

## Provisions of the People's Republic of China on Inland-Water-Related Maritime Administrative Punishment

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Provisions of the People's Republic of China on Inland-Water-Related Maritime Administrative Punishment, which were adopted at the 24th ministerial meeting on November 5, 2004, are hereby promulgated, and shall come into force as of January 1, 2005.

Zhang Chunxian, Minister  
December 7, 2004

Provisions of the People's Republic of China on Inland-Water-Related Maritime Administrative Punishment

### Chapter I General Provisions

Article 1 The present Provisions are formulated in accordance with the Administrative Punishment Law of the People's Republic of China (hereinafter referred to as the "Administrative Punishment Law"), the Regulations of the People's Republic of China concerning the Administration of Traffic Safety on Inland Waters (hereinafter referred to as the Regulations concerning the Administration of Traffic Safety on Inland Waters) and other relevant laws and administrative regulations for the purpose of regulating the acts of inland-water-related maritime administrative punishment, safeguarding and supervising over maritime administration, maintaining the traffic order of inland waters, preventing vessels from polluting water areas, and protecting the lawful rights and interests of citizens, legal persons and other organizations.

Article 2 The Administrative Punishment Law, Regulations concerning the Administration of Traffic Safety on Inland Waters and other laws, administrative regulations and the present Provisions shall be followed in the implementation of maritime administrative punishment against acts in violation of the maritime administration order of inland waters (hereinafter referred to as the illegal acts against maritime administration) occurring within the territory of the People's Republic of China.

Article 3 The operators of vessels and floating installations as mentioned in the present Provisions shall include the managers of vessels and floating installations.

Article 4 A seafarer's certificate of competency or other credentials of competency as mentioned in the present Provisions shall include seafarers' certificates of competency, conformity certificates of training, seafarers' service books and other credentials of competency.  
The certificate of registry as mentioned in the present Provisions shall include the certificate of vessel's nationality and the registration certificates of ownership, mortgage right of vessels and bareboat charter.

Article 5 The illegal acts against maritime administration as mentioned in the present Provisions shall include:

1. Acts in violation of the order of safety administration of owners and operators of vessels and floating installations;

2. Acts in violation of the order of administration of the inspection of vessels and floating installations;
3. Acts in violation of the order of administration of the registration of vessels and floating installations;
4. Acts in violation of the order of administration of crew;
5. Acts in violation of the order of administration of navigation, berthing or operation;
6. Acts in violation of the order of safety supervision over and administration of the shipping of dangerous goods;
7. Acts in violation of the order of navigation safety administration;
8. Acts in violation of the order of administration of the rescue of vessels and floating installations in distress;
9. Acts in violation of the order of investigation and handling of traffic accidents on inland waters; and
10. Acts in violation of the order of supervision over and administration of preventing vessels from polluting water areas.

Article 6 The principle of legitimacy, openness, fairness and combining punishment with education shall be followed in the implementation of maritime administrative punishment.

Article 7 The present Provisions shall be implemented by the maritime administrative agency according to law.

## Chapter II Application of Inland-Water-Related Maritime Administrative Punishment

Article 8 When imposing maritime administrative punishment, the parties shall be ordered to correct or correct within a prescribed time limit their illegal acts against maritime administration.

Article 9 A party who has committed two or more illegal acts against maritime administration shall be subject to maritime administrative punishment respectively with the punishment being executed concurrently.

The parties who have committed a joint illegal act against maritime administration shall be subject to maritime administrative punishment respectively.

Article 10 The maritime administrative punishment shall be adapted to the circumstances and severity of social harms as caused by the illegal acts against maritime administration.

Article 11 In case anyone committing an illegal act against maritime administration falls in any of the following circumstances, he shall be subject to a lighter maritime administrative punishment or mitigated maritime administrative punishment according to the provisions of Article 27 of the Administrative Punishment Law:

1. Having eliminated or reduced the harmful consequences of the illegal act against maritime administration on his own initiative;
2. Having committed the illegal act against maritime administration under coercion;
3. Having made contributions in the investigation by the maritime administrative agency of any illegal act against maritime administration; or
4. Other circumstances in which a lighter or mitigated administrative punishment should apply according to law.

In case any illegal act against maritime administration is relatively lighter and corrected in time, and does not result in any harmful consequence, it shall not be subject to maritime administrative punishment.

“Lighter maritime administrative punishment” as mentioned in paragraph one of this Article shall refer to a lighter maritime administrative punishment within the scope of types and range of the statutory maritime administrative punishment.

“Mitigated maritime administrative punishment” as mentioned in paragraph one of this Article shall refer to a maritime administrative punishment under the minimum limit of types or range of the statutory maritime administrative punishment.

Article 12 In case anyone committing an illegal act against maritime administration falls in any of the following circumstances, he shall be subject to a heavier maritime administrative punishment:

1. The illegal act against maritime administration results in serious consequences or the circumstance is abominable;
2. Having been subject to maritime administrative punishment due to the same illegal act against maritime administration in a year;
3. Forcing or inducing other people to commit any illegal act against maritime administration; or
4. Other circumstances in which a heavier maritime administrative punishment should be given according to laws and administrative regulations.

“Heavier maritime administrative punishment” as mentioned in the preceding paragraph of this Article shall refer to a heavier maritime administrative punishment within the scope of types and range of the statutory maritime administrative punishment.

Article 13 No one may be given a maritime administrative punishment of a fine for more than twice for the same illegal act against maritime administration.

In case any party fails to correct any illegal act against maritime administration according to the time limit and requirements as prescribed by the maritime administrative agency, the failure shall be regarded as a new illegal act against maritime administration.

### Chapter III Illegal Acts against Inland-Water-Related Maritime Administration and Administrative Punishment against such Illegal Acts

#### Section One Violations of the Order of Safety Administration of Owners and Operators of Vessels and Floating Installations

Article 14 In case any owner or operator of a vessel or floating installation violates the provisions of item (3) of Article 6 and item (3) of Article 7 of the Regulations concerning the Administration of Traffic Safety on Inland Waters by having his vessel navigate without being equipped with crew according to the provisions of the department of communications of the State Council or by having his floating installation operate without being equipped with crew who have mastered water traffic safety techniques according to the provisions of the department of communications of the State Council, the owner or operator shall, in accordance with the provisions of Article 65 of the Regulations concerning the Administration of Traffic Safety on Inland Waters, be ordered to make corrections within a prescribed time limit and be given a fine ranging from 10,000 to 100,000 RMB Yuan; if he fails to make corrections within the time limit, he shall be ordered to stop navigation or operation.

