

【Title】 Regulations of the People's Republic of China on the Control over Prevention of Pollution by Vessels in Sea Waters[失效]

【法规标题】 中华人民共和国防止船舶污染海域管理条例 [Expired]

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Regulations of the People's Republic of China on the Control over Prevention of Pollution by Vessels in Sea Waters
(Promulgated by the State Council on December 29, 1983)

中华人民共和国防止船舶污染海域管理条例
(一九八三年十二月二十九日国务院发布)

CHAPTER I GENERAL PRINCIPLES

第一章 总则

Article 1. The Regulations are hereby formulated in order to prevent vessels from polluting sea water and protect the sea water ecotype as part of the effort to enforce "[the Law of the People's Republic of China on Marine Environmental Protection](#)".

第一条 为实施《[中华人民共和国海洋环境保护法](#)》，防止船舶污染海域，维护海域生态环境，特制定本条例。

Article 2. The regulations are applicable to all vessels of Chinese and foreign registry, ship owners and other individuals in the sea waters and harbors under the jurisdiction of the People's Republic of China.

第二条 本条例适用于在中华人民共和国管辖海域、海港内的一切中国籍船舶、外国籍船舶及船舶所有人和其他个人。

Article 3. The Harbor Superintendency Administration of the People's Republic of China (hereinafter referred to as Harbor Superintendency) is the organ in charge of preventing vessels from polluting sea waters.

第三条 防止船舶污染海域环境的主管机关，是中华人民共和国港务监督（以下简称港务监督）。

CHAPTER II GENERAL PROVISIONS

第二章 一般规定

Article 4. No vessels in the sea waters and harbors under the jurisdiction of the People's Republic of China are allowed to discharge oils, oil mixtures, wastes and other harmful and poisonous matters in violation against "[the Law of the People's Republic of China on Marine Environmental Protection](#)" and the stipulations of the present regulations.

第四条 在中华人民共和国管辖海域、海港内的一切船舶，不得违反《[中华人民共和国海洋环境保护法](#)》和本条例的规定排放油类、油性混合物、废弃物和其他有毒有害物质。

Article 5. No ships are allowed to discharge oils, oil mixtures, wastes and other harmful and poisonous matters to the harbor fresh water areas near

第五条 任何船舶不得向河口附近的港口淡水水域、海洋特别保护区和海上自然

river mouths, special maritime protection zones and maritime natural preserves.

Article 6. Should sea waters be polluted by oils, oil mixtures and other harmful and poisonous matters from vessels, the vessels shall adopt prompt measures to control and eliminate the pollution and file written reports to the nearest Harbor Superintendency in the shortest possible time and be ready to accept investigations.

Article 7. If an average has occurred and it has caused or might cause major pollution of the sea environment, the Harbor Superintendency has the right to enforce measures including forced clearance or forced towing to avoid or mitigate damages by such pollution. The vessels causing the accidents shall be responsible for all expenses arising therefrom.

Article 8. Vessels that have caused or committed or discovered other vessels causing or committing pollution and law violating acts in the sea waters under the jurisdiction of the People's Republic of China shall be dealt with according to the provisions of [Article 36](#) and [article 37](#) of "[the Law of the People's Republic of China on Marine Environmental Protection](#)".

Article 9. Vessels in need of cleaning inside a harbor must take safety and anti-pollution measures before the operations start with the approval of the Harbor Superintendency upon prior application.

Article 10. In order to ensure safe pilotage and berthing and prevent pollution, all load-free oil tankers calling at ports must have ballasting water on less than one fourth of their loading capacities. The Harbor Superintendency shall investigate those oil tankers that have not retained sufficient ballasting water and find out where it has been discharged and deal with the cases in light of actual circumstances.

Article 11. Vessels are not allowed to use wilfully chemical oil-cleaning agents to eliminate oil pollution they have caused or oils they have discharged in violation against the rules. If oil-cleaning agents must be used, they must make prior application by telephone or in writing with the Harbor superintendency, specifying brands of the oil-cleaning agents, the amount intended to be used and places of application, and await approval for the application of such oil-cleaning agents.

Article 12. Owners of vessels or culprits who have been fined or obliged to shoulder the responsibility of cleaning or compensation for polluting the waters or discharging wastes against the rules must complete the procedures for finding sureties or related payments before setting sail.

