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OFFICIAL REPLY OF THE STATE COUNCIL CONCERNING THE AMENDING OF THE PROVISIONS OF THE PEOPLE'S REPUBLIC OF CHINA CONCERNING THE ADMINISTRATION OF VESSELS OF FOREIGN NATIONALITY NAVIGATING IN THE WATERS OF THE YANGTZE RIVER

The Ministry of Communications:

We are in receipt of your request concerning the amending of the Provisions of the People's Republic of China for the Administration of Vessels of Foreign Nationality Navigating in the Waters of the Yangtze River. The official reply is hereby given according to the decision of the Standing Committee of the National People's Congress concerning the approval of opening the Wuhan Harbour, Jiujiang Harbour and Wuhu Harbour to vessels of foreign nationality:

1. Article 3 of the Provisions of the People's Republic of China for the Administration of Vessels of Foreign Nationality Navigating in the Waters of the Yangtze River shall be amended: "The Yangtze River waters as mentioned in these Provisions refer to the main course waters west of the line between Liuheiwu in the lower reaches of the Liuhekou River (31 degrees 30 minutes north latitude, 121 degrees 18 minutes east longitude) and Shixingan in the lower reaches of the Shiqiao River on the Chongming Island (31 degrees 37 minutes north latitude, 121 degrees 22 minutes east longitude) and east of the line between Southern Tower of the Dunkoujiakongdielan in Wuhan (30 degrees 26 minutes north latitude, 114 degrees 12 minutes east latitude) and the Northern Tower (30 degrees 27 minutes north latitude, 114 degrees 11 minutes east longitude).

The harbours as mentioned in these Provisions refer to the harbours along the Yangtze River waters which are open to vessels of foreign nationality according to the provisions of the previous paragraph."

2. The amended Article 3 of the Provisions of the People's Republic of China for the Administration of Vessels of Foreign Nationality Navigating in the Waters of the Yangtze River shall be promulgated by your Ministry.

**PROVISIONS OF THE PEOPLE'S REPUBLIC OF CHINA CONCERNING THE
ADMINISTRATION OF VESSELS OF FOREIGN NATIONALITY NAVIGATING IN THE
WATERS OF THE YANGTZE RIVER**

(Approved by the State Council on April 9, 1983, promulgated by the Ministry of Communications on April 20, 1983, amended twice with the approval of the State Council on February 6, 1986 and June 6, 1992, and promulgated by the Ministry of Communications on July 25, 1992)

Full Text

Article 1 The Yangtze River is an inland waterway of the People's Republic of China. These Provisions have, in accordance with the Rules of the People's Republic of China Concerning the Administration of Vessels of Foreign Nationality been formulated with a view to safeguarding the sovereignty of the People's Republic of China, ensuring the safety of vessels and maintaining the order of traffic in the Yangtze River waterway and its ports.

Article 2 All motorized and non-motorized vessels and other water-borne vehicles of transport of foreign nationality (hereinafter referred to as "vessels" sailing in, or berthing at, waterways or ports of the Yangtze River of the People's Republic of China shall comply with these Provisions and all relevant Laws, administrative decrees and regulations of People's Republic of China.

Article 3 The waterway of the Yangtze River as mentioned in these Provisions refers to the main course waters west of the line between Liuheiwu in the lower reaches of the Liuhekou River (31 degrees 30 minutes north latitude, 121 degrees 18 minutes east longitude) and Shixingan in the lower reaches of the Shiqiao River on the Chongming Island (31 degrees 37 minutes north latitude, 121 degrees 22 minutes east longitude) and east of the line between Southern Tower of the Dunkoujiakongdielan in Wuhan (30 degrees 26 minutes north latitude, 114 degrees 12 minutes east latitude) and the Northern Tower (30 degrees 27 minutes north latitude, 114 degrees 11 minutes east longitude).

The ports as mentioned in these Provisions refer to the ports along the Yangtze River waters which are open to vessels of foreign nationality according to the provisions of the preceding paragraph.

Article 4 These Provisions shall be enforced by the Harbour Superintendency Administration of the People's Republic of China, and all vessels shall subject themselves to its supervision and control.

Article 5 No vessels may enter the Yangtze River waterway or its ports without the approval of the Harbour Superintendency Administration of the People's Republic of China. Those permitted to enter the Yangtze River waterway, shall be subject to inspection of the Quarantine Office, the Harbour Superintendency Administration, the Border Inspection Office, the Customs and the Animal and Plant Inspection Office, and complete all relevant formalities. The abovementioned authorities are entitled to exercise on board supervision, if and when they deem it necessary.

