



Article Content

Title : The Regulations on Port Services at Commercial Ports CH
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Category : Ministry of Transportation and Communications (交通部)
Attachment : Attachment : BALLAST WATER REPORTING FORM.pdf
Enclosed Form : Regulations for Establishment of Designated Management Personnel for Storage of Dangerous Goods in the Port Area.odt

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 route, the estimated arrival time, the draft, the captain's name, the quantity and type of cargo, the number of crew members, seafarers and passengers, 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 “Designated Institution”) for audits before the berths are arranged. However, in case of an emergency, a ship can apply for emergency entry 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 the ship owner's liability insurance, BALLAST WATER REPORTING FORM (as shown in

the enclosure)

For the owner or his/her agent of an international ship or merchant ship directly sailing to Mainland China regions, he/she shall declare the list of crew members and seafarers prior to departure or arrival; if passengers are present, a list of passengers should also be included.

For the party operating the cargo shipping business, the party shall complete the declaration of the imported Cargo Bay Plan five hours prior to the arrival at the discharging port.

The aforementioned prior notices in the preceding two paragraphs may also be faxed or sent through telegraph by the captain of the ship.

For ships other than passenger ships with photocopies or electronic copies of ship document examined by the maritime and port authority or designated institution, the ship owner or his/her agent may apply in advance for the prior notice sheet for the 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 designated institution for inspection within five days after the date of the ship's departure; failure to do so shall disqualify the ship owner or his/her agent from applying for the prior notice sheet for ship's departure.

The maritime and port authority or designated institution may establish separate operating directions in a prior notice sheet of the following conditions without conforming with Paragraph 1, Paragraph 3 and the preceding paragraph of this Article:

1. In the case of a public service ship, operating ship owned by the state (state-operated) or private enterprise or transport vessel, if multiple entries at the same port are needed within a certain period of time.

2. In the case of a recreational yacht neither berthing in the commercial port nor entering/exiting the border.

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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 ship's 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.

Article 9-1

The owner or captain must notify the commercial port management enterprise, maritime and port authority or its designated institution and prioritize the necessary disposal measures on board before entering the port or area within the commercial port. If the ship has had leakage or an accident with the dangerous substances contained in the ship, which may compromise the safety of the port area, such as marine and environmental pollution, personal injury, cargo explosion, fire, etc.

The commercial port management enterprise, maritime and port authority or its designated institution can be accompanied by the related competent authorities if necessary and demand the owner or cargo owner to carry out the necessary measures to contain the leakage, change the container, change the cabin, transfer the cabin, unload cargo, or depart from the port area.

Expenses derived from the contingency treatment of the preceding paragraph shall be borne by the ship owner or the cargo owner.

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

Article 10 If a ship ceases 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 safety and pollution prevention measures

Section 1 General Rules

- Article 18 For individual operators or vehicles entering or leaving the controlled areas of a commercial port, the person in charge of the respective operations or owner of the respective vehicle shall submit the appropriate documents and apply with 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. Crew members and seafarers may access the controlled areas 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. Drainage of untreated ballast water.

9. The use of fuel ships with sulfur content that does not comply with the provisions of this Law or does not adopt measures of similar reduction effect during their entry and exit of the port is found without the limits, except for any of the following circumstances:

(1) If qualified fuel cannot be purchased or the port of call has a temporary equipment failure within the schedule, documents should be attached with the declaration of forecast statement made upon entry to the port.

(2) The renovation report or replacement plan shall be approved by the maritime and port authority, and the renovation or replacement shall be completed within the deadline.

(3) Other matters force majeure

10. 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.

Public and private businesses and institutions engaging in the operations of dangerous goods in domestic commercial ports shall regularly report the information on the quantity of stored dangerous goods to the commercial port management enterprise, maritime and port authority or its designated institution. The work shall be conducted according to the regulations of the operating manual for dangerous goods in port areas as drafted by the maritime and port authority or its designated institution.

Article 29-1 Public and private businesses and institutions engaged in the operation of dangerous goods in international commercial ports shall formulate storage and release management plans for the dangerous goods and submit them to the commercial port management enterprise for review; after review, the commercial port management enterprise shall submit such plans to the maritime and port authority for inspection prior to implementation.

Public and private businesses and institutions engaged in the operation of dangerous goods in domestic commercial ports shall formulate storage and release management plans for the dangerous goods and submit them to the maritime and port authority or its designated institution for review prior to implementation.

The storage and release management plan of the dangerous goods mentioned in two prior paragraphs shall contain the following contents:

1. Basis.
2. Purpose.
3. Range of location.

4. Site information.
 5. Control of storage and release zones.
 6. Loading/off-loading management.
 7. Storage and release management.
 8. Regular reporting mechanism.
 9. Description of internal control mechanism and hazard prevention.
 10. Response measures for accidents
- Publicly owned businesses shall carry out the two aforementioned plans after they have been reviewed and approved; the commercial port management enterprise, maritime and port authority or designated institution may request the publicly owned businesses to review and update the plans when necessary.

Article 29-2 Public or privately owned businesses in charge of the loading and storage of dangerous goods in the port area shall designate personnel dedicated to the storage management of dangerous goods. The list of personnel shall be submitted for inspection by the maritime and port authority or designated institution at the end of every January or when there is a shift in personnel positions.

The designated personnel in the previous paragraph shall be trained and qualified by the maritime and port authority or designated institution, and has obtained a certificate of training; please see the enclosed form for the regulations on training classification, number of personnel, training hours and training course contents.

Enclosed Form : Regulations for Establishment of Designated Management Personnel for Storage of Dangerous Goods in the Port Area.odt

Article 30 (cancellation)

Article 31 The ship carrying dangerous substances shall hang a red flag during daytime and a red light at night in the obvious place to warn the other ships not to approach.

Article 32 Except container ship, bow of other ships mentioned in the preceding article shall berth toward the outer port and shall not drop the anchor. However, the aforementioned shall not apply to the ship which could not turn around to berth or must drop the anchor because of the influences of wind and flow velocity in narrowed waters.

The preceding proviso for the ship could not turn around to berth or must drop the anchor because of the influences of wind and flow velocity in narrowed waters, the ship shall pick up the anchor immediately after berthing.

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 classification, UN number, 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.

If the vessel in the preceding paragraph has traveled for less than 24 hours, the matters mentioned in the preceding paragraph shall be provided five hours prior to the ship's arrival.

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 to be on site to be in charge of contact and handling abnormal situations. Also, he/she 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 or oil pollution blocking amenities 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.

When other ships are refueling, the first two provisions shall apply.

- Article 38 The captain shall comply with all the emergency measures concerning safety with regard to loading and unloading oil or refueling operations 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 (cancellation)
- Article 42 The entrusting person should properly pack dangerous substances and secure with? related marks and symbols according to the IMDG Code. They also must be properly stored by the the wharf and transit shed operators. 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 classification, UN number, name, quantity, and storage 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 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. However, the dates of promulgation for the regulations of Paragraph 2 of Article 3 and Subparagraph 8 of Article 20, which were revised and published on 6th of October of 2015; Paragraph 2 of Article 3 and Subparagraph 9 of Article 20, which were revised and published on 22nd of November of 2018; and Article 29-2 which was revised and published on 3rd of February of 2021, are to be specified by the Ministry of Transportation and Communications.