Regulations of the PRC on the Administration of Traffic Safety on Inland Waters

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Chapter I — General Provisions

Article 1 — These Regulations are formulated for the purpose of strengthening the administration of traffic safety on inland waters, maintaining inland water traffic order, and safeguarding the safety of the lives and property of the people.

Article 2 — Anyone engaging in navigation, berthing and operations, or in activities related to inland water traffic safety, in the navigable inland waters of the People's Republic of China must comply with these Regulations.

Article 3 — The administration of inland water traffic safety shall follow the principles of safety first, prevention first, convenience for the public, and administration in accordance with law, so as to ensure that inland water traffic is safe, orderly and unimpeded.

Article 4 — The competent transport department under the State Council shall be in charge of the administration of inland water traffic safety nationwide. The national maritime administrative organ, under the leadership of the competent transport department under the State Council, shall be responsible for the supervision and administration of inland water traffic safety nationwide. The maritime administrative organs established by the competent transport department under the State Council in centrally administered waters, and the maritime administrative organs established by the people's governments of provinces, autonomous regions and municipalities directly under the Central Government in waters other than centrally administered waters (hereinafter collectively the maritime administrative organs), shall, in accordance with their respective duties and powers, exercise supervision and administration of waterborne traffic safety over the navigable inland waters under their jurisdiction.

Article 5 — The local people's governments at or above the county level shall strengthen the administration of inland water traffic safety within their respective administrative areas and establish and improve the responsibility system for inland water traffic safety administration. The township (town) people's governments shall perform the following duties in the administration of inland water traffic safety within their respective administrative areas: (1) establishing and improving the vessel safety responsibility system of administrative villages and vessel owners; (2) implementing the safety administration responsibility system for ferry vessels, crew and passenger quotas; (3) implementing specialized personnel for the administration of vessel waterborne traffic safety; and (4) urging vessel owners, operators and crew to comply with the laws, regulations and rules on inland water traffic safety.

Chapter II — Vessels, Floating Facilities and Crew

Article 6 — A vessel may navigate only when it satisfies the following conditions: (1) having been inspected in accordance with law by a vessel inspection institution recognized by the maritime administrative organ and holding a qualified vessel inspection certificate; (2) having been registered in accordance with law with the maritime administrative organ and holding a vessel registration certificate; (3) being manned by crew conforming to the provisions of the competent transport department under the State Council; and (4) being equipped with the necessary navigation materials.

Article 7 — A floating facility may engage in relevant activities only when it satisfies the following conditions: (1) having been inspected in accordance with law by a vessel inspection institution recognized by the maritime administrative organ and holding a qualified inspection certificate; (2) having been registered in accordance with law with the maritime administrative organ and holding a registration certificate; and (3)

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being manned by crew who meet the provisions of the competent transport department under the State Council and possess waterborne traffic safety skills.

Article 8 — Vessels and floating facilities shall be kept in a state suitable for safe navigation, berthing or engaging in relevant activities. The loading and securing of vessels and floating facilities shall conform to the national safety technical standards.

Article 9 — Crew may hold crew positions only after receiving professional training in waterborne traffic safety — with crew of passenger vessels and vessels carrying dangerous goods additionally receiving corresponding special training — and after passing the examination of the maritime administrative organ and obtaining the corresponding certificate of competency or other competency certificate. Crew without a certificate of competency or other competency certificate are strictly prohibited from taking up their posts. Crew shall observe professional ethics, improve professional quality, and strictly perform their duties in accordance with law.

Article 10 — The owners or operators of vessels and floating facilities shall strengthen the safety administration of vessels and floating facilities, establish and improve the corresponding traffic safety management systems, and be responsible for the traffic safety of vessels and floating facilities; they shall not employ persons without a certificate of competency or other competency certificate as crew, and shall not direct or compel crew to operate in violation of the rules.

Article 11 — The owners or operators of vessels and floating facilities shall reasonably dispatch vessels or use floating facilities according to the technical performance of the vessels and floating facilities, the state of the crew, the waters and the hydrological and meteorological conditions.

Article 12 — With respect to vessels that, in accordance with State provisions, must obtain insurance documents or financial guarantee certificates for vessel pollution damage liability and sunken vessel salvage liability, their owners or operators must obtain the corresponding insurance documents or financial guarantee certificates and carry the copies thereof on board.

Article 13 — Forging, altering, buying and selling, leasing, borrowing or fraudulently using vessel inspection certificates, vessel registration certificates, crew certificates of competency or other competency certificates is prohibited.

Chapter III — Navigation, Berthing and Operations

Article 14 — When navigating on inland waters, a vessel shall fly the national flag and mark its name, port of registry and load line. Vessels and floating facilities that should be scrapped in accordance with State provisions shall not navigate or operate.

