

WEBINAR

**THE LAW OF THE SEA AND MARITIME SECURITY
ALONG THE NEW MARITIME SILK ROAD**

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**LAW ENFORCEMENT ACTIVITIES IN THE EEZ AND
THE NEW CHINA COAST GUARD (CCG) LAW**

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Documents

中华人民共和国海警法

Coast Guard Law of the People's Republic of China

(中英文对照版)

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The Coast Guard Law of the People's Republic of China, as adopted at the 25th session of the Standing Committee of the Thirteenth National People's Congress of the People's Republic of China on January 22, 2021, is hereby issued, and shall come into force on February 1, 2021.

《中华人民共和国海警法》已由中华人民共和国第十三届全国人民代表大会常务委员会第二十五次会议于2021年1月22日通过，现予公布，自2021年2月1日起施行。

Xi Jinping, President of the People's Republic of China

中华人民共和国主席 习近平

January 22, 2021

2021年1月22日

Coast Guard Law of the People's Republic of China

中华人民共和国海警法

(Adopted at the 25th session of the Standing Committee of the Thirteenth National People's Congress on January 22, 2021)

(2021年1月22日第十三届全国人民代表大会常务委员会第二十五次会议通过)

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Chapter I General Provisions

Article 1 This Law is enacted for the purposes of regulating and guaranteeing the lawful performance of duties by coast guard agencies, safeguarding national sovereignty, security, and maritime rights and interests, and protecting the lawful rights and interests of citizens, legal persons, and other organizations.

Article 2 The coast guard units of the People's Armed Police Force, to wit, coast guard agencies, shall uniformly perform the duties of maritime rights protection and law enforcement.

Coast guard agencies shall include the China Coast Guard, the sea area bureaus of and bureaus directly under the China Coast Guard, provincial coast guard bureaus, municipal coast guard bureaus, and coast guard workstations.

Article 3 Where a coast guard agency conducts the activities of maritime rights

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第一章 总则

第一条 为了规范和保障海警机构履行职责，维护国家主权、安全和海洋权益，保护公民、法人和其他组织的合法权益，制定本法。

第二条 人民武装警察部队海警部队即海警机构，统一履行海上维权执法职责。

海警机构包括中国海警局及其海区分局和直属局、省级海警局、市级海警局、海警工作站。

第三条 海警机构在中华人民共和国管辖海域（以下简称我国管辖海域）及其上空开

protection and law enforcement on and over the waters under the jurisdiction of the People's Republic of China (hereinafter referred to as the "waters under the jurisdiction of China"), this Law shall apply.

Article 4 Maritime rights protection and law enforcement shall be in adherence to the leadership of the Communist Party of China, be underpinned by the overall national security concept, and comply with the principles of lawful administration, comprehensive governance, compliance, high efficiency, impartiality and decency.

Article 5 The basic tasks for maritime rights protection and law enforcement are to protect maritime security, maintain maritime security order, combat maritime smuggling and illegal immigration, conduct supervisory inspection of the development and utilization of marine resources, marine ecological and environmental protection, marine fishery production operations, and other activities within the scope of their duties, and prevent, stop, and punish illegal and criminal maritime activities.

Article 6 A coast guard agency and its employees performing their duties in accordance with the law shall be under the protection of the law, and no organization or individual may illegally interfere, refuse, or create an obstruction.

Article 7 The employees of a coast guard agency shall comply with the [Constitution](#) and the law, uphold honor, and be devoted to their duties, disciplined, strict in law enforcement, and of integrity.

Article 8 The state shall establish a scientific and efficient collaboration and cooperation mechanism for maritime rights protection and law enforcement, based on the division of labor, coordinating efforts on land and at sea. The relevant departments of the State Council, coastal local people's governments, the

展海上维权执法活动，适用本法。

第四条 海上维权执法工作坚持中国共产党的领导，贯彻总体国家安全观，遵循依法管理、综合治理、规范高效、公正文明的原则。

第五条 海上维权执法工作的基本任务是开展海上安全保卫，维护海上治安秩序，打击海上走私、偷渡，在职责范围内对海洋资源开发利用、海洋生态环境保护、海洋渔业生产作业等活动进行监督检查，预防、制止和惩治海上违法犯罪活动。

第六条 海警机构及其工作人员依法执行职务受法律保护，任何组织和个人不得非法干涉、拒绝和阻碍。

第七条 海警机构工作人员应当遵守[宪法](#)和法律，崇尚荣誉，忠于职守，纪律严明，严格执法，清正廉洁。

第八条 国家建立陆海统筹、分工合作、科学高效的海上维权执法协作配合机制。国务院有关部门、沿海地方人民政府、军队有关部门和海警机构应当相互加强协作配合，做好海上维权执法工作。

relevant departments of the armed forces, and coast guard agencies shall strengthen collaboration and cooperation with each other and effectively conduct maritime rights protection and law enforcement.

Article 9 Any organization or individual that has made outstanding contributions to the activities of maritime rights protection and law enforcement shall be commended and rewarded in accordance with relevant laws and regulations.

Chapter II Agencies and Duties

Article 10 The state shall establish sea area bureaus of and bureaus directly under the China Coast Guard, provincial coast guard bureaus, municipal coast guard bureaus, and coast guard workstations in coastal areas in accordance with administrative divisions and mission areas, which shall be responsible for maritime rights protection and law enforcement in their respective jurisdictions. The China Coast Guard shall direct the coast guard agencies affiliated therewith to conduct maritime rights protection and law enforcement according to the relevant provisions issued by the state.

Article 11 The jurisdictions of coast guard agencies shall be reasonably delineated and adjusted as needed for maritime rights protection and law enforcement, irrespective of administrative divisions.

The delineation and adjustment of jurisdictions of coast guard agencies shall be disclosed to the public in a timely manner and notified to the relevant organs.

Article 12 A coast guard agency shall perform the following duties according to the law:

(1) Patrolling and taking precautionary measures in the waters under the jurisdiction of China, guarding key islands and reefs, managing and maintaining maritime boundaries, and preventing, stopping, and

第九条 对在海上维权执法活动中做出突出贡献的组织和个人，依照有关法律、法规的规定给予表彰和奖励。

第二章 机构和职责

第十条 国家在沿海地区按照行政区划和任务区域编设中国海警局海区分局和直属局、省级海警局、市级海警局和海警工作站，分别负责所管辖区域的有关海上维权执法工作。中国海警局按照国家有关规定领导所属海警机构开展海上维权执法工作。

第十一条 海警机构管辖区域应当根据海上维权执法工作的需要合理划定和调整，可以不受行政区划限制。

海警机构管辖区域的划定和调整应当及时向社会公布，并通报有关机关。

第十二条 海警机构依法履行下列职责：

（一）在我国管辖海域开展巡航、警戒，值守重点岛礁，管护海上界线，预防、制止、排除危害国家主权、安全和海洋权益的行为；

eliminating acts that endanger national sovereignty, security, and maritime rights and interests.

(2) Protecting the security of important maritime targets and major activities and taking necessary measures to protect the safety of key islands and reefs and of artificial islands, facilities, and structures in the exclusive economic zone and continental shelf.

(3) Exercising maritime security administration, investigating and punishing maritime violations of security administration and entry and exit administration, preventing and addressing maritime terrorist activities, and maintaining maritime security order.

(4) Examining means of transportation, or goods, articles, and persons involved in suspected maritime smuggling and investigating and punishing the violations of maritime smuggling.

(5) Being responsible for conducting the supervisory inspection of the use of waters, the protection of islands and the development and utilization of uninhabited islands, the exploration and development of marine mineral resources, the laying and protection of submarine electrical or optical fiber cables and pipelines, oceanographic surveys, basic marine surveying and mapping, foreign-related marine scientific research, and other activities within the scope of its duties, and investigating and punishing violations.

