

Regulations of the People's Republic of China on Administration of Traffic Safety in Inland Waters

(Adopted at the 60th Executive Meeting of the State Council on June 19, 2002, promulgated by Decree No. 355 of the State Council of the People's Republic of China on June 28, 2002, and effective as of August 1, 2002)

Chapter I General Provisions

Article 1 These Regulations are formulated for the purposes of strengthening the administration of traffic safety in inland waters, maintaining traffic order in inland waters, and ensuring the safety of life and property of the people.

Article 2 These Regulations must be complied with in navigation, berthing, operation and other activities related to traffic safety in navigable inland waters of the People's Republic of China.

Article 3 The administration of traffic safety in inland waters shall comply with principles of safety and prevention first, convenience for the public and administration according to law, so as to ensure the safety, good order and smooth flow of traffic in inland waters.

Article 4 The competent communications department of the State Council shall take charge of the administration of traffic safety in inland waters throughout the country. The maritime safety authority of the State shall, under the leadership of the competent communications department of the State Council, be responsible for the supervision over and administration of traffic safety in inland waters throughout the country.

The maritime safety authority established by the competent communications department of the State Council in water areas administered by the Central Government and the maritime safety authority established by the people's government of a province, autonomous region or municipality directly under the Central Government in water areas other than those administered by the Central Government (hereinafter collectively referred to as the maritime safety authority) shall, in accordance with their respective duties and powers, carry out supervision over and administration of waterborne traffic safety in navigable inland waters under their jurisdiction.

Article 5 The local people's governments at or above the county level shall enhance the administration of traffic safety in inland waters in their respective administrative areas, establish and improve the responsibility system for administration of traffic safety in inland waters.

The people's governments of towns (townships) shall perform the following duties in the administration of traffic safety in inland waters in their respective administrative areas:

- (1) to establish and improve the responsibility system for vessel safety of administrative villages and vessel owners;
- (2) to implement the responsibility system for safety administration of ferries, crewmembers, and passenger quota;
- (3) to appoint specially assigned personnel for administration of traffic safety of vessels;
- (4) to urge owners, operators and crewmembers of vessels to comply with laws, administrative regulations and rules on traffic safety in inland waters.

Chapter II Vessels, Floating Facilities and Crewmembers

Article 6 Vessels shall not navigate unless they meet the following requirements:

- (1) having been surveyed according to law by a ship survey organization accredited by the maritime safety authority, and holding the certificates of survey duly-issued;
- (2) having been registered according to law with the maritime safety authority, and holding the certificates of registry;
- (3) having been manned in conformity with the provisions of the competent communications department of the State Council;

(4) having necessary nautical publications onboard.

Article 7 Floating facilities shall not conduct relevant activities unless they meet the following requirements:

(1) having been surveyed according to law by a ship survey organization accredited by the maritime safety authority, and holding the certificates of survey duly-issued;

(2) having been registered according to law with the maritime safety authority, and holding the certificates of registry;

(3) having been manned with crewmembers having real grasp of techniques for waterborne traffic safety in accordance with the provisions of the competent communications department of the State Council.

Article 8 Vessels and floating facilities shall be maintained in a state suitable for safe navigation, berthing and other relevant activities.

The stowage and mooring of vessels and floating facilities shall be in conformity with the technical safety standards of the State.

Article 9 Only those who have received professional training in waterborne traffic safety, passed the examination by the maritime safety authority and obtained certificates of competency or other equivalent documents may serve as crewmembers, while crewmembers of passenger vessels and vessels carrying dangerous goods shall, in addition, complete the relevant special training. Crewmembers without certificates of competency or other equivalent documents shall be prohibited from serving onboard.

Crewmembers shall comply with their professional ethics, enhance their professional quality and perform their duties in full compliance with law.

Article 10 Owners or operators of vessels or floating facilities shall strengthen the safety management of their vessels or floating facilities, establish and improve appropriate traffic safety management system, and be responsible for the traffic safety of their vessels or floating facilities, and they shall not employ anyone without the certificate of competency or other equivalent documents as crewmember and shall not instigate or force any crewmember to operate in breach of relevant rules.

Article 11 Owners or operators of vessels or floating facilities shall properly dispatch vessels or use floating facilities on the basis of their technical conditions, the status of their crewmembers, the waters and the hydrographic and meteorological conditions.

Article 12 For vessels that must obtain the insurance documents or the certificates of financial security for liabilities for pollution damage and liabilities for salvaging sunken vessels in accordance with the provisions of the State, their owners or operators shall obtain such insurance documents or certificates of financial security and provide a copy thereof onboard.

Article 13 Any forgery, alteration, buying or selling, renting or fraudulent use of certificates of ship survey, certificates of ship registry, certificates of competency or other equivalent documents of crewmembers shall be prohibited.