保护区排放油类、油性混合物、废弃物和其他有毒害物质。

第六条 船舶发生油类、油性混合物和其他有毒害物质造成污染海域事故，应立即采取措施，控制和消除污染，并尽快向就近的港务监督提交书面报告，接受调查处理。

第七条 船舶发生海损事故造成或者可能造成海洋环境重大污染损害的，港务监督有权强制采取避免或减少这种污染损害的措施，包括强制清除或强制拖航的措施。由此发生的一切费用，由肇事船方承担。

第八条 船舶在中华人民共和国管辖海域自己发生或发现其他船舶污染海域情事或违章行为的，应按《[中华人民共和国海洋环境保护法](#)》[第三十六条](#)、[第三十七条](#)规定办理。

第九条 船舶需要在港内进行洗舱作业，必须采取安全和防止污染海域措施，并事先向港务监督申请，经批准后，方可进行。

第十条 为保证油轮的安全引航、靠泊和防止海域污染，所有进港的空载油轮留存的压舱水不得少于该油轮载重量的四分之一。港务监督对于不按规定留足压舱水的油轮，要调查其压舱水的去向，并视情况进行处理。

第十一条 船舶在发生油污事故或违章排油后，不得擅自使用化学消油剂。如必需使用时，应事先用电话或书面向港务监督申请，说明消油剂的牌号、计划用量和使用地点，经批准后，方可使用。

第十二条 发生污染事故，或违章排污的船舶，其被处以罚款或需负担清除、赔偿等经济责任的船舶所有人或肇事人，必须在开航前办妥有关款项的财务担保

Article 13. In addition to observance of the regulations herein, vessels carrying 2,000 tons or more of bulk oil sailing international routes will abide, apart from the present regulations, by the "[International Convention on Civil Liability for Oil Pollution Damage](#), 1969" (Nov. 29, 1969, Brussels).

CHAPTER III VESSEL POLLUTION PREVENTION DOCUMENTS AND ANTI-POLLUTION EQUIPMENT

Article 14. Vessel pollution prevention documents:

- (1) Oil tankers of over 150 deadweight tons, non-oil tankers of under 400 deadweight tons and bulk oil vessels of over 2,000 deadweight tons must be equipped with the vessel pollution prevention documents as stipulated in [Article 28](#) of "[the Law of the People's Republic of China on Marine Environmental Protection](#)".
- (2) Vessels should also be equipped with all other pollution prevention documents as required by the Harbor Superintendency.

Article 15. For oil tankers of over 150 deadweight tons and non-oil tankers of under 400 deadweight tons, the anti-oil pollution equipment shall meet the following requirements;

- (1) Different pipe systems must be used for engine room waste water and the ballasting water;
- (2) There must be a waste oil storage hold;
- (3) Standard charge joints must be fitted;
- (4) Equipment for separating oil from water or filtering system must be installed so as to satisfy the requirements that the oil contents of the treated greasy water would be no more than 15 mg/ litre when discharged within 12 nautical miles from the nearest shore and no more than 100 mg/ litre when discharged beyond 12 nautical miles from the nearest shores;
- (5) Vessels of more than 10,000 tons in deadweight should be equipped with devices for monitoring oil discharge, in addition to meeting the aforementioned requirements;
- (6) Other anti-pollution equipment installed in vessels should conform to related stipulation of the state conventions for anti-pollution structures and equipment.

For Vessels whose anti-pollution equipment fails to meet the above-mentioned requirements, they shall have met the prescribed requirements within three years after the present regulations are put into effect.

Article 16. Oil tankers of less than 150 deadweight tons and non-oil tankers of less than 400 deadweight tons must have special containers

or缴纳手续。

第十三条 航行国际航线、载运二千吨以上的散装货油的船舶，除执行本条例规定外，并适用于我国参加的《1969年[国际油污损害民事责任公约](#)》。

第三章 船舶防污文书及防污设备

第十四条 船舶防污文书：

- （一）一百五十总吨以上的油轮、四百总吨以上的非油轮和载运二千吨以上的散装货油的船舶，必须分别备有《[中华人民共和国海洋环境保护法](#)》[第二十八条](#)规定的相应的船舶防污文书。
- （二）船舶还应备齐港务监督要求的其他防污文书。

第十五条 对一百五十总吨以上的油轮和四百总吨以上的非油轮，防止油污染设备应符合下列要求：

- （一）机舱污水和压载水分别使用不同的管系；
 - （二）设置污油储存舱；
 - （三）装设标准排放接头；
 - （四）装设油水分离设备或过滤系统，并满足在距最近陆地十二海里以内排放含油污水时，经处理的油污水排放含油量不超过十五毫克/升，在距最近陆地十二海里以外排放油污水时，经处理的油污水排放含油量不超过一百毫克/升的要求；
 - （五）一万总吨以上的船舶，除满足本条上述各项规定外，还应装有排油监控装置；
 - （六）船舶装设的其他防污设备，应符合国家船舶防污结构与设备规范的有关规定。
- 现有船舶防污设备达不到上述要求的，应在本条例实施后三年内达到规定的要求。

第十六条 不足一百五十总吨的油轮和不足四百总吨的非油轮，应设有专用容

which can recover oil residues or waste oil and be able to discharge them into the receiving facilities in harbors and must have the equipment specified in (3), (6) of Article 15 of the present regulation.

