



## Welcome to **Greater China!**

A shipowner's guide to regulatory compliance – August 2022



## Table of Contents

Introduction	2
Acknowledgements	2
People's Republic of China	4
Hong Kong	9
Taiwan	11



# Welcome to Greater China!

## A shipowner's guide to regulatory compliance

### Introduction

The American Club is pleased to present the attached an updated summary of key regulations of which shipowners should be aware when trading to and from the People's Republic of China (PRC), Hong Kong and Taiwan. This document focuses on issues of safety, maritime security and marine environmental protection which are unique to locations in Greater China. Members should also note that, regarding most of these requirements, the Club also provides additional guidance, materials and services to assist them in achieving compliance. These are noted in the appropriate places herein.

Members are urged to liaise with their local agents in advance of trading to the PRC, Hong Kong and Taiwan for detailed guidance and assistance as to the rules which may apply to them. In addition, Members are invited to contact the Managers who will, as always, be pleased to help.

### Acknowledgements

The American Club would like to thank Ms. He Miao and Mr. Alan Lo of Oasis P&I Services Co., Ltd., Mr. Yves Zhou of Huatai Insurance Agency & Consultant Services, Ltd., Mr. William Chang and Mr. John Chou of Taiwan Maritime Services, Ltd., Mr. Henry Fung of Holman Fenwick & Willan LLP for their kind assistance in the review of, and input to, this document.





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**Table: Regulatory Regime for Greater China**

<div>  <b>PEOPLE'S REPUBLIC OF CHINA</b>  </div>			
Subject	Summary	American Club guidance/references	Other relevant guidance/references
<b>ENVIRONMENT</b> <b>Designated Emission Control Areas (ECAs)</b>	<p>Specifies ECAs for PRC coastal regions. In the ECAs, to reduce the emission of sulfur oxide (SOx), nitrogen oxides (NOx) and particulate matter into the air, ships are required to use low sulfur fuel with no more than designated amounts as specified by the PRC's Maritime Safety Administration's (MSA's) jurisdictions or take alternative measures to the equivalent effect as approved by the MSA.</p> <p>Furthermore, from 1 January 2022, the sulfur content of any fuel oil used on board sea-going vessels shall not exceed 0.1% m/m when operating in the coastal emission control area in Hainan waters.</p>	<p>A summary of the requirements for compliance with PRC emission control areas can be found at the American Club website at:</p> <ul style="list-style-type: none"> <li>• <a href="#">Member Alert dated 15 November 2019</a></li> <li>• <a href="#">Member Alert dated 8 January 2019</a></li> <li>• <a href="#">Member Alert dated 3 January 2019</a></li> <li>• <a href="#">Member Alert dated 3 October 2018</a></li> </ul>	<p>More information can be found at the website of the PRC's Marine Safety Administration (MSA) by clicking <a href="#">here</a>.</p>
<b>ENVIRONMENT</b> <b>Regulations of the PRC on the Prevention and Control of Marine Pollution from Ships: Pollution clean-up contract</b>	<p>This requirement applies to owners/operators who must enter into a pollution clean-up contract with a MSA approved ship pollution response company (SPRO) before the ship enters a PRC port if the vessel meets the following criteria:</p> <p>(a) any ship carrying polluting and hazardous cargoes in bulk; or</p> <p>(b) any other ship above 10,000 GT.</p>	<p>Please refer to the following for more information:</p> <ul style="list-style-type: none"> <li>• <a href="#">Club Circular No. 07/20</a></li> <li>• <a href="#">Club Circular No. 06/20</a></li> </ul>	
<b>ENVIRONMENT</b> <b>Hazardous chemicals in containers—Port of Shanghai</b>	<p>As of 20 June, new requirements regarding the carriage of containers carrying hazardous goods took effect for the Port of Shanghai.</p>	X	<p>The English translation of the <i>Notice of Further Strengthening Safety Management of Hazardous Chemical Containers at Shanghai Port</i> can be found by clicking <a href="#">here</a>.</p>



