

# SHANGHAI HIGHWOODS SHIP CO., LTD.

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## Ship Safety Supervision Regulations of the P.R. of China



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### Chapter 1 General

Article 1 According to Chinese laws and regulations such as the “Chinese Law on Maritime Traffic Safety”, the “Chinese Law on Marine Environmental Protection”, the “Chinese Law on port operations”, the “Chinese Regulations on Inland Traffic Safety”, the “Chinese Regulations on Crew Administration” These rules are formulated in accordance with the provisions of relevant international conventions concluded or acceded by China.

Article 2 These rules of safety supervision work apply to Chinese ships and waterborne facilities and foreign flag ships sailing, berthing and operating in waters under the jurisdiction of China. This rule does not apply to military ships, fishing vessels and sports boats.

Article 3 Ship safety supervision work shall follow the principles of lawfulness, justice, integrity and convenience.

Article 4 The Ministry of Transport (MOT) is in charge of national ship safety supervision. Maritime Safety Administration (MSA) is in charge of national ship safety supervision. MSA at all levels carry out ship safety supervision in accordance with their responsibilities and authorizations.

Article 5 The ship safety supervision work in the Rules refers to maritime safety management conducted by MSA on whether the ship and its related activities comply with the laws, regulations, rules and relevant international conventions and the provisions of the port state supervision regional cooperation organization Supervise management activities. Ship safety supervision is divided into ship on-site supervision and ship safety inspection. Ship on-site supervision refers to the daily safety supervision and random inspection activities on board carried out by MSA.

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Ship safety inspection refers to the safety supervision and inspection activities carried out by MSA at certain intervals on the safety and anti-pollution technical status of the ship, the staffing and qualification status of the crew, and the maritime labor conditions, including the flag state supervision and the port state supervised inspection.

Article 6 MSA shall be equipped with necessary personnel, equipment, materials, etc. to meet the needs of ship safety supervision and management work.

Article 7 On-site supervision of ships shall be carried out by maritime administrative law enforcement officer with corresponding responsibilities.

Article 8 Maritime administrative law enforcement officer engaged in ship safety inspection shall obtain qualification certificates of corresponding grades and keep updating knowledge.

Article 9 MSA shall establish a social supervision mechanism for the safety status of ships, publish reporting and complaint channels, and improve the reporting and complaint handling mechanism. MSA shall keep secrets for the reporter and the complainant.

## Chapter 2 Ship Entry and Exit Report

Article 10 Chinese flag ships sailing in the waters under the jurisdiction of china shall implement the report of ships entering and leaving the port in accordance with regulations.

Article 11 Ships shall give a report of entry and exit to MSA 4 hours prior to ship arrival/departure. If the voyage is less than 4 hours, it will be reported when leaving last port. If the ship is engaging in a fixed route and the single voyage does not exceed 2 hours, the entry and exit report shall be at least once a day. The ship shall be responsible for the completeness and

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authenticity of the report.

Article 12 The information of ships entering and leaving the port shall include the voyage dynamics, the information of the persons on board, the passenger and cargo transportation information, the time and place of the planned arrival and departure, etc.

Article 13 Vessels may report the information of ships entering and leaving the port via internet, fax, short message, etc., and make corresponding records in the ship's navigation or logbook.

Article 14 MSA and waterway transportation management department shall share the information of ships entering and leaving the port.

## Chapter III Integrated Ship Quality Management

Article 15 MSA shall establish a unified ship comprehensive quality management information platform, collect and process ship-related information, and establish a ship comprehensive quality file.

Article 16 The information platform for integrated ship quality management shall include the following information:

- (1) Basic ship information;
- (2) Implementation of relevant regulations on ship safety and pollution prevention management;
- (3) Water traffic accidents and pollution accidents;
- (4) The administrative punishment by MSA for violations of water traffic safety laws;
- (5) The record of ship's safety supervision work at port;
- (6) The safety and integrity of shipping companies and ships;
- (7) Ship entry / exit reports or the entry and exit procedures;
- (8) Payment of relevant fees and taxes in accordance with relevant regulations;
- (9) Technical status of ship inspection.

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Article 17 The maritime management agency shall carry out the comprehensive quality assessment of the ship according to the information mentioned in Article 16, and the results of the comprehensive quality assessment shall be made public.

## Chapter IV Ship Safety Supervision

Article 18 MSA shall implement safety supervision on ships, and shall reduce the unnecessary impact on the normal production operations of ships.

Article 19 MSA shall formulate selection criteria for the target ship for safety supervision.

