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Date: 03 November 2026

Oasis Circular No.: 2605

Subject: Administrative Penalties for Breach of Inland Water Traffic Rules in Ports along the Yangtze River, China

Recently we have seen an increase of administrative penalties issued against vessels sailing in ports along the Yangtze River, such as Taicang, Changshu, Zhangjiagang, Jiangyin, Nantong, Changzhou, Yangzhou, Taizhou, Zhenjiang, Nanjing, etc. Most of the penalties are related to general navigational and environmental protection rules that apply to both coastal areas and inland waters (for details please refer to our circular No. 2406), whilst some others are related to laws and regulations that apply to inland waterways only such as the Yangtze River, among which are the *Regulations on the Administration of Inland Waterway Traffic Safety of the People's Republic of China,* the *Provisions of the People's Republic of China on the Administration of Inland River Maritime Administrative Penalties,* the *Yangtze River Jiangsu Section Vessel Routing Regulations (2021),* the *Inland River Collision Avoidance Rules of the People's Republic of China* (2003 Revision), and so on.

With a view to increasing the awareness of these special traffic rules in inland waters, we summarize below the five most common types of penalties imposed in the Yangtze River waters for breach of these rules for your reference.

1. Excessive speed

Case scenario:
A vessel was found by maritime patrol UAV of proceeding at a speed of 12.9 knots downstream of the Red Buoy Husu Bridge # 3 before reaching the critical water area of the Husutong Yangtze River Highway and Railway Bridge area. She did not follow the speed limit which is 11 knots for downstream vessels in the restricted speed area. Zhangjiagang MSA imposed an administrative penalty of CNY 4,000 on the vessel's owners.

Related laws:

According to *Yangtze River Jiangsu Section Vessel Routing Regulations*, under the condition of not endangering the safety of other ships or facilities, the maximum speed of a ship during normal navigation in Yangtze River shall not exceed 15 knots; within the traffic separation channels, the minimum speed for upstream vessels shall be no less than 4 knots,

and 6 knots for downstream vessels. However, once a ship reaches the upper and lower limits of the restricted bridge water area, the maximum speed of upstream vessels shall not exceed 8 knots, and the maximum speed of downstream vessels shall not exceed 11 knots. After entering the bridge water area, the safe speed shall be adopted and the ship shall pass cautiously.

Range of penalty amount:
Between CNY 1,000 and CNY10,000

2. Failure to keep a proper lookout on forecastle

Case Scenario:
A vessel was found by the maritime electronic patrol to have no look-out person on the forecastle when the vessel was navigating at the Husutong Yangtze River Highway and Railway Bridge area. Zhangjiagang MSA imposed an administrative penalty of CNY 3,000 on the vessel's owners.

Related laws:
According to Article 8 of *Regulations on the Safety Supervision and Administration of Restricted Vessels in the 12.5-Meter Deep-Water Channel*, restricted vessels entering or leaving the waters of the deep-water channel shall strictly comply with the ship routing system and other relevant provisions, and shall, in accordance with the navigation environment of the waters through which they navigate, take the following safety measures:
…….
(3) During navigation, she shall display the corresponding lights and shapes and keep both anchors ready; when navigating through complex sections such as restricted bridge areas, a bow lookout shall be assigned, the master shall command the operation, and at the same time, the chief engineer shall be on duty in the engine room.

Range of Penalty Amount:
Between CNY 1,000 and CNY10,000

3. Failure to have both anchors standby by a restricted vessel

Case Scenario:
A vessel, as a restricted vessel defined by relevant regulations (LOA>205m), when passing through the Sutong Bridge at Changshu Section of the Yangtze River, was found by the CCTV on the bridge that the vessel didn't have both anchors on standby. Changshu MSA imposed an administrative penalty of CNY 8,000 on the vessel's owners.

Related laws:
Same as the above case

Range of Penalty Amount:

Between CNY5,000 and CNY50,000

4. Failure to maintain safe distance from the vessel ahead

Case Scenario:
A vessel was discovered during an electronic patrol to fail to maintain a safe distance of more than 1,000 meters from the preceding upbound vessel near the Changjiang 91-1 Black Buoy. Yangzhou MSA imposed a fine of CNY8,000 on the vessel.

Related laws:
According to Article 2.2 of *Announcement of the Jiangsu MSA on Issuing the Navigational Safety Control Measures for the Simawan Waterway Section of the Yangtze River*, sea-going shall maintain a distance of more than 1,500 meters from the large ocean-going vessel ahead when sailing downstream, and a distance of more than 1,000 meters when sailing upstream.

Range of Penalty Amount:
Between CNY5,000 and CNY50,000

5. Emitting black smoke

Case Scenario:
A vessel was found emitting obviously visible black smoke by the MSA drone when she was passing the water area at Jiangyin Section of the Yangtze River. Jiangyin MSA imposed an administrative penalty of CNY 2,500 on the vessel owners.

Related laws:
According to Article 36 of *Regulations of Jiangsu Province on the Prevention and Control of Pollution of the Yangtze River by Ships,* or Article 39 of the *Regulations of Shanghai Municipality on the Prevention and Control of Atmospheric Pollution,* ships sailing in Shanghai port or in Jiangsu section of Yangtze River shall not emit obviously visible black smoke.

Range of Penalty Amount:
In Jiangsu waters: between CNY1,000 and CNY10,000
In Shanghai waters: between CNY1,000 and CNY10,000, and for serious breaches, between CNY10,000 and CNY50,000

Our suggestions
Although the fines for such violations are not substantial and generally MSA would not detain the vessel if the required documents are provided timely, the follow-up handling costs may well exceed the amount of the fine. Furthermore, these maritime violations are often detected through high-definition cameras installed in the bridges or through drones, and the evidence of the violations collected by the MSA is very difficult to be overturned.

To avoid these penalties and the possible costs and delay they may cause, we have the following recommendations for your consideration.

1. **Speed:** The vessel shall maintain safe speed at all times and pay particular attention to the speed limit requirements in speed restricted waters such as bridge water areas.
2. **Proper look-out on forecastle:** When a vessel enters the restricted waters of the Jiangsu Section of the Yangtze River and a lookout on the forecastle is required, the lookout personnel shall stand on the lookout platform on the forecastle or in its vicinity, maintain a proper lookout, and strictly refrain from leaving his position or keep looking at a mobile phone or doing other jobs.
3. **Standby anchor(s):** When navigating in the Jiangsu section of the Yangtze River, restricted vessels in the 12.5-metre deepwater channel shall have both anchors standby in all respects throughout the passage, with both anchors in a condition ready for immediate dropping at any time, i.e., with the chain stoppers removed, the anchor shanks hanging over the bow and clear of the water surface, and the brakes securely applied.
4. Vessels should regularly check the working condition of the main engine, only use fuel that meets the relevant standards, and avoid rapid acceleration as much as possible, so as to prevent the main engine from emitting obviously visible black smoke.
5. It is recommended that vessels pay close attention to relevant notices issued by the local MSA. When ocean-going vessels navigate in controlled waters of certain sections of Yangtze River such as Simawan section, they must follow the latest notice of local MSA on navigation safety control measures in this area, including maintaining a distance of more than 1,500 meters from the large ocean-going vessel ahead when sailing downstream, and a distance of more than 1,000 meters when sailing upstream.

A vessel is always recommended to check with the local agent on the latest navigation regulations and requirements in Yangzte River before she is sailing to a port in the river.

If you have any query or require assistance, please feel free to contact us at:
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Best regards,

Oasis P&I Services Company Limited