(6) Conducting the supervisory inspection of marine works construction projects, marine pollution damage caused by dumping of wastes, and the protection and utilization of the seaward side of the coastline of nature reserves, and other activities within the scope of its duties, investigating and punishing violations, and participating in the emergency response to and investigation and handling of marine environmental pollution accidents in accordance with the prescribed authority.

（二）对海上重要目标和重大活动实施安全保卫，采取必要措施保护重点岛礁以及专属经济区和大陆架的人工岛屿、设施和结构安全；

（三）实施海上治安管理，查处海上违反治安管理、入境出境管理的行为，防范和处置海上恐怖活动，维护海上治安秩序；

（四）对海上有走私嫌疑的运输工具或者货物、物品、人员进行检查，查处海上走私违法行为；

（五）在职责范围内对海域使用、海岛保护以及无居民海岛开发利用、海洋矿产资源勘查开发、海底电（光）缆和管道铺设与保护、海洋调查测量、海洋基础测绘、涉外海洋科学研究等活动进行监督检查，查处违法行为；

（六）在职责范围内对海洋工程项目、海洋倾倒废弃物对海洋污染损害、自然保护区海岸线向海一侧保护利用等活动进行监督检查，查处违法行为，按照规定权限参与海洋环境污染事故的应急处置和调查处理；

(7) Conducting the supervisory inspection of fishery production operations in waters outside the line of closed fishing area for bottom trawl fishery by motorized fishing boats and fishing grounds for specific fishery resources, marine wildlife protection, and other activities, investigating and punishing violations, and organizing or participating in the investigation and handling of marine fishery production safety accidents and fishery production disputes.

(8) Preventing, stopping, and investigating maritime criminal activities.

(9) In accordance with the relevant division of duties established by the state, handling maritime emergencies.

(10) In accordance with laws, regulations, and the international treaties concluded or acceded to by China, undertaking the relevant law enforcement tasks outside the waters under the jurisdiction of China.

(11) Other duties prescribed by laws and regulations.

The division of duties between the coast guard agencies on one side and public security, natural resources, ecology and environment, transport, fishery and fishery administration, customs, and other departments on the other side shall be governed by the relevant provisions issued by the state.

Article 13 A coast guard agency that receives an urgent request for assistance arising from a natural disaster or an accident at sea shall promptly notify any relevant department and actively perform emergency rescue and assistance.

Article 14 The central and state organs shall provide business guidance on maritime rights protection and law enforcement in accordance with the relevant provisions issued by the state.

Article 15 The China Coast Guard and its sea

(七) 对机动渔船底拖网禁渔区线外侧海域和特定渔业资源渔场渔业生产作业、海洋野生动物保护等活动进行监督检查，查处违法行为，依法组织或者参与调查处理海上渔业生产安全事故和渔业生产纠纷；

(八) 预防、制止和侦查海上犯罪活动；

(九) 按照国家有关职责分工，处置海上突发事件；

(十) 依照法律、法规和我国缔结、参加的国际条约，在我国管辖海域以外的区域承担相关执法任务；

(十一) 法律、法规规定的其他职责。

海警机构与公安、自然资源、生态环境、交通运输、渔业渔政、海关等主管部门的职责分工，按照国家有关规定执行。

第十三条 海警机构接到因海上自然灾害、事故灾难等紧急求助，应当及时通报有关主管部门，并积极开展应急救援和救助。

第十四条 中央国家机关按照国家有关规定对海上维权执法工作实行业务指导。

第十五条 中国海警局及其海区分局按照国

area bureaus shall, in accordance with the relevant provisions issued by the state, coordinate and guide the law enforcement work of the maritime law enforcement teams of the coastal local people's government related to waters use, island protection and development, marine ecological and environmental protection, and marine fishery administration, among others.

As needed for maritime rights protection and law enforcement, the China Coast Guard and its sea area bureaus may uniformly coordinate and organize the participation of the vessels and members of the maritime law enforcement teams of the coastal local people's governments in major operations for maritime rights protection and law enforcement.

Chapter III Maritime Security

Article 16 In order to maintain maritime security and order, a coast guard agency shall have the power to identify and verify any foreign vessel navigating, berthing, or operating in the waters under the jurisdiction of China in accordance with the law and ascertain the basic information on the vessel and its navigation and operations. A coast guard agency shall have the power to take measures such as tracking and placement under surveillance with respect to any foreign vessel suspected of violating the law.

Article 17 For a foreign vessel that illegally enters the territorial sea of China or any waters within it, a coast guard agency shall have the power to order it to leave immediately or take measures such as detention, forcible expulsion, or forcible ejection by towing.

Article 18 A coast guard agency that performs maritime security tasks may go on board and inspect vessels sailing, berthing, and operating in the waters under the jurisdiction of China according to the law.

When going on board and inspecting a vessel,

家有关规定, 协调指导沿海地方人民政府海上执法队伍开展海域使用、海岛保护开发、海洋生态环境保护、海洋渔业管理等相关执法工作。

根据海上维权执法工作需要, 中国海警局及其海区分局可以统一协调组织沿海地方人民政府海上执法队伍的船舶、人员参与海上重大维权执法行动。

第三章 海上安全保卫

第十六条 为维护海上安全和秩序, 海警机构有权依法对在我国管辖海域航行、停泊、作业的外国船舶进行识别查证, 判明船舶的基本信息及其航行、作业的基本情况。对有违法嫌疑的外国船舶, 海警机构有权采取跟踪监视等措施。

第十七条 对非法进入我国领海及其以内海域的外国船舶, 海警机构有权责令其立即离开, 或者采取扣留、强制驱离、强制拖离等措施。

第十八条 海警机构执行海上安全保卫任务, 可以对在我国管辖海域航行、停泊、作业的船舶依法登临、检查。

海警机构登临、检查船舶, 应当通过明确

a coast guard agency shall require, by explicit instructions, the inspected vessel to stop for inspection. The inspected vessel shall stop for inspection in accordance with the instructions and provide necessary convenience; if it refuses to cooperate in the inspection, the coast guard agency may forcibly make an inspection; and if it escapes from the scene, the coast guard agency shall have the power to take necessary measures to intercept and pursue it.

When inspecting a vessel, a coast guard agency shall have the power to examine the vessel's documents and materials related to the permission for production operations and the identity information of any person, inspect the vessel and the goods and articles on board, and investigate and collect evidence of facts of the relevant violation.

The boarding, inspection, interception, or pursuit of a foreign vessel shall comply with the relevant provisions of any international treaty concluded or acceded to by China.

Article 19 In order to meet the urgent need to handle a maritime emergency, a coast guard agency may take the following measures:

- (1) Ordering a vessel to stop navigation and operations.
- (2) Ordering a vessel to change course or sail to a designated place.
- (3) Ordering a person aboard a vessel to disembark, or restricting, or prohibiting a person from embarking or disembarking.
- (4) Ordering a vessel to unload goods, or restricting or prohibiting the vessel from unloading goods.
- (5) Other measures required by laws and regulations.

Article 20 Where, without the approval of a competent authority of China, a foreign organization or individual constructs a building

的指令要求被检查船舶停船接受检查。被检查船舶应当按照指令停船接受检查，并提供必要的便利；拒不配合检查的，海警机构可以强制检查；现场逃跑的，海警机构有权采取必要的措施进行拦截、紧追。

海警机构检查船舶，有权依法查验船舶和生产作业许可有关的证书、资料以及人员身份信息，检查船舶及其所载货物、物品，对有关违法事实进行调查取证。

对外国船舶登临、检查、拦截、紧追，遵守我国缔结、参加的国际条约的有关规定。

第十九条 海警机构因处置海上突发事件的紧急需要，可以采取下列措施：

- （一）责令船舶停止航行、作业；
- （二）责令船舶改变航线或者驶向指定地点；
- （三）责令船舶上的人员下船，或者限制、禁止人员上船、下船；
- （四）责令船舶卸载货物，或者限制、禁止船舶卸载货物；
- （五）法律、法规规定的其他措施。

第二十条 未经我国主管机关批准，外国组织和个人在我国管辖海域和岛礁建造建筑物、构筑物，以及布设各类固定或者浮动

or structure, or lays a fixed or floating device of any kind in the waters or island under the jurisdiction of China, a coast guard agency shall have the power to order the foreign organization or individual to stop the said violation or order removal within a specified period; and if the foreign organization or individual refuses to do so, the coast guard agency shall have the power to effectuate stoppage or force the removal.

