

The Regulations on Port Services at Commercial Ports

Amended Date 2012.08.22

Chapter 1 General Principles

Article 1 The said Regulations are enacted in accordance with Article 44 of the Commercial Port Law (hereinafter cited as “the Law”).

Article 2 Terminologies used in the Regulations are defined as follows:

1. Wharf and transit shed operators are public and private businesses and institutions dealing with ship cargo loading and unloading, warehousing, or passenger services.
2. Entrusting persons are the ship owners, carriers, shippers or consignees of wharf and transit shed operators.

Chapter 2 Ship's Entrance and Departure from the Port

Article 3 Within twenty-four hours before a ship's arrival at the port and twelve hours before the ship's departure from the port, the ship owner or his/her agent shall, according to the actual situation, fill in a prior notice sheet that specifies related information such as the pathway, the estimated arrival time, the draft, the captain's name, the quantity and type of cargo, the number of seafarers and passengers and the time for the ship's departure from the port, the next calling port and the destination port. For international commercial ports, the sheet shall be submitted to the maritime and port authority for audits and then given to the commercial port management enterprise to facilitate arrangement of berths. For domestic commercial ports, the sheet shall be submitted to the maritime and port authority or an institution designated by the Executive Yuan (Hereinafter referred to as the “Appointed Institution”) for audits before the berths are arranged. However, in case of an emergency, a ship can apply for emergency entrance to or departure from the port.

Besides the documents established in the preceding paragraph, the owner or his/her agent of an international ship shall also enclose documents supporting the purchase of ship owner's liability insurance.

The aforesaid prior notice in the preceding two paragraphs may also be faxed or sent through a telegraph by the captain.

For ships other than passenger ships with photocopies or electronic copies of ship document examined by the maritime and port authority or its designated institution, the ship owner or his/her agent may apply in advance for the prior notice sheet for ship's departure from the port prior to its arrival at the port. When the documents

submitted are incomplete, the ship owner or his/her agent shall supplement the documents and submit them to the maritime and port authority or its designated institution for unspection within five days after the date of ship's departure. Failure to do so shall disqualify the ship owner or his/her agent of the prior notice sheet for ship's departure from the port for a period of thirty days.

In the case of a public service ship or an operation ship owned by a state-run or private enterprise, if multiple entries at the same port is needed within a certain period of time, the maritime and port authority or its designated institution may establish separate regulations on the above-mentioned notice sheet without conformity with Paragraph 1 and the preceding paragraph of this Article.

Article 4 When the computer facilities of the ship owner or his/her agent are connected with those at the maritime and port authority, commercial port management enterprise, its designated institution or one-stop window for customs, port affairs, and trade, the prior notice sheet on the ship's entry and departure and related data may be transmitted electronically.

After the above-mentioned electronic data are recorded in the computers of the maritime and port authority, commercial port management enterprise or its designated institution, they are thus considered to have been delivered to the maritime and port authority, commercial port management enterprise or its designated institution. The ship owner or his/her agent may review such transmitted electronic data and acquire the transmission time and contents of supporting documents for a period of five years following the date of recordation.

Article 5 For a ship to enter into or depart from a port, the ship owner or his/her agent shall follow applicable laws and regulations in conducting the required procedures with respective authorities. The gap between estimated time and the actual time of the ship's arrival or departure shall not exceed forty-eight hours. Failing to conform to such time gap limit, a new application must be submitted.

Article 6 Before arriving at an international commercial port, a ship shall contact the signal tower of the port and may only enter the port after the commercial port management enterprise assigns a berth and notifies the ship. Before arriving at a domestic commercial port, a ship shall contact the signal tower of the port and may only enter the port after the maritime and port authority or its designated institution assigns a berth and notifies such ship.

Article 7 After a ship arrives at a port, the ship owner or his/her agent shall

fairly fill out a ships entrance report within twenty-four hours. Such report shall include the purpose of its entrance as well as the ship conditions, and then have it submitted to the maritime and port authority or its designated institution for scrutiny. This may not apply if the maritime and port authority or its designated institution has access to real-time inquiries regarding the ship upon entry into the port by means of its computer facilities.