MSA shall combine the actual situation of the jurisdiction, in accordance with the principles of comprehensive coverage, emphasis, openness and convenience, in accordance with the agreed target ship selection criteria stipulated by the regional cooperation organization for port state supervision and MSA, and comprehensively consider the ship type, age, deficiencies of ship safety supervision in the past, and the safety management situation of shipping companies, etc., select ships to implement ship safety supervision at prescribed time intervals.

Article 20 For ships that are not in target according to the target ship selection criteria, MSA shall not board the ship in principle to carry out ship safety supervision, except for special inspections carried out in accordance with Article 21.

Article 21 During important national holidays, major events, or for specific waters, specific safety matters, and specific ship needs to be inspected, MSA may conduct comprehensive inspections by using ship safety inspections and ship site supervision.

Article 22 The content of on-site supervision of ships includes

- (1) Self-examination of Chinese ships;
- (2) The statutory certificates, documents and records;

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- (3) The staffing situation of the crew;
- (4) Passenger/cargo transportation and cargo lashing;
- (5) The implementation of anti-pollution measures for ships;
- (6) The navigation, berthing and operation of the ship;
- (7) Ship entry/ exit reports or the entry and exit formalities;
- (8) Payment of port call tariff and taxes as per regulations.

Article 23 The contents of ship safety inspection include:

- (1) Ship manning situation;
- (2) Ships, crews and the relevant legal documents and related materials;
- (3) The ship's structure, facilities and equipment;
- (4) Passenger/cargo transportation and cargo lashing;
- (5) Information about ship security;
- (6) The crew's performance of their post duties, including the maintenance and actual operation capabilities of the facilities and equipment related to their post duties;
- (7) Maritime labor conditions;
- (8) The operation of the ship safety management system;
- (9) Laws, rules and regulations and other inspections required by relevant international conventions concluded and acceded to by China.

Article 24 The MSA shall formulate corresponding working procedures in accordance with the content of ship safety supervision and standardize ship safety supervision activities.

Article 25 After completing the ship safety supervision, MSA shall issue the corresponding "Ship Site Supervision Report", "Flag State Supervision and Inspection Report" or "Port State Supervision and Inspection Report", which shall be signed by the master or the crew performing the duties of the master. "Ship On-site Supervision Report", "Flag State Supervision and Inspection Report" and "Port State Supervision and Inspection Report" in duplicate, one filed by MSA, and one copy retained on board of ship for future reference.

Article 26 If a ship is found to have defects that endanger navigation safety, crew health, water environment, or illegal

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acts of water traffic safety during the on-site supervision of the ship, it shall be dealt with in accordance with regulations.

If any ship's safety defects requiring further safety inspection are found, the ship safety inspection procedures shall be initiated.

Article 27 If the maritime administrative law enforcement officer (MALEO) discover that a ship is defective during the ship safety supervision process, they shall, in accordance with the relevant laws, regulations, rules and conventions, put forward the following handling opinions:

- (1) Warning ship;
- (2) Correct the defects before departure;
- (3) Correct the defects within the set time limit after the sailing;
- (4) Detention;
- (5) Ships are forbidden to enter the port;
- (6) Restrict the operation of ships;
- (7) Order the ship to sail to the designated area;
- (8) Order the ship to leave port.

Article 28 When a ship's defects found in a safety inspection cannot be corrected at the inspection port, MSA may allow the ship to sail to the nearest repairable port and promptly notify local MSA where repair work will take place.

If the repair work take place at the port exceeds the jurisdiction of MSA of the port, MSA of the port shall notify local MSA where repair work will take place to follow-up inspection. After receiving the follow-up inspection notice, local MSA shall verify the correction of the ship's defects, and feedback the verification result to the notified MSA in time.

Article 29 If MSA adopts the measures in (27)(4)(5)(8) of Article 27 of these rules, it shall notify MSA of the port of registry of the Chinese ship or the ship flag country in time.

Article 30 Vessels that have taken the measures of (4) (5) (6) (8) of Article 27 of these Rules due to defects shall apply to MSA for re-examination after the corresponding defects have been corrected. Ships that have taken other measures may

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apply to MSA for re-examination after the corresponding deficiencies have been corrected. If they do not apply for re-examination, MSA will conduct the re-examination at the next ship safety inspection. After receiving an application for re-examination, MSA decides not to conduct a re-examination, it shall promptly notify the applicant to accept the re-examination at the next ship safety inspection. If the re-examination is qualified, MSA shall promptly release the corresponding measures.

Article 31 Ships' operators have the right to make defenses against defects and handling measures raised by maritime administrative law enforcement officer. If the ship disagrees with the defects and handling measures, the maritime administrative law enforcement officer shall inform the ship of the channel and procedure for appeal.