Article 15 — When navigating on inland waters, a vessel shall maintain a lookout, pay attention to observation and navigate at a safe speed. The safe speed of a vessel shall be determined according to such main factors as visibility, traffic density, the maneuvering performance of the vessel, and the wind, waves, current, channel conditions and surrounding environment. Vessels using radar shall also consider the characteristics, efficiency and limitations of the radar equipment. In speed-restricted areas and during flood-season high-water periods, vessels shall navigate at the speed prescribed by the maritime administrative organ.

Article 16 — When navigating on inland waters, an upstream vessel shall navigate along the gentle current or one side of the channel, and a downstream vessel shall navigate along the main current or the middle of the channel; in tidal reaches, lakes, reservoirs and areas of gentle current, vessels shall navigate as far as possible along the channel on their starboard side.

Article 17 — When navigating on inland waters, a vessel shall steer with caution to ensure safety; when the movement of an oncoming vessel is unclear, the sound signals are inconsistent, or an emergency arises, it

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shall reduce speed, stop or reverse to prevent collision. When vessels meet, each shall pay attention to giving way. A vessel that, according to the vessel navigation rules, is obliged to give way must actively give way to the vessel entitled to the way; the vessel entitled to the way shall pay attention to the movement of the giving-way vessel and take timely measures to assist in giving way. When vessels give way, once the giving-way intentions of all parties are unified, no party may alter the giving-way action without authorization. The specific rules for vessel navigation, giving way and signal display shall be formulated by the competent transport department under the State Council.

Article 18 — When entering or leaving an inland water port, a vessel shall report to the maritime administrative organ its voyage plan, seaworthiness, crew manning and cargo or passenger loading.

Article 19 — The following vessels shall apply to the pilotage organ for pilotage when navigating on inland waters: (1) foreign vessels; (2) sea-going motor vessels of 1,000 gross tons or more, except where the master has navigated the same type of sea-going motor vessel in the same navigable inland water area within two months of the previous voyage; (3) vessels whose navigation conditions are restricted; and (4) passenger vessels and vessels carrying dangerous goods for which the competent transport department under the State Council provides that pilotage shall be applied for.

Article 20 — Vessels entering or leaving ports and passing through traffic control areas, dense navigation areas or areas with restricted navigation conditions shall comply with the relevant navigation provisions issued by the maritime administrative organ. No vessel may enter or cross a prohibited navigation area announced by the maritime administrative organ without authorization.

Article 21 — Vessels engaged in cargo or passenger transport must conform to the safety technical requirements such as vessel strength, stability, draught, fire-fighting and life-saving, and to the cargo or passenger carrying conditions prescribed by the competent transport department under the State Council. No vessel may overload cargo or passengers.

Article 22 — A vessel carrying or towing overweight, overlength, overheight, overwidth or semi-submersible objects in navigable inland waters must, 24 hours before loading or towing, report to the maritime administrative organ for verification of the intended navigation route and time, and adopt the necessary safety measures to ensure the safety of the carrying or towing. Where a vessel requires escort, it shall apply to the maritime administrative organ for escort.

Article 23 — Under any of the following circumstances, the maritime administrative organ may, according to the situation, adopt temporary traffic restriction or diversion measures such as time-limited navigation, one-way navigation and closure of navigation, and make a public announcement: (1) severe weather; (2) large-scale waterborne construction operations; (3) waterborne traffic accidents affecting navigation; (4) large-scale waterborne mass activities or sports competitions; or (5) other circumstances that have a relatively large impact on navigation safety.

Article 24 — Vessels shall berth at wharves, berths, or anchorages, berthing areas and operation areas announced in accordance with law; where berthing in other waters is necessary in an emergency, the maritime administrative organ shall be notified. When berthing, vessels shall display signals as prescribed and shall not impede or endanger the navigation, berthing or operation safety of other vessels. When berthing, vessels shall keep sufficient crew on duty to ensure vessel safety.

Article 25 — Engaging in the following operations or activities that may affect navigation safety in navigable inland waters or on shorelines shall be subject to the approval of the maritime administrative organ before the operations or activities are carried out: (1) exploration, excavation and blasting; (2) constructing, setting up, repairing or demolishing structures or facilities above or below water; (3) erecting bridges and cableways; (4) laying, repairing or demolishing cables or pipelines above or below water; (5) setting up facilities such as mooring buoys, floating pontoons and mooring bollards; (6) channel construction, and dredging of channels and the waters in front of wharves; and (7) holding large-scale mass activities or sports competitions. Where

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the operations or activities listed in the preceding paragraph require a feasibility study, the opinions of the maritime administrative organ shall be solicited when conducting the feasibility study; where approval by other relevant departments is required in accordance with laws and administrative regulations, the relevant approval formalities shall also be completed in accordance with law.