Article 8 A ship shall immediately depart from the international commercial port and shall not continue to stay at the berth or in the port area after having finished all required departure inspections by individual authorities. If for any reasons a ship returns to the port within twelve hours after departure, such entry is only allowed after an application is submitted to and approved by the maritime and port authority, and that a berth is assigned by the commercial port management enterprise with related procedures completed as so required.

Article 9 A ship shall navigate slowly and shall not navigate side by side or overtake another ship when it is in a port area, and it shall not obstruct the navigation of other ships as well. A ship shall bypass or maneuver slowly if encountering another ship which is conducting diving, surveying, dredging, fixing buoy, or other operations under or on the water surface.

Chapter 3 Ships' Berthing and Laying-up at the Port

Article 10 If a ship cease to load and unload cargoes for more than two hours due to incidents of the ship owner or his/her agent, the cargo owner or his entrusting person, or if a ship fails to depart from the port within two hours after completing its cargo loading or unloading operation, or if a non-operative ship does not depart from the port within two hours after its need of refilling gas or water, rearranging seamen, taking shelter, and repairing work is completed, the commercial port management enterprise, maritime and port authority or its designated institution may ask the ship owner or his/her agent to relocate if such ship affects the allocation work of berths. If the ship owner refuses to relocate upon notice, the commercial port authority may relocate such ship directly. The expenses or damages arising from the above situations shall be paid by the ship owner or his/her agent. When the ship owner or his/her agent needs to relocate the ship upon his/her own will, he/she shall apply for permission with the commercial port management enterprise, maritime and port authority or its designated institution prior to its action.

Article 11 The owner or his/her agent of a non-operating ship berthing in the port area shall register his contact address with the Commercial Port Management Enterprise, maritime and port authority or its designated institution, and berth his/her ship in the appointed berth and reinforce security measures.

If a ship has exceeded its allowed laid up time period, the commercial port management enterprise, maritime and port authority or its designated institution may ask the ship to relocate or evacuate it to another appointed place. If the ship fails to comply, the commercial port management enterprise, maritime and port authority or its designated institution may directly relocate such ship with the generated expenses paid by the ship owner.

Article 12 For a ship remaining in the port because of a court attachment, it shall depart from the port or relocate to an anchorage outside the port after the attachment has been lifted within the deadline ordered by the commercial port management enterprise, maritime and port authority or its designated institution. If the ship fails to leave the port by the deadline, the commercial port management enterprise, maritime and port authority or its designated institution will relocate the ship directly with the incurred cost to be paid by the ship owner.

Article 13 Scrapping of a ship in the port area shall be done in the area or place appointed by the commercial port management enterprise, maritime and port authority or its designated institution.

Article 14 A ship, which has berthed, shall maintain its mobility at all times. It shall remain at least one-third of seafarers on the deck and in the engine department, respectively, with one Class A officer in each department to take charge and enable the ship to navigate or be able to handle an emergency.

The number of seafarers remaining on the following laying-up ships shall not be restricted by the requirement in the foregoing paragraph once it is reported to and approved by the maritime and port authority or its designated institution:

1. Public service ship.
2. Operation ship.
3. Boat.
4. Yacht.

Article 15 The maritime and port authority or its designated institution shall approve the number of seafarers remaining onboard a ship laying up in the port, to

reflect the actual needs, and may assign a representative to inspect it at any time.

Article 16 The on-duty seafarers who remain onboard of a ship that lays up in the port shall keep a navigation and an engine logbooks respectively in detail and accurately record ship's condition, weather conditions and accidents, which the maritime and port authority and its designated institution may randomly inspect at any time.

Article 17 After encountering a serious vibration due to a typhoon, bad weather, or a shift of the berth, the captain of a laying up ship shall supervise those seafarers on duty in examining the ship thoroughly and send a formal report to the maritime and port authority or its designated institution for endorsement. If necessary, the maritime and port authority or its designated institution is entitled to assign a representative to inspect the ship and require the captain to take necessary responsive measures.

Chapter 4 Port Area Security

Section 1 General Rules

Article 18 While individual operators or vehicles enter or leave the port area, the person in charge of the respective operation or owner of the respective vehicle shall submit the appropriate documents and apply to the commercial port management enterprise, maritime and port authority or its designated institution for the port area permit. The operators and vehicles shall be inspected by port police before being granted access.

Seafarers may access the port area only after they are approved by the National Immigration Agency and inspected by the port police force.