Chapter III Navigation, Berthing and Operation

Article 14 Vessels navigating in inland waters shall fly their national flags and have their names, ports of registry and load lines explicitly marked.

Vessels and floating facilities that shall be scrapped in accordance with the provisions of the State shall not navigate or operate.

Article 15 Vessels navigating in inland waters shall maintain a proper watch-keeping and proceed at a safe speed. The safe speed shall be determined on the basis of such main factors as visibility, traffic density, the maneuverability of the vessel, wind, wave, current, routing and surroundings. Any vessel with radar shall take into account the characteristics, efficiency and limitations of the radar.

Vessels navigating in speed-limited areas or navigating during the high-level flooding time shall proceed at a speed set forth by the maritime safety authority.

Article 16 When navigating in inland waters, upstream vessels shall proceed in slack waters or along the outer sides of the fairway, while downstream vessels shall proceed along the mainstream or in the middle of the fairway. Vessels navigating in tidal areas, lakes, reservoirs or calm waters shall proceed along the starboard side as possible as they can.

Article 17 Vessels navigating in inland waters shall maneuver with caution to ensure safety. Where the movement of an approaching vessel is uncertain, or the sound signals are confusing, or close situation occurs, vessels shall reduce speed, stop or reverse engine to prevent collision.

When vessels come to close quarters, all of them shall take care to avoid collision. The vessel shall give way under the rules of navigation must take the initiative to give the way to the others; the vessel that is given way shall keep watch on the give-way vessel and take measures as appropriate to assist in avoiding collision.

Vessels involved in avoiding collision shall not alter their collision-avoiding actions once the intention of avoiding collision has been agreed thereupon.

The specific rules on navigation, collision-avoiding and signaling of vessels shall be formulated by the competent communications department of the State Council.

Article 18 Upon entering or leaving ports in inland waters, vessels shall complete the entry and exit endorsement formalities with the maritime safety authority.

Article 19 The following vessels that are to navigate in inland waters shall apply to pilot organizations for piloting:

- (1) vessels of foreign nationalities;
- (2) power-driven sea-going vessels of 1,000 GT or more, other than those whose captains have had the experience of maneuvering vessels of the same type in the same inland waters within the last two months;
- (3) vessels with restricted navigability;
- (4) passenger vessels and vessels carrying dangerous goods that shall apply for piloting as specified by the competent communications department of the State Council.

Article 20 When entering or leaving ports or passing traffic-control zones, dense traffic zones or areas with restricted navigation conditions, vessels shall comply with the relevant navigation rules promulgated by the maritime safety authority.

No vessel may enter or cross without authorization the prohibition zones published by the maritime safety authority.

Article 21 Vessels engaged in transporting goods or passengers shall meet the technical safety requirements on strength, stability, draught, fire prevention, life saving, etc. and conditions set forth by the competent communications department of the State Council for carrying goods or passengers.

No vessel may overload goods or passengers.

Article 22 Vessels carrying or towing over-weight, over-length, over-height, over-width or semi-submerged objects in navigable inland waters shall, 24 hours in advance of such loading or towage, report the intended route and time to the maritime safety authority for approval, and take necessary measures to ensure safe carriage or towage. Vessels in need of escort shall apply to the maritime safety authority for escort.

Article 23 Under any of the following circumstances, the maritime safety authority may, in the light of prevailing conditions, take temporary measures such as time restriction of navigation, one-way traffic or prohibition of navigation to restrict and direct the traffic and make a public announcement therefor:

- (1) heavy weather;

- (2) large scale surface engineering operations;
- (3) waterborne traffic accidents affecting navigation;
- (4) large waterborne activities of the masses or sports events;
- (5) other circumstances under which safe navigation is substantially affected.

Article 24 Vessels shall berth at wharves, berths or other waters announced as anchorages, lay-bys or operation areas according to law. In case of emergency where a vessel needs to berth in other waters, it shall make a report thereon to the maritime safety authority.

When taking berth, vessels shall signal in accordance with provisions and shall not obstruct or endanger the safe navigation, berthing or operations of other vessels.

Berthing vessels shall maintain sufficient number of crewmembers on duty aboard to ensure safety.

Article 25 Anyone who is to carry out the following operations or activities in navigable inland waters or along the banks, which might affect safe navigation in inland waters, shall make a report thereon in advance to the maritime safety authority for approval:

- (1) exploration, exploitation or explosion;
- (2) construction, installation, repair or dismantling of structures or facilities at surface or underwater;
- (3) establishment of bridges or cable linkages;
- (4) laying, servicing or removal of cables or pipelines at surface and underwater;
- (5) installation of facilities such as mooring buoys, pontoons or bollards etc.;
- (6) construction of fairways, dredging at fairway or wharf front;
- (7) holding large mass activities or sports events.

