pilots for the waters of the Colony. Licensing of pilots.
2 & 3 Geo. 5,
c. 31, s. 16.
- (2) Subject to the provisions of section 8, every pilot's licence shall remain in force until the 31st day of December next following.
- (3) The Harbour Master shall keep a register of the names and addresses of pilots licensed under this Ordinance.
- (4) Every licensed pilot shall furnish to the Harbour Master an address within the Colony to which all communications may be sent and shall forthwith notify the Harbour Master of any change of such address.
- (5) No person shall be licensed as a pilot who is not a British subject, provided that this prohibition shall not apply to any person who, immediately before the commencement of this Ordinance, was the holder of a pilot's licence under the Pilots Ordinance, 1904, or to any person who may be specially exempted by the Governor in Council from the provisions of this sub-section. Ordinance No. 3 of 1904.

4.—(1) It shall be lawful for the Governor in Council to make regulations for any of the following purposes :—

- (a) for the licensing and regulation of pilots ;
- (b) for prescribing the fees to be paid in respect of licences and examinations required under this Ordinance, the remuneration to be paid to examiners, and the amounts to be paid to licensed pilots in respect of pilotage services (in this Ordinance referred to as "pilotage dues") and in respect of other matters ;

(c) for any other purpose which the Governor in Council may think desirable in connexion with the provision or regulation of a pilotage service.

(2) All regulations made under this Ordinance shall be laid on the table of the Legislative Council at the first meeting thereof held after the publication in the Gazette of the making of such regulations, and if a resolution be passed at the first meeting of the Legislative Council held after such regulations have been laid on the table of the said Council resolving that any such regulation shall be rescinded or amended in any manner whatsoever, the said regulation shall, without prejudice to anything done thereunder, be deemed to be rescinded or amended as the case may be, as from the date of publication in the Gazette of the passing of such resolution.

Schedule. (3) The regulations in the Schedule shall be in force, as if made under this Ordinance, until rescinded by regulations made under this Ordinance.

Examination of applicant for licence or renewal. 5.—(1) Every person applying for a licence, and, should the Harbour Master deem it necessary, every person applying for the renewal of a licence, shall, before such licence or renewal is granted, pass such examination as the Harbour Master shall from time to time direct.

(2) The said examination shall be conducted by a Board of Examiners appointed for that purpose by the Governor.

(3) All tests which may be required in such examination for sight or physical fitness shall be conducted under the supervision of a medical officer appointed by the Director of Medical and Sanitary Services who shall report to the Harbour Master whether in the opinion of such medical officer the sight and physical fitness of the applicant in question are such as to justify the grant to him of a pilot's licence.

Examination of pilots for sight and physical fitness. 6. All licensed pilots shall be required to pass an examination for sight and physical fitness whenever the Harbour Master shall deem it necessary and at least once in every five years from the date of the last such examination. Such examination shall be conducted under the supervision of a medical officer appointed by the Director of Medical and Sanitary Services who shall report to the Harbour Master whether in the opinion of such medical officer the sight and physical fitness of the pilot in question are such as to justify the renewal of his pilot's licence. No licence shall be valid for any pilot who fails to pass this examination.

Licensing of pilots by Harbour Master not to involve any liability. 7. The grant or renewal of a licence to a pilot by the Harbour Master under the provisions given by this Ordinance shall not impose any liability on the Harbour Master for any loss or damage occasioned by any act or default of the pilot.

2 & 3 Geo. 5,
c. 31, s. 19.

Form of pilot's licence and production and return of pilot's licence to Harbour Master. 8.—(1) A pilot's licence shall be in the form provided for the time being by the regulations made under this Ordinance.

(2) A licensed pilot shall produce his licence whenever so required by the Harbour Master or any officer of the Harbour Department not below the rank of Boarding Officer, and in case his licence is revoked or suspended shall forthwith deliver up his licence to the Harbour Master.

2 & 3 Geo. 5,
c. 31, s. 20.

(3) On the death of a licensed pilot any person into whose hands his licence may come shall forthwith transmit it to the Harbour Master.

Revocation and suspension of licences. 9. The Harbour Master may suspend or revoke any pilot's licence if it appears to him, after giving the holder thereof an opportunity of being heard, that such pilot has been guilty of any contravention of this Ordinance or of any regulation made thereunder, or that he has been guilty of any misconduct affecting his capability as a pilot,

2 & 3 Geo. 5,
c. 31, s. 26.

or that he has failed in or neglected his duty as a pilot or that he has become incompetent to act as a pilot, and a licence if so revoked shall cease to have effect and if so suspended shall cease to have effect for the period for which it was suspended.