Article 19 Unless approved by the commercial port management enterprise, maritime and port authority or its designated institution, a public service ship, an operation ship owned by a state-run or private enterprise, a launch, or a tourist ship shall not navigate and operate within the port area. The number of the above ships shall be limited to reflect the actual needs.

If the ship mentioned in the preceding paragraph has been replaced by a new one, the old ship shall be scrapped or moved from the port area.

Article 20 A ship and floating equipment in the port area shall not be engaged

in the following activities:

1. Violating laws or regulations to carry persons, cargoes or dangerous substances.
2. Soliciting passengers or cargoes in an improper way, or violating laws or regulations to carry passengers and tour around the port.
3. Exceeding the scope of business, or the navigation area as provided.
4. Berthing alongside another ship not for the purpose of operation in the absence of permission, or berthing or staying in the neighboring area of a merchant ship.
5. Berthing, loading/unloading cargoes, or letting passengers and seafarers get on or off the ship at a place other than an appointed area
6. Navigating at night without showing signal lights or signal flags or sounding stereo box or signals at will
7. Arbitrarily entering or departing from the port without permission from the commercial port management enterprise, maritime and port authority or its designated institution
8. Being engaged in other behavior affecting the security of the port area announced by the maritime and port authority or its designated institution and reported by the commercial port management enterprise to the maritime port authority for announcement.

Article 21 One, who operates in a port area, shall not be engaged in one of the following acts:

1. Exceeding the scope of operation as permitted.
2. Disturbing public order of the port area.
3. Assigning or borrowing a business permit or pass in the absence of permission.
4. Employing workers who are not permitted by the authorities.
5. Entering the port area to continue operations during business suspension imposed by the authorities.
6. Causing pollution or mess at the port area during its operation.
7. Being engaged in other behaviors affecting the security of the port area announced by the maritime and port authority or its designated institution and reported by the commercial port management enterprise to the maritime port authority for announcement.

Article 22 The following operations in the port area are subjected to permission from the commercial port management enterprise, maritime and port authority or its designated institution:

1. Holding a ship's launch ceremony, testing the ship's engine, or calibrating a ship's

navigation equipment.

2. Towing a ship into or out of a dry dock.
3. Conducting welding or smelting work.
4. Demonstrating life saving techniques in water.
5. Holding various maneuvers or ceremonies.
6. Hampering ships' navigation and port operations.
7. Setting off signal bombs, fireworks, or other explosives
8. Being engaged in other behaviors undermining port facilities announced by the maritime and port authority or its designated institution and reported by the commercial port management enterprise to the maritime port authority for announcement.

Article 23 The commercial port management enterprise, maritime and port authority or its designated institution and a wharf and transit shed operator are entitled to refuse an entrusting person's application or to stop loading, unloading or handling the cargoes under one of the following circumstances:

1. Contraband cargoes.
2. Uncompleted procedures for customs permission.
3. Nonconformity between entrusted entries or tonnage of cargoes and reality
4. Safety concern.
5. Unpaid or delinquent required wharf and transit shed charges unless otherwise agreed.
6. Noncompliant labels or identification.
7. Failure of the entrusting person to provide cargo quantity, tonnage, measurement, and other related operational data.

Article 24 The maritime and port authority or its designated institution, if necessary, may give notice to the state-run or private enterprise to provide information on the condition of the wharf and transit shed facilities, deployment of personnel, number and maintenance of equipment and tools, etc., for inspection. The commercial port management enterprise shall, upon permission from the maritime and port authority, may obtain the business operation information of the public-run or private enterprise mentioned in the preceding paragraph. If the loading/unloading capacity does meet the required standards or is of safety concern, improvements shall be demanded within a given deadline. Failure to make improvements by the deadline which ends up in undermining operations at the commercial port may lead to termination of contract.

Article 25 While conducting ship's loading or unloading operations, or scrapping of a ship or other operations undertaken by other state-run or private enterprises within a port area, the operator shall clean the fuel, waste water, discarded materials, and garbage and shall not discard or dump them in the port area. If the operator fails to do so, the commercial port management enterprise, maritime and port authority or its designated institution shall clean them on the operator's behalf with those cleaning expenses paid by the ship owner or the operator.