Article 21 Where a foreign military vessel or foreign government vessel used for a non-commercial purpose violates any law or regulation of China in the waters under the jurisdiction of China, a coast guard agency shall have the power to take necessary precautionary and control measures to stop such vessel and order it to immediately leave the relevant waters; and if it refuses to leave and causes serious harm or presents a serious threat, the coast guard agency shall have the power to take such measures as forcible expulsion and forcible ejection by towing.

Article 22 When the national sovereignty, sovereign rights, and jurisdiction are being illegally violated at sea by a foreign organization or individual, or is in imminent danger of illegal violation, a coast guard agency shall have the power to take all necessary measures including the use of weapons to stop the violation and eliminate the danger according to this Law and other applicable laws and regulations.

Chapter IV Maritime Administrative Law Enforcement

Article 23 A coast guard agency shall take administrative punishment, administrative compulsion, or other measures prescribed by any law or administrative regulation including limitation on personal liberty against an organization or individual that violates any law, regulation, or departmental rule in relation to maritime public security, customs,

装置的，海警机构有权责令其停止上述违法行为或者限期拆除；对拒不停止违法行为或者逾期不拆除的，海警机构有权予以制止或者强制拆除。

第二十一条 对外国军用船舶和用于非商业目的的外国政府船舶在我国管辖海域违反我国法律、法规的行为，海警机构有权采取必要的警戒和管制措施予以制止，责令其立即离开相关海域；对拒不离开并造成严重危害或者威胁的，海警机构有权采取强制驱离、强制拖离等措施。

第二十二条 国家主权、主权权利和管辖权在海上正在受到外国组织和个人的不法侵害或者面临不法侵害的紧迫危险时，海警机构有权依照本法和其他相关法律、法规，采取包括使用武器在内的一切必要措施制止侵害、排除危险。

第四章 海上行政执法

第二十三条 海警机构对违反海上治安、海关、海洋资源开发利用、海洋生态环境保护、海洋渔业管理等法律、法规、规章的组织和个人，依法实施包括限制人身自由在内的行政处罚、行政强制或者法律、法规规定的其他措施。

development and utilization of marine resources, marine ecological and environmental protection, or administration of marine fishery, among others.

A coast guard agency shall supervise and inspect maritime production operation sites in accordance with the laws and regulations on the development and utilization of marine resources, marine ecological and environmental protection, and marine fishery administration, among others.

A coast guard agency shall have the power to collect and obtain evidence from any relevant organization or individual as needed for an investigation into maritime violations. The relevant organization or individual shall truthfully provide evidence.

If a coast guard agency conducts the on-the-spot challenge or inspection, or continued challenge of a person suspected of a violation or crime in order to maintain maritime security order, the People's Police Law of the People's Republic of China shall apply.

Article 24 Where a coast guard agency needs to go on board, inspect, intercept, or pursue a related vessel as needed for administrative law enforcement, Article 18 of this Law shall apply.

Article 25 Under any of the following circumstances, a coast guard agency at or above the level of provincial coast guard bureau may delimit a temporary maritime warning zone in the waters under the jurisdiction of China to restrict or prohibit the passage and stay of vessels and personnel:

- (1) To meet the need of performing maritime security tasks.
- (2) To meet the need of combating illegal and criminal maritime activities.
- (3) To meet the need of dealing with a maritime emergency.
- (4) To meet the need of protecting marine

海警机构依照海洋资源开发利用、海洋生态环境保护、海洋渔业管理等法律、法规的规定，对海上生产作业现场进行监督检查。

海警机构因调查海上违法行为的需要，有权向有关组织和个人收集、调取证据。有关组织和个人应当如实提供证据。

海警机构为维护海上治安秩序，对有违法犯罪嫌疑的人员进行当场盘问、检查或者继续盘问的，依照《[中华人民共和国人民警察法](#)》的规定执行。

第二十四条 海警机构因开展行政执法需要登临、检查、拦截、紧追相关船舶的，依照本法第十八条规定执行。

第二十五条 有下列情形之一的，省级海警局以上海警机构可以在我国管辖海域划定海上临时警戒区，限制或者禁止船舶、人员通行、停留：

- （一）执行海上安全保卫任务需要的；
- （二）打击海上违法犯罪活动需要的；
- （三）处置海上突发事件需要的；
- （四）保护海洋资源和生态环境需要的；

resources, ecology, and environment.

(5) Other circumstances that require the delimitation of a temporary maritime warning zone.

A coast guard agency delimiting a temporary maritime warning zone shall specify and announce the geographic scope, period, management measures, and other matters of the temporary maritime warning zone. If maritime traffic safety may be affected, the coast guard agency shall seek the opinions of the maritime administrative agency before delimitation and, in accordance with relevant provisions, apply to the maritime administrative agency for the issuance of a navigational notice or navigational warning; and if military sea use is involved, or the safety and use of a maritime military installation may be affected, the coast guard agency shall obtain the consent of the relevant military department according to the law.

If it is unnecessary to continue to restrict or prohibit the passage or stay of vessels or personnel, the coast guard agency shall promptly remove the temporary maritime warning zone and make an announcement.

Article 26 For a vessel that is being investigated and handled on suspicion of violating the law, a coast guard agency may order it to suspend navigation and operations and berth at a designated place or prohibit it from leaving the port. When necessary, the coast guard agency may escort the suspected vessel to a designated place for investigation and handling.

Article 27 Where a vessel of an international organization, foreign organization, or individual engages in fishery production operations, exploration and development of other natural resources, marine scientific research, the laying of submarine electrical or optical fiber cables or pipelines, or other activities in the waters under the jurisdiction of China with the

(五) 其他需要划定海上临时警戒区的情形。

划定海上临时警戒区，应当明确海上临时警戒区的区域范围、警戒期限、管理措施等事项并予以公告。其中，可能影响海上交通安全的，应当在划定前征求海事管理机构的意见，并按照相关规定向海事管理机构申请发布航行通告、航行警告；涉及军事用海或者可能影响海上军事设施安全和使用，应当依法征得军队有关部门的同意。

对于不需要继续限制或者禁止船舶、人员通行、停留的，海警机构应当及时解除警戒，并予公告。

第二十六条 对涉嫌违法正在接受调查处理的船舶，海警机构可以责令其暂停航行、作业，在指定地点停泊或者禁止其离港。必要时，海警机构可以将嫌疑船舶押解至指定地点接受调查处理。

第二十七条 国际组织、外国组织和个人的船舶经我国主管机关批准在我国管辖海域从事渔业生产作业以及其他自然资源勘查开发、海洋科学研究、海底电（光）缆和管道铺设等活动的，海警机构应当依法进行监管，可以派出执法人员随船监管。

approval of a competent authority of China, a coast guard agency shall exercise supervision in accordance with the law, and may appoint law enforcement personnel to exercise supervision aboard the vessel.

Article 28 In order to prevent, stop, and punish the violation of the laws and regulations related to security, customs, finance, health, or entry and exit administration in the territorial land, internal waters, or territorial sea of China, a coast guard agency shall have the power to exercise control in a contiguous zone and implement administrative compulsory measures or other measures prescribed by laws and regulations in accordance with the law.

Article 29 Where the facts of a violation are conclusive, under any of the following circumstances, the law enforcement personnel of a coast guard agency may make a punishment decision on the spot:

(1) Imposing a fine of not more than 500 yuan or warning on an individual, and a fine of not more than 5,000 yuan or warning on an entity.

(2) If the decision to impose a fine or punishment were not made on the spot at sea, it would be difficult to impose punishment afterwards.