Article 26 — In examining and approving the operations or activities prescribed in Article 25 of these Regulations, the maritime administrative organ shall, within 30 days from the date of receiving the application, make a decision on approval or non-approval and notify the applicant in writing. Where, in an emergency, a channel needs to be repaired or a channel or the waters in front of a wharf needs to be dredged, the operator may apply while carrying out the construction.

Article 27 — No aquaculture, planting of vegetation or aquatic organisms, or permanent fixed facilities shall be placed within channels. Where the delimitation of a channel involves an aquaculture area, the channel department shall solicit the opinions of the fishery administrative department; where the establishment of an aquaculture area involves a channel, the fishery administrative department shall solicit the opinions of the channel department and the maritime administrative organ.

Article 28 — Engaging in the following operations in navigable inland waters that may affect navigation safety shall be filed with the maritime administrative organ before the operations are carried out: (1) meteorological observation, surveying and geological investigation; (2) routine channel maintenance; (3) large-scale removal of floating garbage from the water surface; or (4) other acts that may affect traffic safety in navigable inland waters.

Article 29 — When carrying out the operations or activities prescribed in Articles 25 and 28 of these Regulations, signs and signals shall be set up in the operation or activity area, and corresponding safety measures shall be adopted in accordance with the provisions of the maritime administrative organ to ensure navigation safety. After the completion of the operations or activities prescribed in the preceding paragraph, no object impeding navigation shall be left behind.

Chapter IV — Supervision of Dangerous Goods

Article 30 — Wharves and berths engaged in the loading and unloading of dangerous goods must conform to the relevant national safety standard requirements and solicit the opinions of the maritime administrative organ, and may be put into use only after passing inspection and acceptance. Transporting on inland waters dangerous goods the transport of which is prohibited by laws, administrative regulations and the competent transport department under the State Council is prohibited.

Article 31 — Vessels carrying dangerous goods must hold a dangerous goods fitness certificate issued after inspection in accordance with law by a vessel inspection institution recognized by the maritime administrative organ, and carry out stowage and transport in accordance with the national provisions on the transport of dangerous goods and the safety technical standards.

Article 32 — Where a vessel loads, unloads or lightering dangerous goods, or carries dangerous goods into or out of a port, it shall report in advance to the maritime administrative organ and the port administrative organ the name, characteristics and packaging of the dangerous goods, the time and place of loading, unloading or lightering, and the time of entering or leaving the port, and may carry out the loading, unloading or lightering operations or enter or leave the port only after obtaining their consent; however, vessels with fixed routes, fixed cargo and fixed sailing lines may report periodically.

Article 33 — When navigating, loading, unloading or berthing, vessels carrying dangerous goods shall display signals as prescribed; other vessels shall give way to them.

Article 34 — Wharves and berths engaged in the loading and unloading of dangerous goods and vessels carrying dangerous goods must prepare emergency response plans for dangerous goods accidents and be

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equipped with corresponding emergency rescue equipment and apparatus.

Chapter V — Ferry Administration

Article 35 — The establishment or cancellation of a ferry shall be subject to the examination and approval of the people's government at the county level at the place where the ferry is located; before examination and approval, the people's government at the county level shall solicit the opinions of the local maritime administrative organ.

Article 36 — The establishment of a ferry shall satisfy the following conditions: (1) the site shall be selected at a place with gentle currents, sufficient water depth, stable banks, wide visibility and suitability for vessel berthing, and shall be far away from places where dangerous goods are produced or stacked; (2) having safety facilities for cargo loading and unloading and passenger boarding and disembarking; and (3) being equipped with the necessary life-saving equipment and specialized management personnel.

Article 37 — Ferry operators shall set up conspicuous signs at ferries, maintain ferry order, and ensure ferry safety. The people's government at the county level at the place where a ferry is located shall establish and improve the ferry safety administration responsibility system and designate the relevant department to exercise supervision and inspection of ferry and ferry crossing safety.

Article 38 — Ferry staff shall pass training and examinations and obtain a certificate of qualification issued by the department designated by the people's government at the county level at the place where the ferry is located. Ferry vessels shall hold qualified vessel inspection certificates and vessel registration certificates.

Article 39 — Passenger-carrying ferry vessels shall have identification marks conforming to State provisions, and shall clearly mark the passenger quota and safety precautions in conspicuous positions. Ferry vessels shall operate along the routes verified by the people's government at the county level at the place where the ferry is located, and shall not overload; when ferrying, they shall pay attention to giving way to passing vessels and shall not rush to cross or forcibly cross. In the event of severe weather such as floods, strong winds, dense fog or heavy snow, ferry crossings shall be suspended.

