

**中华人民共和国
海上交通安全法**

**Maritime Traffic Safety Law of
the People's Republic of China**

中华人民共和国民用航空法

**Civil Aviation Law of the
People's Republic of China**

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《中华人民共和国海上交通安全法》已由中华人民共和国第六届全国人民代表大会常务委员会第二次会议于 1983 年 9 月 2 日通过,现予公布,自 1984 年 1 月 1 日起施行。

中华人民共和国主席 李先念

1983 年 9 月 2 日

Order of the President of the People's Republic of China

No. 7

The Maritime Traffic Safety Law of the People's Republic of China, adopted at the 2nd Meeting of the Standing Committee of the Sixth National People's Congress of the People's Republic of China on September 2, 1983, is hereby promulgated and shall go into effect as of January 1, 1984.

Li Xiannian

President of the People's Republic of China

September 2, 1983

中华人民共和国 海上交通安全法

(1983年9月2日第六届全国人民代表大会常务委员会第二次会议通过 1983年9月2日中华人民共和国主席令第7号公布
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Maritime Traffic Safety Law of the People's Republic of China

(Adopted at the Second Meeting of the Standing Committee of the Sixth National People's Congress and promulgated by Order No. 7 of the President of the People's Republic of China on September 2, 1983, and effective as of January 1, 1984)

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第一章 总 则

第一条 为加强海上交通管理,保障船舶、设施和人命财产的安全,维护国家权益,特制定本法。

第二条 本法适用于在中华人民共和国沿海水域航行、停泊和作业的一切船舶、设施和人员以及船舶、设施的所有人、经营人。

第三条 中华人民共和国港务监督机构,是对沿海水域的交通安全实施统一监督管理的主管机关。

第二章 船舶检验和登记

第四条 船舶和船上有关航行安全的重要设备必须具有船舶检验部门签发的有效技术证书。

第五条 船舶必须持有船舶国籍证书,或船舶登记证书,或船舶执照。

第三章 船舶、设施上的人员

第六条 船舶应当按照标准定额配备足以保证船舶安

Chapter I General Provisions

Article 1 This Law is formulated in order to strengthen the control of maritime traffic; ensure the safety of vessels, installations, human life and property; and safeguard the rights and interests of the State.

Article 2 This Law shall apply to all vessels, installations and personnel and to the owners and managers of such vessels and installations that navigate, berth or operate in the coastal waters of the People's Republic of China.

Article 3 The harbour superintendency agencies of the People's Republic of China shall be the competent authorities responsible for the unified supervision and administration of traffic safety in the coastal waters.

Chapter II Inspection and Registration of Vessels

Article 4 Vessels and their major equipment relating to navigation safety must have valid technical certificates issued by vessel inspection departments.

Article 5 A vessel must have a certificate showing its nationality, a vessel registry certificate or a vessel licence.

Chapter III Personnel on Vessels and Installations

Article 6 Vessels shall be manned with qualified crew members according to a standard quota to ensure the vessels' safety.

全的合格船员。

第七条 船长、轮机长、驾驶员、轮机员、无线电报务员话务员以及水上飞机、潜水器的相应人员,必须持有合格的职务证书。

其他船员必须经过相应的专业技术训练。

第八条 设施应当按照国家规定,配备掌握避碰、信号、通信、消防、救生等专业技能的人员。

第九条 船舶、设施上的人员必须遵守有关海上交通安全的规章制度和操作规程,保障船舶、设施航行、停泊和作业的安全。

第四章 航行、停泊和作业

第十条 船舶、设施航行、停泊和作业,必须遵守中华人民共和国的有关法律、行政法规和规章。

第十一条 外国籍非军用船舶,未经主管机关批准,不得进入中华人民共和国的内水和港口。但是,因人员病急、

Article 7 The captain, chief engineer, pilot, engineers, radio and telephone operators and similar personnel on board seaplanes or submersibles must hold valid job certificates.

All other crew members must undergo specialized technical training required for their work.

Article 8 In accordance with State provisions, all installations shall be provided with personnel who have mastered the techniques of collision avoidance, signalling, communications, fire control, life-saving and other operations.

