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RULES OF THE PEOPLE'S REPUBLIC OF CHINA GOVERNING VESSELS OF FOREIGN NATIONALITY

[Note]=(Approved by the State Council on August 25, 1979 and promulgated by the Ministry of Communications on September 18, 1979)

General Provisions

Article 1 These Rules are formulated in order to safeguard the sovereignty of the People's Republic of China, maintain the order of ports and coastal waters, ensure the safety of navigation and prevent the pollution of waters.

Article 2 All vessels of foreign nationality sailing in the ports and coastal waters of the People's Republic of China (hereinafter referred to as "vessels") shall abide by these Rules and all the relevant decrees, stipulations and provisions of the People's Republic of China.

Whenever the Harbour Superintendency Administration set up by the Government of the People's Republic of China is of the view that it is necessary to conduct inspection of vessels, the vessels must subject themselves to inspection.

The term coastal waters as used in these Rules refers to the inland waters and territorial seas of the People's Republic of China and the waters stipulated by the State to be under its jurisdiction.

Chapter I Port Entry and Exit and Navigation

Article 3 The captain or the ship owner shall, through the China Ocean-shipping Agency Corporation, one week before the scheduled arrival of his vessel at a port, fill in the prescribed forms and go through the procedures to apply for approval of port entry with the Harbour Superintendency Administration and, 24 hours before the vessel's arrival at the port (or if the voyage is less than 24 hours, at the time of departure from the previous port), through the agent company for foreign vessels, report to the Harbour Superintendency Administration on the scheduled time at arrival, forward draft, stern draft, and other such conditions. A report shall be made at any time if any change at the time of arrival is anticipated. If in the course of its voyage, a vessel has to enter or return to the port temporarily due to special circumstances such as mishap, malfunction, or acute illness contracted by its seamen or passengers, a report shall be made to the harbour Superintendency Administration in advance.

Article 4 When a vessel goes into or out of a port or sails or changes berths in it, it shall be guided by a pilot appointed by the Harbour Superintendency Administration. The specific matters concerning pilotage shall be handled in accordance with the "Provisions for Pilotage in Ports" promulgated by the Ministry of Communications of the People's Republic of China.

Article 5 Upon arrival of a vessel at a port, the entry and other relevant reports, together with the certificate of registry and relevant documents shall be submitted promptly for examination, and the vessel shall be subject to inspection. Before a vessel goes out of a port, the exit and other relevant reports shall be submitted and the vessel may go out only with an exit permit issued after inspection.

Article 6 All weapons and ammunition on board a vessel shall be kept under seal by the Harbour Superintendency Administration upon arrival of the vessel at the port. Radio telegraph transmitters, radio telephone transmitters, rocket signals, flame signals and signal guns shall only be used in conditions of emergency; and after such use, reports must be made to the Harbour Superintendency Administration.

Article 7 It shall be forbidden, inside a port, to shoot, swim, fish or set off fire-crackers or fireworks or do other acts likely to endanger the safety and order of the port.

Article 8 The Harbour Superintendency Administration shall be entitled to prohibit a vessel from going out of the port within a specified period of time, or order it to suspend its voyage, change its course or return to the port if the vessel is in any of the following conditions:

1. in an unseaworthy condition;
2. in contravention of the laws or regulations of the People's Republic of China;
3. having involved in an accident of marine damage;
4. having failed to pay prescribed dues and to provide an appropriate guarantee therefor;
5. other conditions which call for prohibition of navigation.

Article 9 Vessels sailing in the ports and coastal waters of the People's Republic of China shall not engage in activities detrimental to the security, rights and interests of the People's Republic of China and shall abide by the provisions concerning straits, waterways, navigation lines and restricted zones.

Article 10 Vessels shall not sail at such speed in ports as to endanger the safety of other vessels and port facilities.

Article 11 The boats (rafts) attached to vessels shall not be allowed to sail in ports except for lifesaving purposes.

Article 12 When sailing or changing berths in ports, vessels shall not have their attached boats (rafts), derricks, gangways, etc. extended over the board sides.