## PEOPLE'S REPUBLIC OF CHINA (cont.)



Subject	Summary	American Club guidance/references	Other relevant guidance/references
<b>ENVIRONMENT</b> Asian Gypsy Moth	Vessel departing from Asian Gypsy Moth affected area (including Japan, Korean, China and far eastern Russia) to NAPPO member countries (including U.S, Canada, Mexico) shall acquire a "Certification of Freedom from Asian Gypsy Moth Onboard" before departing the affected countries.	See the Club's publication <i>Currents</i> , Issue 28, <a href="#">The Asian Gypsy Moth Season is Upon Us</a> .	Concerns regarding the Asian Gypsy Moth for the PRC apply to all ports in northern China, including all ports north 31° 15' from 1 June 2022 to 30 September 2022.  A <i>Gypsy Moth Inspectional Pocket Guide</i> can be found by clicking <a href="#">here</a> .  The China Certification and Inspection Group is the only certified agent to provide "non-AGM onboard certificates". Members should correspond with their agents to acquire the required certificate. CCIC has local offices at various ports. Usually, local agents assist in contacting the local CCIC office and apply for the certificate if needed. However, please note that due to the current PRC "zero" COVID-19 restrictions limiting the boarding of vessels at many ports, CCIC may have had difficulties in issuing the certificate.
<b>ENVIRONMENT</b> Garbage and sludge disposal for ocean going ships	As of 13 December 2016, sludge and garbage disposal are no longer mandatory for ocean going vessels before they leave port, including all ports within the Bohai area.	<a href="#">Member Alert dated 13 February 2017</a>	X
<b>ENVIRONMENT</b> Disposal of solid wastes	As of 31 December 2018, the PRC has issued stricter regulations to prevent and control pollution, including greater control on the importation of solid waste.	Please refer to the following for more information: <ul style="list-style-type: none"><li><a href="#">Member Alert dated 20 May 2021</a></li><li><a href="#">Club Circular No. 31/20</a></li><li><a href="#">Member Alert dated 13 June 2018</a></li></ul>	X
<b>ENVIRONMENT</b> Discharging water borne pollutants from ships	As of 1 July 2018, the PRC has issued new "Discharge Standards" for the discharge of water pollutants from ships.  The Discharge Standards applies to all ships (excluding military ships) in territory waters and waters under the jurisdiction of the PRC.	Please refer to the following for more information: <ul style="list-style-type: none"><li><a href="#">Member Alert dated 17 July 2018</a></li><li><a href="#">Member Alert dated 23 February 2018</a></li></ul>	A summary of the Discharge Standard for Water Pollutants from Ships can be accessed by clicking <a href="#">here</a> .





## PEOPLE'S REPUBLIC OF CHINA (cont.)



Subject	Summary	American Club guidance/references	Other relevant guidance/references
<b>HEALTH &amp; SAFETY</b> <b>Infectious Diseases</b>	Infectious diseases continue to be a maritime risk of concern in the PRC. Most recently, the PRC's "zero" COVID-19 policy, the relevant controls are still in effect, and have recently been tightened in places due to regional outbreaks.	<a href="#">Member Alert dated 1 August 2022</a>	See the section "Infectious Diseases" at the American Club website at: American Club website by clicking <a href="#">here</a> for guidance, a summary of where to find additional information and periodic updates on the spread and control of this infectious disease.  Further updates can be found at the <a href="#">COVID-19 Global Port Restrictions Map</a> .
<b>MARITIME SECURITY</b> <b>Vessel Notice of Arrival or Departure (NOAD)</b>	The operator of a vessel, or her agents, shall submit an application of vessel calling at a PRC port and report required information to local marine security authority 7 days before arrival or from departing another PRC port. Vessels must depart the PRC port within 24 hours after received clearance.  NOAD details can be arranged through the vessel's local agent.	X	X
<b>MARITIME SECURITY</b> <b>Cyber security&amp; awareness</b>	Cyber security has been a growing threat to the maritime industry sector including the PRC.	<a href="#">Member Alert dated 30 December 2019</a>  The American Club maintains updates on cyber awareness that is found by clicking <a href="#">here</a> .	X



## PEOPLE'S REPUBLIC OF CHINA (cont.)



Subject	Summary	American Club guidance/references	Other relevant guidance/references
<b>MARITIME SECURITY</b> <b>Dangerous goods (DGs) cargoes</b>	<p>Vessels carrying DGs to, through, or out of Chinese ports shall report to local maritime security authority 3 days before arrival/loading. This must include a DG cargo manifest listing of the DG commodity name, nature of cargo, quantity of cargo and cargo stowage plan.</p> <p>These declarations for carriage of DG cargoes can be made through the vessel's agent.</p> <p>Highly toxic chemicals and other hazardous chemicals that are prohibited by the state to be transported through inland rivers shall be prohibited from transport through inland closed waters. Highly toxic chemicals that are prohibited by the state from transport through inland rivers and other hazardous chemicals shall be prohibited from being transported through other inland waters.</p>	<p><a href="#">Member Alert dated 29 March 2021</a></p>	<p>The <i>Catalogue of Hazardous Chemicals</i> (2015) can be found in New Mandarin by clicking <a href="#">here</a>.</p> <p>The <i>Catalogue of Prohibited Dangerous Chemicals by Inland River</i> (2019 edition) can be found in Mandarin by clicking <a href="#">here</a>.</p>
<b>MARITIME SECURITY &amp; SAFETY</b> <b>Pilotage requirements</b>	<p>Vessels entering or exiting port, or shifting locations within the port, are required to do so with the assistance of a pilot to be assigned by the port superintendence administration.</p> <p>Pilotage arrangements can be scheduled through the vessel's agent.</p>		<p>The <i>Provisions on the Administration of Vessel Pilotage</i> (2021) can be found in Mandarin by clicking <a href="#">here</a>.</p> <p>A summary of the relevant updates to the <i>Provisions on the Administration of Vessel Pilotage</i> (2021) for shipowners can be found in English by clicking <a href="#">here</a>.</p>