Article 26 To maintain the security and sanitation of the port area, the maritime and port authority or its designated institution is entitled to send a representative to board a ship or enter factories, fields or gas stations of adjacent state-own or private enterprises for inspection.

Article 27 Except for designated bathing beaches, swimming is prohibited in commercial port areas.

Article 28 For areas officially announced to be open for public fishing within the commercial port areas, the commercial port management enterprise, maritime and port authority or its designated institution may entrust related well-registered associations to be in charge of people's safety and vehicle management.

Section 2 Loading or Unloading Dangerous Substances

Article 29 In order to enhance the security of the port area, the maritime and port authority or its designated institution may consult with the appropriate authorities, groups or operators to form a safety task force that monitors or directs the loading or unloading, transport, and storage of dangerous substances, and handles incidents.

Article 30 A ship carrying highly hazardous substances shall load or unload the cargoes in the wharf for dangerous cargoes or in a secluded area outside the port. If there is no wharf for dangerous cargoes or appropriate anchorage outside the port, the commercial port management enterprise, maritime and port authority or its designated institution may negotiate with the ship owner or his/her agent, the cargo owner or the entrusting person about the place or the way to load or unload the cargoes.

Article 31 A ship carrying the dangerous substances of inflammable, oxidant,

explosive, compressive, epidemic, radioactive, poisonous and corrosive nature shall keep away from other ships when berthing off the port. The said ship shall, in accordance with the laws, also hoist a red-color flag during daytime and a red-color light during nighttime in the most visible area to warn the other ships not to approach and, unless with permission from the maritime and port authority or its designated institution, shall not enter or depart from the port before sunrise or after sunset.

Article 32 The ship mentioned in the preceding article shall berth with its bow heading towards the outer port and shall not drop the anchor. However, the aforementioned shall not apply to a ship which is unable to turn around to berth or must drop the anchor because of wind and the flow rate in narrowed waters. When a ship is unable to turn around to berth or must drop the anchor because of wind and the flow rate in narrowed waters as is indicated in the preceding proviso, the ship shall retract the anchor immediately after it has securely berthed.

Article 33 For ships carrying dangerous substances, the entrusting person shall fill up an application sheet with the following information within twenty-four hours before the ship arrives at the port and obtain the approval from the commercial port management enterprise, maritime and port authority or its designated institution before operations commence:

- 1.The type, name, nature, quantity of and loading/unloading precautions for the dangerous substances.
- 2.Name and phone number of the entrusting person.
- 3.Name and phone number of the supervisor on site.
- 4.The type and quantity of transport vehicles and their time of arrival at port.
- 5.Other information that shall be specified.

Article 34 While accepting an entrusted loading or unloading operation, a wharf and transit shed operator shall stop the operation immediately and have the entrusting person completed related procedures as required if dangerous substances are found that have not been permitted by the commercial port management enterprise, maritime and port authority or its designated institution or are different from the contents of permission.

Article 35 While loading or unloading dangerous substances, the entrusting person shall assign a supervisor and technicians to be on site to provide precautions during loading or unloading operations, and to take charge of technique instructions

and safety maintenance. Also, they shall work under the supervision of the chief on site assigned by the wharf and transit shed operator.

Article 36 A tanker applying for entering a port for repairs shall have its oil gas cleaned first. The gas free certificate issued by a survey organization shall also be sent to the commercial port management enterprise, maritime and port authority or its designated institution for permission before entering the port.

Article 37 A tanker shall perform oil loading or unloading operations at a place assigned by the commercial port management enterprise, maritime and port authority or its designated institution. During the operation, fences shall also be set up and firefighting facilities shall be in place to enclose the operation area. The operator shall immediately clean the oil spillage or leakage, if any, and notify the commercial port management enterprise, maritime and port authority or its designated institution.

The tanker shall depart from the port or stay in the appointed mooring site, after finishing up loading or unloading of oil, or refilling ballast water, or the inspection of the holds and the detachment of the connecting pipeline.

Article 38 The captain of a tanker shall comply with all the emergency measures concerning safety adopted by the commercial port management enterprise, maritime and port authority or its designated institution or the oil pumping station under particular circumstances.

Article 39 There should be Class A officers responsible for supervising loading or unloading of oil, checking hold or cleaning hold. It is the minimal requirement to have one officer on duty on the deck and in the two engine departments, respectively.