CHAPTER IV SHIP OIL OPERATIONS AND OIL AND WASTE OIL WATER DISCHARGE

Article 17. Vessels that carry out oil operations must observe the following rules:

- (1) Check, before operation, the pipe systems and valves, stop the deck water discharge holes and shut the sea valves to get everything ready;
- (2) Check oil operation equipment to see it is in normal working order
- (3) Put containers in places where overflowing or a leakage is possible to collect the overflow or leaks.
- (4) Liaison signals agreed upon by the oil supplier and the oil recipient must be earnestly observed with the latter shouldering greater responsibility;
- (5) In operation, there must be enough working staff on duty. Persons on duty must strictly observe operation procedures and control the progress of the operation and prevent oil from overflowing or leaking;
- (6) All related valves must be shut at the end of the operations;
- (7) In collection the hose, the hose opening must be sealed up first by a blind ram or by other effective means to prevent the oil left in the hose from flowing into the sea;
- (8) Oil operation by oil tankers should be accurately recorded in the "Book of Oils"; non-oil tankers should record the oil operations in the "Engine Room Logbook" or record books for personnel on duty.

Article 18. When there is an outflow or a leak during the oil operations, prompt cleaning measure must be adopted to prevent oil pollution from spreading while reporting the accidents to the Harbor Superintendency. After the cause is found, a written report must be filed while awaiting investigation.

Article 19. Pollutants discharged by vessels must conform to "the Vessel Pollutant Discharge Standards" of the People's Republic of China. Vessels at port are not allowed to discharge oil-containing waste water from ballast tank, cleaning holds or engine rooms. Such waste water must be received and treated by harbor waste water disposal facilities. In cases where such facilities are non-existent and the vessels are truly in need of discharging its oil-containing waste water, the vessels must file a written report with the Harbor superintendency and discharge such water under specified conditions and at appointed places after the approval is

器,回收残油、废油。该容器应能将残油、废油排入港口接收设备,并应具备有本条例第十五条第(三)、(六)项规定的设备。

第四章 船舶油类作业及油污水的排放

第十七条 船舶进行油类作业,必须遵守下列规定:

- (一)作业前,必须检查管路、阀门,作好准备工作,堵好甲板排水孔,关好有关通海阀;
- (二)检查油类作业的有关设备,使其处于良好状态;
- (三)对可能发生溢漏的地方,要设置集油容器;
- (四)供油、受油双方商定的联系信号,以受方为主,双方均应切实执行;
- (五)作业中,要有足够人员值班,当班人员要坚守岗位,严格执行操作规程,掌握作业进度,防止跑油、漏油;
- (六)停止作业时,必须关好有关阀门;
- (七)收解输油软管时,必须事先用盲板将软管封好,或采取其他有效措施,防止软管存油倒流入海;
- (八)油轮应将油类作业情况,准确地记入《油类记录簿》;非油轮应记入《轮机日志》或值班记录簿。

第十八条 船舶在进行油类作业的过程中,如发生跑油、漏油事故,应及时采取清除措施,防止扩大油污染,同时向港务监督报告。查明原因后,应写出书面报告,并接受调查处理。

第十九条 船舶排放污染物,必须符合中华人民共和国《船舶污染物排放标准》。

到港船舶的压舱、洗舱、机舱等含油污水,不得任意排放,应由港口油污水处理设施接收处理。港口无接收处理条件船舶含油污水又确需排放时,应事先向港务监督提出书面报告,经批准后,按规定条件和指定区域排放。

obtained.

Article 20. Vessels that have got the approval to discharge oil-containing water according to Article 19 of the regulations must do so in compliance with the following stipulations:

(1) Usual Circumstances

(a) In zones as approved;

(b) While in motion, the discharge rate must not be bigger than 60 litres/ nautical mile;

(c) The Oil content of the waste water must not be bigger than 15 mg/ litre;

(d) The oil and water separation equipment, the filtering system and the oil discharge monitoring devices are in normal working order;

(e) When the tide is on the ebb.

(2) For oil tankers of more than 150 deadweight tons and non-oil tankers of over 400 deadweight tons, the following requirements shall be met, apart from a, b, d and e of the preceding (1):

(a) Beyond 12 nautical miles from the nearest land;

(b) The oil content of the waste water must not be bigger than 100 mg/ litre.