Chapter VI — Navigation Guarantees

Article 40 — The planning, construction, installation and maintenance of channels, navigation marks and other signs in navigable inland waters shall conform to the navigation safety requirements prescribed by the State.

Article 41 — Where an inland water channel changes, the water depth or width changes, or navigation marks are displaced, damaged or lost, thereby affecting navigation safety, the channel and navigation mark departments must take timely measures to keep the channels and navigation marks in a normal state.

Article 42 — With respect to sunken, drifting or stranded objects in navigable inland waters that may affect navigation safety, their owners and operators must set up signs in accordance with the relevant State provisions, report to the maritime administrative organ, and salvage and remove them within the time limited by the maritime administrative organ; where there is no owner or operator, the maritime administrative organ shall salvage and remove them or adopt other corresponding measures to ensure navigation safety.

Article 43 — Where objects such as bamboo and timber are floated in navigable inland waters, the consent of the maritime administrative organ shall be obtained 24 hours before the floating, and the floating shall be carried out according to the verified time and route, with the necessary safety measures adopted to ensure floating safety.

Article 44 — Any unit or individual that discovers any of the following circumstances shall promptly report to the maritime administrative organ: (1) channel changes, or changes in the depth or width of a channel; (2) objects impeding navigation safety; (3) displacement, damage or loss of navigation marks; or (4) other

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circumstances impeding navigation safety. After receiving the report, the maritime administrative organ shall issue a navigation notice or navigation warning according to the situation, and notify the channel and navigation mark departments.

Article 45 — The maritime administrative organ shall promptly issue navigation notices or navigation warnings when delimiting or adjusting prohibited navigation areas, traffic control areas, anchorages outside port areas, berthing areas and safe operation areas, and when navigation notices or navigation warnings need to be issued for the operations or activities prescribed in Articles 25 and 28 of these Regulations.

Chapter VII — Salvage

Article 46 — When a vessel or floating facility is in distress, it shall adopt all effective measures for self-rescue. When vessels or floating facilities collide or have other accidents, either party shall, without endangering its own safety, actively rescue the other party in distress and shall not flee. When a vessel or floating facility is in distress, it must promptly report the time, place, state and cause of distress and the rescue requirements to the maritime administrative organ at the place of distress and to the owners and operators of the vessel or floating facility.

Article 47 — Crew, staff on floating facilities or other persons who discover that other vessels or floating facilities are in distress, or who receive distress signals, must make every effort to rescue the persons in distress and promptly report the relevant situation to the maritime administrative organ at the place of distress.

Article 48 — After receiving distress signals or reports from vessels or floating facilities in distress, the maritime administrative organ must immediately organize forces to rescue the persons in distress, and simultaneously report to the local people's government at or above the county level at the place of distress and the maritime administrative organ at the next higher level. After receiving the report from the maritime administrative organ, the local people's government at or above the county level at the place of distress shall provide leadership and coordination for the rescue work and mobilize all forces to actively participate in the rescue.

Article 49 — When vessels or floating facilities are in distress, the relevant departments and personnel must actively assist the maritime administrative organ in the rescue work. Vessels and personnel at and near the distress scene must obey the unified dispatch and command of the maritime administrative organ.

Chapter VIII — Investigation and Handling of Accidents

Article 50 — When a traffic accident occurs involving a vessel or floating facility, its owner or operator must immediately report to the maritime administrative organ at the place where the traffic accident occurred and properly protect the scene.

Article 51 — After receiving a report of an inland water traffic accident, the maritime administrative organ must immediately dispatch personnel to the scene to conduct investigation and evidence collection. The investigation and evidence collection of inland water traffic accidents by the maritime administrative organ shall be comprehensive, objective and impartial.

Article 52 — The relevant personnel subject to the investigation and evidence collection of the maritime administrative organ shall truthfully provide the relevant information and evidence and shall not give false reports or conceal or destroy evidence.

Article 53 — The maritime administrative organ shall, within 30 days after the conclusion of the investigation and evidence collection of an inland water traffic accident, draw investigation conclusions based on the investigated facts and evidence, and notify the parties to the inland water traffic accident in writing.

Article 54 — In the course of investigating and handling inland water traffic accidents, the maritime administrative organ shall adopt effective measures to ensure that the navigation routes are unimpeded and prevent the occurrence of other accidents.

Article 55 — The local people's governments shall, in accordance with the relevant State provisions, actively handle the aftermath of inland water traffic accidents.

