A Study of Maritime Administration Regulation in Process and Afterwards

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Abstract—This paper discusses the background, situation and challenges faced by the maritime department to strengthen the regulation in process and afterwards. Then, according to the current management of the maritime department, it analyzes the contents, principles and objectives of strengthening the regulation in process and afterwards based on the regulation means adopted in the daily management of maritime department. Finally, it puts forward some proposals for further enforcement of the regulation in process and afterwards, with the purpose of providing new thought for forging a closed-loop operation and optimizing the regulation of maritime safety.

1. Background
In order to minimize government intervention, reduce administration approvals, clarify the relationship between government and market, confine power to an institutional cage, and transform the government into an institution that focuses on providing social management and public services, we should work hard to abandon all kinds of powers that are not adapted to the service-oriented government, reduce and abolish the administration approvals that interferes with the allocation of resources and prices, and fully play the decisive role of the market. All localities and departments have made significant progress in building a collaborative regulation mechanism, promoting the full coverage of intelligent regulation, standardizing regulatory procedures in key areas, and forming a pattern of multiple participation in regulation through great efforts on strengthening regulation in process and afterwards. However, there are still many conflicts and bottlenecks in regulation in process and afterwards, which are mainly reflected by the “unfulfillments” in three aspects of concept transformation, laws & regulations, and process specification; and by the “backwardness” in three aspects of means, capability, and department coordination.

| Content                                | 2015  | 2016  | 2017  |
|----------------------------------------|-------|-------|-------|
| Oil Record Book, etc                   | 11352 | 10968 | 9723  |
| Oil pollution damage civil liability insurance guarantee | 9616  | 8293  | 8631  |
TABLE 2. Approval special operation volume

| Category                                | 2015 | 2016 | 2017 |
|-----------------------------------------|------|------|------|
| Ship cleaning, clearance and gas        | 3613 | 3379 | 2192 |
| displacement(times)                     |      |      |      |
| Overboard shovel and painting(times)    | 724  | 845  | 415  |
| Demolishing(times)                      | 76   | 62   | 151  |

TABLE 3. Approval of documents

| Category                                | 2015  | 2016  | 2017  |
|-----------------------------------------|-------|-------|-------|
| Ship pollution emergency plan           | 2050  | 2757  | 1672  |
| Ship waste management plan              | 2288  | 12893 | 1777  |
| The procedures and arrangements manual | 38    | 90    | 47    |

2. NEW SITUATION FACED BY MARITIME ADMINISTRATION REGULATION IN PROCESS AND AFTERWARDS

2.1. The Streamlining Administration and Delegating Powers to Maritime Administrations

According to the unified deployment of the Ministry of Transport, the MSA has delegated plenty powers of administrative approvals. The burden of shipping enterprises and seafarers has been moved off due to the cancellation of maritime administrative approvals, thus the efficiency of shipping operation has been improved. The delegation of maritime administrative approvals has made it more convenient for administrative counterparts, simplified approval levels, shortened the time, greatly improved the administrative counterpart’s work efficiency, avoided their hardship in the business and also provided more choices for them. The delegation of maritime administrative approvals has promoted the healthy development of shipping economy, shed powers of maritime authorities, and made the maritime regulation more targeted.

The responsibilities of the maritime department have not changed despite of the cancellation of some maritime administrative license. In order to ensure the safety of waterborne traffic and prevent ships from polluting the marine environment, it is necessary to strengthen the regulation in process and afterwards, unify the norms and clarify the requirements and ensure that the delegation of administrative license and management of waterborne traffic go on smoothly.

2.2. Difficulties of Regulation in Process and Afterwards

2.2.1. Some Regulations & Normative Documents are Relatively Backward and Inapplicable to Local Regions

The revision or promulgation of relevant laws, regulations and normative documents are relatively lagging behind due to the delegation of some administrative approvals. Besides, some specific measures of regulation in process and afterwards have not been implemented in time.