A punishment decision made on the spot shall be filed with the coast guard agency in a timely manner.

Article 30 For a maritime administrative case where on-the-spot punishment is not applicable, but the facts are clear, and the party voluntarily admits its fault and accepts punishment without objections to the facts of its violation and the application of the law, a coast guard agency may, with the written consent of the party, quickly handle the case by taking measures such as simplifying the method of evidence collection, review, and approval.

For a maritime administrative case that meets

第二十八条 为预防、制止和惩治在我国陆地领土、内水或者领海内违反有关安全、海关、财政、卫生或者入境出境管理法律、法规的行为，海警机构有权在毗连区行使管制权，依法实施行政强制措施或者法律、法规规定的其他措施。

第二十九条 违法事实确凿，并有下列情形之一的，海警机构执法人员可以当场作出处罚决定：

（一）对个人处五百元以下罚款或者警告、对单位处五千元以下罚款或者警告的；

（二）罚款处罚决定不在海上当场作出，事后难以处罚的。

当场作出的处罚决定，应当及时报所属海警机构备案。

第三十条 对不适用当场处罚，但事实清楚，当事人自愿认错认罚，且对违法事实和法律适用没有异议的海上行政案件，海警机构征得当事人书面同意后，可以通过简化取证方式和审核审批等措施快速办理。

对符合快速办理条件的海上行政案件，当

the conditions for quick handling, if the party admits the facts of its violation and its fault and accepts punishment in the materials written by it or in the transcripts of the interview, and there is corroborating key evidence such as audiovisual recordings, electronic data, and transcripts of inspection, a coast guard agency may cease to conduct other work of investigation and evidence collection.

An audio and video recording of the process of an interview made by using equipment such as law enforcement recorders may be substituted for the written transcripts of the interview. When necessary, a written description of the key content and corresponding period of time, among others, of an audiovisual recording may be made.

For a maritime administrative case handled quickly, a coast guard agency shall make a handling decision within 48 hours after the appearance of the party.

Article 31 Where a maritime administrative case falls under any of the following circumstances, quick handling shall not be applicable:

- (1) The law requires the hearing procedure to be applied.
- (2) Administrative detention for not less than ten days is likely to be given.
- (3) There is a material social effect.
- (4) There may be a suspected crime.
- (5) Quick handling is otherwise inappropriate.

Article 32 Before a coast guard agency implements compulsory administrative measures, law enforcement personnel shall report to the person in charge of the entity and obtain approval. If the law enforcement personnel need to implement administrative compulsory measures on the spot at sea in an emergency, they shall report to the person in charge of the entity within 24 hours and

事人在自行书写材料或者询问笔录中承认违法事实、认错认罚，并有视听资料、电子数据、检查笔录等关键证据能够相互印证的，海警机构可以不再开展其他调查取证工作。

使用执法记录仪等设备对询问过程录音录像的，可以替代书面询问笔录。必要时，对视听资料的关键内容和相应时间段等作文字说明。

对快速办理的海上行政案件，海警机构应当在当事人到案后四十八小时内作出处理决定。

第三十一条 海上行政案件有下列情形之一的，不适用快速办理：

- （一）依法应当适用听证程序的；
- （二）可能作出十日以上行政拘留处罚的；
- （三）有重大社会影响的；
- （四）可能涉嫌犯罪的；
- （五）其他不宜快速办理的。

第三十二条 海警机构实施行政强制措施前，执法人员应当向本单位负责人报告并经批准。情况紧急，需要在海上当场实施行政强制措施的，应当在二十四小时内向本单位负责人报告，抵岸后及时补办批准手续；因不可抗力无法在二十四小时内向本单位负责人报告的，应当在不可抗力影响消除后二十四小时内向本单位负责人报告。海警机构负责人认为不应当采取行政

perform the approval procedure promptly after reaching the shore; and if force majeure renders the making of a report to the person in charge of the entity within 24 hours impossible, a report shall be made to the person in charge of the entity within 24 hours after the elimination of effects of force majeure. If the person in charge of the coast guard agency deems that administrative compulsory measures should not have been taken, the administrative compulsory measures shall be removed immediately.

Article 33 Where a party fails to comply with a punishment decision within a specified period, the coast guard agency that made the punishment decision may take the following measures according to the law:

(1) If a fine is not paid within the specified period, an additional fine of 3% of the fine shall be imposed every day.

(2) The property placed under seal or impounded shall be auctioned or sold according to the law, or a frozen deposit or remittance shall be debited to pay the fine.

(3) According to the law, adopting any other administrative enforcement method.

For a matter of which neither this Law nor any other law permits a coast guard agency to implement administrative enforcement, the coast guard agency shall file an application with the people's court for enforcement.

Article 34 The division of jurisdiction over maritime administrative cases among coast guard agencies at all levels shall be prescribed by the China Coast Guard.

In the case of a dispute between a coast guard agency and another agency over the jurisdiction over a maritime administrative case, the coast guard agency and the other agency shall negotiate in accordance with the principle of facilitating case investigation and handling.

强制措施的，应当立即解除。

第三十三条 当事人逾期不履行处罚决定的，作出处罚决定的海警机构可以依法采取下列措施：

（一）到期不缴纳罚款的，每日按罚款数额的百分之三加处罚款；

（二）将查封、扣押的财物依法拍卖、变卖或者将冻结的存款、汇款划拨抵缴罚款；

（三）根据法律规定，采取其他行政强制执行方式。

本法和其他法律没有规定海警机构可以实施行政强制执行的事项，海警机构应当申请人民法院强制执行。

第三十四条 各级海警机构对海上行政案件的管辖分工，由中国海警局规定。

海警机构与其他机关对海上行政案件管辖有争议的，由海警机构与其他机关按照有利于案件调查处理的原则进行协商。

Article 35 Where at the time of handling a maritime administrative case, a coast guard agency has evidence that the party performs an act of dumping an article into the sea or otherwise intentionally destroying evidence at sea, causing difficulties for the coast guard agency to present evidence, the facts of the relevant violation may be presumed to be established based on other evidence, unless the party has sufficient rebuttal evidence.

Article 36 A coast guard agency identifies itself by using a law enforcement vessel or aircraft bearing a special sign for maritime law enforcement work such as patrolling, being on alert, intercepting, and pursuit.

When a coast guard agency conducts an administrative law enforcement investigation or inspection, the law enforcement personnel shall not be less than two, and shall proactively present law enforcement certificates to the party or any other relevant person to identify themselves. The party or other relevant person shall have the right to require the law enforcement personnel to present law enforcement certificates.

Article 37 Where this Law is silent on the procedures for the maritime administrative law enforcement by coast guard agencies, the Administrative Punishment Law of the People's Republic of China, the Administrative Compulsion Law of the People's Republic of China, the Public Security Administration Punishment Law of the People's Republic of China, and other relevant laws shall apply.

Chapter V Investigation of Maritime Crimes

Article 38 When handling a criminal case that takes place at sea, a coast guard agency shall exercise investigative power and take investigative measures and criminal compulsory measures in accordance with the Criminal Procedure Law of the People's Republic of China and the relevant provisions of this Law.

第三十五条 海警机构办理海上行政案件时，有证据证明当事人在海上实施将物品倒入海中等故意毁灭证据的行为，给海警机构举证造成困难的，可以结合其他证据，推定有关违法事实成立，但是当事人有证据足以推翻的除外。

第三十六条 海警机构开展巡航、警戒、拦截、紧追等海上执法工作，使用标示有专用标志的执法船舶、航空器的，即为表明身份。

海警机构在进行行政执法调查或者检查时，执法人员不得少于两人，并应当主动出示执法证件表明身份。当事人或者其他有关人员有权要求执法人员出示执法证件。

第三十七条 海警机构开展海上行政执法的程序，本法未作规定的，适用《中华人民共和国行政处罚法》、《中华人民共和国行政强制法》、《中华人民共和国治安管理处罚法》等有关法律的规定。

第五章 海上犯罪侦查

第三十八条 海警机构办理海上发生的刑事案件，依照《中华人民共和国刑事诉讼法》和本法的有关规定行使侦查权，采取侦查措施和刑事强制措施。

Article 39 After filing a case involving a crime of endangering national security, crime of terrorist activities, crime of an organization of a gangland nature, major drug-related crime, or any other crime that seriously endangers society, a coast guard agency may, according to the Criminal Procedure Law of the People's Republic of China and relevant provisions, by strict approval procedures, take technical investigation measures and request execution from the relevant authorities as required.