Article 9 All personnel on vessels and installations must observe relevant rules and regulations concerning maritime traffic safety, follow the operating rules and ensure the safety of the vessels and installations in navigation, berthing and operations.

Chapter IV Navigation, Berthing and Operations

Article 10 While navigating, berthing or carrying out operations, vessels and installations must abide by the relevant laws, administrative statutes and rules and regulations of the People's Republic of China.

Article 11 Non-military vessels of foreign nationality may not enter the internal waters and harbours of the People's Republic of China without the approval of its competent authorities. However, under unexpected circumstances such as critical illness of personnel, engine breakdown or the vessels being in distress or seeking shelter from weather when they do not have the time to obtain approval, they may, while entering China's internal waters or harbours, make an emergency report to the competent authority and shall obey its directions.

机件故障、遇难、避风等意外情况,未及获得批准,可以在进入的同时向主管机关紧急报告,并听从指挥。

外国籍军用船舶,未经中华人民共和国政府批准,不得进入中华人民共和国领海。

第十二条 国际航行船舶进出中华人民共和国港口,必须接受主管机关的检查。本国籍国内航行船舶进出港口,必须办理进出港签证。

第十三条 外国籍船舶进出中华人民共和国港口或者在港内航行、移泊以及靠离港外系泊点、装卸站等,必须由主管机关指派引航员引航。

第十四条 船舶进出港口或者通过交通管制区、通航密集区和航行条件受到限制的区域时,必须遵守中华人民共和国政府或主管机关公布的特别规定。

第十五条 除经主管机关特别许可外,禁止船舶进入或穿越禁航区。

第十六条 大型设施和移动式平台的海上拖带,必须经船舶检验部门进行拖航检验,并报主管机关核准。

第十七条 主管机关发现船舶的实际状况同证书所载不相符合时,有权责成其申请重新检验或者通知其所有人、

Military vessels of foreign nationality may not enter the territorial waters of the People's Republic of China without the approval of the Government of the People's Republic of China.

Article 12 Vessels sailing on international routes that enter and leave the harbours of the People's Republic of China must accept inspection by the competent authorities. Vessels of Chinese nationality sailing on domestic routes that enter and leave such harbours must obtain port entry and departure visas.

Article 13 Vessels of foreign nationality entering and leaving a harbour of the People's Republic of China, navigating or shifting berths in the harbour area, or approaching or leaving mooring points or loading spots outside the harbour must be navigated By a pilot designated by the competent authority.

Article 14 When entering or leaving harbours or passing through controlled traffic areas, crowded navigable areas or areas where navigational conditions are restricted, vessels must observe the special regulations promulgated by the Government of the People's Republic of China or by the competent authority.

Article 15 Vessels shall be prohibited from entering or passing through restricted navigation zones unless specially permitted by the competent authority.

Article 16 Towing operations on the open sea involving large-sized installations and mobile platforms must undergo towing inspection conducted by vessel inspection departments and be reported to the competent authority for examination and approval.

Article 17 If the competent authority finds the actual condition of a vessel to be not in conformity with what is stated in the vessel's certificates, it shall have the right to require the vessel to apply for a new inspection or notify its owner or manager to adopt effective safety measures.

经营人采取有效的安全措施。

第十八条 主管机关认为船舶对港口安全具有威胁时,有权禁止其进港或令其离港。

第十九条 船舶、设施有下列情况之一的,主管机关有权禁止其离港,或令其停航、改航、停止作业:

一、违反中华人民共和国有关的法律、行政法规或规章;

二、处于不适航或不适拖状态;

三、发生交通事故,手续未清;

四、未向主管机关或有关部门交付应承担的费用,也未提供适当的担保;

五、主管机关认为有其他妨害或者可能妨害海上交通安全的情况。

第五章 安全 保障

第二十条 在沿海水域进行水上水下施工以及划定相应的安全作业区,必须报经主管机关核准公告。无关的船舶不得进入安全作业区。施工单位不得擅自扩大安全作业区的范围。

Article 18 If the competent authority believes that a vessel presents a menace to the safety of a harbour, it shall have the right to forbid the vessel from entering the harbour or to order it to leave the harbour.