If a feasibility study is needed for carrying out the operations or activities listed in the preceding paragraph, the opinions of the maritime safety authority shall be solicited in the study; where, in accordance with the provisions of laws or administrative regulations, such operations or activities need to be approved by other relevant departments, relevant formalities for examination and approval shall be gone through according to law.

Article 26 In examining and approving the operations or activities set forth in Article 25 of these Regulations, the maritime safety authority shall make a decision of approval or disapproval within 30 days from the date of receiving the application and inform the applicant thereof the decision in writing.

In case of emergency where repair of fairways or dredging at fairway or wharf front is needed, those engaging in such repair or dredging may start their work while the application therefor is in progress.

Article 27 Plant growing, aquaculture and establishment of permanently fixed facilities shall not be conducted in fairways.

Where an aquaculture area is involved when delimiting a fairway, the competent department for fairway administration shall solicit the opinions of the competent department for fishery administration. Where a fairway is involved when establishing an aquaculture area, the competent department for fishery administration shall solicit the opinions of the competent department for fairway administration and the maritime safety authority.

Article 28 The following operations to be conducted in navigable inland waters, which might affect safe navigation, shall be reported to the maritime safety authority for the record in advance:

- (1) meteorological observation, measurement or geological survey;

- (2) routine maintenance of fairways;
- (3) clearing of surface rubbish in a large area;
- (4) other activities that might affect the traffic safety in navigable inland waters.

Article 29 In conducting the operations and activities set forth in Article 25 and Article 28 of these Regulations, marks shall be set up and signals shall be made in the areas where such operations and activities are conducted, and appropriate safety measures shall be taken in accordance with the provisions of the maritime safety authority to ensure safety of navigation.

Upon completion of operations and activities referred to in the preceding paragraph, no objects impeding navigation shall be remained.

Chapter IV Supervision and Administration of Dangerous Goods

Article 30 Wharves or berths engaged in loading or unloading dangerous goods shall meet the requirements set forth by the relevant safety standards of the State, and only after having solicited the opinions of the maritime safety authority and passed the acceptance inspection may such wharves or berths be put into service.

All dangerous goods the transportation of which is prohibited by laws and administrative regulations or by the provisions of the competent communications department of the State Council shall be prohibited from being transported in inland waters.

Article 31 Vessels carrying dangerous goods shall hold certificates of fitness for carriage of dangerous goods issued by a ship survey organization accredited by the maritime safety authority after being surveyed according to law, and stow and carry dangerous goods in accordance with the relevant provisions of the State on transportation of dangerous goods and the technical safety standards therefor.

Article 32 Vessels loading, unloading or transshipping dangerous goods or entering or leaving a port with dangerous goods onboard shall report in advance to the maritime safety authority and the port authority the name, properties and packaging of such goods and the time and place for loading, unloading or transshipment, as well as the time of arrival and departure, and only after having obtained the approval of the said authority, may such vessels conduct operations of loading, unloading, transshipment or enter or leave the port. However, designated vessels or vessels with fixed route or goods may report periodically.

Article 33 Vessels carrying dangerous goods shall signal in accordance with the provisions when navigating, loading, unloading or berthing, and other vessels shall keep away from such vessels.

Article 34 Wharves or berths engaged in loading and unloading dangerous goods or vessels carrying dangerous goods shall work out emergency preplans against accidents involving dangerous goods and be equipped with proper equipment and facilities for emergency use.

Chapter V Administration of Ferry Terminals

Article 35 Establishment or dissolution of a ferry terminal shall be examined and approved by the people's government at the county level of the place where the ferry terminal is located. Prior to such approval, the said people's government shall solicit the opinions of the local maritime safety authority.

Articles 36 The establishment of a ferry terminal shall meet the following requirements:

- (1) being located at a site suitable for berthing vessels with placid water, sufficient depth, stable bank and broad field of vision and at a distance away from places where dangerous goods are manufactured or stored;
- (2) being equipped with safety facilities for loading and unloading of goods, and for embarkation and disembarkation of passengers;
- (3) having necessary life-saving equipment and specially-assigned management personnel.

Article 37 Operators of ferry terminals shall set up identifiable marks at ferry terminals, maintain ferrying order and ensure safety.

The people's governments at the county level of the place where ferry terminals are located shall establish and improve the responsibility system for safety administration of ferry terminals and designate relevant departments to carry out supervision over and inspection of ferry terminals and safety in ferrying.

Article 38 Staff of ferry terminals shall receive relevant training, pass examinations concerned, and obtain the certificates issued by the departments designated by the people's governments at the county level of the place where such ferry terminals are located.

Ferries shall hold the certificates of survey and certificates of registry duly-issued.

Article 39 Passenger ferries shall have identification marks which are in conformity with the provisions of the State, and the passenger quota and safety precautions thereof shall be indicated at a conspicuous place onboard.