“Having his vessel navigate without being equipped with crew according to the provisions of the department of communications of the State Council” as mentioned in the preceding paragraph of this Article shall refer to the following circumstances:

1. Failing to have his vessel equipped with qualified crew according to the provisions of the vessel’s Minimum Safe Manning Certificate;
2. Failing to have his vessel equipped with enough crew according to the provisions of the vessel’s Minimum Safe Manning Certificate;
3. Failing to have a Minimum Safe Manning Certificate;
4. Failing to have a valid Minimum Safe Manning Certificate;
5. Any crew member’s failure to carry a valid duty certificate;
6. Failing to arrange for a crew member to be on duty or carry out the duty according to the

provisions concerning crew on duty;

7. Any crew member's drinking during his time on duty, which affects the proper performance of his duty;

8. Any crew member's taking prohibitive drugs during his time on duty, which affects the proper performance of his duty; or

9. Other circumstances under which the vessel navigates without being equipped with crew according to the provisions of the department of communications of the State Council.

Article 15 In case any owner or operator of a vessel or floating installation incites or forces any crew member to operate in violation of the provisions of Article 10 of the Regulations concerning the Administration of Traffic Safety on Inland Waters, he shall, in accordance with the provisions of Article 80 of the Regulations concerning the Administration of Traffic Safety on Inland Waters, be given a warning and a fine ranging from 10,000 to 50,000 RMB Yuan, and may also be ordered to stop navigation or operation.

Article 16 In case any owner or operator of a vessel or floating installation fails to obtain the insurance documents on the liabilities for the damage caused by the pollution by the vessel and on the liabilities for rescue of a sinking vessel or financial guaranty as prescribed by the state in violation of the provisions of Article 12 of the Regulations concerning the Administration of Traffic Safety on Inland Waters, he shall, in accordance with the provisions of Article 67 of the Regulations concerning the Administration of Traffic Safety on Inland Waters, be ordered to make corrections within a prescribed time limit; if he fails to make corrections within the time limit, he shall be ordered to stop navigation and be given a fine ranging from 10,000 to 100,000 RMB Yuan.

## Section Two Violations of the Order of Administration of Inspection of Vessels and Floating Installations

Article 17 In case any vessel or floating installation navigates or operates without a valid inspection certificate in violation of item (1) of Article 6 and item (1) of Article 7 of the Regulations concerning the Administration of Traffic Safety on Inland Waters, it shall be ordered to stop navigation or operation according to the provisions of Article 64 of the Regulations concerning the Administration of Traffic Safety on Inland Waters; if it fails to stop navigation or operation as required, the vessel or floating installation shall be detained temporarily, or confiscated if the circumstance is serious. "Without a valid inspection certificate" as mentioned in the preceding paragraph of this Article shall include the following circumstances:

1. Without an inspection certificate;
2. The inspection certificate has become invalid;
3. The inspection certificate is damaged or destroyed and the person concerned fails to apply for a new one as required; or
4. The contents specified in the inspection certificate do not comply with the actual conditions of the vessel.

Article 18 In case anyone violates the provisions of the Regulations on the Inspection of Vessels and Maritime Facilities by altering the inspection certificate of any floating installation or container of goods, altering the load-line of any vessel without permission or obtaining the inspection certificate of any vessel, floating installation or container of goods by fraudulent acts, the corresponding inspection certificate that has been issued shall be revoked and the person shall be ordered to make corrections or go through the relevant formalities, according to the provisions of Article 26 of the Regulations on the Inspection of Vessels and Maritime Facilities.

Article 19 In case anyone alters the load-line of any vessel without permission in violation of the provisions of the Regulations on the Inspection of Vessels and Maritime Facilities, he shall be condemned through circulating a notice of criticism and may be given a fine ranging from one to five times the inspection fees according to the provisions of Article 27 of the Regulations on the

## Inspection of Vessels and Maritime Facilities.

Article 20 In case anyone forges, alters, traffics in, leases or falsely uses the inspection certificate of any vessel in violation of the provisions of Article 13 of the Regulations concerning the Administration of Traffic Safety on Inland Waters, the relevant certificates or credentials shall be confiscated according to the provisions of Article 79 of the Regulations concerning the Administration of Traffic Safety on Inland Waters; and the illegal gains shall be confiscated, if any, and a fine ranging from two to five times the illegal gains may be given concurrently; if there is no illegal gains or the illegal gains are less than 20,000 RMB Yuan, he shall be given a fine ranging from 10,000 to 50,000 RMB Yuan.

Article 21 In case any vessel inspection organ issues any false certificate in violation of the provisions of Article 62 of the Work Safety Law, the organ shall, in accordance with the provisions of Article 79 of the Work Safety Law, have its illegal gains derived therefrom confiscated and be given a fine ranging from two to five times the illegal gains, if the illegal gains exceed 5000 RMB Yuan or, if there is no illegal gains or the illegal gains are less than 5000 RMB Yuan, be given a fine ranging from 5000 to 20,000 RMB Yuan, with its corresponding qualification being invalidated. And the person-in-charge who is held directly responsible and other person directly responsible shall be given a fine ranging from 5000 to 50,000 RMB Yuan.

“Issues any false certificate” as mentioned in the preceding paragraph of this Article shall include the following circumstances:

1. Failing to conduct chart examination or on-site inspection according to the prescribed requirements, procedures or items, or issuing any certificate, inspection report or inspection record with such serious circumstances as any mistake or omission in the examination or inspection;
2. Issuing any certificate, inspection report or inspection record not complying with the actual conditions;
3. Issuing any certificate, inspection report or inspection record by lowering technical standards for inspection without permission;
4. Issuing any certificate, inspection report or inspection record by overstepping its authority as indicated in its credentials; or
5. Issuing any inspection certificate, inspection report or inspection record by taking other means of falsification.

Article 22 In case any inspector of a vessel inspection organ abuses his power, engages in malpractice for private benefit, neglects his duty or is in material breach of duty by committing any of the following acts in violation of the provisions of the Regulations on the Inspection of Vessels and Maritime Facilities, he shall have his inspection qualification invalidated according to the provisions of Article 28 of the Regulations on the Inspection of Vessels and Maritime Facilities:

1. Conducting inspection of any vessel or installation by overstepping his authority;
2. Conducting inspection of any vessel or installation by lowering the relevant standards or requirements without permission;
3. Failing to conduct inspection of any vessel or installation according to the prescribed inspection items;
4. Failing to conduct inspection of any vessel or installation according to the prescribed inspection procedures;
5. The inspection certificate of a vessel issued by him does not comply with the actual conditions of the vessel or installation; or
6. Committing falsification acts or any other illegal act during the process of inspection or issue of certificates.

## Section Three Violations of the Order of Administration of the Registration of Vessels and Floating Installations

Article 23 In case any vessel or floating installation navigates or operates without a valid registration

certificate in violation of the provisions of item (2) of Article 6 and item (2) of Article 7 of the Regulations concerning the Administration of Traffic Safety on Inland Waters, it shall be ordered to stop navigation or operation in accordance with the provisions of Article 64 of the Regulations concerning the Administration of Traffic Safety on Inland Waters; if it fails to stop navigation or operation as required, the vessel or floating installation shall be detained temporarily; if the circumstance is serious, the vessel or floating installation shall be confiscated.