Article 56 — The reporting, investigation and handling of extraordinarily serious inland water traffic accidents shall be implemented in accordance with the relevant provisions of the State Council.

Chapter IX — Supervision and Inspection

Article 57 — In lakes and reservoirs with busy tourism and transport, in seasons of severe weather, and during traffic peak periods such as statutory or traditional festivals, major gatherings, market fairs, busy farming seasons, and student holidays, the local people's governments at or above the county level shall strengthen the organization and coordination of maintaining inland water traffic safety.

Article 58 — The maritime administrative organ must establish and improve the supervision and inspection system for inland water traffic safety and organize its implementation.

Article 59 — The maritime administrative organ must perform its duties in accordance with law and strengthen the supervision and inspection of vessels, floating facilities, crew and the navigation safety environment. When hidden dangers to inland water traffic safety are discovered, the relevant units and individuals shall be ordered to eliminate them immediately or within a prescribed time limit; where the relevant units and individuals fail to eliminate them immediately or within the time limit, the maritime administrative organ must adopt compulsory measures such as ordering temporary suspension of navigation or operations, and prohibiting entry into or departure from ports.

Article 60 — With respect to areas of dense inland water traffic, waters with frequent accidents, ports where cargo loading and unloading and passenger boarding and disembarking are concentrated, passenger ferries, roll-on roll-off passenger vessels, high-speed passenger vessels, tourist vessels and vessels carrying dangerous goods, the maritime administrative organ must strengthen safety patrols.

Article 61 — When exercising supervision and inspection in accordance with these Regulations, the maritime administrative organ may, according to the situation, adopt measures to ensure navigation safety with respect to vessels violating the relevant provisions of these Regulations, such as ordering temporary suspension of navigation, ordering navigation to a designated place, prohibiting entry into or departure from ports, compulsory unloading, dismantling of power devices, and temporarily detaining vessels.

Article 62 — When staff members of the maritime administrative organ conduct supervision and inspection of inland water traffic safety over vessels and floating facilities in navigable inland waters in accordance with law, no unit or individual may refuse or obstruct them. The relevant units or individuals shall accept the safety supervision and inspection conducted by the maritime administrative organ in accordance with law and provide convenience for it. When exercising supervision and inspection in accordance with these Regulations, staff members of the maritime administrative organ shall present their law enforcement certificates and identify themselves.

Chapter X — Legal Liability

Article 63 — Where, in violation of these Regulations, vessels or floating facilities that should be scrapped navigate or operate on inland waters, the maritime administrative organ shall order them to suspend navigation or operations, and confiscate the vessels or floating facilities.

Article 64 — Where, in violation of these Regulations, vessels or floating facilities navigate or operate without authorization while failing to hold qualified inspection certificates or registration certificates, or vessels fail to

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hold the necessary navigation materials, the maritime administrative organ shall order them to stop navigation or operations; where they refuse to stop, the vessels or floating facilities shall be temporarily detained; where the circumstances are serious, they shall be confiscated.

Article 65 — Where, in violation of these Regulations, a vessel navigates without authorization while failing to be manned as prescribed by the competent transport department under the State Council, or a floating facility operates without authorization while failing to be manned with crew possessing waterborne traffic safety skills as prescribed by the competent transport department under the State Council, the maritime administrative organ shall order correction within a prescribed time limit and impose a fine of not less than RMB 10,000 but not more than RMB 100,000 on the owner or operator of the vessel or floating facility; where correction is not made within the time limit, suspension of navigation or operations shall be ordered.

Article 66 — Where, in violation of these Regulations, a person engages in vessel navigation without authorization without having passed the examination and obtained a certificate of competency or other competency certificate, the maritime administrative organ shall order the person to leave the post immediately, impose a fine of not less than RMB 2,000 but not more than RMB 20,000 on the directly responsible person, and impose a fine of not less than RMB 10,000 but not more than RMB 100,000 on the employing unit.

Article 67 — Where, in violation of these Regulations, the owner or operator of a vessel that, in accordance with State provisions, must obtain insurance documents or financial guarantee certificates for vessel pollution damage liability and sunken vessel salvage liability fails to obtain such documents or certificates, the maritime administrative organ shall order correction within a prescribed time limit; where correction is not made within the time limit, suspension of navigation shall be ordered and a fine of not less than RMB 10,000 but not more than RMB 100,000 shall be imposed.

