

**An Illustration of Maritime Safety and
Security Systems of China**

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ABSTRACT

This paper gives an overview of maritime safety and security systems in china. Law and legislation aspects are introduced. It includes a brief look on governmental structure in maritime safety and security related issues. Designated functions and organizations structure of authorities is described. In the conclusion, new development and outlook of changes in the maritime safety and security systems in China are made.

1. Introduction

Nowadays, when maritime safety is concerned, marine environmental protection has to be concerned as well, although they are different subjects. Therefore, the paper deals with environmental protection issue as a part of maritime safety. The introduction of maritime safety, security and environmental protection systems of China will be comprised in this paper.

Based on the national law and international conventions that China has participated, many organs in Chinese government are related with the maritime safety, security and environmental protection. Subsequently, the law and legislation system is introduced first, and then the function of different governmental organizations will be presented afterward. The conclusion will be given in the end.

Restricted by author's knowledge, the maritime safety and security systems in Hong Kong, Macao and Taiwan will not be introduced by this paper.

2. Law and Legislation

There are different levels of law and regulations in China. The highest level is laws that have been adopted by the National People's Congress, such as the Maritime Traffic Safety Law (1983) and Marine Environment Protection Law (1999 amended). The second level is the local laws and regulations adopted by People's Congress in Provincial level, which concerns local issues. However, since maritime issues have been defined as the central government's affair in China, there are not many provincial or municipality legislation concerning maritime safety and security. The

third level is the governmental decrees, which are issued by the State Council or ministries. The most regulations of maritime safety are defined in this level.

In Chinese legislation system, an international convention, if the participation has been approved by the National People's Congress, is higher than national law. It means if there is contradiction between the national law and international convention that China is a party, the national law is overruled.

2.1 International Conventions

China has joined the most international conventions related maritime safety and security, like United Nations Convention on the Law of the Sea 1982, SOLAS, STCW78/95, MARPOL 73/78, COLREG72, etc (see table 1).

Table 1 The Major International Conventions Associated with Maritime Safety and Security and China has Participated

1.	United Nations Convention on the Law of the Sea, 1982
2.	International Convention for the Safety of Life at Sea (SOLAS), 1974
3.	International Convention on Load Lines (LL), 1966
4.	International Regulations for Preventing Collisions at Sea (COLREG), 1972
5.	International Convention for Safe Containers (CSC), 1972
6.	International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978 as amended in 1995
7.	International Convention on Maritime Search and Rescue (SAR), 1979
8.	International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties (INTERVENTION), 1969
9.	Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (LDC), 1972
10.	International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78)
11.	International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC), 1990
12.	International Convention on Tonnage Measurement of Ships (TONNAGE), 1969
13.	Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA), 1988

14.	Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf (SUAPROT), 1988
15.	International Convention on Salvage (SALVAGE), 1989

2.2 National Laws

In maritime safety, there are two laws related in China. They are Maritime Traffic Safety Law (1983) and Marine Environment Protection Law (1999 amended).

The Maritime Traffic Safety Law of the People's Republic of China (1983) is a ruling law in the maritime safety field. The aim of the law is "to ensure the safety of vessels, installations, property and human life" (Article 1). The law covers survey and registration of ships, manning, navigation, safety assurance requirement, carriage of dangerous goods, rescue, salvage and wreck removal, marine accident investigation, and so forth.

The Marine Environment Protection Law was issued initially in 1983, and amended in 1999. The newly amended law was promulgated in last December and came into force from the April of this year. The aim of the law is "to protect and improve the marine environment, protect marine resources, prevent pollution damage, maintain ecological balance, safeguard human health, promote the sustainable development of society and economy." (Article 1) The law consists by 6 chapters. It authorize the responsibility of different government organs in marine environment protection and contains marine Eco-system protection, prevention of land base pollution, pollution damage caused by coastal and marine construction, dumping pollution and prevention of pollution by ships.

In respective of maritime security, the specific law does not exist. The criminal law and regulations are used for the maritime security. However, there is a ministry's decree was issued by the Ministry of Public Security regulate the ships in coastal area on affairs of frontier defense and security administration (1999).

3. The Central Government Structure on Maritime Safety and Security

In this section, the overview on the government structure in maritime issues will be presented. The distinct structure and functions of the major organizations will be described in the next section.