“Without a valid registration certificate” as mentioned in the preceding paragraph shall include the following circumstances:

1. Without a registration certificate;
2. The registration certificate has become invalid; and
3. The registration certificate is damaged or destroyed or lost and the person concerned fails to apply for a new one as required.

Article 24 In case any vessel disguises itself as of Chinese nationality by hanging a Chinese national flag, or any vessel of Chinese nationality disguises itself as of foreign nationality by hanging the flag of any foreign country, in violation of the Regulation on Vessel Registration, the vessel shall be confiscated according to the provisions of Article 49 of the Regulations on Vessel Registration.

Article 25 In case any owner or operator of a vessel conceals the vessel’s registration home or abroad in violation of the Regulations on Vessel Registration, which results in double nationalities, the vessel’s nationality certificate shall be revoked and the owner or operator of the vessel shall be given a fine as follows in light of the circumstances according to the provisions of Article 50 of the Regulations on Vessel Registration:

1. In the case of a vessel with a gross tonnage of 500 tons, the fine shall range from 2000 to 10,000 RMB Yuan;
2. In the case of a vessel with a gross tonnage ranging from 501 to 10000 tons, the fine shall range from 10,000 to 50000 RMB Yuan; and
3. In the case of a vessel with a gross tonnage of 10001 or more tons, the fine shall range from 50000 to 200000 RMB Yuan.

Article 26 In case anyone forges, alters, traffics in, leases or falsely uses a certificate of registry in violation of the provisions of Article 13 of the Regulations concerning the Administration of Traffic Safety on Inland Waters, he shall have the relevant certificate or credentials confiscated according to the provisions of Article 79 of the Regulations concerning the Administration of Traffic Safety on Inland Waters; and shall have his illegal gains confiscated, if any, with a fine ranging from two to five times the illegal gains; if there are no illegal gains or the illegal gains are less than 20,000 RMB Yuan, he shall be given a fine ranging from 10,000 to 50,000 RMB Yuan.

Article 27 In case anyone violates the provisions of the Regulations on Vessel Registration and commits any of the following acts, he shall be given a warning in light of the circumstances according to the provisions of Article 51 of the Regulations on Vessel Registration, and the owner or the operator of the vessel shall be given a fine of 50% of the amount of fine as prescribed in Article 25 of the present Provisions according to the tonnage of the vessel, and even have the certificate of registry confiscated:

1. Concealing the facts or falsifying when handling registration formalities;
2. Concealing the registration facts, which results in repeated registration; or
3. Forging or altering the certificate of registry.

Article 28 In case anyone fails to handle change or cancellation registration as required or uses an invalid vessel’s certificate of nationality or temporary certificate of nationality in violation of the provisions of the Regulations on Vessel Registration, he shall be ordered to go through the relevant registration formalities according to the provisions of Article 52 of the Regulations on Vessel Registration; if the circumstance is serious, the owner or the operator of the vessel shall be given a fine of 10% of the amount of fine as prescribed in Article 25 of the present Provisions according to

the tonnage of the vessel.

Article 29 In case anyone employs a person of foreign nationality as a crew member or uses the marks of chimney of a vessel or company flag that has been registered by others without permission in violation of the provisions of the Regulations on Vessel Registration, he shall be ordered to make corrections according to the provisions of Article 53 of the Regulations on Vessel Registration; if he refuses to make corrections as required, the owner or the operator of the vessel shall be given a fine of 10% of the amount of fine as prescribed in Article 25 of the present Provisions according to the tonnage of the vessel; if the circumstance is serious, the vessel's certificate of nationality or temporary certificate of nationality may be revoked.

#### Section Four Violations of the Order of Administration of Crew Members

Article 30 In case any person undertakes the navigation of vessels without passing the examination and obtaining a seafarer's certificate of competency or other credentials of competency in violation of the provisions of Article 9 of the Regulations concerning the Administration of Traffic Safety on Inland Waters, he shall be ordered to leave his post at once according to the provisions of Article 66 of the Regulations on the Administration of Traffic Safety on Inland Waters, and the person directly responsible shall be given a fine ranging from 2000 to 20,000 Yuan, and the employing entity shall be given a fine ranging from 10,000 to 100,000 Yuan.

“Without passing the examination and obtaining a seafarer's certificate of competency or other credentials of competency” as mentioned in the preceding paragraph of this Article shall include the following circumstances:

1. Not taking part in the professional training of water traffic safety and not obtaining a corresponding conformity certificate;
2. Not holding a seafarer's certificate of competency or other credentials of competency;
3. The seafarer's certificate of competency or other credentials of competency held by the person concerned does not comply with the type, navigation area or grade of vessel he serves or his post;
4. The seafarer's certificate of competency or other credentials of competency held by the person concerned is invalid;
5. Holding a post on any passenger vessel (passenger and cargo vessel, passenger ferry, passenger rolling vessel or high-speed passenger vessel) or any vessel carrying dangerous cargoes or other special kinds of vessels without taking part in corresponding special training and obtaining a conformity certificate;
6. Failing to hold a seafarer's service book as required; or
7. Obtaining a seafarer's certificate of competency or other credentials of competency by such improper means as fraudulent practices in the examination, cheating or bribery, etc..

Article 31 In case anyone forges, alters, traffics in, leases, or falsely uses a seafarer's certificate of competency or any other credential of competency in violation of the provisions of Article 13 of the Regulations concerning the Administration of Traffic Safety on Inland Waters, he shall, in accordance with the provisions of Article 79 of the Regulations concerning the Administration of Traffic Safety on Inland Waters, have the relevant certificates or credentials and his illegal gains, if any, confiscated and be given a fine ranging from two to five times the illegal gains concurrently; if there is no illegal gains or the illegal gains are less than 20,000 RMB Yuan, he shall be given a fine ranging from 10,000 to 50,000 RMB Yuan.

Article 32 In case anyone swindles and bluffs by holding a seafarer's certificate of entry and exit in violation of the provisions of the Law on the Control of Entry and Exit of Citizens, his seafarer's certificate of entry and exit shall be revoked or announced invalid according to the provisions of Article 13 of the Law on the Control of Entry and Exit of Citizens. “Swindling and bluffing by holding a seafarer's certificate of entry and exit” as mentioned in the preceding paragraph of this Article shall include the following circumstances:

1. Swindling and bluffing by holding or using a seafarer's certificate of entry and exit that has been

- obtained by cheating, bribery or other improper means from maritime administration agency;
2. Swindling and bluffing by holding or using a seafarer's certificate of entry and exit that has been obtained from others by transfer, sale, leasing or other improper means;
  3. Swindling and bluffing by holding or using a forged or altered seafarer's certificate of entry and exit; or
  4. Swindling and bluffing by holding or using an invalid seafarer's certificate of entry and exit.