## PEOPLE'S REPUBLIC OF CHINA (cont.)







Subject	Summary	American Club guidance/references	Other relevant guidance/references
<b>MARITIME SECURITY &amp; SAFETY</b> Ships entering PRC territorial waters	The Maritime Safety Administration of the PRC has issued a notice detailing the new reporting requirements for foreign-flagged ships entering the territorial seas of the PRC. The new requirements came into effect on 1 September 2021.	<a href="#">Member Alert dated 3 September 2021</a>	
<b>MARITIME SECURITY &amp; SAFETY</b> Port State Control—Shanghai Region	As of 1 July 2022, the Shanghai MSA has launched an initiative focused on strengthening safety management measures to reduce the incidents of machinery failures.	<a href="#">Member Alert dated 11 July 2022</a>	
<b>SAFETY</b> Safe navigation—breaching of regulations	As of 1 September 2022, amendments to the penalties for breach of the Maritime Traffic Safety Law of the PRC took effect.		A copy of the amended Maritime Traffic Safety Law increasing Penalties for Breach of Safe Navigation can be found by clicking <a href="#">here</a> .
<b>SAFETY</b> High risks of collision with fishing vessels	Fishing bans are periodically imposed and lifted depending for the East China Sea, Bohai Sea and Yellow Sea. Members should be aware of status of these bans and be guided accordingly.	Please refer to the following for more information: <ul style="list-style-type: none"> <li>• <a href="#">Member Alert dated 15 August 2022</a></li> <li>• <a href="#">Member Alert dated 12 August 2022</a></li> </ul>	

<div>  <div>HONG KONG</div>  </div>			
Subject	Summary	American Club guidance/references	Other relevant guidance/references
<b>ENVIRONMENT</b> <b>Air Pollution</b> <b>Control (Ocean</b> <b>Going</b> <b>Vessels)(Fuel at</b> <b>Berth) Regulation</b>	<p>All vessels except for specified vessel types as set out in the Regulation, are required to use 'compliant fuel' within Hong Kong waters, irrespective of whether they are sailing or berthing:</p> <ul style="list-style-type: none"> <li>(a) low sulfur marine fuel with sulfur content not exceeding 0.5% by weight;</li> <li>(b) liquefied natural gas; or</li> <li>(c) any other fuel approved by the Director of Environmental Protection (DEP).</li> </ul> <p>Exempted vessel types:</p> <ul style="list-style-type: none"> <li>(a) a warship or any other vessel on military service; or</li> <li>(b) a vessel which enters the waters of Hong Kong solely for one or more of the following purposes— <ul style="list-style-type: none"> <li>(A) reducing risks to the safety of the vessel;</li> <li>(B) sheltering from stress of weather; or</li> <li>(C) landing a sick or injured person;</li> </ul> </li> <li>(d) provided that the owner or the master of the vessel has notified the Director of Marine of the purpose(s) above before the vessel enters those waters and the vessel does not carry any compliant fuel for operating its specified machinery. When it enters those waters.</li> </ul>	<p style="text-align: center;">X</p>	<p>FAQs regarding the Air Pollution Control (Ocean Going Vessels)(Fuel at Berth) Regulation can be found by clicking <a href="#">here</a>.</p> <p>A vessel may be exempted from using compliant fuel if that vessel uses technology which can reduce SO<sub>2</sub> reduction at least as effectively as using low sulfur marine fuel or the compliance with the fuel switch at berth requirement will pose a risk to the safety of the vessel.</p> <p>Application for exemption must be in writing in a specified form with supporting documents to the Environmental Protection Department at least 14 days in advance as follows:</p> <ul style="list-style-type: none"> <li>• <a href="#">Application form 6_1a</a></li> <li>• <a href="#">Application form 6_1b</a></li> </ul>