Ferries shall operate on the routes approved by the people's governments at the county level of the place where their ferry terminals are located and shall not be overloaded. While ferrying, ferries shall take care to prevent collision with passing vessels, and shall not snatch or cross at will the fairway.

Ferrying shall be suspended in case of flood or heavy weather such as strong wind, dense fog or heavy snow.

Chapter VI Guarantee of Navigation

Article 40 Planning, construction, installation and maintenance of fairways, aids to navigation and other marks in navigable inland waters shall meet the requirements of the State on safety of navigation.

Article 41 In case of change of fairways, alternation of depth or width of fairways, shifting of aids to navigation, or loss of or damage to aids to navigation thus affecting safety of navigation, the competent department in charge of fairways and aids to navigation shall promptly take measures to maintain the normal operational conditions of such fairways and aids to navigation.

Article 42 The owners and operators of sunken, drifting or grounding objects in navigable inland waters that might affect safety of navigation must set up marks in accordance with the relevant provisions of the State, make a report thereon to the maritime safety authority, and carry out salvage and clearance of such objects within the time limit set forth by the maritime safety authority. Where no owners or operators are available, the maritime safety authority shall conduct such salvage and clearance operations or take other appropriate measures to guarantee safety of navigation.

Article 43 Towing and drifting bamboo or timber in navigable inland waters shall be subject to the approval of the maritime safety authority 24 hours in advance and be conducted in the approved route and time. Necessary safety measures shall be taken to guarantee the safety of such towing and drifting.

Article 44 Upon discovering any of the following circumstances, any unit or individual shall promptly make a report thereon to the maritime safety authority:

- (1) changes of fairways or alteration of depth or width of fairways;
- (2) objects impeding safety of navigation;
- (3) shifting of aids to navigation, or loss of or damage to aids to navigation;
- (4) other circumstances under which safety of navigation is impeded.

Upon receiving the report, the maritime safety authority shall, in the light of the prevailing circumstances, issue navigation notices or navigation warnings, and inform the competent department in charge of fairways and aids to navigation.

Article 45 Where it is necessary to issue navigation notices or navigation warnings by the maritime safety authority in delimiting or adjusting prohibition zones, traffic control zones, anchorages outside the port, lay-bys and safety operation zones, or in conducting operations or activities set forth in Articles 25 and 28 of these Regulations, the maritime safety authority shall promptly issue such navigation notices or navigation warnings.

Chapter VII Rescue

Article 46 Where any vessel or floating facility is in distress, it shall take all possible effective measures to conduct self-saving.

Where vessels or floating facilities are involved in collision or other accidents, any of the parties involved shall, as far as it can do so without endangering itself, make effort to rescue the other in distress, and shall not flee.

Where any vessel or floating facility is in distress, it must make a report thereon without delay to the maritime safety authority of the place where it is in distress and its owner and operator the time, position, state and cause of the distress and the rescue requirements.

Article 47 Crewmembers, staff onboard floating facilities or other persons shall, upon discovering that any vessel or floating facility is in distress or upon receiving distress signals therefrom, endeavor to rescue the lives in distress and promptly report the relevant information to the maritime safety authority of the place where the vessel or floating facility is in distress.

Article 48 The maritime safety authority shall, upon receiving the distress signals from a vessel or floating facility in distress or the report thereon, forthwith organize the rescue of the lives in distress and concurrently make a report thereon to the people's government at or above the county level of the place where the vessel or floating facility is in distress and to the maritime safety authority at the higher level.

The people's government at or above the county level of the place where the vessel or floating facility is in distress shall, upon receiving the report of the maritime safety authority, lead and coordinate the rescue thereof and mobilize various parties to make effort to participate in the rescue.

Article 49 When a vessel or floating facility is in distress, all relevant departments and personnel shall make effort to assist the maritime safety authority in the rescue.

All vessels and individuals at or in the vicinity of the scene of the distress must act under the sole command and coordination of the maritime safety authority.

Chapter VIII Investigation and Disposition of Accidents

Article 50 Where any vessel or floating facility is involved in a traffic accident, its owner or operator shall promptly make a report thereon to the maritime safety authority of the place where the accident occurs and take measures to protect the scene of the accident.

Article 51 Upon receiving the report of a traffic accident in inland waters, the maritime safety authority shall forthwith dispatch staff to the scene of the accident to conduct investigation and collect evidence.

The maritime safety authority shall be comprehensive, objective and impartial in investigation of and evidence-collection on a traffic accident in inland waters.

Article 52 Persons under investigation or evidence-collection by the maritime safety authority shall truthfully provide the relevant information and evidence, and shall not give false information or conceal or destroy evidence.

Article 53 The maritime safety authority shall, within 30 days from finishing the investigation of and evidence-collection on a traffic accident in inland waters, draw a conclusion on the basis of the facts supported by the evidence collected in investigation and inform the parties of the accident of such conclusion in writing.