2.2.2. Misplaced and Unclear Responsibilities of Individual Administrative Inspection

Due to the different progress of governments at all levels in promoting the reform that “delegate power, improve regulation, and upgrade services”, administrative approvals, punishments and compulsions have been clarified for many times, which has brought about a well-defined list of rights and responsibilities. However, the administrative inspections are still in the stage of being standardized by the governments at all levels. For examples:

--Routine inspection on safety and pollution prevention of shipowners including shipping companies.
--Issues such as cooperation with regulation on river boats entering coastal waters.
2.2.3. Inadequate Law Enforcement on the Scene
With the reform of maritime regulation mode, local maritime authorities have actively built a new regulatory system, and paid higher attention to the law enforcement at the basic level and in the front line. The proportion of law enforcement personnel in the basic-level maritime department has continued to increase, generally by about 10% compared with that before the adjustment. But even so, in the face of increasing pressure and multitask, the weakness in the basic-level regulation has not been completely improved, and the personnel has still failed to meet the needs of law enforcement. At present, the maritime authorities lack the basis to apply for more personnel, equipment and facilities, and has no statutory or authoritative standard. As a result, shortages of personnel, facilities and equipment of maritime administrative agencies are severe in some regions. The qualities of maritime vessels and law enforcement equipment are quite unsatisfied with the actual needs of maritime regulation in process and afterwards.

2.2.4. Difficulties in Obtaining Information of Maritime Regulation [1].
Objectively, the implementation of the reporting system for ships entering and leaving port has reduced the nodes of windows administrative verification and moderated the intensity of inspection. Thus, some illegal behaviors of ships such as concealment, deceitful report and overloading are on the rise.

2.2.5. Insufficiency of the Effective Coercions for Escaping Ships and Ships Evading Punishment for Long Term
At present, the maritime administrative departments lack compulsions to deal with some ships that have not been responsible for their illegal acts after being informed by the maritime authorities for many times and evaded punishments for a long time.

2.2.6. Increased Risks of the Accident in Some Regulated Sectors
After the maritime authorities withdrew from some regulated sectors, regulation of other departments has not been implemented in time, resulting in the increased risk of accident. Taking the regulation of dangerous goods wharf for instance, its accident risks have increased due to the limited law enforcement of many local port bureaus, and the weakening of their regulation.

3. Contents, Principles and Objectives of Regulation in Process and Afterwards

3.1. Definition of Regulation in Process and Afterwards
Maritime administration regulation afterwards refers to the regulation that the maritime administration at all levels shall punish the administrative counterparts who fail to engage in the matters according to the conditions, scope and procedures determined by the administrative approvals, and violate relevant maritime laws and regulations in the routine supervision and site inspection after maritime administrative approvals. It is mainly reflected in the administrative punishment and compulsion and focuses on punishing according to law, with the purpose of rectifying administrative counterpart’s illegal behavior and maintaining safety order of waterborne traffic and the fair market for water transportation[2].

The maritime administration regulation afterwards can be mainly carried out in the following ways:
-- Maritime administrative rectification;
-- Maritime administrative punishment;
-- Maritime administrative compulsion;
-- Other measures prescribed by maritime laws and regulations.

3.2. Sorting out the Elements in Regulation in Process and Afterwards
Sorting out the elements of regulation afterwards in maritime administration is the basis for establishing inspection standards for proportion, key inspection objects, cycle, procedures, contents and disposition. According to the responsibilities of the maritime authorities, the elements of regulation in process and afterwards can be roughly divided into the following four categories and twelve sub-categories:
First: navigation order. 1. Monitoring and inspection of ships in navigation (including the navigation order of ships in transit, entering and leaving the port and whether they are overloaded, etc.); 2. Inspection of anchoring order; 3. Inspection of navigation aids and obstructions.
Second: marine-and-submarine operations. 4. Inspection of operating order; 5. Inspection of operating vessel.
Third: ships in port. 6. Inspection of safety of ships in port; 7. General inspection of ships in port; 8. Inspection of loading and unloading of dangerous goods (including lighterage operation); 9. Inspection of operation in port (including cabin cleaning, sewage discharge, repair, refueling, etc.).
Fourth: the others: 10. Regulation of launch and trial voyage of new ships; 11. Inspection of passenger (steam) ferry; 12. Inspection of unpacking the dangerous goods containers.