Article 40 When a ship carrying dangerous substances is loading or unloading or is berthing, the wharf and transit shed operator or the ship operator is entitled to take necessary measures depending on the nature of the dangerous substances.

Article 41 Vehicles or personnel approaching the alert area of a ship loaded with dangerous substances shall be inspected by the port police force.

Article 42 Dangerous substances shall be properly packed and secured with

clear markings of their names, the hazardous symbol and other instructions. Authorities may send representatives for a joint inspection if needed.

Article 43 When a ship carrying layover dangerous substances must enter the port again to load / unload other goods or dangerous substances, the entrusting person shall specify in the request form name, quantity, and stowage location of the said layover dangerous substance and submit one copy of the through cargo hold manifest to the wharf/transit shed operator for reference.

The abovementioned ship shall, in compliance with dangerous cargo regulations, not carry specified combinations of dangerous substances. Other cargo holds shall be installed for separation. Cargo holds for the layover dangerous substances shall be sealed by the ship operator and shall remain sealed during transit.

Article 44 In case of emergency that occurs during loading or unloading of dangerous substances, the supervisor and technicians on site shall deal with it promptly. The chief on site assigned by the wharf and transit shed operator shall adopt rescue and responsive measures, and report to the related authority.

Article 45 After having finished loading or unloading dangerous substances, the wharf and transit shed operator shall clean up the site and conduct a safety check.

Article 46 When a ship transports dangerous substances into the port area, for the use of the ship or for the port operations, the ship owner shall report to the commercial port management enterprise, maritime and port authority or its designated institution for permission.

Section 3 Ships in Distress or Taking Shelter

Article 47 A ship in distress or taking shelter shall contact the port's signal tower, which should then report to the maritime and port authority or its designated institution.

Article 48 A ship in distress or taking shelter shall complete the following procedures immediately after berthing in the port:

1. It shall prepare the notice sheet for the ship to enter the port with the passengers' list and the seafarers' roster and submit them to the maritime and port authority or its designated institution for inspection.
2. The ship in distress shall submit sea protest to the maritime and port authority or

its designated institution for authentication.

3.The captain shall prepare and submit required documentation on the ship to the maritime and port authority or its designated institution for verification.

Section 4 Ship Repairs

Article 49 The ship owner or his/her agent shall, before repairs, fill up a ship repair application form with a photocopy of the ship repairer's company or commercial registration and have them submitted to the commercial port management enterprise, maritime and port authority or its designated institution for approval.

Article 50 A tanker or a ship carrying flammable or explosive dangerous substances shall not conduct welding or melting works and shall not dismantle the main engine for examination and repairs before completely discharging or cleaning up oil gas.

Article 51 While a ship is under repairs in a port area, the ship operator shall assign a representative on site exclusively to monitor the repairs. The repairman shall assign a responsible person on site, who shall be under supervision of the supervising personnel, to take necessary safety measures. On every welding and smelting site, one of the following firefighting equipment should be in place:

- 1.Liquid or foam fire extinguishers with the contents volume no less than nine kilograms.
- 2.Carbon dioxide fire extinguishers with the contents of carbon dioxide no less than five kilograms.
- 3.Dry powder fire extinguishers with contents of the dry powder no less than three and a half kilograms.
- 4.Other approved fire extinguishing materials or fire extinguishers with the fire extinguishing capacity equivalent to nine kilograms of liquid.

Article 52 To ensure safety, machinery relating to the mobility of the ship in the berthing area may not be repaired during bad weather or when there are potential safety concerns.

Chapter 5 Annex

Article 53 The maritime and port authority may entrust the commercial port

management enterprise with domestic commercial port operation and management and construction and maintenance of public infrastructures at domestic commercial ports that are under the jurisdiction of the maritime and port authority established under the Law and the Regulations.

The maritime and port authority may entrust the commercial port management enterprise with the management of port services and penalties established under the Law and the Regulations.

For the cases stated in the preceding two paragraphs, the entrusted or authorized matters and their regulatory bases shall be announced and published in the government's bulletin and website.

Article 54 The Regulations shall come into force from the date of promulgation.

(The Chinese text is the only authentic text which shall be given priority if there is discrepancy between the Chinese text and this translation version)