Article 68 — Where, in violation of these Regulations, a vessel navigating on inland waters falls under any of the following circumstances, the maritime administrative organ shall order correction and impose a fine of not less than RMB 5,000 but not more than RMB 50,000; where the circumstances are serious, the vessel shall be prohibited from entering or leaving ports or ordered to suspend navigation, and the responsible crew may be given a penalty of temporarily withholding the certificate of competency or other competency certificate for three to six months: (1) failing to fly the national flag or mark the vessel name, port of registry or load line as prescribed; (2) failing to report to the maritime administrative organ the voyage plan, seaworthiness, crew manning or cargo or passenger loading as prescribed; (3) failing to apply for pilotage as prescribed; (4) entering or leaving inland water ports without authorization, or forcibly passing through traffic control areas, dense navigation areas, areas with restricted navigation conditions, or prohibited navigation areas; or (5) carrying or towing overweight, overlength, overheight, overwidth or semi-submersible objects without applying, or without navigating along the verified route or at the verified time.

Article 69 — Where, in violation of these Regulations, a vessel fails to berth at a wharf, berth, or an anchorage, berthing area or operation area announced in accordance with law, the maritime administrative organ shall order correction; where it refuses to make correction, it shall be forcibly towed away, and the expenses incurred from the towing shall be borne by the vessel owner or operator.

Article 70 — Where, in violation of these Regulations, relevant operations or activities are carried out in navigable inland waters or on shorelines without approval or filing, or without setting up signs or displaying signals, the maritime administrative organ shall order correction and impose a fine of not less than RMB 5,000 but not more than RMB 50,000.

Article 71 — Where, in violation of these Regulations, dangerous goods operations fall under any of the following circumstances, the maritime administrative organ shall order suspension of operations or navigation and impose a fine of not less than RMB 20,000 but not more than RMB 100,000 on the responsible persons in charge or other directly responsible persons; where the persons are crew, a penalty

of temporarily withholding the certificate of competency or other competency certificate for six months or more, up to revocation of the certificate, shall also be imposed: (1) vessels engaged in the transport of dangerous goods failing to prepare emergency response plans for dangerous goods accidents or failing to be equipped with corresponding emergency rescue equipment and apparatus; or (2) vessels loading, unloading or lightering dangerous goods, or carrying dangerous goods into or out of ports, without the consent of the maritime administrative organ or the port administrative organ. Where a vessel carries dangerous goods without authorization while failing to hold a dangerous goods fitness certificate, or fails to carry out stowage and transport in accordance with the safety technical standards, it shall be punished in accordance with the Regulations on the Safety Administration of Hazardous Chemicals.

Article 72 — Where, in violation of these Regulations, a ferry is set up or cancelled without approval, the department designated by the people's government at the county level at the place where the ferry is located shall order correction within a prescribed time limit; where correction is not made within the time limit, the ferry shall be forcibly demolished or restored, and the expenses incurred from the forcible demolition or restoration shall be borne by the persons who set up or cancelled the ferry respectively.

Article 73 — Where, in violation of these Regulations, a ferry vessel fails to mark the identification marks, passenger quota or safety precautions, the department designated by the people's government at the county level at the place where the ferry is located shall order correction and impose a fine of not less than RMB 2,000 but not more than RMB 10,000; where correction is not made within the time limit, suspension of navigation shall be ordered.

Article 74 — Where, in violation of these Regulations, aquaculture, vegetation or aquatic organisms are raised, or permanent fixed facilities are set up within the channels of navigable inland waters, the maritime administrative organ shall order correction within a prescribed time limit; where correction is not made within the time limit, the objects shall be forcibly removed, and the expenses incurred from the removal shall be borne by their owner or operator.

Article 75 — Where, in violation of these Regulations, the owner or operator of sunken, drifting or stranded objects in navigable inland waters fails to set up signs in accordance with the relevant State provisions or fails to salvage and remove them within the prescribed time, the maritime administrative organ shall order correction within a prescribed time limit; where correction is not made within the time limit, the maritime administrative organ shall forcibly set up signs or organize salvage and removal; where immediate salvage and removal needs to be organized, the maritime administrative organ shall promptly organize it. The expenses incurred by the maritime administrative organ from setting up signs or salvage and removal shall be borne by the owners or operators of the sunken, drifting or stranded objects.

Article 76 — Where, in violation of these Regulations, a vessel or floating facility in distress fails to perform the reporting obligation or fails to actively rescue, the maritime administrative organ shall give a warning and may give the responsible crew a penalty of temporarily withholding the certificate of competency or other competency certificate for three to six months, up to revocation of the certificate.

Article 77 — Where, in violation of these Regulations, an inland water traffic accident occurs involving a vessel or floating facility, the responsible crew shall, in addition to bearing the corresponding legal liability in accordance with law, be given a penalty by the maritime administrative organ, based on the investigation conclusions, of temporarily withholding the certificate of competency or other competency certificate for six months or more, up to revocation of the certificate.