4. CONCLUSIONS

4.1. Navigation Regulation in Process and Afterwards
(1) We need to strengthen the regulation of permits for marine-and-submarine activities. The compliance of license application and the integrity of materials should be checked combined with the mid-year and year-end inspections, as well as the irregular random inspection on the files and internal process of marine-and-submarine activities. The inspection results should be linked with the annual target assessment [3].
(2) We need to strengthen the dynamic control of water related engineering process. We should adopt the information input system, formulate forms according to the required information, and set up a column to publish on the intranet of the bureau directly under the central government. All branches and bureaus shall fill in and update the forms timely according to the requirements, so as to timely understand the progress and construction situation of the permission and implementation of coastal water related projects.
(3) We need to strengthen the site inspection of water related project. Combined with the mid-year and year-end regulations and the daily regulation and guidance of the branch bureau on the water related project, the site inspection of the water related project should be organized irregularly to check whether the construction is consistent with the permission and the implementation of safety guarantee measures. The inspection results are reported within the maritime system [4].
(4) We need to strengthen the post evaluation of water related projects. Whether the tracking management and service guidance of the maritime department are in place, and whether the management measures are feasible can be analyzed through the post evaluation on the accomplished construction of the wharf project and other marine and submarine activities. Deficiencies of maritime system in the regulation of water related projects can be found, and experience can be summarized, and the management mode can be improved and optimized to further improve the management with the help of post assessment.

4.2. Ships Regulation in Process and Afterwards
(1) We need to establish dynamic reporting system of ship operation. In accordance with the method and content of ship dynamic report stipulated in the Regulations of the People’s Republic of China on the Inspection of Shipping Safety, we should urge the ship to report its entrance and leaving of the port to the maritime authorities of the territory in accordance with the requirements, and equip it with an automatic identification system as required, so as to ensure that the maritime authorities can effectively control the dynamic state and the seaworthy state of the ship after the cancellation of vias of ships.
(2) We need to strengthen the site inspection. In accordance with Regulations of the People’s Republic of China on the Inspection of Shipping Safety issued by the Ministry of Transport and relevant supporting management systems, the site inspection and ship safety inspection should be further standardized. The regulation of ship selection mechanism should be improved. More targeted site verification should be carried out according to the shipping report, and the standards and scales of law enforcement on the scene should be unified.
(3) We need to strengthen the Informatized regulation means. The resources of the existing dynamic
and static Informatized management platform should be effectively integrated to realize interconnection with the information systems of local maritime administration agencies, ports, terminals and shipping companies, the convergence of VTS and AIS signals to the data center, and the continuous monitoring of ship position.

(4) We need to strengthen the management of port of registry. We should explore new types of management in port and bureau of registry. By taking the requirements of The Plans for Management of Overall Quality of Ships with Chinese Nationality as the starting point and the ship management at the port of registry as the core, we should implement differentiated and meticulous management, improve the maritime regulation efficiency and law enforcement, and promote the continuous improvement of ship quality. The national information sharing and interaction can be realized in the aspects including the information reports of port of registry, seafarers’ file information and dynamic information of ships, etc. We should establish a notification system for informing the illegal acts of ships in port to the maritime authorities of the place where the ship’s port of registry is located, and directly link the handling of illegal acts of ships in port with ship registration, inspection and company system audit.