Article 54 In the investigation and disposition of traffic accidents in inland waters, the maritime safety authority shall take effective measures to maintain the smooth flow of traffic in the fairways and to prevent other accidents.

Article 55 The local people's governments shall, in accordance with the relevant provisions of the State, make effort to handle the aftermath of the traffic accidents in inland waters.

Article 56 Reporting, investigation and disposition of very serious accidents in inland waters shall be subject to the relevant provisions of the State Council.

Chapter IX Supervision and Inspection

Article 57The local people's governments at or above the county level shall strengthen the organization and coordination work to maintain traffic safety in inland waters at lakes or reservoirs with heavy traffic or plentiful tourists, in the seasons of heavy weather, in the statutory holidays and traditional festivals, and in the peak time of traffic during large assemblies, fairs, busy seasons of farming, school vacations, etc.

Article 58The maritime safety authority must establish and improve the supervision and inspection system for traffic safety in inland waters and organize the implementation thereof.

Article 59The maritime safety authority must perform their duties according to law and enhance the supervision over and inspection of vessels, floating facilities, crewmembers, and the environment of traffic safety. Upon discovering any hidden peril that might endanger the traffic safety in inland waters, the maritime safety authority shall order the units or individuals concerned to remove such hidden perils forthwith or in a specified time limit; if such units or individuals fail to do so, the maritime safety authority must take compulsory measures such as ordering a suspension of navigation or operation or a prohibition from entering or leaving ports.

Article 60The maritime safety authority shall enhance safety inspection patrol in inland waters with dense traffic and those with frequent occurrence of accidents, ports with busy loading or unloading of goods or embarkation or disembarkation of passengers, as well as passenger ferries, RO-RO passenger ships, high-speed passenger crafts, tourist vessels, and vessels carrying dangerous goods.

Article 61In carrying out supervision and inspection in accordance with these Regulations, the maritime safety authority may, in the light of the prevailing circumstances, take compulsory measures against vessels violating these Regulations so as to ensure safety of navigation; such measures include ordering those vessels to suspend navigation or to sail to a designated place, prohibiting them from entering and leaving ports, compulsory discharge, removing their power system, detention of vessels, etc.

Article 62When the staff members of the maritime safety authority carry out supervision over and inspection of vessels or floating facilities with regard to traffic safety in navigable inland waters according to law, no organization or individual may refuse or obstruct such supervision and inspection.

The organizations or individuals concerned shall accept the supervision and inspection with regard to safety which are carried out by the maritime safety authority according to law, and provide convenience for such supervision and inspection.

When carrying out supervision and inspection in accordance with these Regulations, the staff members of the maritime safety authority shall produce their law-enforcement credentials to prove their identities.

Chapter X Legal Liability

Article 63Where any vessel or floating facility that shall be scrapped, in violation of the provisions of these Regulations, navigates or operates in inland waters, the maritime safety authority shall order it to stop navigation or operation and confiscate it.

Article 64Where any vessel or floating facility without the certificate of survey or the certificate of registry duly-issued or any vessel without necessary navigation publications, in violation of the provisions of these Regulations, navigates or operates without authorization, the maritime safety authority shall order such vessel or floating facility to stop navigation or operation; if it refuses to do so, it shall be detained; and if the circumstances are serious, it shall be confiscated.

Article 65Where, in violation of these Regulations, any vessel that fails to be manned in accordance with the provisions of the competent communications department of the State Council navigates without authorization, or any floating facility that fails to be manned with crewmembers having real grasp of techniques for waterborne traffic safety in accordance with the provisions of the competent communications department of the State Council operates without authorization, the maritime safety authority shall order such vessel or floating facility to make corrections within a specified time limit and impose a fine of not less than 10,000 yuan but not more than 100,000 yuan on its owner or operator; if such vessel or floating facility fails to make corrections in the specified time limit, it shall be ordered to stop navigation or operation.

Article 66 Where any person who fails to pass the examination and obtain certificate of competency or other equivalent documents is engaged in vessel navigation without authorization, the maritime safety authority shall order him to forthwith leave the post onboard and impose a fine of not less than 2,000 yuan but not more than 20,000 yuan on the directly responsible persons and a fine of not less than 10,000 yuan but not more than 100,000 yuan on the employer.

Article 67 Where, in violation of these Regulations, the owners or operators of vessels that must obtain the insurance documents or the certificates of financial security for liabilities for pollution damage and liabilities for salvaging sunken vessels in accordance with the provisions of the State, fail to obtain such documents or certificates, the maritime safety authority shall order to make corrections within a specified time limit, order to stop navigation and concurrently impose a fine of not less than 10,000 yuan but not more than 100,000 yuan if no corrections are made within the specified time limit.