State administrative organ of China is the State Council and the local governments. The State Council, Lead by a premier, namely the Central People's Government, is

the highest organ of state administration. The State Council composes by 29 ministries and commissions as well as 17 mechanisms which directly under it. Seven of those forty-six have their roles, more or less, in maritime safety, security and marine environment protection. Namely: the Ministry of Communications, the Ministry of Agriculture, the Ministry of Land and Resources, the Ministry of Public Security, the Ministry of National Defense, the General Administration of Customs, the State Environment Protection Administration (see Figure 1).

The Ministry of Communications has responsibility in maritime safety administration of ships, ships related pollution prevention and combating, survey and inspection of ships, coordinate maritime search and rescue include salvage, construction and maintenance of navigational aids, maritime communication including shore based GMDSS facilities. Under the ministry, four authorities have different roles maritime safety. The Maritime Safety Administration (MSA), primarily, has responsibility on prevention of pollution from ship inspection and survey of ships and offshore units as well as navigation service. The ministry was authorized the responsibility of coordination of maritime search and rescue was authorized by the State Council and the State Central Military Commission in 1989. Therefore, China Maritime Search and Rescue Center (MRCC) is lead by a deputy minister, the office, which in charge of routine duties, was located in the MSA. However, there is not an independent organ in the ministry in charge of search and rescue. The China Classification Society (CCS) is under the ministry too, although part of its works are authorized and governed by the MSA. The Maritime Rescue and Salvage Bureau and China Transport Telecommunication Center are also under the ministry. The maritime telecommunication service and major rescue resource are supplied by them respectively.

The Ministry of Agriculture has responsibility in fishery management, which includes protection of ecological environment, aquatic animals and plants, survey of fishing vessel, and safety of fishing vessel and port. There is a department named the Bureau of fisheries in the ministry. In addition, the Bureau of Fishing Vessel Survey and Inspection is directly under the ministry.

Under the Ministry of Land and Resources, the State Oceanic Administration has duties on supervision and management of marine environment protection, including dumping at sea, although the main task this organization is to investigate, monitor and exercise surveillance over the marine environment and conduct scientific research. New amended Marine Environment Protection Law has strengthened the role of the State Oceanic Administration in marine environment protection issue.

To maintain the public security is the main aim of the Ministry of Public security. In maritime security, three departments in the ministry are concerned. They are named the Bureau of Exit & Entry Administration, the Bureau of Frontier Defense and the Bureau of Criminal Investigation. They have responsibility to keep the