In order to capture a wanted criminal suspect or defendant or a fugitive criminal suspect or defendant whose arrest has been approved or decided, technical investigation measures necessary for capture may be taken with approval.

Article 40 Where a criminal suspect required to be arrested is at large, a coast guard agency may issue a wanted notice as required and take effective measures to capture the criminal suspect.

If a coast guard agency issues a wanted notice against a criminal suspect, it may request a public security organ to assist in the capture.

Article 41 Where a coast guard agency needs to go on board, inspect, intercept, or pursue a related vessel as needed for handling a maritime criminal case, Article 18 of this Law shall apply.

Article 42 Where a coast guard agency, people's procuratorate, or people's court decides to grant bail to a criminal suspect or defendant in a maritime criminal case in accordance with the law, the decision shall be executed by the coast guard agency in the place of residence of the bailed person. In the absence of a coast guard agency in the place of residence of the bailed person, the local public security organ shall assist in the execution.

Article 43 Where a coast guard agency,

第三十九条 海警机构在立案后，对于危害国家安全犯罪、恐怖活动犯罪、黑社会性质的组织犯罪、重大毒品犯罪或者其他严重危害社会的犯罪案件，依照《中华人民共和国刑事诉讼法》和有关规定，经过严格的批准手续，可以采取技术侦查措施，按照规定交由有关机关执行。

追捕被通缉或者批准、决定逮捕的在逃的犯罪嫌疑人、被告人，经过批准，可以采取追捕所必需的技术侦查措施。

第四十条 应当逮捕的犯罪嫌疑人在逃，海警机构可以按照规定发布通缉令，采取有效措施，追捕归案。

海警机构对犯罪嫌疑人发布通缉令的，可以商请公安机关协助追捕。

第四十一条 海警机构因办理海上刑事案件需要登临、检查、拦截、紧追相关船舶的，依照本法第十八条规定执行。

第四十二条 海警机构、人民检察院、人民法院依法对海上刑事案件的犯罪嫌疑人、被告人决定取保候审的，由被取保候审人居住地的海警机构执行。被取保候审人居住地未设海警机构的，当地公安机关应当协助执行。

第四十三条 海警机构、人民检察院、人民法

people's procuratorate, or people's court decides to place in residential confinement a criminal suspect or defendant in a maritime criminal case in accordance with the law, the coast guard agency shall execute the decision in the residence of the person in residential confinement; and if the person in residential confinement has no permanent residence in the city or county where the coast guard agency responsible for handling the case is located, the decision may be executed in a designated residence. For a suspected crime of endangering national security or terrorist activities, if execution of residential confinement in the residence possibly obstructs investigation, the execution may also be conducted in a designated residence with the approval of the coast guard agency at the next higher level. However, residential confinement may not be executed in a place of custody or a special case-handling venue.

Article 44 A coast guard workstation shall be responsible for investigating maritime criminal cases that occur within its jurisdiction.

A municipal coast guard bureau or a higher coast guard agency shall be responsible for investigating major cases of crimes of endangering national security, crimes of terrorist activities, foreign-related crimes, economic crimes, and group crimes, and other major criminal cases within its jurisdiction.

A higher coast guard agency may, as it deems necessary, investigate a maritime criminal case under the jurisdiction of a lower coast guard agency; and if a lower coast guard agency deems that a maritime criminal case needs to be investigated by a higher coast guard agency because the case is significant, it may request the higher coast guard agency to exercise jurisdiction.

Article 45 Where a coast guard agency handles a maritime criminal case, it shall, as needed, apply for approval of arrest or make a

院依法对海上刑事案件的犯罪嫌疑人、被告人决定监视居住的，由海警机构在被监视居住人住处执行；被监视居住人在负责办案的海警机构所在的市、县没有固定住处的，可以在指定的居所执行。对于涉嫌危害国家安全犯罪、恐怖活动犯罪，在住处执行可能有碍侦查的，经上一级海警机构批准，也可以在指定的居所执行。但是，不得在羁押场所、专门的办案场所执行。

第四十四条 海警工作站负责侦查发生在本管辖区域内的海上刑事案件。

市级海警局以上海警机构负责侦查管辖区域内的重大的危害国家安全犯罪、恐怖活动犯罪、涉外犯罪、经济犯罪、集团犯罪案件以及其他重大犯罪案件。

上级海警机构认为有必要的，可以侦查下级海警机构管辖范围内的海上刑事案件；下级海警机构认为案情重大需要上级海警机构侦查的海上刑事案件，可以报请上级海警机构管辖。

第四十五条 海警机构办理海上刑事案件，需要提请批准逮捕或者移送起诉的，应当向所在地相应人民检察院提请或者移送。

transfer for prosecution to the corresponding people's procuratorate in the place where it is located.

Chapter VI Use of Police Equipment and Weapons

Article 46 Under any of the following circumstances, the employees of a coast guard agency may use police equipment or other equipment and tools on site:

(1) When going on board, inspecting, intercepting, or pursuing a vessel in accordance with the law, it is necessary to force the vessel to stop navigating.

(2) A vessel is forcibly expelled or forcibly ejected by towing according to the law.

(3) The employees are obstructed or interfered with in the course of performing duties according to the law.

(4) Other circumstances where an illegal or criminal act is required to be stopped on the spot.

Article 47 Under any of the following circumstances, if warning is ineffective, the employees of a coast guard agency may use hand-held weapons:

(1) There is evidence that a vessel carries a criminal suspect or illegally carries weapons, ammunition, state secret materials, drugs, or other articles, the instruction to stop the vessel refuses to be followed.

(2) A foreign vessel enters the waters under the jurisdiction of China to illegally engage in production operation activities and refuses to obey the instruction to stop the vessel, or otherwise refuses boarding or inspection, and the use of other measures is insufficient to stop the violation.

Article 48 Under any of the following circumstances, the employees of a coast guard agency may, in addition to hand-held weapons,

第六章 警械和武器使用

第四十六条 有下列情形之一的，海警机构工作人员可以使用警械或者现场的其他装备、工具：

（一）依法登临、检查、拦截、紧追船舶时，需要迫使船舶停止航行的；

（二）依法强制驱离、强制拖离船舶的；

（三）依法执行职务过程中遭遇阻碍、妨害的；

（四）需要现场制止违法犯罪行为的其他情形。

第四十七条 有下列情形之一的，经警告无效的，海警机构工作人员可以使用手持武器：

（一）有证据表明船舶载有犯罪嫌疑人或者非法载运武器、弹药、国家秘密资料、毒品等物品，拒不服从停船指令的；

（二）外国船舶进入我国管辖海域非法从事生产作业活动，拒不服从停船指令或者以其他方式拒绝接受登临、检查，使用其他措施不足以制止违法行为的。

第四十八条 有下列情形之一的，海警机构工作人员除可以使用手持武器外，还可以使用舰载或者机载武器：

use vessel-borne or airborne weapons:

(1) Performing anti-terrorism tasks at sea.

(2) Handling serious incidents of violence at sea.

(3) A law enforcement vessel or aircraft is under attack from weapons or by other dangerous means.

Article 49 Where the employees of a coast guard agency who propose to use weapons in accordance with the law have no time to give a warning, or a warning might lead to more serious harmful consequences, they may use weapons directly.

Article 50 The employees of a coast guard agency shall, based on the nature, degree, and imminence of the danger of an illegal or criminal act and the person who commits the illegal or criminal act, reasonably judge the necessary limits of the use of weapons and exercise best effort to avoid or reduce unnecessary casualties and property losses.