(3) In discharging the ballasting and bilge water by oil tankers of more than 150 deadweight tons, the following requirements shall be met, apart from b and d of (1) in this article:

(a) Outside 50 nautical miles from the nearest land;

(b) The total amount of oil discharge on such ballast mission must not exceed one 15,000th of the total oil load for existing oil tankers or one 30,000th of the total oil load for oil tankers of new designs.

CHAPTER V DANGEROUS GOODS LOADED AND SHIPPED BY VESSELS

Article 21. In carrying inflammables, explosives, corrosives, poison, radioactive substance and other dangerous goods, necessary safety and antipollution measures shall be adopted and required signals be hung.

The "[Rules for the Supervision and Control over Ships Loaded with Dangerous Goods](#)" and the "[Rules for Transporting Dangerous Goods by Waterway](#)" issued by the Ministry of Transport and Communications of the People's Republic of China and "International Rules for the Transport of Dangerous Goods on the Seas" issued by the International Maritime Organization must be observed so as to prevent accidents that will cause spilling, overflowing or leaking of dangerous goods and pollute the sea.

Article 22. In loading harmful and dangerous bulk liquids in harbors, the provisions of Article 17 of these regulations shall be observed.

第二十条 按本条例第十九条批准的船舶排放含油污水，必须分别符合以下各项规定：

（一）一般情况

1．在批准的区域内；

2．在航行中，瞬时排放率不大于六十公升 / 海里；

3．污水的含油量不大于十五毫克 / 升；

4．船上油水分离设备、过滤系统和排油监控装置，处于正常工作状态；

5．在退潮时。

（二）一百五十总吨以上的油轮和四百总吨以上的非油轮机舱污水的排放，除满足上述（一）项之 1、2、4、5 外，还应满足：

1．距最近陆地十二海里以外；

2．污水含油量不大于一百毫克 / 升。

（三）一百五十总吨以上油轮的压舱水、洗舱水的排放，除满足上述（一）项之 2、4 外，还应满足：

1．距最近陆地五十海里以外；

2．每压载航次排油总量，现有油轮不得超过装油总量的一万五千分之一，新油轮不超过装油总量的三万分之一。

第五章 船舶装运危险货物

第二十一条 船舶装运易燃、易爆、腐蚀、有毒害和放射性的危险货物，应采取必要的安全和防污染措施。应悬挂规定的信号，遵守[中华人民共和国交通部《船舶装载危险货物监督管理规则》](#)和[国际海事组织《国际海上危险货物运输规则》](#)，防止发生事故造成危险货物散落或溢漏污染海域。

第二十二条 船舶在港进行散装有毒害液态危险货物时，参照执行本条例第十七条的各项规定。

Article 23. In loading or unloading harmful and poisonous, corrosive or radioactive goods in harbors, the ship and the operational units must take precautions against spilling into the sea of such goods. If accidents occur, urgent measures must be taken for salvation or removal while making prompt report to Harbor Superintendency and notifying units concerned to take measures to prevent from major damages.

CHAPTER VI OTHER WASTE WATER FROM VESSELS

Article 24. Nuclear-powered vessels and vessels loaded with radioactive substance must abide by the provisions of [Articles 31](#) of "[the Law of the People's Republic of China on Marine Environmental Protection](#)".

Article 25. Vessels from epidemic plagued ports must apply with local sanitation and quarantine departments for conducting hygienical treatment of their ballasting water.

Article 26. Vessels loaded with harmful poisonous and corrosive goods must meet the following requirements in discharging hold-cleaning water containing such substance:

- (1) In approved areas;
- (2) In waters over 25 meters deep and outside 12 nautical miles from the nearest land;
- (3) While under way, the speed must not be less than seven knots for self-navigating vessels and must not be less than four knots for the non-self-navigating vessels.
- (4) While the tide is on the ebb;
- (5) Solid remnants must be recovered and treated instead of being discharged into the sea.
- (6) The discharge operation must be recorded in the "Log Book".

CHAPTER VII GARBAGE FROM VESSELS

Article 27. Vessel garbage is not allowed to discard into the waters at harbors. Vessels loaded with harmful and poisonous goods and bulk goods with flying dust are not allowed to wash the decks and holds or discharge wastes by any other means into the waters of harbors. If washing is necessary, they must apply for prior approval with the Harbor Superintendent.