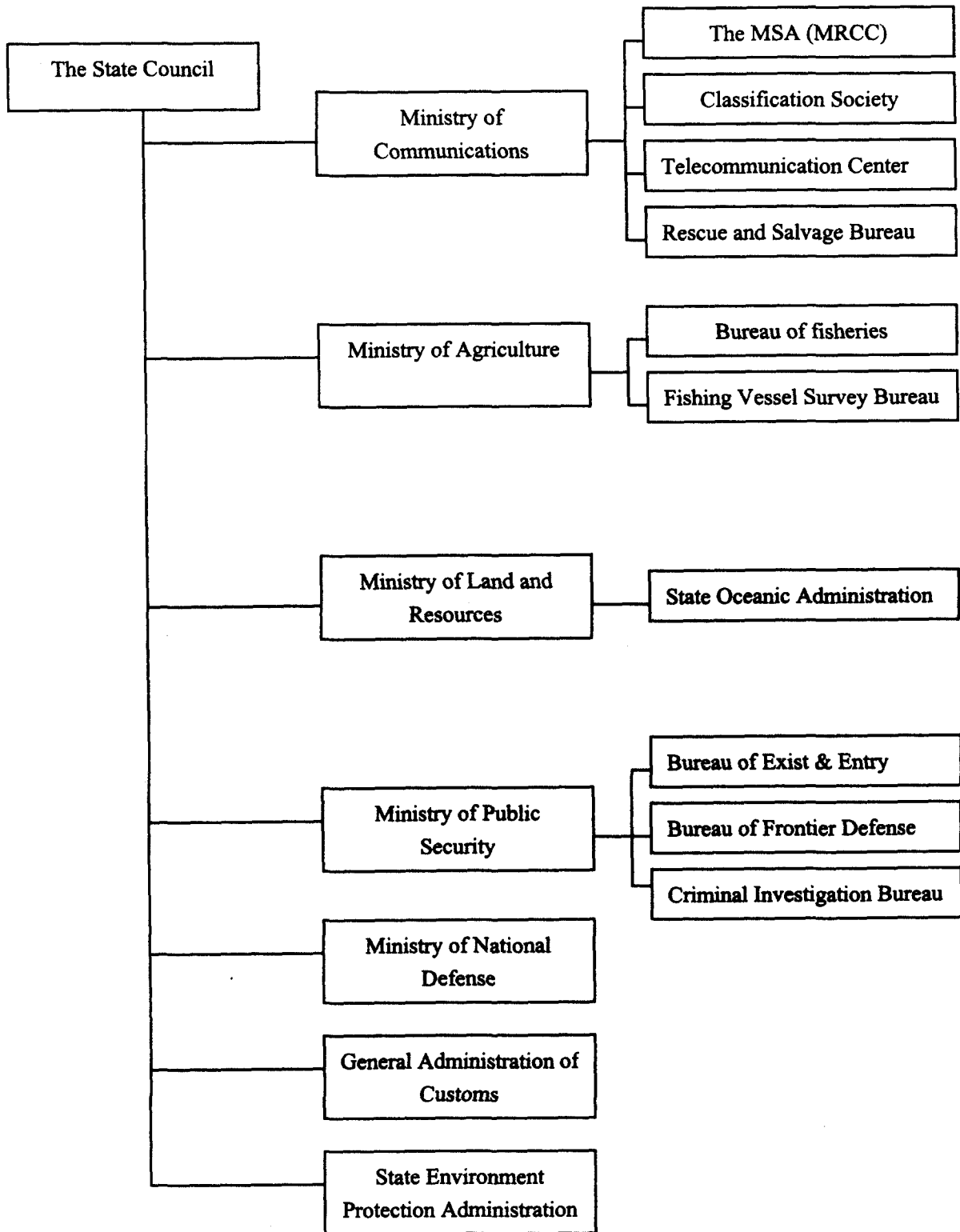
maritime security and order on the sea as well as criminal investigation, including piracy cases. In addition, armed police of frontier defense is a provider of maritime search and rescue resource.

The Ministry of National Defense does not have big role in maritime safety and security in peacetime. However, the military has its responsibility in protection of safe navigation and fishing. Moreover, very often, the navy and airforce provide search and rescue service when search and rescue authorities request.

Cracking down smuggling is the major field of General Administration of Customs concerning maritime security. In addition, the official ships of the Customs may provide search and rescue service if it is required.

The State Environment Protection Administration is in charge of environmental protection of the whole country in various aspects, including the marine pollution prevention. The position of the State Environment Protection Administration is responsible to guide, coordinate and supervise the undertakings by other government organs on marine pollution prevention and is responsible to prevent land base pollution to the sea.

Figure 1 The Central Government Structure on Maritime Safety and Security



responsible for broadcasting/issuing navigational warnings and notices, conducting the routine work of China Maritime Transport Facilitation Committee.