Article 51 Where this Law is silent on the use of police equipment and weapons by the employees of coast guard agencies, the provisions on the use of police equipment and weapons by the people's police and other relevant laws and regulations shall apply.

Chapter VII Guarantees and Cooperation

Article 52 The state shall establish a funding guarantee mechanism that is commensurate with the undertaking of the tasks for maritime rights protection and law enforcement by and the construction and development of coast guard agencies. The required funds shall be included in the budget according to the relevant provisions issued by the state.

Article 53 The relevant departments of the State Council, coastal local people's governments at or above the county level, and their relevant departments shall, when preparing a spatial plan or a related special

(一) 执行海上反恐怖任务的;

(二) 处置海上严重暴力事件的;

(三) 执法船舶、航空器受到武器或者其他危险方式攻击的。

第四十九条 海警机构工作人员依法使用武器，来不及警告或者警告后可能导致更为严重危害后果的，可以直接使用武器。

第五十条 海警机构工作人员应当根据违法犯罪行为和违法犯罪行为人的危险性质、程度和紧迫性，合理判断使用武器的必要限度，尽量避免或者减少不必要的人员伤亡、财产损失。

第五十一条 海警机构工作人员使用警械和武器，本法未作规定的，依照人民警察使用警械和武器的规定以及其他有关法律、法规的规定执行。

第七章 保障和协作

第五十二条 国家建立与海警机构担负海上维权执法任务和建设发展相适应的经费保障机制。所需经费按照国家有关规定列入预算。

第五十三条 国务院有关部门、沿海县级以上地方人民政府及其有关部门在编制国土空间规划和相关专项规划时，应当统筹海上维权执法工作需求，按照国家有关规定对海警机构执法办案、执勤训练、生活等场

plan, coordinate the needs of maritime rights protection and law enforcement and guarantee the construction of law enforcement, case handling, duty performance, training, living, and other venues and facilities of coast guard agencies, among others, according to the provisions issued by the state.

Article 54 A coast guard agency may, as urgently needed for maritime rights enforcement and law enforcement, give priority to using or requisition any means of transportation, communication tool, or venue of an organization or individual in accordance with laws, regulations, and departmental rules, and shall return it in a timely manner after use and appropriately pay for the use; and if losses are caused, compensation shall be made in accordance with the relevant provisions issued by the state.

Article 55 A coast guard agency shall optimize its strength system, build and improve talent teams, strengthen education and training, ensure that its employees have the knowledge, skills, and qualities for performing their statutory duties, and improve its professional capabilities of maritime rights protection and law enforcement.

Maritime rights protection and law enforcement shall be subject to a certification and qualification management system.

Article 56 The state shall strengthen the construction of the equipment system for maritime rights protection and law enforcement so as to guarantee that coast guard agencies are equipped with vessels, aircrafts, weapons, and other equipment commensurate with the performance of their duties.

Article 57 A coast guard agency shall strengthen informatization construction and use modern information technology to promote open law enforcement, strengthen services for the convenience of the people, and improve the efficiency of maritime rights protection and

地和设施建设等予以保障。

第五十四条 海警机构因海上维权执法紧急需要，可以依照法律、法规、规章的规定优先使用或者征用组织和个人的交通工具、通信工具、场地，用后应当及时归还，并支付适当费用；造成损失的，按照国家有关规定给予补偿。

第五十五条 海警机构应当优化力量体系，建强人才队伍，加强教育培训，保障海警机构工作人员具备履行法定职责的知识、技能和素质，提高海上维权执法专业能力。

海上维权执法实行持证上岗和资格管理制度。

第五十六条 国家加强海上维权执法装备体系建设，保障海警机构配备与其履行职责相适应的船舶、航空器、武器以及其他装备。

第五十七条 海警机构应当加强信息化建设，运用现代信息技术，促进执法公开，强化便民服务，提高海上维权执法工作效率。

law enforcement.

A coast guard agency shall launch a maritime complaint report service platform to promptly accept complaint reports and emergency assistance requests from the public.

Article 58 Coast guard agencies shall respectively establish information sharing and work cooperation mechanisms with corresponding diplomacy (foreign affairs), public security, natural resources, ecology and environment, transport, fishery and fishery administration, emergency management, customs, and other departments, people's courts, people's procuratorates, and the relevant departments of the armed forces.

The relevant departments shall provide coast guard agencies with basic data, administrative licensing, administrative policies, and other information services and technical support related to maritime rights protection and law enforcement in a timely manner.

A coast guard agency shall promptly feed back data and information on maritime supervisory inspection, investigation and punishment of violations and crimes, and other work to the relevant departments and cooperate with the relevant departments in effectively exercising maritime administration. When the coast guard agency imposes administrative punishment in accordance with the law, if the statutory conditions for revocation of a permit are met, it shall transfer relevant materials to the permit-issuing authority for handling.

Article 59 A coast guard agency may submit a request for assistance to a relevant department to meet the need for maritime rights protection and law enforcement. If the request for assistance falls within the scope of functions and powers of the relevant department, the relevant department shall provide cooperation.

Article 60 A coast guard agency shall transfer a violator against whom an administrative

海警机构应当开通海上报警服务平台，及时受理人民群众报警、紧急求助。

第五十八条 海警机构分别与相应的外交（外事）、公安、自然资源、生态环境、交通运输、渔业渔政、应急管理、海关等主管部门，以及人民法院、人民检察院和军队有关部门建立信息共享和工作协作配合机制。

有关主管部门应当及时向海警机构提供与开展海上维权执法工作相关的基础数据、行政许可、行政管理政策等信息服务和技术支持。

海警机构应当将海上监督检查、查处违法犯罪等工作数据、信息，及时反馈有关主管部门，配合有关主管部门做好海上行政管理工作。海警机构依法实施行政处罚，认为需要吊销许可证件的，应当将相关材料移送发证机关处理。

第五十九条 海警机构因开展海上维权执法工作需要，可以向有关主管部门提出协助请求。协助请求属于有关主管部门职责范围内的，有关主管部门应当配合。

第六十条 海警机构对依法决定行政拘留的违法行为人和拘留审查的外国人，以及决

detention decision is made according to the law, or a foreigner detained for examination, or a criminal suspect against whom a decision on criminal detention or arrest is made to the detention center or jail in the place where the coast guard agency is located.

Article 61 A coast guard agency shall properly keep the case-related property seized or impounded in accordance with the law, and shall not damage or dispose of it without authorization. Nevertheless, the following goods and articles may be auctioned or sold in advance in accordance with the law, with the approval of the person in charge of the coast guard agency, with notice to the owner, or to another party, if the owner is unknown:

- (1) Dangerous goods such as refined oil.
- (2) Fresh, perishable, easily ineffective, or otherwise unsuitable for long-term preservation.
- (3) A vehicle or vessel, among others, vulnerable to mechanical performance degradation and value impairment because of long-term non-use.
- (4) Too colossal to keep.
- (5) The owner applies for advance auction or sale.

The moneys derived from the auction or sale shall be temporarily kept by the coast guard agency and handled in accordance with relevant provisions after the case has been closed.