Article 68 Where a vessel navigating in inland waters, in violation of these Regulations, comes under any of the following circumstances, the maritime safety authority shall order it to make corrections and impose a fine of not less than 5,000 yuan but not more than 50,000 yuan; if the circumstances are serious, the maritime safety authority shall prohibit it from entering or leaving ports or order it to stop navigation, and may suspend the certificates of competency or the equivalent documents of the responsible crewmembers for three to six months:

(1) failing to fly its national flag or failing to have its name, ports of registry, or load lines explicitly marked in accordance with the provisions;

(2) failing to complete endorsement formalities with the maritime safety authority when entering or leaving ports;

(3) failing to apply for piloting in accordance with the provisions;

(4) entering or leaving inland ports without authorization, or forcibly passing traffic control zones, dense traffic zones, areas with restricted navigation conditions or prohibition zones;

(5) failing to apply for approval of the intended route and time of navigation or failing to comply with the approved route and time when carrying or towing over-weight, over-length, over-height, over-width or semi-submerged objects.

Article 69 Where any vessel, in violation of these Regulations, fails to berth at wharves, berths or other waters announced as anchorage, lay-bys, or operation areas according to law, the maritime safety authority shall order it to make corrections; if it refuses to do so, it shall be towed away by compulsion, and the expenses thus entailed shall be borne by its owner or operator.

Article 70 Anyone who, in violation of these Regulations, conducts relevant operations or activities in inland waters or on banks without being approved or filed or without setting up marks or signaling, shall be ordered to make corrections and be imposed a fine of not less than 5,000 yuan but not more than 50,000 yuan by the maritime safety authority.

Article 71 Where anyone engaged in dangerous goods operation, in violation of these Regulations, comes under any of the following circumstances, the maritime safety authority shall order a stop to operation or navigation, and impose a fine of not less than 20,000 yuan but not more than 100,000 yuan on the persons in charge responsible for such violation and other directly responsible persons; if a crewmember commits such an act, his certificate of competency or other equivalent documents shall be concurrently suspended for not less than six months or even revoked:

(1) vessels engaged in transporting dangerous goods fail to work out emergency preplans against accidents involving dangerous goods or fail to be equipped with proper equipment and facilities for emergency use;

(2) vessels fail to obtain the consent of the maritime safety authority and the port authority before loading, unloading or transshipping dangerous goods or entering or leaving a port with dangerous goods onboard.

Those carrying dangerous goods without certificates of fitness for the carriage of dangerous goods or those failing to stow or transport dangerous goods in conformity with the technical safety standards shall be punished in accordance with provisions of the Regulations on Safety Administration of Hazardous Chemicals.

Article 72 Where, in violation of these Regulations, a ferry terminal is established or dissolved without approval, the department designated by the people's government at the county level of the place where the ferry terminal is located shall order the violator to make corrections within a specified time limit; if the violator fails to do so, the ferry terminal established without approval shall be demolished by compulsion, or, the ferry terminals dissolved without approval shall be restored by compulsion, and the expenses thus entailed shall be borne by the establisher or dissolver.

Article 73 Where any ferry, in violation of these Regulations, fails to indicate identification marks, passenger quota or safety precautions, the department designated by the people's government at the county level of the place where the ferry terminal is located shall order it to make corrections within a specified time limit and impose a fine of not less than 2,000 yuan but not more than 10,000 yuan; if the ferry fails to make corrections within the specified time limit, it shall be ordered to stop navigation.

Article 74 Where, in violation of these Regulations, plant growing or aquaculture is carried out or permanently fixed facilities are established in fairways in navigable inland waters, the maritime safety authority shall order the violator to make corrections within a specified time limit; if the violator fails to do so, compulsory clearance shall be conducted and the expenses thus entailed shall be borne by the owners or operators thereof.

Article 75 Where the owners or operators of sunken, drifting or grounding objects in navigable inland waters, in violation of these Regulations, fail to place marks in accordance with the relevant provisions of the State or fail to carry out salvage and clearance within the specified time limit, the maritime safety authority shall order such owners or operators to make corrections within a specified time limit; if they fail to do so, the maritime safety authority shall, by compulsion, have the marks placed or organize the salvage and clearance; where there is a need to organize the salvage and clearance forthwith, the maritime safety authority shall do so, and the expenses of the maritime safety authority for placing marks or organizing salvage and clearance shall be borne by the owners or operators of the said objects.

Article 76 Where any vessel or floating facility in distress, in violation of these Regulations, fails to fulfill its obligation to report or fails to take active rescue measures, the maritime safety authority shall give it a warning, and may suspend the certificates of competency or other equivalent documents of the responsible crewmembers for three to six months or even revoke such certificates or documents.

Article 77 Where any vessel or floating facility, in violation of these Regulations, is involved in a traffic accident in inland waters, in addition to the legal liabilities that it shall bear according to law, the maritime safety authority shall, on the basis of the conclusion of investigation, suspend the certificates of competency or other equivalent documents of the responsible crewmembers for not less than six months or even revoke such certificates or documents.