(5) We need to establish the ship credit evaluation mechanism combined with the implementation of ship integrated quality management, and implement the ship classified and graded management according to the results. Ship credit management should be connected with the current management of honest ships and key tracking ships. The classified and graded information of ship should be open to the public, providing inquiry services for cargo owners, agents, shipping companies and seafarers management companies, and the credit management mechanism should be maintained in market ways.

(6) We need to strengthen the linkage with ports/wharfs and relevant port units, carry out joint law enforcement activities, and work to establish the dynamic ship regulation mechanism. We should increase the investment in site inspection, and build an inspection and a dynamic regulation system of the integration of sea, land and air.

(7) We need to implement the main responsibility of enterprise safety production. It is suggested that the departments and bureaus should speed up the revision and improvement of the relevant system, and further clarify the main responsibilities of the shipping company, the master and the seafarers.

(8) We need to establish a division of work and supervision mechanism within the maritime authorities. We should clarify the responsibilities and working relationship of ship dynamic regulation of the directly subordinate bureaus, branch bureaus and marine department, clear the responsibilities and division of labor of business departments of maritime administrative agencies at all levels, and build a perfect and smooth work flow to ensure the implementation of regulation.

4.3. Seafarers Regulation in Process and Afterwards

(1) We need to improve the sub system of quality management of seafarers. We should revise the process and standards of corresponding projects according to the latest and the next possible simplification of administration and decentralization, combined with the implementation opinions of follow-up regulation and on-the-spot feedback. We should ensure the implementation and implementation of the mechanism, measures and standards with the comprehensive management system as the starting point and the seafarers management information system as the means.

(2) We need to improve the coordinative management mechanism of ships and seafarers. After implementing the requirements of streamlining administration and delegating powers, the regulation contents and requirements can be better reflected in the collaborative management mechanism and system development. We should ensure the input of collaborative management information is in place, and highlight the effectiveness of data application in collaborative management.

(3) We need to promote the formation of site inspection mechanism of seafarers. We should popularize and apply the research results of “Site Inspection and Tracking Management of Seafarers” to provide practical and useable and useful guidance for the basic-level maritime department and front-line law enforcement personnel, thus gradually making the site inspection of seafarers an important part of maritime scene law enforcement.

We need to train a team that is familiar with the regulation afterwards of seafarer management. Based
on the existing front-line law enforcement team, we should strengthen professional training and practical training. In branch bureaus and basic-level maritime departments, it is necessary to train a group of law enforcement personnel who are familiar with the seafarer management regulation in process and afterwards, so as to ensure the comprehensive implementation of relevant systems, mechanisms, processes and standards at the basic level.

(4) We need to innovate management means of seafarers and organization. We should adopt information dynamic management, reputation and quality evaluation management, and linkage management of site backstage to provide more convenient services for honest and trustworthy seafarers and institutions that are honest, operate in a standardized manner and abide by regulations and disciplines. For illegal and dishonest seafarers and institutions, we should take multi-faceted supervision, and further clarify the main-body responsibility of seafarers and institutions for self-management, so as to forge good management atmosphere in the jurisdiction.

4.4. Regulation on Administrative Approvals of Dangerous Prevention

(1) We need to establish a mentality of considering maritime comprehensively. With the help of the achievements of the three modernizations and by making full use of the network scientific and technological means such as cruise, VTS, AIS, CCTV, radar, satellite remote sensing, unmanned aerial vehicle monitoring, we can establish a steric macro dynamic supervision mode and a static support management system on the water, so as to avoid the “one-track mind” in anti-pollution regulation.

(2) We need to formulate Requirements for Operation Units in Cleaning away the Shipping Pollutants and set up approval standards. We should enact The Measures for Regulations of the Operation Units’ Credit in Cleaning away the Shipping Pollutants to strengthen the in-process regulation to achieve the management purpose. We should accelerate the preparation of the ship pollution prevention association, and fully play the role of self-discipline of industry and of the industry association in guiding, restricting and supervising enterprises.

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