Article 13 Vessels that have to enter into a port of the People's Republic of China which is open to foreign vessels for the purpose of taking shelter or temporary berth shall apply to the Harbour Superintendency Administration for approval; the application shall include: the ship's name, call sign, nationality, name of the carrier, port of departure, port of destination, ship's position, speed, draft, full colour(s), funnel colour(s), and mark, and shall take shelter at the specified place.

Vessels that have to take shelter or temporary berth in a place other than the ports open to foreign vessels of the People's Republic of China shall, in addition to going through the above procedures for the application for approval, abide by the following:

1. duly report to the Harbour Superintendency Administration in the neighbourhood on the anchoring time, position and the time of departure;
2. observe the provisions of the relevant local departments, subject itself to inspection and enquiry and obey orders;
3. the personnel on board the vessel shall not come to land nor shall the goods on on board be unloaded without the approval of the relevant local departments.

Chapter II Berthing

Article 14 Vessels berthed in a port shall have on duty a number of seamen sufficient to ensure the safe operation of the vessel and, in times of a typhoon warning or other emergency conditions, all crew members shall immediately return on board to take preventive and other measures.

Article 15 The gangways of a vessel set up where the crew members, passengers and other personnel embark and disembark shall be firm and secure and armed with rails or hand ropes; rope ladders shall be firm and safe, with adequate illumination at night.

Article 16 When a vessel has to start its engine, attention shall be paid to the surroundings of the stern and it shall only be done in circumstances where the safety of other vessels and port facilities will not be endangered.

Article 17 The water outlets on both sides of a vessel berthed in a port, which are likely to affect other vessels, the pier or the embarkation and disembarkation of personnel shall be covered.

Article 18 The light of a vessel shall not affect the safety of navigation of other vessels and strong lights of the vessel projected towards the course of navigation shall be blocked.

Article 19 Vessels shall provide safe and good conditions for loading and unloading operations and the loading and unloading installations shall possess certificates of compliances and be maintained in good technical condition.

Article 20 A vessel shall make prior applications to the Harbour Superintendency Administration for approval to carry out the following operations:

1. dismantling and repair of boilers, main engine, windlasses, steering gear and transmitters;
2. trial voyages and trial runs;
3. setting down boats (rafts) to carry out lifesaving rehearsal;
4. welding or soldering (except for repair in a dockyard) or carrying out operations with uncovered light on the deck;
5. hanging out decorative lamps.

Article 21 In the fumigation of a vessel, strict safety measures shall be taken and the signal stipulated by the Port shall be hoisted.

Article 22 To ensure safety of the port and vessels, the decisions of the Harbour Superintendency Administration shall be complied with if any ship has to change berths in the port or set sail ahead of schedule or postpone sailing.

Chapter III Signals and Communication

Article 23 Vessels sailing or berthed in the ports and coastal waters of the People's Republic of China shall fly the national flags of their countries of registry in daytime. When coming into or going out of the ports or changing berths, they shall additionally fly their vessel flags for call and the relevant signals stipulated by the port.

Article 24 When coming into or going out of the port or anchoring, vessels shall pay attention to the calls and signals of the port signal station and shall observe the regulations of the People's Republic of China for signals in coastal ports in the use of visual signals. In respect of signals not yet stipulated by coastal ports. "International Rules for Signals" shall be observed.

Article 25 Vessels in ports shall not send out sound signals at will except out of necessity for navigation safety. When it is necessary to test whistles, a report shall be submitted to the Harbour Superintendency Administration in advance.

Article 26 In the use of very high frequency radio telephones in ports, vessels shall abide by the "Interim Measures for the Use of Radio Telephones of Very-high-frequency by Vessels of Foreign Registry" promulgated by the Ministry of Communications of the People's Republic of China.

Chapter IV Dangerous Goods

Article 27 In loading, unloading or transportation of dangerous goods, the vessels shall hoist the stipulated signals, observe the stipulations for the administration of the transportation of dangerous goods and take necessary safety measures. In particular, goods with mutually-conflicting properties shall not be loaded in a mixed way and it shall strictly be prohibited to load explosive articles together with igniters or combustible articles in the same holds.