Article 78 Where any vessel or crewmember at or in the vicinity of the scene of a distress, in violation of these Regulations, fails to act under the sole command and coordination of the maritime safety authority, the maritime safety authority shall give a warning, and may suspend the certificates of competency or other equivalent documents of the responsible crewmembers for three to six months or even revoke such certificates or documents.

Article 79 Where anyone, in violation of these Regulations, forges, alters, buys or sells, or rents or fraudulently uses certificates of ship survey, certificates of ship registry, certificates of competency or other equivalent documents of crewmembers, the maritime safety authority shall confiscate relevant certificates or documents; if there is illegal income, the maritime safety authority shall confiscate such illegal income and impose a fine of not less than 2 times but not more than 5 times of such illegal income; if there is no illegal income or the illegal income is less than 20,000 yuan, a fine of not less than 10,000 yuan but not more than 50,000 yuan shall be imposed; where such act violates the criminal law, the criminal liabilities shall be investigated in accordance with the provisions of the criminal law on the crime of forging, altering, buying or selling official documents or certificates of a State organ or other crimes.

Article 80 Where the owners or operators of vessels or floating facilities, in violation of these Regulations, instigate or force the crewmembers to operate in breach of the relevant rules, the maritime safety authority shall give them a warning and impose a fine of not less than 10,000 yuan but not more than 50,000 yuan, and may order a stop to navigation or operation; where such violations result in an accident with heavy casualty or other serious consequences, the criminal liabilities shall be investigated in accordance with the provisions of the criminal law on the crime of negligently causing a serious accident or other crimes.

Article 81 Where any vessel navigating, berthing or operating in inland waters, in violation of these Regulations, fails to comply with the rules on navigation, collision-avoiding and signaling, the maritime safety authority shall order it to make corrections and impose a fine of not less than 1,000 yuan but not more than 10,000 yuan; if the circumstances are serious, the certificates of competency or other equivalent documents of the responsible crewmembers shall be suspended for three to six months or even revoked; where such violation results in a serious traffic accident in inland waters, the criminal liabilities shall be investigated in accordance with the criminal law on the crime of causing a traffic accident or other crimes.

Article 82 Where any vessel, in violation of these Regulations, is engaged in the transportation of goods or passengers without meeting the technical safety requirements or overloads goods or passengers, the maritime safety authority shall order it to make corrections and impose a fine of not less than 20,000 yuan but not more than 100,000 yuan, and may suspend the certificates of competency or other equivalent documents of the responsible crewmembers for not less than six months or even revoke such certificates or documents, and may unload by compulsion the overloaded vessels, and the expenses thus entailed such as fees for unloading and storage of goods, fees for placement of passengers and fees for custody of the vessel shall be borne by the owner or operator of the vessel; where such violation results in an accident causing heavy casualty or other serious consequences, the criminal liabilities shall be investigated in accordance with the provisions of criminal law on the crime of causing a major accident in labor safety or other crimes.

Article 83 Where any vessel or floating facility, in violation of these Regulations, flees from the scene after causing a traffic accident in inland waters, the maritime safety authority shall revoke the certificates of competency or other equivalent documents of the responsible crewmembers. Crewmembers whose certificates of competency or other equivalent documents are revoked shall not serve as crewmembers on board within five years from the revocation. Where such act violates the criminal law, the criminal liabilities shall be investigated in accordance with the provisions of the criminal law on the crime of causing a traffic accident or other crimes.

Article 84 Where anyone, in violation of these Regulations, obstructs or impedes the investigation of or the evidence collection on traffic accidents in inland waters, or provides false information, or conceals or destroys evidence, the maritime safety authority shall give the violator a warning and impose a fine of not less than 1,000 yuan but not more than 10,000 yuan on the directly responsible persons. If any crewmember commits such an act, his certificate of competency or other equivalent documents shall be suspended for not less than 12 months or even revoked; those obstructing investigation or evidence collection by means of violence or threat shall be investigated for criminal liabilities in accordance with the provisions of the criminal law on the crime of disrupting public service.

Article 85 Where the maritime safety authority, in violation of these Regulations, fails to conduct the examination and approval or licensing in accordance with the statutory safety requirements, the persons in charge responsible for such violation and other directly responsible persons shall be given administrative sanctions of demotion or dismissal from office in the light of the prevailing circumstances; where such violation results in a major traffic accident in inland waters or heavy loss of public property or the interests of the country or the people, the criminal liabilities shall be investigated in accordance with the provisions of the criminal law on the crime of power abuse, the crime of neglect of duty or other crimes.