Article 62 For case-related property required to be returned to the owner or another party, a coast guard agency shall notify the owner or the other party of claiming it within six months; and if the owner is unknown, it shall notify, by means of an announcement, the owner of claiming it. The property not claimed within six months after the notification to the owner or the other party or the announcement shall be

定刑事拘留、执行逮捕的犯罪嫌疑人，分别送海警机构所在地拘留所或者看守所执行。

第六十一条 海警机构对依法扣押、扣留的涉案财物，应当妥善保管，不得损毁或者擅自处理。但是，对下列货物、物品，经市级海警局以上海警机构负责人批准，可以先行依法拍卖或者变卖并通知所有人，所有人不明的，通知其他当事人：

- （一）成品油等危险品；
- （二）鲜活、易腐、易失效等不宜长期保存的；
- （三）长期不使用容易导致机械性能下降、价值贬损的车辆、船舶等；
- （四）体量巨大难以保管的；
- （五）所有人申请先行拍卖或者变卖的。

拍卖或者变卖所得款项由海警机构暂行保存，待结案后按照国家有关规定处理。

第六十二条 海警机构对应当退还所有人或者其他当事人的涉案财物，通知所有人或者其他当事人在六个月内领取；所有人不明的，应当采取公告方式告知所有人认领。在通知所有人、其他当事人或者公告后六个月内无人认领的，按无主财物处理，依法拍卖或者变卖后将所得款项上缴国库。遇有特殊情况的，可以延期处理，延长期限最长不超过三个月。

treated as unowned property and be auctioned or sold according to the law, and the moneys derived therefrom shall be turned over to the state treasury. Under special circumstances, an extension may be given, which shall not exceed three months.

Chapter VIII International Cooperation

Article 63 The China Coast Guard shall engage in international cooperation in maritime law enforcement in accordance with the international treaties concluded or acceded to by the People's Republic of China, or in accordance with the principles of reciprocity and mutual benefits; and within the specified authority, organize or participate in the implementation of international treaties on maritime law enforcement and negotiate about the signing of documents of cooperation in maritime law enforcement.

Article 64 The main tasks for international cooperation in maritime law enforcement of coast guard agencies shall include participating in the handling of foreign-related maritime emergencies, coordinating the resolution of maritime law enforcement disputes, managing and controlling maritime crises, cooperating with the maritime law enforcement agencies of foreign countries and relevant international organizations in combating maritime illegal and criminal activities, protecting marine resources and environment, and jointly maintaining international and regional maritime public security and order.

Article 65 A coast guard agency may engage in the following international cooperation in maritime law enforcement with the maritime law enforcement agencies of foreign countries and relevant international organizations:

(1) Establishing bilateral and multilateral maritime law enforcement cooperation mechanisms and participating in activities of maritime law enforcement cooperation mechanisms.

第八章 国际合作

第六十三条 中国海警局根据中华人民共和国缔结、参加的国际条约或者按照对等、互利的原则，开展海上执法国际合作；在规定权限内组织或者参与有关海上执法国际条约实施工作，商签海上执法合作性文件。

第六十四条 海警机构开展海上执法国际合作的主要任务是参与处置涉外海上突发事件，协调解决海上执法争端，管控海上危机，与外国海上执法机构和有关国际组织合作打击海上违法犯罪活动，保护海洋资源环境，共同维护国际和地区海洋公共安全和秩序。

第六十五条 海警机构可以与外国海上执法机构和有关国际组织开展下列海上执法国际合作：

（一）建立双边、多边海上执法合作机制，参加海上执法合作机制的活动；

(2) Exchanging and sharing information on maritime law enforcement.

(3) Joint maritime patrols, inspections, drills, and training.

(4) Education, training, and exchanges.

(5) Mutually dispatching liaison officers for international cooperation in maritime law enforcement.

(6) Other activities of international cooperation in maritime law enforcement.

(二) 交流和共享海上执法情报信息;

(三) 海上联合巡逻、检查、演练、训练;

(四) 教育培训交流;

(五) 互派海上执法国际合作联络人员;

(六) 其他海上执法国际合作活动。

Chapter IX Supervision

Article 66 A coast guard agency and its employees shall perform their duties and exercise their powers in accordance with the conditions, authority, and procedures prescribed by laws and regulations, and shall neither abuse powers, neglect their duties, practice favoritism, or make falsification nor violate the lawful rights and interests of any organization or individual.

Article 67 A coast guard agency shall respect and lawfully safeguard citizens, legal persons, and other organizations' rights to know, participate in, and supervise the law enforcement work of any coast guard agency and improve the transparency and credibility of law enforcement work.

A coast guard agency shall publicly disclose information on maritime law enforcement according to the law.

Article 68 A coast guard agency shall interview, interrogate, conduct continued challenge of, or identify, or conduct security inspection, information collection, or other law enforcement activities against a suspect for a violation or crime in a case-handling venue, except in an emergency requiring an interview or interrogation to be conducted on the spot, or under other circumstances where it is inappropriate to conduct an interview or interrogation in a case-handling venue.

第九章 监督

第六十六条 海警机构及其工作人员应当依照法律、法规规定的条件、权限和程序履行职责、行使职权，不得滥用职权、玩忽职守、徇私舞弊，不得侵犯组织和个人的合法权益。

第六十七条 海警机构应当尊重和依法保障公民、法人和其他组织对海警机构执法工作的知情权、参与权和监督权，增强执法工作透明度和公信力。

海警机构应当依法公开海上执法工作信息。

第六十八条 海警机构询问、讯问、继续盘问、辨认违法犯罪嫌疑人以及对违法犯罪嫌疑人进行安全检查、信息采集等执法活动，应当在办案场所进行。紧急情况下必须在现场进行询问、讯问或者其他不宜在办案场所进行询问、讯问的情形除外。

A coast guard agency shall keep, file, and preserve records of activities of maritime rights protection and law enforcement throughout the process in writing, audio and video recordings, or other forms in accordance with the relevant provisions issued by the state.

Article 69 A coast guard agency and its employees shall conduct maritime rights protection and law enforcement under the supervision of the procuratorial authorities and the supervisory authorities of the armed forces in accordance with the law.

Article 70 The people's government and its relevant departments, citizens, legal persons, and other organizations shall have the right to file a notice of, report on, or accusation of the violation of the law or discipline by a coast guard agency or any of its employees with the procuratorial authorities and the supervisory authorities of the armed forces. Any ongoing violation of the law or discipline, or dereliction of duty by a coast guard agency or any of its employees may be complaint about or tipped off on the maritime complaint report service platform.

No agency or individual may suppress or retaliate against a citizen, a legal person, or any other organization that files a report, accusation, complaint, or tip in accordance with the law.

Article 71 A higher coast guard agency shall supervise maritime rights protection and law enforcement by a lower coast guard agency and have the power to revoke or modify, or to order the lower coast guard agency to revoke or modify, a handling measure or decision made by the lower coast guard agency which it finds to be erroneous; and if the lower coast guard agency is found not to perform its statutory duties, the higher coast guard agency shall have the power to order it to perform the statutory duties according to the law.

Article 72 The China Coast Guard shall

海警机构应当按照国家有关规定以文字、音像等形式，对海上维权执法活动进行全过程记录，归档保存。

第六十九条 海警机构及其工作人员开展海上维权执法工作，依法接受检察机关、军队监察机关的监督。

第七十条 人民政府及其有关部门、公民、法人和其他组织对海警机构及其工作人员的违法违纪行为，有权向检察机关、军队监察机关通报、检举、控告。对海警机构及其工作人员正在发生的违法违纪或者失职行为，可以通过海上报警服务平台进行投诉、举报。

对依法检举、控告或者投诉、举报的公民、法人和其他组织，任何机关和个人不得压制和打击报复。

第七十一条 上级海警机构应当对下级海警机构的海上维权执法工作进行监督，发现其作出的处理措施或者决定有错误的，有权撤销、变更或者责令下级海警机构撤销、变更；发现其不履行法定职责的，有权责令其依法履行。

第七十二条 中国海警局应当建立健全海上维

establish and improve a supervisory mechanism for maritime rights protection and law enforcement and an accountability system for fault in law enforcement.

Chapter X Legal Liability

Article 73 Where any of the following acts of obstructing a coast guard agency or any of its employees in performing duties in accordance with the law is committed, a public security organ or the coast guard agency shall impose punishment according to the provisions on the obstruction of the people's police in the lawful performance of duties in [the Public Security Administration Punishments Law of the People's Republic of China](#):

- (1) Insulting, threatening, confining, intercepting, or assaulting the employee of the coast guard agency.
- (2) Obstructing the investigation and collection of evidence.
- (3) Forcibly breaking into a temporary maritime warning zone.
- (4) Obstructing the performance of pursuit, inspection, search, rescue, guard duty, or any other task.
- (5) Obstructing the passage of a law enforcement vessel, aircraft, vehicle, or person.
- (6) Operating a vessel to escape by dangerous operation, placing an obstacle, or any other means that endangers the safety of a law enforcement vessel or person.
- (7) Other acts of seriously obstructing a coast guard agency or any of its employees in performing duties.