Article 32 If MSA finds that there is a problem in the safety management of the shipping company during the implementation of ship safety supervision, MSA shall require the shipping company to make corrections and notifies the maritime management agency of the place where the shipping company registered.

Article 33 MSA shall notify the shipping company and class society or organization of the major ship defects that affect safety and the defects that cause the ship to be detained. If the ship has defects or hidden dangers, and there are serious problems in ship safety management, which may affect its transportation qualifications, MSA shall notify the relevant authorities of the relevant situation. When authority finds a problem that may affect the safety of the ship, it shall notify the relevant MSA of the relevant situation who shall report the processing situation to the corresponding authority.

Article 34 Ships and related personnel shall correct the existing defects in accordance with the requirements of the "Ship Site Supervision Report", "Flag State Supervision and Inspection Report" and "Port State Supervision and Inspection Report" issued by MSA. The shipping company should urge the ship to



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correct the defects on time, and feedback the corrected situation in time to MSA that carried out the inspection.

The ship class society shall verify the correction of the relevant defects, and if a temporary inspection is required, the inspection report shall be promptly feedback to MSA that conducted the inspection.

Article 35 The captain of a Chinese ship shall check the correction of defects and record it in the voyage or voyage log.

Article 36 Vessels shall keep the "Ship Site Supervision Report", "Flag State Supervision and Inspection Report" and "Port State Supervision and Inspection Report" properly and keep them on board for at least 2 years.

Article 37 Except for the maritime management organization, no unit or individual shall detain, confiscate the "Site Supervision Report", "Flag State Supervision and Inspection Report" and "Port State Supervision and Inspection Report" or endorse the above report.

Article 38 No unit or individual may alter, deliberately damage, forge, alter, lease, defraud, or fraudulently use the Ship Site Supervision Report, Flag State Supervision and Inspection Report, and Port State Supervision and Inspection Report.

Article 39 The format of "Ship Site Supervision Report", "Flag State Supervision and Inspection Report" and "Port State Supervision and Inspection Report" shall be uniformly formulated by the State Maritime Administration.

Article 40 If a Chinese ship has a water traffic accident abroad, or is detained, prohibited from entering port, prohibited from entry, or expelled from port (boundary), the shipping company shall promptly report the relevant situation to MSA of the port of registration Corresponding communication and coordination should be done and necessary assistance should be given.



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## Chapter V Ship Safety Responsibilities

Article 41 The shipping company shall perform the main responsibility of safety management and pollution prevention, establish and improve the ship safety and pollution prevention system, and effectively maintain the ship and its equipment to ensure that the ship is in good condition, ensure the safety of the ship, and prevent Ships pollute the environment, and equip ships with qualified crew members that meet the minimum safety manning requirements.

Article 42 Chinese ships shall establish a self-examination system before sailing. Before departure, the ship shall conduct a self-examination of the ship's safety technical conditions and cargo loading conditions, fill in the "Self-Checking List of the Ship's Safety Before Sailing" in accordance with the format prescribed by the State Maritime Administration, and be signed and confirmed by the captain before sailing.

If the ship is sailing on a fixed route and the single voyage does not exceed 2 hours, there is no need to conduct a self-check before each sailing, but it should be self-check at least once a day. The "Self-Check List of Ship Safety Before Sailing" shall be kept on board for at least 2 years.

Article 43 The captain shall properly arrange the crew on duty, and abide by the safety regulations for ship navigation, berthing and operation.

Article 44 Vessels shall abide by the regulations of the relevant MSA in the place where the port is located to restrict sailing in severe weather. Ships navigating in inland waters should abide by the notice issued by MSA regarding the restrictions on navigation in dry seasons.

Article 45 The ship class society/surveyor shall ensure the comprehensiveness, objectivity, accuracy and effectiveness of the inspection, ensure that the qualified ships have the technical conditions for safe navigation and safe operation, and be responsible for the inspection certificates issued.

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Article 46 Vessels equipped with communication and navigation aids such as automatic identification systems shall always keep the relevant equipment in normal working condition, display their own information accurately and completely, and update relevant information such as arrival and departure port names and time in a timely manner. If the relevant equipment fails, it shall be reported to MSA of the port in time.

Article 47 The shipper who intends to deliver the shipping container for international transportation, the shipper shall verify the weight of the container using the overall weighing method or the cumulative calculation method before delivery to the ship for transportation, to ensure that the verified weight of the container does not exceed its standard The maximum operating total weight, the error from the actual weight does not exceed 5% and the maximum error does not exceed 1 ton, and the verification information such as the verification weight, verification method and verification statement shall be indicated on the transport document and provided to the carrier and port operation people.