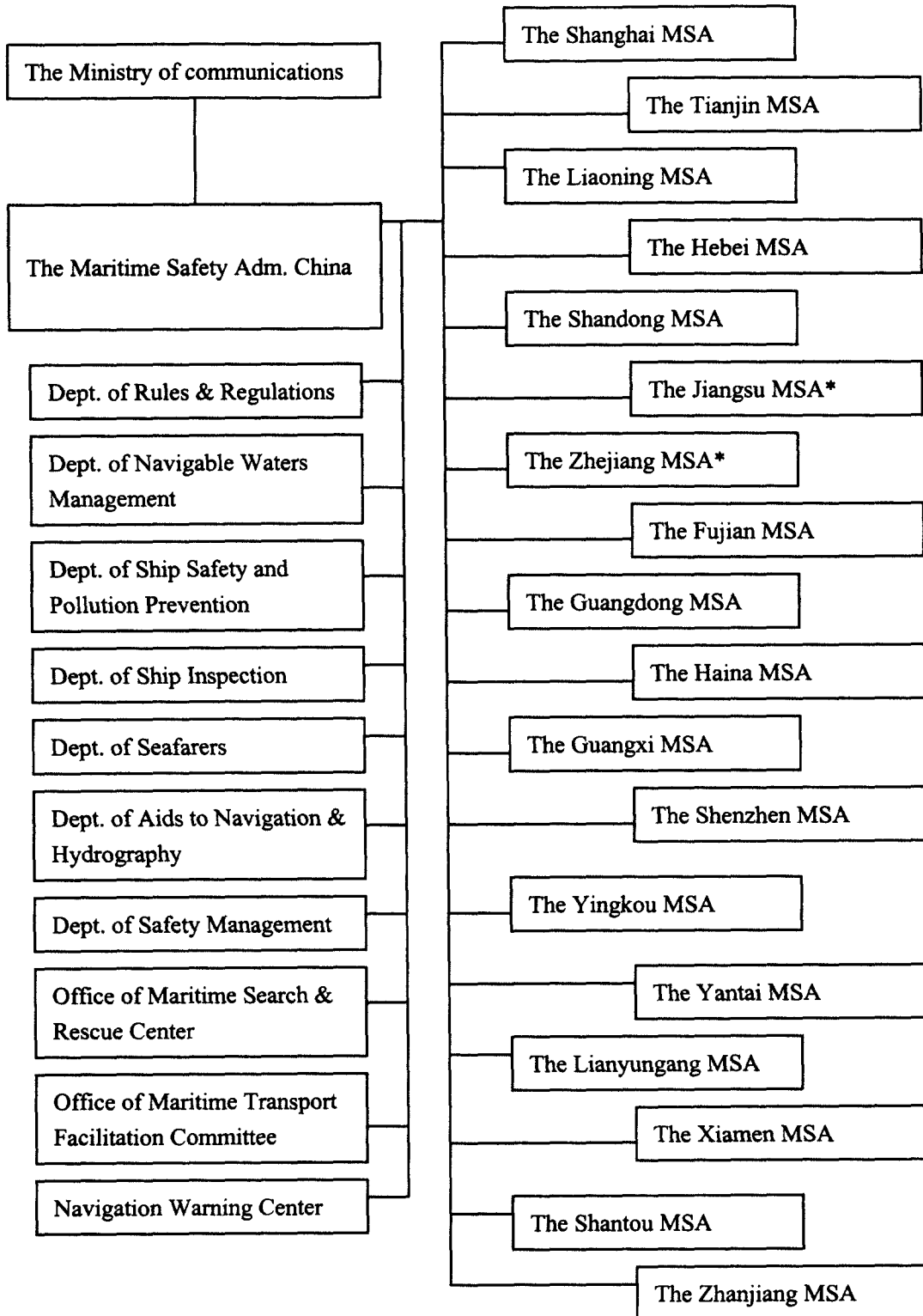
F. Being in charge of the administration of aids to navigation, hydrographic surveying and mapping for seaports and fairways as well as nautical publications. Organizing, coordinating and conducting maritime search and rescue operations.

G. Being in charge of the implementation of relevant international maritime conventions and exercising Flag state/Port State control thereof. Being responsible for the co-operations and exchanges on maritime affairs with relevant international organizations and maritime authorities.

H. Being responsible for organization and preparation of medium/long terms development plan as well as for the management of port and light dues collection.

In coastal area, 18 subordinate bodies of China MSA are located in 11 coastal provinces, autonomous regions, or municipalities directly under the Central Government Structure, the major port (see Figure 2). In addition, the subordinate MSA have their branches in all commercial ports. There are more than 16,000 employees and a thousand of various types of ships served for. Located in major ports and key channels, there are 17 Vessel Traffic Service Centers, which achieve very significant effects in improving maritime safety. In navigation aids aspect, there are Loran C and D-GPS working along with the traditional lighthouses and buoys. Unfortunately, there are no helicopters served in the system right now, but there is a plan to equip them in future.

Figure 2 The Organization Chart of the MSA (In Coastal Area)



Note: The MSA* are under procedure of forming.

4.2 Maritime Search and Rescue Authorities

In Beijing, the Office of Maritime Search and Rescue Center is working 24 hours a day and 7 days a week. Furthermore, there are 11 centers, leading by the local government and with their sub-centers, in every coastal provinces, autonomous regions, or municipalities directly under the central Government. They are in charge of coordination of search and rescue operations in their responsible area respectively. The Maritime Rescue and Salvage Bureau with its three branches in Yantai, Shanghai and Guangzhou, have 17 rescue and salvage stations along the coast, 14-18 watchkeeping rescue boats are there, from 1060 horse power to 10,000 horse power. They are the main forces of search and rescue. However, the search and rescue authorities may request military, frontier defense forces of armed police, customs administrations, and ships from fishery administrations as well as the MSA ships to render the rescue service. In addition, the search and rescue authorities have right and responsibility to coordinate the merchant vessels and fishing boats to participate rescue operations, which have been proved is a very effective way to save lives at sea in Chinese coastal waters.