10.—(1) An appeal from any act done or decision given by the Harbour Master or any authority under this Ordinance or under any of the regulations made thereunder, other than the decision, sentence, order or judgment of a court of law, shall, unless otherwise provided for, lie to the Governor in Council, whose decision shall be final. Appeal.

(2) Such appeal shall be by way of petition, and such petition shall, unless the Governor in Council extends the time, be presented not later than fourteen days after such act or decision shall have been communicated to the person affected.

(3)—(a) If the person affected be a licensed pilot such communication may be by letter sent by registered post to the person affected at the address given in the register of licensed pilots kept by the Harbour Master.

(b) If the person affected be not a licensed pilot such communication may be by letter sent by registered post addressed to such person at his last known place of residence.

(4) For the purposes of this Ordinance, if the communication be sent by registered post the act or decision aforesaid shall be deemed to be communicated to the person affected at the time of registration of the said letter.

11.—(1) No person, other than the master or a seaman being *bona fide* one of the crew of the ship, who is not licensed as a pilot under this Ordinance shall pilot or attempt to pilot any ship within the waters of the Colony. Prohibition of unlicensed pilots.

(2) The master of a ship shall not knowingly employ an unlicensed pilot to pilot the ship within the waters of the Colony.

12. If, while a ship is under way, any person, other than the master or a seaman being *bona fide* one of the crew of the ship, is on the bridge of a ship or in any other position (whether on board the ship or elsewhere) from which the ship is navigated, that person shall for the purposes of this Ordinance be deemed to be piloting the ship unless the contrary is proved. Person deemed to be piloting ship. 2 & 3 Geo. 5, c. 31, s. 30.

13.—(1) The Harbour Master shall cause every pilot licensed by him to be furnished with a copy of this Ordinance as amended for the time being, and with a copy of any regulations made thereunder for the time being in force. Copies of pilotage provisions to be furnished to pilot. 2 & 3 Geo. 5, c. 31, s. 33.

(2) A licensed pilot shall produce any copy so furnished to him to the master of any ship or other person employing him when required to do so.

14.—(1) No master of a ship shall, except under circumstances of unavoidable necessity, take a licensed pilot without his consent beyond the waters of the Colony, or beyond the point to which he has been engaged to pilot the ship. Overcarriage of pilots. 2 & 3 Geo. 5, c. 31, s. 34.

(2) When a licensed pilot is taken beyond the waters of the Colony, or beyond the point up to which he has been engaged to pilot the ship, either without his consent or under circumstances of unavoidable necessity, he shall be entitled over and above his pilotage dues, to maintenance and to such sum per day as may be prescribed by regulation, and any sums so payable shall be due and recoverable in the same manner as pilotage dues.

(3) The sum so to be paid shall be computed from and inclusive of the day on which the ship passed beyond the waters of the Colony, or the point up to which the pilot was engaged to pilot her, and up to and inclusive of either the day of his being returned in the said ship to the

Colony, or, if he is discharged from the ship at a distance from the Colony, such day as will allow him sufficient time to return to the Colony, and in the last mentioned case he shall be entitled to his reasonable travelling expenses.

Obligation on licensed pilot to produce his licence to employer.

2 & 3 Geo. 5, c. 31, s. 36.

15. Every licensed pilot when acting as such shall be provided with his licence, and shall, if requested, produce it to any person by whom he is employed, or to whom he offers his services as pilot.

Fraudulent personation of licensed pilot.

2 & 3 Geo. 5, c. 31, s. 37

16. No person who is not a licensed pilot shall falsely represent himself to be a licensed pilot, either by means of using a licence which he is not entitled to use or by any other means.

Penalty on pilot endangering ship, life or limb.

2 & 3 Geo. 5, c. 31, s. 46.

17. If any person when piloting a ship, by wilful breach of duty, or by neglect of duty, or by reason of drunkenness or without lawful excuse :—

- (a) does any act tending to the immediate loss, destruction or serious damage of the ship, or tending immediately to endanger the life or limb of any person whatsoever ; or
- (b) refuses or omits to do any lawful act proper and requisite to be done by him for preserving the ship from loss, destruction or serious damage, or for preserving any person whatsoever from danger to life and limb ;

such person shall upon summary conviction be liable to a fine not exceeding five hundred dollars and to imprisonment for any term not exceeding one year.

Penalty on persons obtaining charge of a ship by misrepresentation.

2 & 3 Geo. 5, c. 31, s. 47.

18. No person shall, by wilful misrepresentation of circumstances upon which the safety of the ship may depend, obtain or endeavour to obtain the charge of that ship.

Offences by pilots.

2 & 3 Geo. 5, c. 31, s. 48.