Article 28. Vessels at port needing to discard garbage must display the signal prescribed by the port to attract garbage vessels for collection and disposal, and must see to it that:

- (1) The daily life garbage containers have covers and are seep- and leak-proof and emptied and cleaned regularly;
- (2) Dunnage, sweepings and various solid refuse of vessels should be

第二十三条 船舶在港口进行装卸有毒害、含腐蚀或放射性危险货物时，船方和作业单位都必须采取预防措施，防止货物落水。如发生事故，应采取紧急措施，进行打捞清除，并立即向港务监督报告，及时通告有关单位，采取措施，防止造成重大危害。

第六章 船舶其他污水

第二十四条 核动力船舶和装载放射性物质的船舶，必须遵守《[中华人民共和国海洋环境保护法](#)》[第三十一条](#)的规定。

第二十五条 来自有疫情港口船舶的压舱水，应申请卫生检疫部门进行卫生处理。

第二十六条 装运有毒害、含腐蚀性货物的船舶，排放含有该物质的洗舱水，必须符合以下各项：

- （一）在批准的区域内；
- （二）距最近陆地十二海里以外，水深二十五米以上；
- （三）在航行中，且船速不小于七节，非自航船，航速不小于四节；
- （四）在退潮时；
- （五）固体残余物，不得排入海域，必须回收处理；
- （六）将排放情况记入《航海日志》。

第七章 船舶垃圾

第二十七条 船舶垃圾不得任意倒入港区水域。装载有毒害货物，以及粉尘飞扬的散装货物的船舶，不得任意在港内冲洗甲板和舱室，或以其他方式将残物排入港内。确需冲洗的，事先必须申请港务监督批准。

第二十八条 在港船舶，凡需清倒船舶垃圾的，应在船上显示海港规定的信号，招用垃圾清倒船（车）接收处理。并应做到：

- （一）船舶生活垃圾的储集容器，必须有盖和不渗漏，并定期进行清倒；

cleared by harbor ship service departments. The ships concerned must apply in advance with the harbor ship service departments, with a listing of variety and quantity of the substance to be disposed of;

(3) If the vessel refuse contains harmful, poisonous and other elements of dangerous goods, the ships must, in their application for clearing, specify the names, nature and quantity of such matters and strictly separated them from other garbage.

Article 29. The refuse of vessels from epidemic plagued ports must be treated hygienically by quarantine departments upon application.

Article 30. In disposing of refuse on the seas, vessels must abide by the following provisions:

- (1) Plastic products are not permitted to be abandoned into the sea;
- (2) Daily life garbage and food rejects from vessels may be discarded beyond three nautical miles from the nearest land after being crushed into granules less than 25 millimeters in diameter and outside 12 nautical miles from the land if not crushed.

CHAPTER VIII THE USE OF VESSELS FOR DISPOSING OF REFUSE

Article 31. Any unit that needs to use vessels to dispose of waste must submit for examination to the Harbor Superintendent of the port of shipping documents of approval issued by the State Bureau of Oceanography or its agencies before going through the procedures for entry and exit visas for vessels. Visas shall not be issued if what is loaded is found to be inconsistent with what has been approved.

Article 32. In disposing of garbage by vessels, the vessels must faithfully record the disposal operation and submit a written report to the Harbor Superintendency after returning.

Article 33. Foreign vessels are not allowed to carry out garbage disposal operations including abandoning vessels and other floating tools in the waters within the jurisdiction of the People's Republic of China.

CHAPTER IX VESSELS BUILDING, REPAIR, SALVAGING AND DISASSEMBLING OPERATION ON AND UNDER WATER

Article 34. Units engaged in vessel building, repair, salvation and disassembly must have enough supplies and equipment to prevent pollution. Vessels operating on or under water must adopt precautionary measures to oils, oil mixtures and other refuse from polluting the waters.

(二) 船舶的垫舱、扫舱物料和各种固体垃圾, 应由港口船舶服务部门进行清倒, 船方应事先向港口船舶服务部门提出申请, 并提供清倒物的种类和数量;

(三) 在船舶垃圾中, 含有毒害或其他危险货物成分的, 船方在申请清倒时, 必须提供这些物质的品名、性质和数量, 并严格和其他垃圾分开堆放。

第二十九条 来自有疫情港口的船舶垃圾, 应申请卫生检疫部门进行卫生处理。

第三十条 船舶在海上处理垃圾, 应符合以下规定:

- (一) 塑料制品不得投弃入海;
- (二) 船舶生活垃圾及食品废弃物, 经过粉碎处理, 粒径小于二十五毫米的, 可在距最近陆地三海里以外投弃; 未经粉碎处理的, 应在距最近陆地十二海里以外投弃。

第八章 使用船舶倾倒废弃物

第三十一条 任何单位需使用船舶倾倒废弃物的, 应向起运港的港务监督提交国家海洋局或其派出机构的批准文件, 经核实后, 方可办理船舶进出口签证。如发现实际装载的与所批准的内容不符, 则不予办理签证。

第三十二条 船舶在执行倾倒废弃物任务时, 船方要如实记录倾倒情况。返港后, 船方应向当地港务监督作出书面报告。

第三十三条 外国籍船舶不得在中华人民共和国管辖海域内进行倾倒废弃物作业, 包括弃置船舶和其他浮动工具。

第九章 水上、水下船舶修造打捞和拆船工程

第三十四条 船舶修造、打捞和拆船单位, 均应备有足够的防止污染器材和设备。水上、水下船舶施工, 应采取预防措施, 防止油类、油性混合物和其他废

The oil-stained water from vessel operations on the water shall be treated according to provisions of Articles 19 and 20 of the present regulations.