Article 28 In carrying Class-1 strongly dangerous goods such as explosive articles, deadly poisonous articles, radioactive articles, compressed gases and liquefied gases, oxidizers, spontaneous combustible articles, articles that ignite when in contact with water, combustible liquids, combustible solids and acid corrosives, vessels shall list in detail the names of the goods, their properties, package, quantity and loading position, and also attach the instructions concerning the properties of the dangerous goods to the lists and apply to the Harbour Superintendency Administration through the agent companies for foreign vessels for clearance visas three days before their scheduled arrival at the ports. Only with approval may they enter the port, unload goods, or pass through the transit. To carry the abovementioned dangerous goods, outgoing vessels shall apply for clearance visas three days before the start of loading. Only with approval may they load and carry.

Article 29 In applying for the safety certificates for loading and carrying dangerous goods for export, vessels shall make written applications to the Harbour Superintendency Administration three days before the start of loading, clearly stating the names of the dangerous goods, their properties, package, quantity, loading position (also attached with loading plans of the goods), midway ports, port of destination, etc. Loading shall be done at the berths specified by the Harbour Superintendency Administration.

Chapter V Safeguard of Navigation Lanes

Article 30 In navigation, vessels shall, abide by the provisions for and maintain the order of navigation. If a vessel encounters an accident and is in danger of sinking, it shall promptly report to the Harbour Superintendency Administration and take effective measures as best as it can to sail out of the lane so as not to obstruct navigation and endanger other vessels. If the vessel has sunk, the vessel side shall duly set up a temporary signal mark at the place of its sinking.

Article 31 The salvage of vessels or other articles which have sunk in the ports or coastal waters shall be handled in accordance with the "Measures of the People's Republic of China for the Administration of the Salvage of Sunken Vessels and Sunken Articles". The Harbour Superintendency Administration shall, according to particular circumstances, notify the owners of the sunken vessels or sunken articles to salvage and remove them within a prescribed period, or promptly organize the salvage or dismantlement and removal; the entire responsibilities and expenses shall be borne by the owners of the sunken ship and sunken articles.

Article 32 If a vessel finds or dredges up any sunken or floating article, it shall report, or hand it over for handling, to the Harbour Superintendency Administration, which shall give awards at its discretion.

Article 33 If a vessel has to dump rubbish and other refuse in a port, it shall display the signal stipulated by the port to call up a rubbish boat (or truck).

Article 34 Vessels shall take good care of lane installations and navigational aids. If a vessel has damaged any navigational aid, port construction or other facilities, it shall promptly report to the Harbour Superintendency Administration and undertake to restore them or pay compensation for the restoration.

Chapter VI Prevention of Pollution

Article 35 In the ports and coastal waters of the People's Republic of China, vessels shall be prohibited from wilfully draining away oils, oil mixtures and other pernicious pollutants and wastes.

Article 36 Vessels shall apply to the Harbour Superintendency Administration for approval for draining away ballast water, washing water from holds or bilge water. A vessel that comes from an epidemic-affected port shall go through the hygienic treatment of the quarantine. The bilge water and washing water from the holds of vessels carrying dangerous goods and other pernicious pollutants may be drained at specified places only after appraisal which indicates that they meet the standards of the public health department concerned.

Article 37 All oil tankers and vessels using fuel oil shall possess oils registers and duly and truly make entries therein in accordance with various provisions of the registers.

Article 38 If polluting accidents occur with vessels in the ports or coastal waters, they shall record the course of events separately in their oils registers and sea logs, promptly report to the Harbour Superintendency Administration and at the same time take effective measures to prevent diffusion of the pollutants. If treatment with chemicals is required, it is necessary to apply to the Harbour Superintendency Administrations for approval, and provide them with the instructions of the chemical ingredients.

Article 39 Matters not included in this chapter shall be handled in accordance with the provisions of the People's Republic of China relating to the prevention of pollution of waters.

Chapter VII Fire Control and Rescue

Article 40 It shall strictly be forbidden to smoke or make fires in cargo holds or other places prone to fire on board the vessels.

Article 41 Strict fire-prevention and safety measures shall be taken for the refueling of vessels and for the loading and unloading operations of oil tankers.