Shippers adopting the cumulative calculation method shall formulate a weight verification procedure in accordance with the regulations of the Ministry of Transport and carry out weight verification of cargo containers in accordance with the procedure. If the verification information is not obtained or the verification weight exceeds the maximum total operating mass of the container, the carrier shall not accept that.

Article 48 The maritime management agency shall strengthen the supervision and inspection of shippers and carriers of international shipping containers, and if any violation of these rules is found, it shall be ordered to make corrections.

Article 49 No unit or individual shall obstruct or hinder maritime administrative law enforcement officer from carrying out ship safety supervision on ships.

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Article 50 When the maritime administrative law enforcement officer carrying out ship safety supervision, the captain shall designate officer to cooperate. The designated coordinator shall answer the inquiry truthfully and test the ship's facilities and equipment as required.

Article 51 MSA shall implement ship safety supervision through spot checks, and it cannot replace or exempt shipping companies, ships, seafarers, ship inspection agencies and other relevant units and individuals in terms of ship safety, pollution prevention, maritime labor conditions and security, etc. legal responsibilities and obligations.

## Chapter VI Legal Liability

Article 52 If any acts are in violation of these rules, MSA shall impose a fine of not less than 1,000 yuan but not more than 10,000 yuan on ship owners or operators; if the circumstances are serious, ship shall be fined not less than 10,000 yuan but not more than RMB 30,000. The captain or other responsible personnel shall be fined not less than RMB 100 and not more than RMB 1,000; if the circumstances are serious, a fine of not less than RMB 1,000 but not more than RMB 3000 shall be imposed.

- (1) Fool maritime administrative law enforcement officer by providing fake information;
- (2) Failure to rectify deficiencies or take measures to meet the requirements of the "Ship Site Supervision Report", "Flag State Supervision and Inspection Report" and "Port State Supervision and Inspection Report";
- (3) Application for re-examination after the corresponding defects have been corrected, but not applying

Article 53 If a ship fails to conduct self-inspection in accordance with regulations or does not keep records of ship

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self-inspection with the ship, the ship owners or operators shall be fined of more than RMB1,000 and less than RMB10,000.

Article 54 If a ship does not carry or keep the “Ship Site Supervision Report”, “Flag State Supervision and Inspection Report” and “Port State Supervision and Inspection Report” as required, MSA shall order ship to make corrections and imposes a fine of not less than RMB1000, but not more than RMB10,000.

Article 55 If a ship enters/exits an inland water port and fails to report the ship's entry and exit information to MSA as required, the ship owner or ship operator shall be imposed with a fine of not less than RMB5,000, but not more than RMB50,000. If a ship enters/exits a coastal port and fails to report the ship's entry and exit information to MSA in accordance with the requirement of regulations, the ship owners or operators shall be imposed with a fine of not less than RMB5,000, but not more than RMB30,000.

Article 56 If any of the following circumstances occurs, MSA shall impose a fine of not less than RMB1,000 but not more than RMB30,000:

- (1) The difference between the verified cargo weight provided by the shipper and the actual cargo weight exceeds 5% or 1 ton;
- (2) The ship carries containers that have not obtained verification information or whose verification weight exceeds the maximum total operating mass.

Article 57 If the deficiencies found in the ship during the implementation of the ship safety inspection are related to the ship survey institute, MSA shall impose penalties as per the requirement of regulations. If a ship survey institute abuses its powers, acts of favoritism, neglects its duties, resulting in serious defects or major accidents on the certified ship, MSA shall revoke its survey qualifications.

Article 58 MSA officer carrying out supervision and inspection does not perform his duties as per the requirement of law,

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abuses his powers or neglects his duties, The punishment shall be made by its institution or superior institution; if it constitutes a crime, the officer shall be sent to court.

## Chapter VII Supplementary Provisions

Article 59 The meaning of ships and related facilities mentioned in these Rules is the same to that of ships and water facilities in the Law of the People's Republic of China on Maritime Traffic Safety and the Regulations of the People's Republic of China on Inland Traffic Safety Management.

The statutory certificate instruments in these Rules refer to the ship's nationality certificate, ship manning certificate, ship survey certificate, ship operation certificate, nautical or voyage log, and other certified documents that must be provided in accordance with laws, regulations, technical specifications and conventions.

The shipping company mentioned in these rules refers to the owner, operator and manager of the ship.

The maximum operating total mass in these rules refers to the overall maximum total mass of the container, including the cargo, etc., allowed during operation, and is marked on the container safety license plate.

Article 60 These rules shall come into force on July 1, 2017. The "People's Republic of China Ship Safety Inspection Regulations" promulgated on November 30, 2009 by Order of the Ministry of Transport No. 15 of 2009 shall be repealed at the same time.