Article 35. In areas where ship building and repair are concentrated, oil fenders should be erected to prevent oil and paint spilth on the water from spreading and the oil and paint spilth should be collected in time. Industrial garbage and other wastes from ship building and repairing operations should be recovered and disposed of by the engineering units and are not allowed to be dumped into the sea.

Article 36. In disassembling vessels, the disassembled parts must not be discarded into the sea. Vessel bottoms and oil tanks are not allowed to be removed on the water. They must to towed on to the shore to be disassembled and the remaining oil must be recovered and disposed of.

Article 37. Should an accident of average occurs or a vessel is likely to sink, the seamen should, before leaving the vessel, try their best to stop all valves of the piping on the oil hold (tank) and seal up the air holes of the oil hold (tank) to prevent oil from flowing out. Meanwhile the quantity of the remaining oil and the locations of air holes should be specified in the sea protest.

Article 38. In a salvaging operation under the water, measures must be taken to control oil pollution and prevent secondary pollution.

CHAPTER X COMPENSATION FOR DAMAGES FROM POLLUTION BY VESSELS

Article 39. The Harbor Superintendency may demand payments for pollution clearance expenses and compensation for the losses on the part of the state from vessels that have caused pollution of the marine environment in violation against "[the Law of the People's Republic of China on Marine Environmental Protection](#)" and the present regulations. If the party involved refuse to accept the decision, he may bring the case before the People's Court according to the provisions of [Article 41](#) of the "[Law of the People's Republic of China on Marine Environmental Protection](#)."

Article 40. If claims are made for civil liabilities by units or individuals affected by sea pollution from vessels, the cases shall be dealt with according to the procedures stipulated in Article 42 of the "[Law of the People's Republic of China on Marine Environmental Protection](#)". Disputes arising from responsibilities from compensation and the amount of compensation may be mediated by the Harbor Superintendency. If disputing parties refuse to accept the decision, they may bring the case

弃物污染海域。水上船舶施工的油污水，按本条例第十九条、第二十条规定处理。

第三十五条 在水上进行船舶修造作业的集中区域，应设置围油栏，防止散落水中的油类和油漆扩散，并应及时清理。修造过程中的工业垃圾及其他废弃物，由施工单位组织回收处理，不得投弃入海。

第三十六条 在水上进行拆船的，拆除的物件不得投弃入海。船底和油柜不得在水上进行拆除，必须拖到岸上进行拆除作业，残油要回收处理。

第三十七条 船舶发生海损事故，或有可能沉没时，船员离船前，应尽可能地关闭所有油舱（柜）管系的阀门，堵塞油舱（柜）通气孔，防止溢油。并应在海事报告书中，说明存油的数量及通气孔的位置。

第三十八条 在进行水下船舶的打捞工程时，应采取措施防止油污扩大和新的污染发生。

第十章 船舶污染事故的损害赔偿

第三十九条 凡违反《[中华人民共和国海洋环境保护法](#)》和本条例，造成海洋环境污染损害的船舶，港务监督可以责令其支付消除污染费，赔偿国家损失。当事人不服的，可按《[中华人民共和国海洋环境保护法](#)》第[四十一条](#)规定向人民法院起诉。

第四十条 凡由船舶造成海洋污染，受到污染损害的单位和个人，需要进行民事责任索赔的，按《[中华人民共和国海洋环境保护法](#)》第[四十二条](#)规定的处理程序处理。赔偿责任和赔偿金额纠纷，可由港务监督调解处理。当事人对处理不服的，可以向人民法院起诉；也可以直

before the People's Court. They may also bring the case before the People's Court directly without mediation. Case involving foreign nationals or vessels may be settled according to arbitration procedures.

Article 41. The units or individuals demanding compensation for damages from pollution by vessels, if they apply for settlement by the Harbor Superintendence, should submit as soon as possible a claim report to the nearest Harbor Superintendency. The Claim report should include the following contents:

- (1) Time, location, scope and victims of pollution by vessels and the meteorological and hydrological conditions at the time when the pollution occurs;
- (2) A list of things (including aquatic resources and various equipment and tools) damaged by the pollution covering names, quantity, unit prices and method of calculation as well as information about the aquicultural or natural conditions;
- (3) Authorization for appraisal of damages by science research institutes or notary public;
- (4) To provide as far as possible the original documents, photos of the objects damaged and other certificates and materials about claims.