#### Section Five Violations of the Order of Administration of Navigation, Berthing or Operation

Article 33 In case any vessel or floating installation that should be decommissioned navigates or operates in any inland water in violation of the provisions of Article 14 of the Regulations concerning the Administration of Traffic Safety on Inland Waters, it shall be ordered to stop navigation or operation and confiscated in accordance with the provisions of Article 63 of the Regulations concerning the Administration of Traffic Safety on Inland Waters.

“Vessel that should be decommissioned” as mentioned in the preceding paragraph of this Article shall refer to vessels that have reached the fixed number of years for compulsory decommissioning of the vessel or to vessels purchased as a vessel of waste steel.

Article 34 In case any vessel or floating installation navigates or operates without being equipped with necessary navigation materials in violation of the provisions of item (4) of Article 6 of the Regulations concerning the Administration of Traffic Safety on Inland Waters, it shall be ordered to stop navigation or operation in accordance with the provisions of Article 64 of the Regulations concerning the Administration of Traffic Safety on Inland Waters; if it does not stop navigation or operation as required, the vessel or floating installation shall be detained temporarily; if the circumstance is serious, the vessel or floating installation shall be confiscated. “Without being equipped with necessary navigation materials” as mentioned in the preceding paragraph of this Article shall also include the following circumstances:

1. Failing to obtain a valid conformity certificate of administrative system of safety operation and pollution prevention of an owner or operator of a vessel or the certificate of vessel safety administration;
2. Any owner or operator of a vessel cheats in obtaining the certificate of vessel safety administration by concealing facts or providing false evidential materials or by other improper means;
3. Forging or altering a conformity certificate for the examination of the administrative system of safety operation and pollution prevention of an owner or operator of a vessel or a certificate of vessel safety administration;
4. Transferring, trafficking in, leasing, or falsely using a conformity certificate for the examination of the administrative system of safety operation and pollution prevention of an owner or operator of a vessel or the certificate of vessel safety administration;
5. Using a forged or altered conformity certificate of administrative system of safety operation and pollution prevention of an owner or operator of a vessel or a certificate of vessel safety administration; or
6. Failing to apply for the examination of the conformity certificate of the administrative system of safety operation and pollution prevention of an owner or operator of a vessel or the certificate of vessel safety administration as required.

Article 35 In case any vessel navigates in any inland water by violating the provisions of Articles 14, 18, 19, 20 and 22 of the Regulations concerning the Administration of Traffic Safety on Inland Waters, and commits any of the following acts, the relevant person shall, in accordance with the provisions of Article 68 of the Regulations concerning the Administration of Traffic Safety on Inland Waters, be ordered to make corrections and be given a fine ranging from 5000 to 50,000 RMB Yuan; if the circumstance is serious, the vessel shall be prohibited from entering into or leaving harbors or ordered to stop navigation, and the crew member who is held responsible shall be subject to the

punishment of having his certificate of competency or other credentials of competency withheld for three to six months:

1. Failing to hang the national flag, mark the name of the vessel, port of registry, or load-line as required;
2. Failing to apply for port entry and departure visa of a vessel to the maritime administrative agency as required;
3. Failing to apply for being piloted as required;
4. Entering or leaving harbors without permission, passing through traffic control areas, crowded navigable areas, regions with limited navigational capacities, or restricted navigation zones by force; or
5. Failing to file an application or failing to navigate along the navigable route or time that has been verified when carrying or towing overweight, overlong, over-high objects or objects that are partly submergible.

“Failing to apply for port entry and departure visa of a vessel to the maritime administrative agency as required” as mentioned in item (2) of the preceding paragraph of this Article shall include the following circumstances:

1. A vessel that navigates within the territory of China fails to apply for port entry and departure visa of a vessel;
2. A vessel that navigates internationally or a vessel of foreign nationality fails to go through formalities for entry and departure of harbors or ports;
3. Using any forged, altered, bought, leased or transferred visa book of a vessel or any page of the visa book is lost or trading off more than two visa books of a vessel;
4. Failing to fill in according to the facts the conditions on the passenger carriage by a vessel, personnel equipment, loading of goods, etc. when applying for port entry and departure visa or going through formalities for the entry and departure of harbors, or failing to state other relevant conditions on navigation safety according to the facts; or
5. Failing to submit the Recording Book for the Safety Inspection of Vessels as required.

Article 36 In case any vessel navigates, berths or operates in any inland water in violation of the relevant provisions of the Regulations concerning the Administration of Traffic Safety on Inland Waters, or does not abide by the rules for navigation, dodging or signal showing, the illegal vessel shall be given a fine ranging from 1000 to 10,000 RMB Yuan according to the provisions of Article 81 of the Regulations concerning the Administration of Traffic Safety on Inland Waters; if the circumstance is serious, the crew member who is held responsible shall be subject to the punishment of having his certificate of competency or other credentials of competency withheld for three to six months or even revoked. “Not abide by the rules for navigation, dodging or signal showing” as mentioned in the preceding paragraph of this Article shall include the following circumstances:

1. Failing to navigate at a safe navigation speed;
2. Failing to navigate along the prescribed navigable route or according to the navigation rules;
3. Failing to backing a vessel, changing the head of a vessel or quickening its pace to catch up other vessels according to the relevant provisions;
4. Failing to show signal lamp, signal type or firing sound or signals as required;
5. Navigating at night without permission as required;
6. Failing to report the vessel’s position at the place where the vessel’s position should be reported;
7. Crossing the navigation channel at the leg where vessels are prohibited to cross the navigation channel;
8. Failing to navigate at the navigation speed as prescribed by the maritime administrative agency within the area where the navigation speed is restricted and during the time of high water level in flood season;
9. Failing to abide by the provisions concerning navigation in conditions of bad visibility as issued by the maritime administrative agency;
10. Failing to abide by the provisions on the relevant rules for navigation, dodging or signals as

issued by the maritime administrative agency;

11. Failing to abide by the provisions on the announcement and warning of navigation as released by the maritime administrative agency;
12. Failing to hang or show signals as required when a vessel is loading or unloading, or carrying dangerous goods or there is flammable gas in the empty cabins;
13. Failing to keep watch and listen as required on the prescribed VHF communication channel;
14. Failing to make testing as required on the wireless equipment for emergency;
15. A vessel does not keep enough personnel on duty as required when berthing; or
16. Other circumstances not abiding by the rules for navigation, dodging or signal showing.

Article 37 In case any vessel undertakes the transportation of goods or passengers without having technical conditions for safety or carries overfreight goods or passengers exceeding the prescribed number in violation of the provisions of Articles 8 and 21 of the Regulations concerning the Administration of Traffic Safety on Inland Waters, the person concerned shall, in accordance with the provisions of Article 82 of the Regulations concerning the Administration of Traffic Safety on Inland Waters, be ordered to make corrections and be given a fine ranging from 20,000 to 100,000 RMB Yuan, and the crew member who is held responsible shall be given a punishment of having his certificate of competency or other credentials of competency withheld for 6 or more months or even revoked, and the vessel with overfreight transportation shall be unloaded by force, and the fees for unloading, storing goods, arrangements for passengers, and the vessel supervision fees arising from the unloading shall be borne by the owner or operator of the vessel.