19. No licensed pilot shall—

- (a) lend his licence ;
- (b) act as a pilot whilst suspended ;
- (c) act as a pilot when in a state of intoxication ;
- (d) refuse or wilfully delay, when not prevented by illness or other reasonable cause to pilot any ship within the waters of the Colony upon the signal for a pilot being made by that ship or upon being required to do so by the master, owner, agent or consignee thereof, or by the Harbour Master or any officer acting under him ;
- (e) unnecessarily cut or slip or cause to be cut or slipped any cable belonging to any ship ;
- (f) refuse otherwise than on reasonable ground of danger to the ship, when requested by the master, to conduct the ship which he is piloting into any port or place within the waters of the Colony ; or
- (g) quit the ship which he is piloting, before the service for which he was engaged has been performed and without the consent of the master of the ship.

Recovery of pilotage dues.

2 & 3 Geo. 5, c. 31, s. 49.

20.—(1) The following persons shall be liable to pay pilotage dues for any ship for which the services of a licensed pilot are obtained, namely :—

- (a) the master, owners and charterers ;

- (b) as to pilotage inwards, such consignees or agents as have paid or made themselves liable to pay any other charge on account of the ship in the port of her arrival or discharge ;
- (c) as to pilotage outwards, such consignees or agents as have paid or made themselves liable to pay any other charge on account of the ship in the port of her departure.

(2) Any such dues may be recovered before a magistrate summarily as a civil debt.

(3) It shall be lawful for the Harbour Master at any time whatsoever to withhold the port clearance from any ship as to which a claim for pilotage dues may be made till such dues are paid or security is given for the same.

(4) Any consignee or agent (not being the owner or master of the ship), who is hereby made liable for the payment of pilotage dues in respect of any ship may out of any moneys received by him on account of that ship or belonging to the owner thereof, retain the amount of all dues paid by him together with any reasonable expenses he may have incurred by reason of the payment of the dues or his liability to pay their dues.

21. A licensed pilot shall not demand or receive, and a master shall not offer or pay to any licensed pilot, dues in respect of pilotage services at any other rates whether greater or less than the rates which may be demanded by law.

Receiving or offering improper rates of pilotage.
2 & 3 Geo. 5, c. 31, s. 50.

22. If any boat or ship having on board a licensed pilot leads any ship which has not a licensed pilot on board when the last mentioned ship cannot from particular circumstances be boarded, the pilot so leading the last mentioned ship shall be entitled to the full pilotage rate as if he had actually been on board and had charge of that ship.

Pilotage rate for ships leading.
2 & 3 Geo. 5, c. 31, s. 51.

23. Claims brought against the master, owners, charterers, or agents, of any ship carrying a pilot for damage done by the ship to any beacon, buoy, harbour mark, mooring, or other Government property, may, without prejudice to any other mode of recovery, be recovered before a magistrate summarily as civil debt. Such claims shall be made by the Harbour Master by way of complaint in writing setting out the damage and the claim in respect thereof.

Claims for damage to Government property.

24. Nothing in this Ordinance shall be held to excuse or indemnify any licensed pilot for any damage arising from his neglect or incapacity in performing the duties of his office.

Pilot not excused for damage arising from negligence or incapacity.

25. In summary proceedings under this Ordinance a magistrate may, if he thinks fit, call upon the Harbour Master or Deputy Harbour Master or Assistant Harbour Master to sit with him as an assessor.

Assessor.

26. This Ordinance shall apply to all ships, British and foreign, except ships of war and ships belonging to any department of His Majesty's Government, or to the Colonial Government, or to any foreign state.

Application of Ordinance.
2 & 3 Geo. 5, c. 31, s. 61.

27. Every person who contravenes any of the provisions of this Ordinance or of any regulation made thereunder for which no penalty is specially provided shall be guilty of an offence against this Ordinance and shall upon summary conviction be liable to a fine not exceeding five hundred dollars.

General penalty.

Pilotage not compulsory. **28.** Nothing in this Ordinance shall be deemed to make the employment of any pilot within the waters of the Colony compulsory.

Repeal of Ordinance No. 3 of 1904. **29.** The Pilots Ordinance, 1904, and all regulations in force thereunder, are repealed.

Temporary provisions as regards licences issued under Ordinance No. 3 of 1904. **30.** Every licence issued under the Pilots Ordinance, 1904, which was in force immediately before the coming into operation of this Ordinance shall continue to be in force after such coming into operation, in all respects as if it had been issued under this Ordinance, and shall be subject to all the provisions of this Ordinance, whether as regards the necessity for annual renewal, liability to revocation or suspension, or otherwise, save only that no such licence shall expire by mere effluxion of time until the 31st day of December, 1930; and every holder of any such licence shall be liable to all the obligations imposed by or under this Ordinance on pilots licensed thereunder.

Passed the Legislative Council of Hong Kong, this 2nd day of October, 1930.

N. L. SMITH,
Deputy Clerk of Councils.

SCHEDULE. [ss. 4, 8, 14.]