Article 6 Vessels entering the Yangtze River waterway shall not engage in shipping business between the various ports along the Changjiang River and between these ports and the port of Shanghai, nor shall they engage in other unauthorised operations.

Article 7 A vessel entering the Yangtze River Ports shall comply with the following stipulations:

(1) One week prior to its scheduled passage through the port of Shanghai, appoint the port agent company for foreign vessels to complete entry formalities and seek approval from the Harbour Superintendency Administration at the next port of call on the Yangtze River.

(2) 24 hours prior to passing through the port of Shanghai (or upon departure from the last port of call if the voyage takes less than 24 hours), report such items as the estimated time for passing through the port of Shanghai and arrival at the port on Yangtze River, the size of the vessel, its fore

and aft drafts, and maximum altitude above the actual waterline, to the Harbour Superintendency Administration through the port agent for foreign vessels.

(3) Shall duly advise any alteration in the time reported as required under this Article.

Article 8 Vessels sailing in the Yangtze River waterway or bething at its ports shall apply to the Harbour Superintendency Administration at the port of arrival along the Yangtze River for pilotage, and for passing through the port of Shanghai, shall apply to the Shanghai Harbour Superintendency Administration for pilotage.

Article 9 Upon arrival at the port, vessels shall immediately submit the entry report and other relevant forms and statements, ship's papers and relevant documents for examination and subject themselves to inspection. Before leaving the port, vessels shall report the time of departure and the port of destination to the Harbour Superintendency Administration and complete the departure formalities through the port agency for foreign vessels and may leave the port only after port clearance has been obtained.

Article 10 Vessels sailing in the Yangtze River waterway or berthing at its ports shall during the day fly the national flag of the People's Republic of China at the top of the front mast and the national flag of the country of registry at the stern; an "H" flag shall in addition be flown when there is a pilot on board. On entering or leaving ports or shifting berths, vessels shall also display signal-letters and other prescribed signals.

Article 11 Vessels making use of their VHF radio-telephone in the Yangtze River waterway or its ports shall comply with the Interim Measures Governing The Use of VHF Radio-telephone by Foreign Vessels promulgated by the Ministry of Communications of the People's Republic of China.

Article 12 In the Yangtze River, a vessel's radio-telegraph and radio-telephone transmitters can only be used for communications with the riverside and coastal radio-stations of the People's Republic of China, and they can only be used in ports in case of emergency, and reports shall be made to the Harbour Superintendency, Administration immediately thereafter.

In the Yangtze River waterway and its ports, a vessel's signal rockets, flame signals or gun signals can only be set off in case of emergency, and reports shall be made to the Harbour Superintendency Administration immediately thereafter.

Article 13 Vessels sailing in the Yangtze River waterway or berthing at its ports are prohibited from conducting the following activities:

- (1) taking photographs or drawing pictures of military installations and military ships, or videotaping or surveying the same;
- (2) shooting, swimming, fishing and setting off firecrackers or fireworks; or
- (3) other activities endangering the national security, rights and interests, safety and order of the People's Republic of China.

Article 14 Vessels sailing in the Yangtze River waterway shall anchor as near to the outer limit of the fairway, as possible - and shall not occupy the main channel of navigation-under extraordinary circumstances such as bad weather and flood peaks, when temporary anchoring is required, and shall promptly report the time of departure to the nearest Harbour Superintendency Administration, and no crew member shall go ashore without the permission of the local public security organs.

Article 15 Vessels sailing in the Yangtze River waterway shall not proceed at a speed that may endanger the safety of other vessels and installations on the river banks. Article 16 Matters concerning navigation, berthing and prevention of collisions of vessels sailing in the Yangtze River waterway or berthing at its ports shall be carried out in accordance with the Rules Governing Prevention of Collision in Inland Waterways promulgated by the Ministry of Communications of the People's Republic of China.

Article 17 While using signals, vessels shall comply with the Rules Governing Prevention of Collisions in Inland Waterways and other relevant signal regulations; signals not being specified therein shall be displayed in accordance with the relevant international regulations.

Article 18 No vessels sailing in the Yangtze River waterway or berthing at its ports shall discharge or dispose of oils, oily mixtures or other pollutions or refuse into the water.

Article 19 Matters provided for in these Provisions shall be handled in accordance therewith, while those not being set forth herein shall be dealt with in accordance with the Rules of the People's Republic of China concerning the Administration of Vessels of Foreign Nationality and other relevant stipulations.

Article 20 These Provisions shall come into effect as of the date of promulgation.