“A vessel undertakes the transportation of goods or passengers without having technical conditions for safety” as mentioned in the preceding paragraph of this Article shall include the following circumstances:

1. Not abiding by the technical specifications for safety for the equipment, loading and fastening of vessels and facilities;
2. Taking a risk to set sail when encountering the circumstance not complying with the conditions for safe navigation;
3. Navigating beyond the approved navigation areas;
4. Towing without abiding by the relevant provisions or a non-tugboat engaging in towing operation;
5. Undertaking on-water towing of large installations or movable platform without approval;
6. Not holding the Certificate of Fixed Number of Passengers;
7. Failing to ensure the safety of people in going on board or disembarking or the safety of the installations as required;
8. Failing to correct the defects in light of the Notice on Safety Inspection of Vessels or the handling opinions of the Report of Supervision and Inspection of the Port Countries; and
9. Other circumstances in which a vessel without having technical conditions for safety undertakes the transportation of goods or passengers.

“Carries overfreight goods or passengers exceeding the prescribed number” as mentioned in paragraph one of this Article shall include the following circumstances:

1. Carrying goods exceeding the approved load-line;
2. The vessel with containers loads exceeding the approved number of containers;
3. The rolling vessel loads exceeding the amount of vehicles as approved by the inspection certificate;
4. Carrying passengers without having the fixed number of passengers verified; or
5. Carrying passengers exceeding the fixed number of passengers.

Article 38 In case anyone carries out the relevant operation in inland navigable waters in violation of the provisions of Article 28 of the Regulations concerning the Administration of Traffic Safety on Inland Waters, and fails to report it for archival purposes as required, he shall, according to the provisions of Article 70 of the Regulations concerning the Administration of Traffic Safety on Inland Waters, be ordered to make corrections and be given a fine ranging from 5000 to 50,000 RMB Yuan. The relevant operations as mentioned in the preceding paragraph of this Article shall include the

following operations:

1. Weather observation or survey, and geological investigation;
2. Routine maintenance of navigation channels;
3. Clearing away water rubbish in large areas; and
4. Other acts that may influence the traffic safety on inland navigable waters.

“Other acts that may influence the traffic safety of inland navigable waters” as mentioned in item (4) of paragraph two of this Article shall include the following acts:

1. Examining and repairing the equipment that may influence the navigability of a vessel;
2. Examining and repairing communications equipment and fire control and lifesaving equipment;
3. Operating by using fire;
4. Carrying out operation by organizing into teams or breaking the ranks at non- anchorages or non-berthing areas; and
5. Failing to make trial run or trial navigation as required.

#### Section VI Violations of the Order of Supervision over and Administration of the Safety of Dangerous Goods Carriage

Article 39 In case anyone transports virulent chemicals and other dangerous chemicals as prohibited by the state in any inland water in violation of the provisions of paragraph two of Article 30 of the Regulations concerning the Administration of Traffic Safety on Inland Waters and the provisions of paragraph one of Article 40 of the Regulations on the Safety Administration of Dangerous Chemicals, the illegal vessel shall, according to the Regulations on the Safety Administration of Dangerous Chemicals, be given a fine ranging from 20,000 to 100,000 RMB Yuan.

Article 40 In case anyone engages in the operation of dangerous goods in violation of the provisions of Articles 32 and 34 of the Regulations concerning the Administration of Traffic Safety on Inland Waters, and has any one of the following circumstances, he shall, according to the provisions of Article 71 of the Regulations concerning the Administration of Traffic Safety on Inland Waters, be ordered to stop operation or navigation and the person-in-charge who is held responsible and other person directly responsible shall be given a fine ranging from 20, 000 to 100,000 RMB Yuan; if he is a crew member, he shall be subject to the punishment of having his certificate of competency or other credentials of competency suspended for six months or more or even revoked:

1. The vessel that undertakes the transportation of dangerous goods fails to compile emergency preparedness plans for accidents of dangerous goods or fails to equip with respective emergency preparedness rescue equipment and facilities; and
2. A vessel carries dangerous goods to enter or leave any harbor or barges dangerous goods without the approval of the maritime administrative agency.

Article 41 If any crew member who undertakes the transportation of dangerous chemicals fails to pass the examination and obtain the qualification certificate for holding the post in violation of the provisions of Article 37 of the Regulations on the Safety Administration of Dangerous Chemicals, he shall, according to the provisions of Article 66 of the Regulations on the Safety Administration of Dangerous Chemicals, be given a fine ranging from 20,000 to 100,000 RMB Yuan.

Article 42 In case any vessel that ships dangerous chemicals and the loading containers thereof are not up to the standard after inspection in light of the relevant state inspection standard for vessels in violation of Article 31 of the Regulations concerning the Administration of Traffic Safety on Inland Waters and the provisions of paragraph three of Article 40 of the Regulations on the Safety Administration of Dangerous Chemicals, it shall, according to the provisions of Article 59 of the Regulations on the Safety Administration of Dangerous Chemicals, be ordered to make corrections at once or within a prescribed time limit and be given a fine ranging from 20,000 to 200,000 RMB Yuan; if it fails to make corrections within the prescribed time limit, it shall be ordered to stop navigation to make rectification.

Article 43 In case any vessel that carries dangerous chemicals the packaging of which is not suited to the nature and usage of the dangerous chemicals in violation of the provisions of paragraph two of Article 20 of the Regulations on the Safety Administration of Dangerous Chemicals, it shall, according to the provisions of Article 59 of the Regulations of the Safety Administration of Dangerous Chemicals, be ordered to make corrections at once or within a prescribed time limit and be given a fine ranging from 20,000 to 200,000 RMB Yuan; if it fails to make corrections within the prescribed time limit, it shall be ordered to stop navigation to make corrections.

Article 44 In case any vessel that equips and loads and transports dangerous goods does not comply with the relevant state laws, regulations or rules or the national standards or fails to take necessary safeguard measures according to the nature of the dangerous chemicals in violation of the Regulations concerning the Administration of Traffic Safety on Inland Waters and the provisions of Article 42 of the Regulations on the Safety Administration of Dangerous Chemicals, the illegal vessel shall, according to the provisions of Article 66 of the Regulations on the Safety Administration of Dangerous Chemicals, be given a fine ranging from 20, 000 to 100, 000 RMB Yuan.