REGULATIONS.

1. Every applicant for a pilot's licence—
 - (a) must be able to speak English;
 - (b) must produce two copies of a photograph of himself, one to be attached to the licence and the other to the counterfoil of it;
 - (c) must hold a local certificate of competency as master issued under Regulation 16 of Table E in the Schedule to the Merchant Shipping Ordinance, 1899;
 - (d) must not be less than 23 years of age;
 - (e) must produce documentary evidence to the satisfaction of the Board of Examiners of at least three years service as a seaman in foreign going ships, other than river steamers, regularly calling at Hong Kong;
 - (f) must satisfy the Board of Examiners that he has served at least two years apprenticeship to a pilot holding a licence under this Ordinance or who held a licence under the Pilots Ordinance, 1904;
 - (g) must satisfy the Board of Examiners that during his period of apprenticeship he has, under the direction of a pilot holding a licence under this Ordinance or a pilot who held a licence under the Pilots Ordinance, 1904, piloted a ship into the Harbour of Victoria on forty occasions and that he piloted a ship out of the Harbour of Victoria on forty occasions;
 - (h) that at least twenty different ships must have been piloted among the eighty occasions referred to in paragraph (g);

- (i) that at least five of the ships referred to in paragraph (h) must have been different ships of at least 8,000 tons gross register ;
- (j) that on at least ten of the eighty occasions referred to in paragraph (g) ships of at least 8,000 tons gross register must have been piloted ;

Provided that the Board of Examiners may dispense with any of the above requirements in the case of an applicant who held a licence under the Pilots Ordinance, 1904, but who was not the holder of such a licence at the time of coming into operation of the Pilots Ordinance, 1930, if they are otherwise satisfied of the fitness of the applicant to hold a pilot's licence under the Pilots Ordinance, 1930.

2. Every applicant for a licence as pilot shall upon lodging his application for examination pay to the Harbour Master a fee of forty dollars for each examination.

3. Every licenced pilot shall pay to the Harbour Master annually on or before the 1st day of January a fee of five dollars for the renewal of his licence.

4. If at any time subsequent to the granting of a pilot's licence, it shall appear to the Harbour Master that the photograph attached thereto fails to represent adequately the holder he may require the said holder to produce two copies of a photograph which shall adequately represent him for attachment to the licence, and the holder shall thereupon comply with such requirement.

5. Every licenced pilot when plying for hire shall display at the masthead of his boat a flag six feet by four feet in dimensions, and of two colours, the upper horizontal half white and the lower horizontal half red.

6. Every licenced pilot shall obey the orders of the Harbour Master, or any person deputed by him, regarding the movement of vessels within the waters of the Colony.

7. Every licenced pilot shall report to the Harbour Master any defect in any beacon or light or any alteration in the position of any harbour buoy.

8. Every licenced pilot shall report in writing to the Harbour Master any casualty occurring to a vessel in his charge.

9. Every licenced pilot shall carry a copy of the Pilots Ordinance and Regulations, and of the Hong Kong Port Regulations, and shall produce the same if called for by the master of any ship which such pilot may board for the purpose of piloting it.

10. Every licensed pilot on boarding a ship for the purpose of piloting it shall inform the master that if he is carrying on board any dangerous goods as cargo the ship must be anchored in a Dangerous Goods Anchorage and that a red flag must be displayed.

11. When a licensed pilot is taken beyond the waters of the Colony, or beyond the point to which he has been engaged to pilot the ship, either without his consent or under circumstances of unavoidable necessity, he shall be entitled, over and above his pilotage dues, to maintenance and, in addition, to a sum of \$10 per diem.

12. A pilot's licence may be in the form in Appendix A to these regulations.

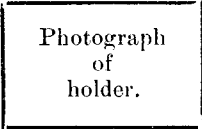
13. Pilotage dues shall be payable in accordance with the scale in Appendix B to these regulations.

APPENDIX A. [Reg. 12.]

HONG KONG.

PILOT'S LICENCE.

Pilots Ordinance, 1930.



Name of pilot (If Chinese, add Chinese characters)
.....
Birthplace
Date of birth.....
Height
Residence
Date of first issue of licence

.....
Harbour Master.

ANNUAL RENEWALS.

Date
Renewed for the year.....

.....
Harbour Master.

ENDORSEMENTS.

APPENDIX B. [Reg. 13.]

PILOTAGE DUES.

For pilotage of a ship inside the waters of the
Colony into or out of the Harbour of
Victoria\$15.00.

For each time a steamship is moved inside the
Harbour of Victoria\$10.00.

The above charges are for services rendered between sunrise and sunset. If the whole or any part of the services are rendered between sunset and sunrise the said charges in the respective cases shall be doubled.