Article 86 Where the maritime safety authority, in violation of these Regulations, fails to carry out supervision over and inspection of safety-related matters approved or licensed by itself, the persons in charge responsible for such violation and other directly responsible persons shall be given administrative sanctions of recording a grave demerit, demotion or dismissal from office in the light of the prevailing circumstances; where such violation results in a major traffic accident in inland waters or heavy loss of public property or the interests of the country or the people, the criminal liabilities shall be investigated in accordance with the provisions of the criminal law on the crime of power abuse, the crime of neglect of duty or other crimes.

Article 87 Where the maritime safety authority, in violation of these Regulations, fails to promptly revoke the approval or license and take appropriate actions upon discovering that a vessel or floating facility does not meet the requirements for safety of navigation, berthing, and operation any longer, the persons in charge responsible for such violation and other directly responsible persons shall be given administrative sanctions of recording a grave demerit, demotion or dismissal from office in the light of the prevailing circumstances; where such violation results in a major traffic accident in inland waters or heavy loss of public property or the interests of the country or the people, the criminal liabilities shall be investigated in accordance with the provisions of the criminal law on the crime of power abuse, the crime of neglect of duty or other crimes.

Article 88 Where the maritime safety authority, in violation of these Regulations, fails to carry out supervision over and inspection of vessels engaged in passenger or dangerous good transportation without approval or

license, or fails to promptly take actions according to law upon discovery of any hidden peril endangering traffic safety of inland waters, or fails to impose penalties against law-breaking acts, the persons in charge responsible for such violation and other directly responsible persons shall be given administrative sanctions of demotion or dismissal from office in the light of the prevailing circumstances; where such violation results in a major traffic accident in inland waters or heavy loss of public property or the interests of the country or the people, the criminal liabilities shall be investigated in accordance with the provisions of the criminal law on the crime of power abuse, the crime of neglect of duty or other crimes.

Article 89 Where the department designated by the people's government at the county level of the place where a ferry terminal is located, in violation of these Regulations, comes under any of the following circumstances, the persons in charge responsible for such violation and other directly responsible persons shall be given administrative sanctions of demotion or dismissal from office in the light of the prevailing circumstances; where such violation results in a major traffic accident in inland waters or heavy loss of public property or the interests of the country or the people, the criminal liabilities shall be investigated in accordance with the provisions of the criminal law on the crime of power abuse, the crime of neglect of duty or other crimes.

(1) failing to carry out according to law supervision over and inspection of the ferry terminals approved by the people's government at the county level;

(2) failing to investigate and deal with the establishment of ferry terminals without the approval of the people's governments at the county level;

(3) failing to promptly take corrective measures and take actions according to law against overloaded ferries, ferries with mixed carriage of people and large livestock, or ferries with mixed carriage of people and explosives, compressed gas and liquefied gas, inflammable liquids, inflammable solid, pyrophoric materials and water-reactive materials, oxidants and organic peroxides, toxic materials, corrosives etc., or ferries conducting other activities endangering the safety.

Article 90 Anyone who, in violation of these Regulations, violates the Regulations of the People's Republic of China on Administrative Penalties for Public Security and such act constitutes a violation of public security administration, he shall be given administrative penalty for public security by the public security department.

Chapter XI Supplementary Provisions

Article 91 For the purposes of these Regulations,

(1) navigable inland waters mean waters such as rivers, lakes, reservoirs or canals that are defined by the maritime safety authority as navigable for vessels;

(2) vessels mean displacement or non-displacement ships, boats, crafts, waterborne flying objects, submersible machinery, mobile platforms and other waterborne mobile installations;

(3) floating facilities mean constructions and installations floating or submerging in the water which are moored with cables, anchor chains or other non-rigid fixations;

(4) traffic accidents mean collision, contact, stranding, wave damage, grounding, fire, explosion, sinking and other events involved in vessels or floating facilities in navigable inland waters, which cause casualties and loss of property.

Article 92 Military vessels navigating in navigable inland waters shall comply with the rules on navigation, collision-avoiding and signaling in inland waters. The administration of survey and registration of military vessels as well as examination of and certification to the crewmembers thereof shall be subject to the relevant provisions of the State.

Article 93 The administration of survey, registration, endorsement for entering or leaving of fishing ports, examination of and certification to crewmembers of fishing vessels, investigation and disposition of traffic accidents between fishing vessels, and traffic safety in fishing ports shall be otherwise provided for by the fishery department of the State Council in accordance with these Regulations.

Article 94 The specific measures for the traffic safety administration in waters of city parks shall be formulated by the people's governments of provinces, autonomous regions, or municipalities directly under the Central

Government. However, the administration of survey and registration of the vessels and of the crewmembers thereof shall be subject to the relevant provisions of the State.

Article 95 These Regulations shall be effective as of August 1, 2002. The Regulations of the People's Republic of China on Administration of Traffic Safety in Inland Waters promulgated on December 16, 1986 shall be repealed simultaneously.