“Not complying with the relevant state laws, regulations or rules or national standards or fails to take necessary safeguard measures according to the nature of dangerous chemicals” as mentioned in the preceding paragraph of this Article shall include the following circumstances:

1. The vessel fails to make storing and loading and separation on dangerous goods as required;
2. The vessel carries containers of dangerous goods that do not comply with the relevant requirements;
3. The container of dangerous goods is imported or exported or transferred without holding the Certificate of Encasement of Containers or the certificate documents with the same effect;
4. The vessel loads dangerous goods in violation of the provisions on quantity limit, interleaver or fastening;
5. The vessel carries new chemicals the harmfulness of which has not been appraised;
6. Loading or unloading dangerous goods by using any loading or unloading equipment or machinery or tool that do not comply with the relevant requirements, or operating in violation of the safety rules for operation or failing to correct any trouble or any defect of the equipment that influences the safety of loading and unloading operation, but continuing to carry out loading and unloading operation;
7. The vessel operates with fire on the scene of loading and unloading operation without approval when loading or unloading dangerous goods;
8. The vessel is examined and repaired during loading or unloading explosives, flammable gas with its flash point below 23°C, or the disseminated or liquefied gas vessel is examined and repaired during loading or unloading flammable or explosive goods, or uses radar, radio transmitter, or beating or shoveling tools or machines that are easily to cause flash, or refuels or allows other vessels to join together to add water;
9. The vessel that carries flammable gas and volatility and flammable explosive bulk chemicals and liquefied gas does not test the explosive through ventilation before repair as required.
10. The liquefied cargo vessel drives gas or carries out cabin wash operation without permission;
11. The liquefied cargo vessel fails to take safeguard measures when carrying out loading and unloading operation;
12. Carrying with flammable goods on the liquefied cargo vessel or placing or using focalizing goods on the deck;
13. Smoking or using fire at the place of a vessel where smoking or fire is prohibited;
14. Wearing shoes or boots with nails or wearing or changing polyester clothes at the scene of vessel operation where the flammable or explosive goods are loaded or unloaded or carried or where there is still flammable gas in an empty cabin;
15. Undertaking barging operation without permission outside the water areas announced by the maritime administrative agency for such purpose;

16. Violating the provisions on the administration of safety and pollution control when carrying out water barging operation of a liquefied cargo vessel, or violating the safety rules for operation;
17. The vessel fails to fill in the Form for the Safety Inspection on Oil Supply and Acceptance Operation when carrying out oil supply operation, or fails to take safeguard and pollution prevention measures according to the Form for the Safety Inspection on Oil Supply and Acceptance Operation;
18. The vessel disguises or falsely reports the nature of the dangerous goods to the maritime administrative agency when carrying dangerous goods or submitting the documentations of dangerous goods that are altered, forged or changed; or
19. The vessel fails to show signals as required during navigation, loading or unloading or berthing.

#### Section Seven Violations of the Order of Administration for Ensuring Navigation Safety

Article 45 In case anyone carries out the relevant operation or activity in any inland navigable water or shoreline without approval in violation of the provisions of Article 25 of the Regulations concerning the Administration of Traffic Safety on Inland Waters, he shall, according to the provisions of Article 70 of the Regulations concerning the Administration of Traffic Safety on Inland Waters, be ordered to make corrections and be given a fine ranging from 5000 to 50,000 RMB Yuan. “Relevant operation or activity” as mentioned in the preceding paragraph of this Article shall include the following operations or activities:

1. Prospecting, excavating or blasting;
2. Building, setting up, maintaining or dismantling surface or underwater constructions or installations;
3. Building bridges or cableways;
4. Paving, examining and repairing, or dismantling surface or underwater cables or tunnels;
5. Setting up vessel fastening camels, floating pontoons or bitts or other installations;
6. Making construction of navigation channels, dredging up the navigation channels or the water area in front of a dock; or
7. Holding large mass activities or sports games.

“Without approval” as mentioned in paragraph one of this Article shall include the following circumstances:

1. Carrying out construction operation without filing an application for operation to the maritime administrative agency or before the approval of the application has been given;
2. Carrying out construction operation beyond the approved time limit;
3. Failing to carry out construction operation in light of the approved contents, ways of and requirements for the construction operation;
4. Carrying out construction operation beyond the approved scope of areas of construction operation; or
5. Carrying out construction operation without putting into effect the relevant safeguard measures stated in the application for the operation.

Article 46 In case anyone fails to set up marks or show signals as required when carrying out any operation or activity that may influence the navigation safety in inland navigable waters in violation of the provisions of Article 29 of the Regulations concerning the Administration of Traffic Safety on Inland Waters, he shall, according to the provisions of Article 70 of the Regulations concerning the Administration of Traffic Safety on Inland Waters, be given a fine ranging from 5000 to 50,000 RMB Yuan.

“Operation or activity that may influence the navigation safety” as mentioned in the preceding paragraph of this Article shall include the operations or activities as prescribed in Articles 25 and 28 of the Regulations concerning the Administration of Traffic Safety on Inland Waters.

#### Section Eight Violations of the Order of Administration of the Rescue of Vessels or Floating Installations in Distress

Article 47 In case anyone fails to perform the duty of reporting or fails to conduct rescue activities

actively after encountering danger in violation of the provisions of Articles 46 and 47 of the Regulations concerning the Administration of Traffic Safety on Inland Waters, the vessel, floating installation or the responsible person shall, according to the provisions of Article 76 of the Regulations concerning the Administration of Traffic Safety on Inland Waters, be given a warning, and the crew member who is responsible shall be subject to the punishment of having his certificate of competency or other credentials of competency suspended for three to six months or even revoked .

“Fails to perform the duty of reporting after encountering danger” as mentioned in the preceding paragraph of this Article shall include the following circumstances:

1. Any vessel or floating installation that is in distress fails to report to the maritime administrative agency at the place of the distress or to the owner or operator of the vessel or the floating installation;
2. Any vessel or floating installation that is in distress fails to report the time, place of distress, the status and reasons for the distress, and demand for rescue as required; or
3. When discovering any other vessel or floating installation is in distress or receiving signals for help, the crew members or other personnel on a vessel or floating installation fails to report the relevant conditions in time to the maritime administrative agency at the place of distress.

“Fails to conduct rescue activities actively” as mentioned in paragraph one of this Article shall include the following circumstances:

1. A vessel or floating installation fails to take all the effective measures positively for self-rescue after encountering danger;
2. A vessel or floating installation involved in a collision does not actively rescue the other party who is in distress under circumstances where there is no danger to its own safety; or
3. The crew members or other personnel do not try their best to rescue the persons who is in distress after any nearby vessel or floating installation is in distress or after having received the distress signal.

Article 48 In case any vessel or crew member at the scene of distress or the vicinity does not obey the uniform dispatchment or guidance of the maritime administrative agency in violation of the provisions of paragraph two of Article 49 of the Regulations concerning the Administration of Traffic Safety on Inland Waters, the vessel, floating installation or the responsible person shall, according to the provisions of Article 78 of the Regulations concerning the Administration of Traffic Safety on Inland Waters, be given a warning, and the crew member who is held responsible shall be subject to the punishment of having his certificate of competency or other credentials of competency suspended for three or six months or even revoked.