In 1999, 563 rescue operations were coordinated by search and rescue authorities, 787 vessels and 45 airplanes were sent out for rescue, thus, 2130 people and 373 ships in distress have been saved. For example, in 16th of December last year, a Panamanian vessel was sinking in South China Sea in a windy weather. China Maritime Search and Rescue Center coordinated four ships including two merchant vessels, a rescue ship, one patrol boat from armed police of frontier defense, and one warship from the Navy to rescue. Finally, the ship had sunk, but 17 Korean Crew were saved. Although there are many successful rescue operations, the lack of rescue facilities are still embarrassed the rescue authorities. In 24th of last November, 280 people lost their lives in the Ro-Ro ferry "Dashun" disaster of capsizing in a stormy night, only 22 people were saved, if there are rescue helicopters in vicinity of that area, more lives might be saved.

The Maritime Search and Rescue authorities have responsible on oil spill combating as well. If there is an accidental oil spill from a ship, the search and rescue center may start the oil spill response procedure to fight with the pollution. In some cases, the maritime search and rescue authorities are also involved in maritime security cases. From 1998 to 1999, five "missing" vessels, which were rededicated by pirates, were found by the search and rescue authorities, and had been returned back to real owners finally.

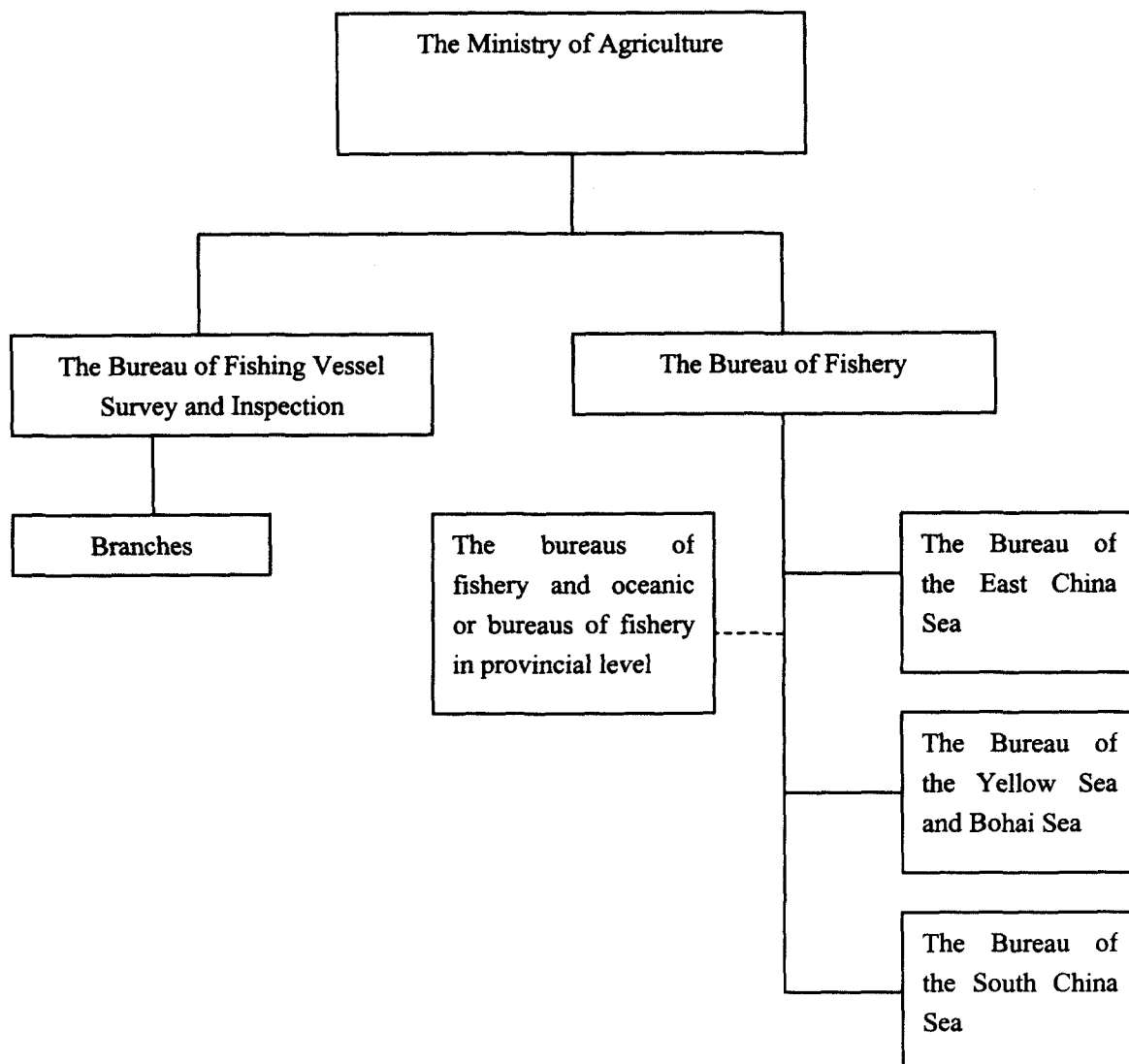
4.3 Fishery Authorities

Under the Ministry of Agriculture, the Bureau of Fishery is also named the Bureau of Fishery Administration and Fishing Port Superintendency of the People's Republic of China. Besides fishery management functions, it is in charge of standards,

machinery, gear and nets as well as to supervise building and production of fishing vessel. Furthermore, training of fishermen, fishing vessel accident investigation, and fishery concerned environment protection are also in its working area.

Three branches of Bureau of Fishery are named as the Bureau of East China Sea, Bureau of Yellow Sea and Bohai Sea, Bureau of South China Sea Fishery Administration and Fishing Port Superintendency. In fishing vessel survey issue, the Bureau of Fishing Vessel Survey and Inspection and its branches are in charge. In local government level, there are bureau of fishery and oceanic or bureau of fishery in the most coastal provinces, autonomous regions and municipalities directly under the central government. They are belonging to the local government but under the guidance of the Bureau of Fishery. (See Figure 3)

Figure 4-3 Organization Chart of Fishery Authorities



5. Maritime Security Authorities

The maritime security related authorities are described in this section.