Article 42. Units or individuals involved in pollution clearing operations which demand for pollution clearing charges should submit as soon as possible a report to the Harbor Superintendency at the end of the operations. The contents of the report should cover:

- (1) Time, location, program records or log book excerpts of the cleaning operations;
- (2) The number, price & method of calculation of the labor, machines and tools, vessels and cleaning materials used;
- (3) Expenses for management, traffic and other purposes in such operations;
- (4) Report on cleaning operations and results; and
- (5) Other evidences and certifying documents.

Article 43. If a vessel has polluted the territorial waters of the People's Republic of China, it must notify the nearest Harbor Superintendency as soon as possible and submit a written report immediately after it calls at the first port, while awaiting for investigation. The written report should cover: time, location and scope of the pollution and meteorological and hydrological conditions, the whole course of the accident, rescuing and cleaning measures adopted, causes and damages caused. Related materials and documents should also be attached.

接向人民法院起诉。涉外案件还可以按仲裁程序解决。

第四十一条 凡受船舶污染损害要求赔偿的单位和个人，如果申请港务监督处理，应尽快向就近的港务监督提交污染损害索赔报告书。该报告书应包括以下内容：

- （一）受船舶污染损害的时间、地点、范围、对象，以及当时的气象、水文情况；
- （二）受污染损害（包括水产资源和各种器具）的损失清单，包括品名、数量、单价、计算方法，以及养殖或自然的情况；
- （三）有关科研部门鉴定或公证机关对损害情况的签证；
- （四）尽可能提供的受污染损害的原始单证，有关情况的照片，其他有关索赔的证明单据、材料。

第四十二条 参与清除船舶污染损害，需要索取清除污染费用的单位和个人，在清除污染工作结束后，应尽快向有关港务监督提交索取清除污染费用报告书，该报告书应包括：

- （一）清除污染的时间、地点、日程记录或《航海日志》摘录；
- （二）投入的人力、机具、船只、清除材料的数量、单价、计算方法；
- （三）组织清除的管理费、交通费及其他有关费用；
- （四）清除效果及情况报告；
- （五）其他有关证据和证明材料。

第四十三条 船舶在中华人民共和国管辖的海域发生污染事故，应尽快向就近的港务监督报告，在船舶进入第一港口后，应立即向港务监督提交报告书，并接受调查处理。该报告书的内容应包括：船舶污染发生的时间、地点、范围、气象、水文情况，经过情况、抢救和清除措施，原因和损害，并应附送有关的材料。

Article 44. The owner of a vessel requesting for exemption from compensatory liability for pollution accidents should submit to the Harbor Superintendency a report which should be valid enough to substantiate the fact that the pollution caused belongs to one of the cases listed in [Article 43 of "the Law of the People's Republic of China on Marine Environmental Protection"](#), and that despite timely and proper measures taken, it could not be avoided.

Article 45. In handling disputes over compensatory liability and compensatory damages for the pollution by vessels, the Harbor Superintendency may conduct mediation on the basis of the findings of the investigation or take decisions according to the findings of the investigation.

CHAPTER XI PUNISHMENT AND AWARDS

Article 46. Vessels that have violated ["the Law of the People's Republic of China on Marine Environmental Protection"](#) and the present regulation and caused or is likely to cause pollution of the sea or harbor areas under the jurisdiction of the People's Republic of China, the Harbor Superintendency may issue warnings or impose fines on their owners according to the seriousness of the cases.

Article 47. The maximum fine on a shipowner is 100,000 yuan RMB. A maximum fine of 1,000 yuan RMB shall be imposed on one of the following cases:

- (1) Using oil-cleaning agents without approval;
- (2) Having no "Book of Oils" as required;
- (3) The records of the "Book of Oils" is not standardized or forged;
- (4) Obstructing examination by the Harbor Superintendency.

Education should be made of the seamen or other individuals who are directly responsible for the accident. For serious cases, fines may be imposed but the maximum amount of fine shall not exceed 20 percent of the monthly wage of the person in question.

Article 48. If a vessel is proven after being investigated to have caused pollution or discharged wastes in violation of set rules, it shall be dealt with according to rules all the same whether it admits it or not.

Article 49. If the party concerned refuses to accept the decision of administrative punishment, it shall be dealt with according to [Article 41 of "the Law of the People's Republic of China on Marine Environmental Protection"](#).