Article 74 Where during the performance of his or her duties, an employee of a coast guard agency commits any of the following acts, he or she shall be punished in accordance with the relevant rules of the Central Military

权执法工作监督机制和执法过错责任追究制度。

第十章 法律责任

第七十三条 有下列阻碍海警机构及其工作人员依法执行职务的行为之一，由公安机关或者海警机构依照《[中华人民共和国治安管理处罚法](#)》关于阻碍人民警察依法执行职务的规定予以处罚：

- （一）侮辱、威胁、围堵、拦截、袭击海警机构工作人员的；
- （二）阻碍调查取证的；
- （三）强行冲闯海上临时警戒区的；
- （四）阻碍执行追捕、检查、搜查、救险、警卫等任务的；
- （五）阻碍执法船舶、航空器、车辆和人员通行的；
- （六）采取危险驾驶、设置障碍等方法驾驶船舶逃窜，危及执法船舶、人员安全的；
- （七）其他严重阻碍海警机构及其工作人员执行职务的行为。

第七十四条 海警机构工作人员在执行职务中，有下列行为之一，按照中央军事委员会的有关规定给予处分：

Commission:

- | | |
|---|---|
| (1) Divulging a state secret, trade secret, or personal privacy. | (一) 泄露国家秘密、商业秘密和个人隐私的; |
| (2) Making falsehood, concealing the facts of a case, or shielding or conniving at illegal and criminal activities. | (二) 弄虚作假, 隐瞒案情, 包庇、纵容违法犯罪活动的; |
| (3) Extorting a confession by torture, or imposing corporal punishment on or abusing a suspect for a violation or crime. | (三) 刑讯逼供或者体罚、虐待违法犯罪嫌疑人的; |
| (4) Using any police equipment or weapon in violation of any provision. | (四) 违反规定使用警械、武器的; |
| (5) Illegally taking or restricting personal liberty, or illegally inspecting or searching the person, goods, an article, means of transportation, residence, or venue. | (五) 非法剥夺、限制人身自由, 非法检查或者搜查人身、货物、物品、交通工具、住所或者场所的; |
| (6) Committing extortion, soliciting or accepting bribes, or accepting a treat or gift from a party and its agent. | (六) 敲诈勒索, 索取、收受贿赂或者接受当事人及其代理人请客送礼的; |
| (7) Illegally imposing administrative punishment or administrative compulsion, taking criminal compulsory measures, or levying charges. | (七) 违法实施行政处罚、行政强制, 采取刑事强制措施或者收取费用的; |
| (8) Neglecting duty and failing to perform statutory obligations. | (八) 玩忽职守, 不履行法定义务的; |
| (9) Otherwise violating the law and discipline. | (九) 其他违法违纪行为。 |

Article 75 Where a violation of this Law is criminally punishable, the violator shall be held criminally liable in accordance with the law.

第七十五条 违反本法规定, 构成犯罪的, 依法追究刑事责任。

Article 76 An organization or individual dissatisfied with an administrative act taken by a coast guard agency shall have the right to apply for administrative reconsideration to the coast guard agency at the next higher level in accordance with the [Administrative Reconsideration Law of the People's Republic of China](#) or file administrative litigation with a people's court of competent jurisdiction in accordance with the [Administrative Litigation Law of the People's Republic of China](#).

第七十六条 组织和个人对海警机构作出的行政行为不服的, 有权依照《[中华人民共和国行政复议法](#)》的规定向上一级海警机构申请行政复议; 或者依照《[中华人民共和国行政诉讼法](#)》的规定向有管辖权的人民法院提起行政诉讼。

Article 77 Where a coast guard agency or any of its employees illegally exercises powers and violates the lawful rights and interests of an organization or individual, causing damage, compensation shall be paid in accordance with the State Compensation Law of the People's Republic of China and other applicable laws and regulations.

Chapter XI Supplemental Provisions

Article 78 For the purposes of this Law, the following terms shall be defined as follows:

(1) The term "provincial coast guard bureau" means a coast guard bureau established in a coastal province, autonomous region, or municipality directly under the Central Government, which is directly under the leadership of the China Coast Guard; the term "municipal coast guard bureau" means a coast guard bureau established in a city of a coastal province or autonomous region, or a district of a municipality directly under the Central Government, which is under the leadership of a provincial coast guard bureau; and the term "coast guard workstation" means in general a basic coast guard agency established in a coastal county-level administrative area, which is under the leadership of a municipal coast guard bureau.

(2) The term "vessel" means all kinds of ships, boats, rafts, hydroflight equipment, submersibles, and other mobile devices, whether displacing water or not, excluding offshore oil, natural gas, and other operation platforms.

Article 79 Where a foreign country takes discriminatory prohibitive, restrictive, or other special measures against Chinese citizens, legal persons, and other organizations in the aspect of maritime law enforcement, coast guard agencies may take corresponding reciprocal measures according to the relevant provisions issued by the state.

第七十七条 海警机构及其工作人员违法行使职权，侵犯组织和个人合法权益造成损害的，应当依照《中华人民共和国国家赔偿法》和其他有关法律、法规的规定给予赔偿。

第十一章 附则

第七十八条 本法下列用语的含义是：

（一）省级海警局，是指直接由中国海警局领导，在沿海省、自治区、直辖市设立的海警局；市级海警局，是指由省级海警局领导，在沿海省、自治区下辖市和直辖市下辖区设立的海警局；海警工作站，通常是指由市级海警局领导，在沿海县级行政区域设立的基层海警机构。

（二）船舶，是指各类排水或者非排水的船、艇、筏、水上飞行器、潜水器等移动式装置，不包括海上石油、天然气等作业平台。

第七十九条 外国在海上执法方面对我国公民、法人和其他组织采取歧视性的禁止、限制或者其他特别措施的，海警机构可以按照国家有关规定采取相应的对等措施。

Article 80 The rights protection and law enforcement measures against vessels as prescribed in this Law shall apply to all kinds of fixed or floating buildings and installations as well as fixed or mobile platforms at sea.

Article 81 When a coast guard agency performs law enforcement tasks in an area outside the waters under the jurisdiction of China in accordance with laws, regulations, and international treaties concluded or acceded to by China, the relevant procedures may be governed, mutatis mutandis, by the relevant provisions of this Law.

Article 82 The China Coast Guard shall, in accordance with laws, administrative regulations, and decisions of the State Council and the Central Military Commission, formulate and file as required departmental rules on matters concerning maritime rights protection and law enforcement.

Article 83 A coast guard agency shall perform defense operations and other tasks in accordance with [the National Defense Law of the People's Republic of China](#), [the Law of the People's Republic of China on the People's Armed Police](#), and other applicable laws, military regulations, and orders of the Central Military Commission.

Article 84 This law shall come into force on February 1, 2021.

第八十条 本法规定的对船舶的维权执法措施适用于海上各种固定或者浮动建筑、装置，固定或者移动式平台。

第八十一条 海警机构依照法律、法规和我国缔结、参加的国际条约，在我国管辖海域以外的区域执行执法任务时，相关程序可以参照本法有关规定执行。

第八十二条 中国海警局根据法律、行政法规和国务院、中央军事委员会的决定，就海上维权执法事项制定规章，并按照规定备案。

第八十三条 海警机构依照《[中华人民共和国国防法](#)》、《[中华人民共和国人民武装警察法](#)》等有关法律、军事法规和中央军事委员会的命令，执行防卫作战等任务。

第八十四条 本法自 2021 年 2 月 1 日起施行。