Article 42 To perform such engineering projects as welding or soldering on board a vessel, the surroundings, shall be cleared in advance, strict precaution measures be taken, firefighting equipment be made ready and inspection be conducted before and after the operations. The oil tanks and their adjacent parts shall necessarily be emptied of all oil materials, cleared of residues of oil, thoroughly ventilated, with their internal combustible gases discharged and certified as up-to-standard before welding or soldering can be carried out.

Article 43 If a vessel catches fire or encounters a sea peril, it shall promptly report to the Harbour Superintendency Administration such conditions as scene of the accident, tonnage of vessel, draft, cargo carried, damages, and the kind of assistance required.

Article 44 If necessary, the Harbour Superintendency Administration may mobilize and command the vessels in the port or coastal waters to take part in the rescue of a vessel in trouble and under the circumstances that their own safety will not be affected, the mobilized vessels have the responsibility to partake in the rescue as best as they can.

Article 45 When the Harbour Superintendency Administration or leading members of the rescue department arrive at the scene, the captain of the vessel in trouble shall promptly report the state of the accident and the measures which have been taken and supply the data and facilities required for the rescue. He may also make suggestions concerning the rescue. The parties concerned shall observe

the decisions made by the Harbour Superintendency Administration for the maintenance of security and order.

Chapter VIII Accidents of Damages at Sea

Article 46 When an accident of damages at sea occurs to a vessel, it shall make a summary report to the Harbour Superintendency Administration by telegraph or radio-telephone as soon as possible. With regard to the occurrence of an accident of damages at sea outside a port area, the captain shall submit a report about the accident to the Harbour Superintendency Administration within forty-eight hours of the vessel's entry into the first port of call. With regard to the occurrence of an accident of damages at sea within the port, the captain shall submit a report about the accident to the Harbour Superintendency Administration within 24 hours.

Article 47 When a vessel causes an accident in the port or coastal waters of the People's Republic of China, which results in the loss of human life and damage to property, it shall actively attempt to rescue the damaged vessel and injured personnel, promptly report the matter to the Harbour Superintendency Administration and subject itself to investigation and handling. The troublemaker who does not rescue those in danger but hides itself or runs away shall be severely dealt with.

Article 48 If the death of a seaman occurs on board a vessel, the vessel shall promptly make a report to the Harbour Superintendency Administration. If the default of personnel of the vessel side or the port side gives rise to damage or injury or death to the other side, the scene shall be kept intact and both sides shall duly report to the Harbour Superintendency Administration. If a dispute occurs, any party concerned may apply to the Harbour Superintendency Administration for investigation and handling. Those involving crimes shall be dealt with by the judicial organs of the People's Republic of China.

Article 49 Matters which are not included in this Chapter shall be handled in accordance with the "Rules for the Investigation and Handling of Accidents of Damage at Sea" promulgated by the Ministry of Communications of the People's Republic of China.

Chapter IX Punishments on Contravention of Regulations

Article 50 The Harbour Superintendency Administration shall impose such punishments as a warning or a fine, according to the nature and seriousness of the offence, on anyone who has contravened these Regulations and any other relevant decrees, provisions and regulations of the People's Republic of China. Those of a vile and serious nature shall be handed over to, and dealt with by, the judicial organs.

Article 51 If the punished party does not accept the punishment, he can make an appeal to the Harbour Superintendency Administration of the People's Republic of China within 15 days of receipt of the notice. Before alteration of the decision, however, the original punishment shall still take effect.

Chapter X Supplementary Provisions

Article 52 With regard to the prevention of collision of vessels, matters which are not included in these Regulations and other relevant provisions of the People's Republic of China shall be handled in accordance with the "International Rules For the Avoidance of Collision at Sea" implemented by the People's Republic of China.

Article 53 These Regulations shall be put into effect as of the date of promulgation by the State Council of the People's Republic of China. Concurrently therewith, the "Measures of the People's Republic of China For the Administration of Port Entry and Exit by Vessels of Foreign Registry"

promulgated by the Ministry of Communications of the People's Republic of China on March 12, 1957 shall be annulled.