<div>  <b>HONG KONG (cont.)</b>  </div>			
Subject	Summary	American Club guidance/references	Other relevant guidance/references
<b>MARITIME SECURITY &amp; SAFETY</b> <b>Pilotage requirements</b>	Pilotage is compulsory in Hong Kong and all vessels over 3,000 gross tons (GT) must have a pilot onboard when navigating in the port. Vessels over 1,000 GT which are carrying dangerous goods are also required to carry a pilot. The pilotage service is available 24 hours a day.	X	<p>More information can be found regarding pilotage requirements within Hong Kong waters by clicking <a href="#">here</a>.</p> <p>The pre-arrival notification forms (in which the intended pilot boarding station may be specified) for entering Hong Kong Waters, as well as other forms for other port formalities can be accessed by clicking <a href="#">here</a>.</p>
<b>SAFETY</b> <b>Typhoons and ships at berth</b>	In the event of typhoons, vessels must leave the berths at the port.	X	<p>In May each year, in advance of the commencement of the typhoon season, the Director of Marine will promulgate a Marine Department Notice (MDN) detailing those government mooring buoys for which vessels moored to it shall clear anchors and cables and prepare the main propulsion machinery to full power conditions. The MDNs issued for typhoon season as well as other matters can be accessed by clicking <a href="#">here</a>.</p> <p>More information regarding berthing can be found in <i>The Complete Berthing Guidelines for Port of Hong Kong</i> by clicking <a href="#">here</a>.</p> <p>Vessels can apply for the use of Hong Kong typhoon shelters. The application forms for entering typhoon shelter permits for Hong Kong, as well as other forms for other port formalities can be accessed by clicking <a href="#">here</a>.</p>
<b>SAFETY</b> <b>Port formalities &amp; arrival notice requirements</b>	A summary of all port related requirements, application forms and other notices for Hong Kong is published on the website of Marine Department.	X	A summary of Hong Kong port operation procedures can be found by clicking <a href="#">here</a> .



<div>  <div>TAIWAN</div>  </div>			
Subject	Summary	American Club guidance/references	Other relevant guidance/references
<b>ENVIRONMENTAL PROTECTION</b> <b>The Commercial Port Law</b>	Requirements to prevent particulate air pollutants within port areas.	X	<p>Relevant sections of <i>The Commercial Port Law</i></p> <p>Article 37</p> <p>The following acts that pollute the commercial port are prohibited within a commercial port area:</p> <ol style="list-style-type: none"> <li>1. Ships that emit toxic liquids, toxic substances, harmful substances, sewage, oil and water or other contaminants.</li> <li>2. Construction, repair, dismantling, cabin cleaning or salvage, and pollution causing behavior of ships.</li> <li>3. Loading, unloading, transportation, repair, or other operations that causes seawater contamination or waste disposal behavior.</li> <li>4. Ship exhausting, loading, and unloading, transportation, vehicle transport, or visual the piled area, to see the behavior of particulate pollutants discharged or dissipated into the air.</li> </ol> <p>Article 64</p> <p>In violation of Article 37, Paragraph 4, a fine ranging from one hundred thousand New Taiwan Dollars (NT\$100,000) to one million New Taiwan Dollars (NT\$1,000,000) can be issued by commercial port authorities. An order to make improvements within a limited of time may also be granted. If no improvements have been made by then, they will be fined per violation.</p>
<b>ENVIRONMENT</b> <b>Guidance for air emissions for Keelung Port</b>	Requirements specific to Keelung Port	X	<p>Ship's smoke emission: (according to Article 8 of Air Emission Standards of Mobile Sources)</p> <ol style="list-style-type: none"> <li>1. 20 seconds allowance for ships with main propulsion over 3,000 KW, 10 seconds allowance for ships with main propulsion below 3,000 KW, and the pollutant opacity below 60%.</li> <li>2. Visual opacity rate should be below 40% which is equivalent to Ringleman Chart number 2.</li> </ol>

<div>  <b>TAIWAN (cont.)</b>  </div>			
Subject	Summary	American Club guidance/references	Other relevant guidance/references
<b>SECURITY</b> <b>Regulations Governing the Approval and Administration of Direct Cross-Strait Sea Transport Between the Taiwan Area and the Mainland Area</b>	<p>Taiwanese regulations prohibit ships from trading navigating directly between ports in Taiwan and Chinese mainland areas.</p> <p>Fines between TW\$3 to 15 million (US\$100,00 to \$500,000) will be levied to the shipowners for any violation to this regulation. If shipowners have any doubt relating to direct sailing regulation, they should check with their agents.</p>	X	<p>The regulation details can be found by clicking <a href="#">here</a>.</p>
<b>SAFETY</b> <b>Navigation nearby the Changhua Wind Farm</b>	<p>Since 26 October 2021, a new rule stipulates all vessels to submit a Pre-Arrival Notification to Maritime and Port Bureau, MOTC for approval before the entry to wind farm channel.</p>	X	<p>To date the authorities have not compelled all shipowners to seek a salvage contractor for the notification but encourage shipowners to provide a 24-hour emergency contact for any peril occurring in the wind farm. In case the owners do not have any contracted salvor in hand, the column can be left in blank in the application form as found in the <i>Rules for Ships Passing the Changhua Wind Farm</i>.</p> <p>The <i>Rules for Ships Passing the Changhua Wind Farm</i> can be found by clicking <a href="#">here</a>. A map of the affected area can be found by clicking <a href="#">here</a>.</p>



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