

MARITIME TRAFFIC SAFETY LAW OF THE PEOPLE'S REPUBLIC OF CHINA

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Contents

Chapter I General Provisions

Chapter II Inspection and Registration of Vessels

Chapter III Personnel on Vessels and Installations

Chapter IV Navigation, Berthing and Operations

Chapter V Safety Protection

Chapter VI Transport of Dangerous Goods

Chapter VII Rescue from Disasters at Sea

Chapter VIII Salvage and Removal of Sunken and Drifting Objects

Chapter IX Investigation and Handling of Traffic Accidents

Chapter X Legal Liability

Chapter XI Special Provisions

Chapter XII Supplementary Provisions

Chapter I General Provisions

Article 1

This law is formulated in order to strengthen the control of maritime traffic; ensure the safety of vessels, installations, human life and property; and safeguard the rights and interests of the state.

Article 2

This Law shall apply to all vessels, installations and personnel and to the owners and managers of such vessels and installations that navigate, berth or operate in the coastal waters of the People's Republic of China.

Article 3

The harbour superintendence agencies of the People's Republic of China shall be the competent authorities responsible for the unified supervision and administration of traffic safety in the coastal waters.

Chapter II Inspection and Registration of Vessels

Article 4

Vessels and their major equipment relating to navigation safety must have valid technical certificates issued by vessel inspection departments.

Article 5

A vessel must have a certificates showing its nationality, a vessel registry certificate or a vessel license.

Chapter III Personnel on Vessels and Installations

Article 6

Vessels shall be manned with qualified crew members according to a standard quota to ensure the vessels' safety.

Article 7

The captain, chief engineer, pilot, engineers, radio and telephone operators and similar personnel on board seaplanes or submersibles must hold valid job certificates. All other crew members must undergo specialized technical training required for their work.

Article 8

In accordance with state provisions, all installations shall be provided with personnel who have mastered the techniques of collision avoidance, signaling, communications, fire control, life-saving and other operations.

Article 9

All personnel on vessels and installations must observe relevant rules and regulations concerning maritime traffic safety, follow the operating rules and ensure the safety of the vessels and installations in navigation, berthing and operations.

Chapter IV Navigation, Berthing and Operations

Article 10

While navigating, berthing or carrying out operations, vessels and installations must abide by the relevant laws, administrative statutes and rules and regulations of the People's Republic of China.

Article 11

Non-military vessels of foreign nationality may not enter the internal waters and harbours of the People's Republic of China without the approval of its competent authorities. However, under unexpected circumstances such as critical illness of personnel, engine breakdown or the vessels being in distress or seeking shelter from weather when they do not have the time to obtain approval, they may, while entering China's internal waters of harbour, make an emergency report to the competent authorities and shall obey its directions. Military vessels of foreign nationality may not enter the territorial waters of the People's Republic of China without the approval of the Government of the People's Republic of China.

Article 12

Vessels sailing on international routes that enter and leave the harbours of the People's Republic of China must accept inspection by the competent authorities. Vessels of Chinese nationality sailing on domestic routes that enter and leave such harbours must obtain port entry and departure visas.

Article 13

Vessels of foreign nationality entering and leaving a harbour of the People's Republic of China, navigating or shifting berths in the harbour area, or approaching or leaving mooring points or loading spots outside the harbour must be navigated by a pilot designated by the competent authorities.

Article 14

When entering or leaving harbours or passing through controlled traffic areas, crowded navigable areas or areas where navigational conditions are restricted, vessels must observe the special regulations promulgated by the Government of the People's Republic of China or by the competent authorities.

Article 15

Vessels shall be prohibited from entering or passing through restricted navigation zones unless specially permitted by the competent authorities.

Article 16

Towing operations on the open sea involving large-sized installations and mobile platforms must undergo towing inspection conducted by vessel inspection departments and be reported to the competent authorities for examination and approval.

Article 17

If the competent authorities find the actual condition of a vessel to be not in conformity with what is stated in the vessel's certificates, it shall have the right to require the vessel to apply for a new inspection or notify its owner or manager to adopt effective safety measures.

Article 18

If the competent authorities believe that a vessel presents a menace to the safety of a harbour, it shall have the right to forbid the vessel from entering the harbour or to order it to leave the harbour.

Article 19

The competent authorities shall have the right to forbid a vessel or an installation from leaving the harbour or order it to suspend its voyage, change its route or cease its operations under any one of the following circumstances:

- (1) if it violates any law, administrative statute or other rule or regulation of the People's Republic of China;
- (2) if it is in a condition unsuitable for navigation or towing;
- (3) if it was involved in a traffic accident and has not completed the necessary formalities;
- (4) if it has not paid the fees that are due or furnished appropriate security to the competent authorities or the department concerned; or
- (5) if the competent authorities considers that there are other circumstances that will jeopardize or might jeopardize maritime traffic safety.