Article 50. Those individuals who inform against and expose pollution

第四十四条 船舶发生污染事故，船舶所有人要求免于承担赔偿责任的，应向港务监督提出报告。该报告应能证实污染损害是完全属于《[中华人民共和国海洋环境保护法](#)》[第四十三条](#)所列的情形之一，并经过及时采取合理措施仍不能避免对海洋环境造成污染损害的。

第四十五条 港务监督受理的因船舶污染而引起的赔偿责任和赔偿金额的纠纷，在调查了解的基础上，可进行调解或根据调查结果作出处理。

第十一章 处罚与奖励

第四十六条 凡由于船舶违反《[中华人民共和国海洋环境保护法](#)》和本条例，造成或可能造成对中华人民共和国管辖海域和海港水域污染损害的，港务监督视其责任情节的轻重和污染损害的程度，可以处以警告，或对船舶所有人处以罚款。

第四十七条 对船舶所有人的罚款，最高额为人民币十万元。但对下列情况之一者，罚款的最高额为人民币一千元：

- （一）未经批准，擅自使用消油剂；
- （二）未按规定配备《油类记录簿》；
- （三）《油类记录簿》的记载非正规化，或记载伪造事实；
- （四）阻挠港务监督检查。

对有直接责任的船员或其他个人，应予以教育，情节严重的也可罚款，但所罚款额最高不得超过本人月基本工资之百分之二十。

第四十八条 船舶发生污染事故，或违章排污，经调查，证据确凿，不论其承认与否，同样按规定处理。

第四十九条 当事人对行政处罚决定不服的，按《[中华人民共和国海洋环境保护法](#)》[第四十一条](#)规定办理。

第五十条 对船舶发生污染事故，能主动

accidents by vessels on their own initiative and actively provide evidences, or excel themselves in taking effective measures to mitigate damages shall be commended or awarded.

Article 51. All fines collected from capable vessels or persons directly responsible shall be listed a special funds and turned over to the state treasury. The monetary awards to persons specified in Article 50 of the present regulations shall come from state appropriation.

CHAPTER XII SUPPLEMENTARY ARTICLES

Article 52. The definitions of following terms used in the present regulations are:

- (1) "Harbor" refers to coastal harbors and areas near river mouths, mainly devoted to the docking of seagoing vessels, including their water areas and channels leading to sea lanes.
- (2) "Vessels" refers to all types of motorized or non-motorized vessels, excluding stationary and movable platforms for offshore oil operations.
- (3) "Oils" refers to any kind of oil and products refined from it.
- (4) "Vessel Garbage" refer to refuse produced by seamen in the normal course of vessel operations, cinder, dunnage, chafing and sweepings as well as worn-out tools and riggings and machine parts.
- (5) "Existing vessels" refers to vessels launched before March 1, 1983

Article 53. In controlling vessels of foreign registry, the methods of control of the countries to which the vessels belong may be applied on a reciprocal basis, in addition to the implementation of the present regulations.

Article 54. The state fishery and fishing port supervisory and administrative organs exercise the power of the competent authorities stipulated in the present regulations within the waters of fishing ports.

Article 55. Separate regulations governing the prevention of pollution in harbor areas under the jurisdiction of military departments and by military vessels shall be drawn up by the army environment protection departments in reference to "[the Law of the People's Republic of China on Marine Environmental Protection](#)" and the present regulation.

Article 56. The regulations shall become effective of the date of promulgation.

检举、揭发，积极提供证据，或采取有效措施减少污染损害有突出成绩的个人，应给予表扬或奖励。

第五十一条 对肇事船舶或直接责任人员的罚款，全部列专款上缴国库。对本条例第五十条中有关人员的奖励金，由国家财政核拨。

第十二章 附 则

第五十二条 本条例中下列用语的含义是：

- （一）“海港”是指沿海港口以及河流入海处附近，以靠泊海船为主的港口，包括该港区范围内的水域和通海航道。
- （二）“船舶”是指一切类型的机动和非机动船只，但不包括海上石油勘探开发作业中的固定式和移动式平台。
- （三）“油类”是指任何类型的油及其炼制品。
- （四）“船舶垃圾”是指船舶在营运生产过程中，自身正常产生的船员生活垃圾，炉渣，垫、隔舱和扫舱物料，以及船上损耗报废的工索具和机器零件等。
- （五）“现有船舶”系指一九八三年三月一日以前交船的船舶。

第五十三条 对外国籍船舶的管理，除执行本条例外，可实行与该船舶所属国对等原则的管理。

第五十四条 国家渔政渔港监督管理机构，在渔港水域内，行使本条例规定的主管机关的职权。

第五十五条 海港中的军事管辖区及军用船舶的内部防止污染管理，由军队环境保护部门依据《[中华人民共和国海洋环境保护法](#)》和本条例，另行具体规定。

第五十六条 本条例自发布之日起施行。

