

CORRESPONDENT'S ADVICE

CHINA

04 JUN 2021

Coronavirus, COVID-19

The attached information was received from Oasis along with the following recommendation:

QUOTE

Recently, we have seen an increasing number of vessels calling with Covid-19 positive crewmembers on board, mostly involving Indian crewmembers, which have caused great delay and huge costs for owners.

At some ports, the port refused to disembark the crewmembers or arrange cargo operation so that the vessel had to sail away for crew change at a foreign port before coming back again. It may not be practical, but owners are recommended to avoid arranging crew change at high risk ports; and if the vessels are calling high risk areas, the crew are recommended to exercise highest prevention measures and minimize boarding of shore persons as much as possible.

UNQUOTE

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Date: 4 June 2021

Oasis Circular No.: 2105

Subject: Update on handling of Covid-19 positive crew cases at Chinese ports

The recent few weeks have witnessed another spike of Covid-19 positive crew cases at various Chinese ports. Compared with similar cases of last year, port authorities appear to be taking an even more stringent approach when handling such cases, in view of the various highly contagious variants of Covid-19. At the extreme, some ports refused to disembark the positive crewmembers or arrange cargo operation, so that the vessel involved had to sail to a foreign port for crew change before she could come back.

For owners' reference, we have made the following summary setting out the current situation at various Chinese ports. **We would like to stress that for such cases, the port authorities usually consider and decide on a case by case basis, so the information below is a brief summary of our recent experience and is for reference only.**

Name of Port	Port authorities' attitude and procedures when crewmember(s) are found positive
Dalian	Positive crewmembers are allowed to disembark for medical treatment and will be repatriated after they have recovered and finished quarantine as per local protocol.
Jinzhou	Positive crewmembers are allowed to disembark for medical treatment and will be repatriated after they have recovered and finished quarantine as per local protocol.
Huludao	Positive crewmembers are allowed to disembark for medical treatment and will be repatriated after they have recovered and finished quarantine as per local protocol.
Panjin	Positive crewmembers are allowed to disembark for medical treatment and will be repatriated after they have recovered and finished quarantine as per local protocol.

Bayuquan	Due to recent enhanced epidemic control, the port authorities are reluctant to disembark positive crewmembers or to arrange cargo operation, in case any crewmember is tested positive, so that the vessel may have to sail away to a foreign port for crew change.
Dandong	Positive crewmembers are allowed to disembark for medical treatment and will be repatriated once they have recovered and finished quarantine as per local protocol.
Qingdao	<p>Generally speaking, the authorities allow the positive crewmember(s) to disembark and receive medical treatment in a local hospital. The vessel will be disinfected and thereafter the cargo operation will then be allowed to commence. The vessel can then sail after completion of cargo operation. If the crewmember's condition satisfies the discharge requirements, he shall be isolated in a local hospital for 14 days. The positive crewmember will then be repatriated by flight.</p> <p>It is reported that authorities refused positive crewmembers to disembark in a recent case as the crewmembers were infected by Indian mutated virus.</p> <p>In addition, if a vessel calls at a shipyard for repair work or plans to arrange crew change at Qingdao, and if positive crewmember(s) is found, the authorities' attitude is more prudent. Generally speaking, the vessel needs to be quarantined at anchorage for 14 to 21 days before she is allowed to berth again.</p>
Rizhao/Lanshan	The local authorities sometimes allowed crewmembers to disembark for medical treatment but some other times they refused and asked crewmembers to return to vessel before vessel's departure after treatment ashore.
Weihai	We have not heard of any case there so the authorities' attitude is unknown.
Yantai	Generally speaking, the authorities allow the positive crewmember(s) to disembark for receiving medical treatment in a local hospital. The vessel will be disinfected and thereafter the cargo operation will be allowed to commence. The vessel can sail after completion of cargo operation. If the crewmember's condition satisfies the discharge requirements as per the relevant medical protocol, he will be discharged and isolated in a local hospital for 14 days prior to his repatriation.
Longkou	Generally speaking, the authorities allow the positive crewmember(s) to disembark for receiving medical treatment in a local hospital. The vessel will be disinfected and thereafter the cargo operation will be allowed to commence. The vessel can sail after completion of cargo operation. If the crewmember's condition satisfies the discharge requirements as per relevant medical protocol, he will be isolated in a local hospital for 14 days prior to his repatriation.
Laizhou	We did not hear of any COVID-19 positive case locally.