Article 78 — Where, in violation of these Regulations, vessels and crew at and near a distress scene fail to obey the unified dispatch and command of the maritime administrative organ, the maritime administrative organ shall give a warning and may give the responsible crew a penalty of temporarily withholding the certificate of competency or other competency certificate for three to six months, up to revocation of the certificate.

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Article 79 — Where, in violation of these Regulations, vessel inspection certificates, vessel registration certificates, crew certificates of competency or other competency certificates are forged, altered, bought, sold, lent or fraudulently used, the maritime administrative organ shall confiscate the relevant certificates; where there are illegal gains, the illegal gains shall be confiscated and a fine of not less than two times but not more than five times the illegal gains shall be imposed in addition; where there are no illegal gains or the illegal gains are less than RMB 20,000, a fine of not less than RMB 10,000 but not more than RMB 50,000 shall be imposed; where criminal law is violated, criminal responsibility shall be investigated in accordance with law in accordance with the provisions of the Criminal Law on the crimes of forging, altering or buying and selling official documents and certificates of State organs or other crimes.

Article 80 — Where, in violation of these Regulations, the owner or operator of a vessel or floating facility directs or compels crew to operate in violation of the rules, the maritime administrative organ shall give a warning and impose a fine of not less than RMB 10,000 but not more than RMB 50,000, and may order suspension of navigation or operations; where a major casualty accident or serious consequences are caused, criminal responsibility shall be investigated in accordance with law in accordance with the provisions of the Criminal Law on the crime of major liability accidents or other crimes.

Article 81 — Where, in violation of these Regulations, a vessel navigating, berthing or operating on inland waters fails to comply with the rules of navigation, giving way and signal display, the maritime administrative organ shall order correction and impose a fine of not less than RMB 1,000 but not more than RMB 10,000; where the circumstances are serious, the responsible crew shall be given a penalty of temporarily withholding the certificate of competency or other competency certificate for three to six months, up to revocation of the certificate; where a major inland water traffic accident is caused, criminal responsibility shall be investigated in accordance with law in accordance with the provisions of the Criminal Law on the crime of causing traffic casualties or other crimes.

Article 82 — Where, in violation of these Regulations, a vessel engages in cargo or passenger transport without satisfying the safety technical conditions, or overloads cargo or passengers, the maritime administrative organ shall order correction and impose a fine of not less than RMB 20,000 but not more than RMB 100,000, may give the responsible crew a penalty of temporarily withholding the certificate of competency or other competency certificate for six months or more, up to revocation of the certificate, and shall forcibly unload the overloaded vessel, with the unloading fees, storage fees, passenger resettlement fees and vessel supervision fees incurred from the unloading borne by the vessel owner or operator; where a major casualty accident or other serious consequences are caused, criminal responsibility shall be investigated in accordance with law in accordance with the provisions of the Criminal Law on the crime of major labor safety accidents or other crimes.

Article 83 — Where, in violation of these Regulations, a vessel or floating facility flees after an inland water traffic accident, the maritime administrative organ shall give the responsible crew a penalty of revoking the certificate of competency or other competency certificate; after revocation of the certificate, the person shall not re-enter the profession within five years; where criminal law is violated, criminal responsibility shall be investigated in accordance with law in accordance with the provisions of the Criminal Law on the crime of causing traffic casualties or other crimes.

Article 84 — Where, in violation of these Regulations, a party obstructs or impedes the investigation and evidence collection of an inland water traffic accident, or gives false reports or conceals or destroys evidence, the maritime administrative organ shall give a warning and impose a fine of not less than RMB 1,000 but not more than RMB 10,000 on the directly responsible person; where the person is crew, a penalty of temporarily withholding the certificate of competency or other competency certificate for 12 months or more, up to revocation of the certificate, shall also be imposed; where the investigation and evidence collection of an inland water traffic accident is obstructed by violence or threats, criminal responsibility shall be investigated in accordance with law in accordance with the provisions of the Criminal Law on the crime of

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obstructing official duties.

Article 85 — Where, in violation of these Regulations, the maritime administrative organ conducts examination and approval or licensing without the statutory safety conditions, the responsible persons in charge and other directly responsible persons shall, according to the circumstances, be given an administrative sanction of demotion or removal from office; where a major inland water traffic accident is caused or major losses are caused to public property and to the interests of the State and the people, criminal responsibility shall be investigated in accordance with law in accordance with the provisions of the Criminal Law on the crimes of abuse of power, dereliction of duty or other crimes.