Article 19 The competent authority shall have the right to forbid a vessel or an installation from leaving the harbour or order it to suspend its voyage, change its route or cease its operations under any one of the following circumstances:

(1) if it violates any law, administrative statute or other rule or regulation of the People's Republic of China;

(2) if it is in a condition unsuitable for navigation or towing;

(3) if it is involved in a traffic accident and has not completed the necessary formalities;

(4) if it has not paid the fees that are due or furnished appropriate security to the competent authority or the department concerned; or

(5) if the competent authority considers that there are other circumstances that will jeopardize or might jeopardize maritime traffic safety.

Chapter V Safety Protection

Article 20 Construction operations to be carried out on the surface or underwater in coastal waters and the demarcation of corresponding safe operation zones must be reported to the competent authority for examination and approval and must be publicly announced. Vessels not involved in the construction project may not enter the safe operation zones. The construction unit may not enlarge such zones without authorization.

When shore lines are to be used in harbour areas or when construction work, including overhead operations, is to be carried out

在港区内使用岸线或者进行水上水下施工包括架空施工,还必须附图报经主管机关审核同意。

第二十一条 在沿海水域划定禁航区,必须经国务院或主管机关批准。但是,为军事需要划定禁航区,可以由国家军事主管部门批准。

禁航区由主管机关公布。

第二十二条 未经主管机关批准,不得在港区、锚地、航道、通航密集区以及主管机关公布的航路内设置、构筑设施或者进行其他有碍航行安全的活动。

对在上述区域内擅自设置、构筑的设施,主管机关有权责令其所有人限期搬迁或拆除。

第二十三条 禁止损坏助航标志和导航设施。损坏助航标志或导航设施的,应当立即向主管机关报告,并承担赔偿责任。

第二十四条 船舶、设施发现下列情况,应当迅速报告主管机关:

- 一、助航标志或导航设施变异、失常;
- 二、有妨碍航行安全的障碍物、漂流物;

on the sea surface or underwater in such areas, the plan and a drawing thereof must be submitted to the competent authority for examination and approval.

Article 21 The designation of restricted navigation zones in coastal waters must be approved by the State Council or the competent authority. However, the designation of restricted navigation zones for military purposes shall be approved by the competent department of the State in charge of military affairs.

The restricted navigation zones shall be announced by the competent authority.

Article 22 Without the approval of the competent authority, no installations may be established or constructed, nor may any activities that hinder navigational safety be carried out in harbour areas, anchorages, navigation lanes, or crowded navigable areas, as well as in navigation routes announced by the competent authority.

With respect to any installations which have been established or constructed in the above-mentioned areas without authorization, the competent authority shall have the right to order their owners to remove or dismantle the installations within a given period.

Article 23 It shall be forbidden to damage navigation aids or navigational facilities. Whoever has damaged navigation aids or navigational facilities shall immediately report the damage to the competent authority and be liable for compensation.

Article 24 Vessels and installations shall promptly make a report to the competent authority if they discover any of the following situations:

(1) if navigation aids or navigational facilities malfunction or become abnormal;

(2) if an obstacle or drifting object jeopardizing the safety of navigation is discovered; or

三、其他有碍航行安全的异常情况。

第二十五条 航标周围不得建造或设置影响其工作效能的障碍物。航标和航道附近有碍航行安全的灯光,应当妥善遮蔽。

第二十六条 设施的搬迁、拆除,沉船沉物的打捞清除,水下工程的善后处理,都不得遗留有碍航行和作业安全的隐患。在未妥善处理前,其所有人或经营人必须负责设置规定的标志,并将碍航物的名称、形状、尺寸、位置和深度准确地报告主管机关。

第二十七条 港口码头、港外系泊点、装卸站和船闸,应当加强安全管理,保持良好状态。

第二十八条 主管机关根据海上交通安全的需要,确定、调整交通管制区和港口锚地。港外锚地的划定,由主管机关报上级机关批准后公告。

第二十九条 主管机关按照国家规定,负责统一发布航行警告和航行通告。

第三十条 为保障航行、停泊和作业的安全,有关部门应当保持通信联络畅通,保持助航标志、导航设施明显有