Article 49 In case any vessel or floating installation escapes after the occurrence of any water traffic accident in violation of the provisions of Article 46 of the Regulations concerning the Administration of Traffic Safety on Inland Waters, the crew member who is held responsible shall, according to the provisions of Article 83 of the Regulations concerning the Administration of Traffic Safety on Inland Waters, be subject to the punishment of having his certificate of competency or other credentials of competency revoked; and shall not practice again within five years after the certificate or credential is revoked.

#### Section Nine Violations of the Order of Investigation and Handling of Traffic Accidents on Inland Waters

Article 50 In case anyone impedes or obstructs the investigation and evidence obtaining for any traffic accident on Inland Waters, or gives false information, conceals or destroys any evidence in violation of the provisions of Articles 50 and 52 of the Regulations concerning the Administration of Traffic Safety on Inland Waters after a water traffic accident occurs to a vessel or floating installation, he shall, according to the provisions of Article 84 of the Regulations concerning the

Administration of Traffic Safety on Inland Waters, be given a warning, and the person directly responsible shall be given a fine ranging from 1000 to 10,000 RMB Yuan; if he is a crew member, he shall be subject to the punishment of having his certificate of competency or other credentials of competency suspended for 12 months or even revoked. "Impedes or obstructs the investigation and evidence obtaining for any traffic accident on inland waters" as mentioned in the preceding paragraph of this Article shall include the following circumstances:

1. Failing to report the accident at once as required, which influences the carrying out of the investigation work;
  2. The contents of accident report is untruthful, or do not comply with the prescribed requirements, which influences the carrying out of the investigation work;
  3. Failing to well protect the scene of the accident after the occurrence of the accident, which influences the carrying out of the accident investigation;
  4. Bearing off the designated place without the approval of the maritime administrative agency when no circumstance that may endanger the safety of the vessel has occurred;
  5. Failing to go to the designated place as required by the maritime administrative agency, which influences the work for accident investigation;
  6. Refusing to accept the accident investigation or impeding or obstructing the investigation and evidence obtaining for the accident;
  7. Failing to make testing or appraisal as required for the occurrence of any damage to any vessel or installation due to any water traffic accident, or failing to submit the duplicate of the testing or appraisal report to the maritime administrative agency, which influences the accident investigation;
- or
8. Other circumstances that impede or obstruct the investigation and evidence obtaining for any traffic accident on any inland water.

"Gives false information, conceals or destroys evidences" as mentioned in paragraph one of this Article shall include the following circumstances:

1. Concealing the facts or providing false certificates or witnesses;
2. Altering any logbook or other statutory instruments or documents purposely; or
3. Other circumstances of giving false information, concealing or destroying evidences.

Article 51 In case any vessel or floating installation causes any traffic accident on any inland water in violation of the relevant provisions of the Regulations concerning the Administration of Traffic Safety on Inland Waters, in addition to undertaking the corresponding legal liabilities according to law, the crew member who is held responsible shall, according to the provisions of Article 77 of the Regulations concerning the Administration of Traffic Safety on Inland Waters, be subject to the following punishment:

1. In case it causes any exceptionally serious accident, the crew member who is fully responsible or the crew member who shall undertake the major liability shall have his certificate of competency or other credentials of competency revoked, the crew member whose responsibility is secondary shall have his certificate of competency or other credentials of competency suspended for 12 months to 24 months; if their liabilities are equal, the responsible crew member shall have his certificate of competency or other credentials of competency suspended for 24 months or revoked.
2. If it causes any serious accident, the crew member who is fully responsible or the crew member who shall undertake the major liability shall have his certificate of competency or other credentials of competency suspended for 12 months to 24 months or revoked; the crew member whose responsibility is secondary shall have his certificate of competency or other certificate of competency suspended for 9 months to 18 months; if their liabilities are equal, the responsible crew member shall have his certificate of competency or other credentials of competency suspended for 12 months to 24 months or revoked;
3. If it causes any major accident, the crew member who is fully responsible shall have his certificate of competency or other credentials of competency suspended for 12 months to 24 months, the crew member who shall undertake the major liability shall have his certificate of competency or other credentials of competency suspended for 9 months to 18 months; the crew member whose

responsibility is secondary shall have his certificate of competency or other credentials of competency suspended for 6 months to 12 months; if their liabilities are equal, the responsible crew member shall have his certificate of competency or other credentials of competency suspended for 9 months to 18 months; and

4. If it causes any ordinary accident, the crew member who is fully responsible shall have his certificate of competency or other credentials of competency suspended for 9 months to 18 months, the crew member who shall undertake the major liability shall have his certificate of competency or other credentials of competency suspended for 6 months to 12 months; the crew member whose responsibility is secondary shall have his certificate of competency or other credentials of competency suspended for 6 months; if their liabilities are equal, the responsible crew member shall have his certificate of competency or other credentials of competency suspended for 6 months to 12 months.

#### Section Ten Violations of the Order of Supervision over and Administration of Prevention of Pollution of Water Areas by Vessels

Article 52 The terms “water pollution, pollutants, toxic pollutants, and oil” as mentioned in this Section shall have the same meanings as those in the Law on the Prevention and Control of Water Pollution.

Article 53 In case any vessel discharges toxic waste liquid to any water or discharges or dumps such dissoluble toxic waste residues as mercury, cadmium, arsenic, chromium, cyanide, yellow phosphorus, etc. in violation of the provisions of Articles 29 and 31 of the Law on the Prevention and Control of Water Pollution, it shall, according to the provisions of Article 46 of the Law on the Prevention and Control of Water Pollution, and item (1) of Article 39 of the Detailed Rules for the Implementation of the Law on the Prevention and Control of Water Pollution, be given a warning or a fine of less than 100,000 RMB Yuan.

Article 54 In case any vessel discharges or dumps radioactive solid wastes, oil, acid liquid, lye liquid or waste water that contains high or medium radioactive substances to any water in violation of the provisions of Articles 29 and 34 of the Law on the Prevention and Control of Water Pollution, it shall, according to the provisions of Article 46 of the Law on the Prevention and Control of Water Pollution, and item (2) of Article 39 of the Detailed Rules for the Implementation of the Law on the Prevention and Control of Water Pollution, be given a fine less than 50,000 RMB Yuan.

Article 55 In case any vessel washes any container that has stored oil or toxic pollutant or discharges residue or waste oil in violation of the provisions of Article 30 and paragraph two of Article 40 of the Law on the Prevention and Control of Water Pollution, it shall, in accordance with the provisions of Article 46 of the Law on the Prevention and Control of Water Pollution, and item (3) of Article 39 of the Detailed Rules for the Implementation of the Law on the Prevention and Control of Water Pollution, be given a warning or a fine less than 10,000 RMB Yuan according to the circumstances.

Article 56 In case any vessel dumps rubbish of the vessel to any water in violation of the provisions of paragraph three of Article 40 of the Law on the Prevention and Control of Water Pollution, it shall, in accordance with the provisions of Article 46 of the Law on the Prevention and Control of Water Pollution, and item (5) of Article 39 of the Detailed Rules for the Implementation of the Law on the Prevention and Control of Water Pollution, be given a warning or a fine less than 10,000 RMB Yuan according to the circumstances.