Article 86 — Where, in violation of these Regulations, the maritime administrative organ fails to exercise supervision and inspection over the safety matters subject to examination, approval or licensing, the responsible persons in charge and other directly responsible persons shall, according to the circumstances, be given an administrative sanction of major demerit, demotion or removal from office; where a major inland water traffic accident is caused or major losses are caused to public property and to the interests of the State and the people, criminal responsibility shall be investigated in accordance with law in accordance with the provisions of the Criminal Law on the crimes of abuse of power, dereliction of duty or other crimes.

Article 87 — Where, in violation of these Regulations, the maritime administrative organ discovers that a vessel or floating facility no longer satisfies the conditions for safe navigation, berthing or operations but fails to promptly revoke the approval or license and handle the matter, the responsible persons in charge and other directly responsible persons shall, according to the circumstances, be given an administrative sanction of major demerit, demotion or removal from office; where a major inland water traffic accident is caused or major losses are caused to public property and to the interests of the State and the people, criminal responsibility shall be investigated in accordance with law in accordance with the provisions of the Criminal Law on the crimes of abuse of power, dereliction of duty or other crimes.

Article 88 — Where, in violation of these Regulations, the maritime administrative organ fails to exercise supervision and inspection over vessels engaging in passenger or dangerous goods transport without examination, approval or licensing, or fails to promptly handle hidden dangers to inland water traffic safety discovered in accordance with law, or fails to impose penalties on illegal acts in accordance with law, the responsible persons in charge and other directly responsible persons shall, according to the circumstances, be given an administrative sanction of demotion or removal from office; where a major inland water traffic accident is caused or major losses are caused to public property and to the interests of the State and the people, criminal responsibility shall be investigated in accordance with law in accordance with the provisions of the Criminal Law on the crimes of abuse of power, dereliction of duty or other crimes.

Article 89 — Where the department designated by the people's government at the county level at the place where a ferry is located falls under any of the following circumstances in violation of these Regulations, the responsible persons in charge and other directly responsible persons shall, according to the circumstances, be given an administrative sanction of demotion or removal from office; where a major inland water traffic accident is caused or major losses are caused to public property and to the interests of the State and the people, criminal responsibility shall be investigated in accordance with law in accordance with the provisions of the Criminal Law on the crimes of abuse of power, dereliction of duty or other crimes: (1) failing to exercise supervision and inspection over ferries approved by the people's government at the county level in accordance with law; (2) failing to investigate and handle ferries set up without authorization without the approval of the people's government at the county level; or (3) failing to promptly correct and handle, in accordance with law, ferry overloading, mixed loading of persons with large livestock, mixed loading of persons with dangerous goods such as explosives, compressed gases and liquefied gases, flammable liquids, flammable solids, spontaneously combustible articles and articles that become flammable when wet, oxidizing agents and organic peroxides, toxic substances and corrosive substances, and other acts endangering safety.

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Article 90 — Where a violation of these Regulations contravenes the Law of the People's Republic of China on Penalties for Administration of Public Security and constitutes a violation of public security administration, the public security organ shall impose a public security administration penalty.

Chapter XI — Supplementary Provisions

Article 91 — The meanings of the following terms as used in these Regulations: (1) "navigable inland waters" means the waters of rivers, lakes, reservoirs and canals available for vessel navigation as recognized by the maritime administrative organ; (2) "vessel" means all kinds of displacement or non-displacement ships, boats, rafts, waterborne aircraft, submersibles, mobile platforms and other waterborne mobile devices; (3) "floating facility" means a structure or device that is secured by non-rigid means such as cables or anchor chains and floats on or submerges in the water; and (4) "traffic accident" means an event such as collision, contact, striking a reef, wave damage, grounding, fire, explosion or sinking of a vessel or floating facility in navigable inland waters that causes personal injury or death and property loss.

Article 92 — When navigating in navigable inland waters, military vessels shall comply with the rules of inland water navigation, giving way and signal display. The administrative measures for the inspection and registration of military vessels and the examination and issuance of certificates for crew shall be implemented in accordance with the relevant State provisions.

Article 93 — The registration of fishing vessels and the reporting of entering and leaving fishing ports, the examination and issuance of certificates for fishing vessel crew, the investigation and handling of traffic accidents between fishing vessels, and the administrative measures for the traffic safety of fishing vessels within fishing port waters shall be separately prescribed by the fishery administrative department under the State Council in accordance with these Regulations. The inspection and relevant supervision and administration of fishing vessels shall be implemented by the competent transport department under the State Council in accordance with the relevant administrative regulations on fishing vessel inspection.

Article 94 — The specific measures for the administration of waterborne traffic safety in urban garden waters shall be formulated by the people's governments of provinces, autonomous regions and municipalities directly under the Central Government; however, the relevant vessel inspection, registration and crew administration shall be implemented in accordance with the relevant State provisions.

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

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