5.1 Military

The main job of the Military is the national defense. Moreover, the Navy has a job to guard fishery operation and transportation of the merchant ship. In peacetime, more often, missions of search and rescue operations are carried out by the Navy and Air force. In procedure, such actions are called by the search and rescue authorities. The military is playing very important role in maritime search and rescue in China.

5.2 Public Security Authorities

In China, the so-called public security force is police force. Under the Ministry of the Public Security, department of provincial government is in charge local public security issues. In maritime security aspect, the frontier defense force, which is an armed police troop, is in charge of security administration. Frontier defense force of armed police has many detachments and stations in the coastal cities, even in some villages. They armed by light weapons and patrol boats. Preventing and striking down piracy and smuggling are part of their jobs. However, when a piracy case has happened, the criminal offence investigation is carried by the department of criminal offence investigation in the police. The biggest piracy case was cracked in last year. In the case, three ships were pirated by a multinational criminal group, 23 crew was killed on South China Sea. By assistance from armed police of frontier defense, the police of criminal offence investigation arrested 13 criminals in this piracy case. Finally, all of these 13 criminals were executed in accordance with the law in early this year.

6. Conclusion

China is a developing country, however, it put large invest and resources in maritime safety, environment protection and maritime security. For instance, there are 17 VTS centers serving for the maritime safety. It is never heard that any other country has so many VTS centers in the world. In maritime security side, along with the prevention measures, China is putting very serious sanctions on the pirates, as it is mentioned in above section, there are 13 pirates was executed only in one case. It is can be concluded that China is doing well in keeping maritime safety and security.

From the description, the fact of many governmental organizations concerning maritime safety and security can be seen. Although it might be explained that because China is a large country and it is necessary to have complicated

administrative systems to cover all aspects of maritime safety and security. Perhaps it is better to combine the resources from different department of government on the seas to exercise the laws and regulations about maritime safety and security as well as marine environment protections. There are studies on this subject. The reforms on this might be take place in future.