Chapter V Safety Protection

Article 20

Construction operations to be carried out on the surface or underwater in coastal waters and the demarcation of corresponding safe operation zones must be reported to the competent authorities for examination and approval and must be publicly announced. Vessels not involved in the construction project may not enter the safe operation zones. The construction unit may not enlarge such zones without authorization. When shore lines are to be used in harbour areas or when construction work,

including overhead operations, is to be carried out on the sea surface or underwater in such areas, the plan and a drawing thereof must be submitted to the competent authorities for examination and approval.

Article 21

The designation of restricted navigation zones in coastal waters must be approved by the State Council or the competent authorities. However, the designation of restricted navigation zones for military purposes shall be approved by the competent department of the state in charge of military affairs. The restricted navigation zones shall be announced by the competent authorities.

Article 22

Without the approval of the competent authorities, no installations may be established or constructed, nor may any activities that hinder navigational safety be carried out in harbour areas, anchorages, navigation lanes, or crowded navigable areas, as well as in navigation routes announced by the competent authorities. With respect to any installations which have been established or constructed in the above-mentioned areas without authorization, the competent authorities shall have the right to order their owners to remove or dismantle the installations within a given period of time.

Article 23

It shall be forbidden to damage navigation aids or navigational facilities. Whoever has damaged navigation aids or navigational facilities shall immediately report the damage to the competent authorities and be liable for compensation.

Article 24

Vessels and installations shall promptly make a report to the competent authorities if they discover any of the following situations:

- (1) If navigation aids or navigational facilities malfunction or become abnormal;
- (2) if an obstacle or drifting object jeopardizing the safety of navigation is discovered; or
- (3) if there are other abnormal situations jeopardizing the safety of navigation.

Article 25

No obstacle affecting the efficacy of navigation aids may be erected or installed in areas surrounding the aids. Any lights in the vicinity of the navigation aids or navigational lanes that jeopardize navigation safety shall be properly screened.

Article 26

When removing or dismantling installations, salvaging or removing sunken ships or objects, and handling the finishing operations of underwater projects, no hidden dangers shall be left to menace navigational or operational safety. Before the aforesaid operations have been properly completed, their owners or

managers must be responsible for erecting markers as required and making an accurate report to the competent authority on the type, shape, size and location of the obstacle and the depth of water over it.

Article 27

Safety administration must be strengthened with respect to harbour wharves, mooring points and loading spots outside of harbour areas as well as ship locks, so that they are always kept in good condition.

Article 28

To meet the requirements of maritime traffic safety, the competent authority shall fix and adjust traffic control areas and harbour anchorages. The designation of anchorages outside of harbour areas shall be announced by the competent authority after the report relative thereto has been submitted to and approved by higher authorities.

Article 29

The competent authorities shall, in accordance with relevant provisions of the state, be responsible for issuing navigational warnings and navigational notices.

Article 30

In order to ensure the safety of navigation, berthing and operations, the departments concerned shall maintain unimpeded communications facilities, ensure distinct and effective navigation aids and navigational facilities and, in a timely manner, provide offshore meteorological forecasts and necessary books and reference materials concerning maritime navigation.

Article 31

When vessels and installations are involved in accidents that jeopardize or may jeopardize traffic safety, the competent authorities shall have the right to take necessary, compulsory measures to deal with the matter.

Chapter VI Transport of Dangerous Goods

Article 32

When vessels or installations store, load, unload or transport dangerous goods, they must maintain safe and reliable equipment and conditions and observe the state provisions governing the control and transport of dangerous goods.

Article 33

When vessels load and transport dangerous goods, they must go through the procedures for declaration to the competent authorities and they may not enter or leave the harbour or load or unload until approval has been obtained.

Chapter VII Rescue from Disasters at Sea

Article 34

When vessels, installations or aircraft are in distress, they shall, in addition to issuing distress signals calling for help, use the quickest method possible to report to the competent authorities the time and place of the accident, the extent of damage, the assistance required and the cause of the accident.

Article 35

Vessels, installations or aircraft in distress and their owners or managers shall take all effective measures to organize their own rescue efforts.

Article 36

When vessels or installations in the vicinity of the scene of an accident receive a distress signal or discover that people's lives are endangered, they shall do their best to rescue the people in distress insofar as their own safety is not seriously endangered, and promptly report to the competent authorities the situation at the scene, their own names, call numbers and positions.