Article 57 In case any vessel causes any water pollution accident in violation of the provisions of the Law on the Prevention and Control of Water Pollution, it shall, in light of the harmfulness and loss it results and according to the provisions of Article 53 of the Law on the Prevention and Control of Water Pollution and Article 43 of the Detailed Rules for the Implementation of the Law on the Prevention and Control of Water Pollution, be given a fine of 20% of the direct loss, but the

maximum fine shall not exceed 200,000 RMB Yuan; if it results in serious economic loss, it shall be given a fine of 30% of the direct loss, with a maximum of one million RMB Yuan.

Article 58 In case anyone refuses or practices fraud in the on-site inspection by any maritime administrative agency in violation of the provisions of Article 25 of the Law on the Prevention and Control of Water Pollution, it/he shall, according to the provisions of Article 46 of the Law on the Prevention and Control of Water Pollution, and item (2) of Article 38 of the Detailed Rules for the Implementation of the Law on the Prevention and Control of Water Pollution, be given a fine less than 10,000 RMB Yuan.

Article 59 In case anyone violates the provisions of paragraph two of Article 32 of the Law on the Prevention and Control of Atmospheric Pollution by manufacturing any vessel the pollutant discharging of which does not meet the prescribed standard, it/he shall, according to the provisions of Article 53 of the Law on the Prevention and Control of Atmospheric Pollution, be ordered to stop the illegal acts, have its/his illegal gains confiscated, and be given a fine less than the illegal gains; those vessels that are unable to reach the prescribed standards for pollutant discharge shall be confiscated and destroyed.

Article 60 In case anyone violates the provisions of paragraph two of Article 35 of the Law on the Prevention and Control of Atmospheric Pollution by making testing on the pollution of gas discharge of any motor vessel without being entrusted by any maritime administrative agency, or by practicing fraud in the testing, it/he shall, according to the provisions of Article 55 of the Law on the Prevention and Control of Atmospheric Pollution, be ordered to stop the illegal act, make corrections within a prescribed time limit, and may be given a fine less than 50,000 RMB Yuan; if the circumstance is serious, it/he shall be disqualified for undertaking the annual examination of motor vessels.

Article 61 In case any vessel violates the relevant provisions of Article 36, paragraph two of Article 37, or Article 42 of the Law on the Prevention and Control of Atmospheric Pollution by committing any of the following acts, it shall, according to the provisions of Article 56 of the Law on the Prevention and Control of Atmospheric Pollution, be ordered to stop the illegal acts, make corrections within a prescribed time limit, and may be given a fine less than 50,000 RMB Yuan:

1. The vessel discharges powder and effluvia or other gas containing toxic substances to the atmosphere without taking effective measures for pollution prevention;
2. The vessel discharges converter gas, acetylene, yellow phosphorus tail gas in electric furnace process, or organic tail gas without the approval of the local administrative department of environmental protection; or
3. The vessel transports, loads or unloads or stores toxic and harmful gas or powder substances without taking airtight measures or other safeguard measures.

Article 62 In case anyone violates the relevant provisions of the Law on the Prevention and Control of Atmospheric Pollution by refusing or obstructing any maritime administrative agency to make on-site inspection on relevant atmospheric pollution or by practicing fraud during being inspected, it/he shall, in accordance with Article 46 of the Law on the Prevention and Control of Atmospheric Pollution, be ordered to stop the illegal acts, make corrections within a prescribed time limit, be given a warning or a fine less than 50,000 RMB Yuan according to the circumstances.

Article 63 In case any vessel fails to use sound device as required during navigating in the navigation channel of any inland water in the urban district of a city in violation of the provisions of Article 34 of the Law on the Prevention and Control of Ambient Noise Pollution, it shall, according to the provisions of Article 57 of the Law on the Prevention and Control of Ambient Noise Pollution, be given a warning or a fine less than 10,000 RMB Yuan.

Article 64 In case anyone violates the provisions of Article 21 of the Law on the Prevention and

Control of Ambient Noise Pollution by refusing or obstructing the on-site inspection by any maritime administrative agency on environmental pollution caused by relevant ambient noise, or by practicing fraud when being inspected, it shall, according to the circumstances and in accordance with the provisions of Article 55 of the Law on the Prevention and Control of Ambient Noise Pollution, be given a warning or a fine less than 10,000 RMB Yuan.

Article 65 In case any vessel dismantling entity violates the provisions of the Regulations on the Administration of Prevention of Environmental Pollution from Vessel Dismantling, and has one of the following circumstances, it shall, according to the provisions of Article 17 of the Regulations on the Administration of Prevention of Environmental Pollution from Vessel Dismantling, be ordered to make corrections within a prescribed time limit, and may be given a fine ranging from 10,000 to 100,000 RMB Yuan according to the circumstances:

1. Setting up vessel dismantling factory to dismantle vessels within the water area of harbor district of a comprehensive harbor and water surface without an approved environmental impact report (form);
2. The waste oil vessel is dismantled without passing the process of cabin washing, pollution discharge, cabin clearance and explosive testing;
3. Discharging or discarding pollutants at will, which results in serious pollution; or
4. Failing to report to the maritime administrative agency the occurrence of any pollution accident, or failing to take any measure to eliminate or control the pollution.

Article 66 In case any vessel dismantling entity violates the provisions of Articles 7, 10, 15, or 16 of the Regulations on the Administration of Prevention of Environmental Pollution from Vessel Dismantling by committing any of the following acts, it shall, according to the provisions of Article 18 of the Regulations on the Administration of Prevention of Environmental Pollution from Vessel Dismantling, be ordered to make corrections within a prescribed time limit, and may be given a fine less than 10, 000 RMB Yuan according to the circumstances:

1. Refusing or obstructing the maritime administrative agency to make on-site inspection of vessel dismantling or practicing fraud during being inspected;
2. Failing to equip with and use pollution prevention installations, facilities and equipment as required, which results in the pollution of the water area;
3. Failing to report to the maritime administrative agency a pollution accident although measures have been taken to eliminate or control the pollution; or
4. The site clearance of the former address of a vessel dismantling entity is not up to standard after the entity is closed or moved.

#### Chapter IV Supplementary Provisions

Article 67 The documents of maritime administrative punishment with the uniform format formulated by the Ministry of Communications shall be used for the handling of cases of maritime administrative punishment.

Article 68 With regard to procedures for giving inland-water-related maritime administrative punishment, the relevant procedures as provided for in the Provisions on Marine and Maritime Administrative Punishment shall apply.

Article 69 The present Provisions shall come into force as of January 1, 2005. In the case of any discrepancy between other relevant regulations promulgated before by the Ministry of Communications and the present Provisions, the present Provisions shall prevail.