Article 37

Vessels or installations involved in a collision shall exchange their names, nationalities and ports of registry and do their best to rescue personnel in distress. The vessels involved may not leave the scene of the accident without authorization, insofar as their own safety is not seriously endangered.

Article 38

Upon receiving a request for rescue, the competent authorities shall immediately organize a rescue operation. All units concerned and vessels or installations in the vicinity of the scene must act under the orders of the competent authorities.

Article 39

When a foreign country intends to dispatch vessels or aircraft into the territorial waters or the airspace over the territorial waters of the People's Republic of China to search for and rescue vessels or people in distress, it must obtain the approval of the competent [Chinese] authorities.

Chapter VIII Salvage and Removal of Sunken and Drifting Objects

Article 40

With respect to sunken or drifting objects that may affect the safety of navigation and the management of navigation lanes, as well as those constituting a threat of explosion, the owners or managers thereof shall salvage and remove such objects within a deadline set by the competent authorities. Otherwise,

the competent authorities shall have the right to take measures to compel the salvage and removal of the objects, and their owners or managers shall bear all the expenses incurred thereby. The provisions of this Article shall not prejudice the rights of the owners or managers of the sunken or drifting objects to demand compensation from third parties.

Article 41

No sunken vessels or sunken objects in the coastal waters may be salvaged or dismantled without the approval of the competent authorities.

Chapter IX Investigation and Handling of Traffic Accidents

Article 42

Any vessel or installation involved in a traffic accident shall submit a written accident report and relative materials to the competent authorities and accept its investigation and handling of the accident. While being investigated by the competent authorities the parties involved in the accident and relevant personnel must give a truthful account of circumstances at the scene of the accident and other relevant information.

Article 43

In the event of a traffic accident that involves a vessel or installation, the competent authorities shall ascertain the cause of the accident and fix the responsibility for it.

Chapter X Legal Liability

Article 44

The competent authorities shall, in the light of the circumstances, impose one or more of the following penalties on anyone who violates this Law:

- (1) warnings;
- (2) withholding or revoking work certificates; or
- (3) fines.

Article 45

If a party does not accept the penalty of a fine or revocation of his work certificate imposed by the competent authorities, he may bring suit in a people's court within 15 days after receiving notification of the penalty. If he neither brings suit nor complies with the penalty upon the expiration of that period, the competent authorities shall request compulsory enforcement from the people's court.

Article 46

A civil dispute arising from a maritime traffic accident may be settled through mediation by the competent authorities. If the parties are unwilling to have the case mediated or if the mediation is unsuccessful, the parties may bring suit in the people's court. Parties to a case involving foreign interests may also submit the case to an arbitration agency for mediation, in accordance with the written agreement concluded between them.

Article 47

Those whose violation of this Law constitutes a crime shall be investigated for their criminal responsibility by judicial organs in accordance with the Law.

Chapter XI Special Provisions

Article 48

Within the waters of fishing harbours, the state fisheries administration and fishing harbour superintendence agencies shall exercise the functions and powers of the competent authorities as provided in this Law, being responsible for the supervision and administration of traffic safety and for the investigation and handling of traffic accidents between fishing vessels in coastal waters. Concrete measures for implementation shall be separately prescribed by the State Council.

Article 49

The internal administration of offshore military jurisdictional areas and military vessels and installations, the administration of surface and underwater operations carried out for military purposes, and the inspection and registration of public security vessels, the provision of their personnel and the issuing of their port entry and departure visas shall be separately prescribed by the relevant competent departments of the state in accordance with this Law.

Chapter XII Supplementary Provisions

Article 50

For the purpose of this Law, the definitions of the following terms are:

"Coastal waters" means the harbours, inland waters, territorial waters and all other sea areas under the jurisdiction of the state along the seacoast of the People's Republic of China.

"Vessels" means all types of displacement or non-displacement ships, rafts, seaplanes, submersibles and mobile platforms.

"Installations" means all types of surface and underwater structures or installations, whether fixed or floating, and fixed platforms.

"Operations" means investigations, exploration, exploitation, survey construction, dredging, demolition, rescue, salvage, towing, fishing, aquatic breeding, loading and unloading, scientific experimentation and other surface and underwater operations.

Article 51

The competent department of the State Council shall, on the basis of this Law, formulate rules for its implementation, which shall go into effect after being submitted to and approved by the State Council.

Article 52

In cases of conflict between laws and regulations pertaining to maritime traffic safety hitherto promulgated and this Law, this Law shall prevail.

Article 53

This Law shall go into effect on January 1, 1984.