Lianyungang	Generally speaking, the authorities allow the positive crewmember(s) to disembark for receiving medical treatment in a local hospital. The vessel will be disinfected and thereafter the cargo operation will be allowed to commence. The vessel can sail after completion of cargo operation. If the crewmember's condition satisfies the discharge requirements as per the relevant medical protocol, he will be isolated in a local hospital for 14 days prior to his repatriation.
Shanghai	<p>COVID-19 positive crewmembers are permitted to be disembarked for medical treatment/isolation if their condition is serious</p> <p>If the crew's condition is not serious, the local authorities will require Owners/local agent to first provide a detailed plan for the disembarkation, such as the crew's quarantine on board before disembarkation, who will handle the crew' further medical treatment and repatriation after disembarkation, etc. Based on the plan, local authorities will further consider whether to allow the crew to be disembarked at this port</p> <p>If the vessel proceeds to shipyards in Shanghai for repair, both PCR positive crew members and antibody positive crew members will be required to disembark from the vessel. The PCR positive crew and IgM positive crew will be sent to hospital for medical observation and treatment. The IgG positive crew will be sent to a designated hotel for quarantine for at least 14 days.</p>
Yangtze River ports	COVID-19 positive crewmembers are permitted to be disembarked for medical treatment/isolation if their condition is serious
Ningbo	<p>There are three possible scenarios:</p> <ol style="list-style-type: none"> 1. Vessel sails with positive crew member(s) remaining on board, after completion of cargo operation. The next port of call and the intended arrangement for the positive crew must be reported to authorities before sailing. 2. Positive crew members are allowed to disembark at Ningbo for medical treatment ashore, and the cargo operation can commence after their disembarkation. But the vessel is not allowed to sail after completion of cargo operation, and must await positive crew's recovery and return to the vessel. 3. Positive crew members are be allowed to disembark at Ningbo for medical treatment ashore, and the cargo operation can commence after their disembarkation. In case that ship owners could guarantee to repatriate the disembarked crews by their sister vessels or by commercial flights (flights setting off from Ningbo airport), local authorities would agree vessel to sail after cargo operation. But it's rare to see such situation happening at Ningbo, since international flights from Ningbo are very limited, and repatriation by sister vessels must be carried out within 5 days after crew's discharging from

	<p>hospital.</p> <p>Generally, no quarantine will be imposed on the vessel before resuming of cargo operation, but local authorities may spend several days for internal communication before approval of next actions and will not allow the vessel to shift to anchorage during this period, so that occupation of the berth idly may incur claims from the terminal.</p>
Zhoushan	<p>Positive crew will be allowed for disembarkation / medical treatment ashore, but the repatriation by commercial flights or by subsequent voyages of sister vessels is not allowed. The vessel involved must take the disembarked crew away after their full recovery.</p> <p>14 days of quarantine will likely be imposed on the vessel after disembarkation of the positive crew.</p>
Jiaying	<p>COVID-19 positive crew members are permitted to be disembarked for medical treatment/isolation if their condition is serious</p> <p>If the crew's condition is not serious, the local authorities will require Owners/local agent to first provide a detailed plan for the disembarkation, such as the crew's quarantine on board before disembarkation, who will handle the crew' further medical treatment and repatriation after disembarkation, etc. Based on the plan, local authorities will further consider whether to allow the crew to be disembarked at this port.</p>
Xiamen	COVID-19 positive crew members are permitted to be disembarked for medical treatment/isolation if their condition is serious
Fuzhou	COVID-19 positive crew members are permitted to be disembarked for medical treatment/isolation if their condition is serious
Shantou	No previous cases reported.
Haikou & Yangpu	Currently, COVID-19 positive crew members are not permitted to be disembarked.
Guangzhou	COVID-19 positive crew members are permitted to be disembarked for medical treatment/isolation if their condition is serious
Dongguan	COVID-19 positive crew members are permitted to be disembarked for medical treatment/isolation if their condition is serious
Zhuhai	COVID-19 positive crew members are permitted to be disembarked for medical treatment/isolation if their condition is serious
Shenzhen	COVID-19 positive crew members are permitted to be disembarked for medical

	treatment/isolation.
Fangcheng	COVID-19 positive crew members are permitted to be disembarked for medical treatment/isolation.
Qinzhou	COVID-19 positive crew members are permitted to be disembarked for medical treatment/isolation.
Beihai	COVID-19 positive crew members are permitted to be disembarked for medical treatment/isolation.
Zhanjiang	Crew members infected with common COVID-19 is permitted to be disembarked for medical treatment/isolation, but those infected with Indian variant may not.
Yangjiang	No COVID-19 crew case is reported for more than half a year so the government's current attitude is unknown.

In dealing with such kind of cases, owners inevitably will suffer from some costs and delays. In particular, we have received queries regarding the following points:

Second test of the positive crew members

Once one or more crewmembers are tested positive by the customs, owners' request for a second test is usually not easily entertained, even after weeks of isolation on board.

Therefore, owners are recommended to supply self-aid Covid-19 test kits on board, in case there is a need to confirm the crewmember's condition and to enhance their petition to the port authorities. We would, however, forewarn that self test results may not be accepted by the authorities.

Isolation after discharge from hospitals

According to China's Prevention and Control Plan on COVID-19, both confirmed cases and suspected cases shall be quarantined for medical treatment in designated medical institutions. If the confirmed cases meet the discharge standard after treatment, the crew will be transferred to a designated hotel for 14 days' quarantine, and during this period, his health status will be monitored. For the suspected cases, once his nucleic acid test is negative for two consecutive times (the interval of the two sampling times is at least 24 hours) and his IgM antibody and IgG antibody test stays negative 7 days after he is suspected as infected by COVID-19, then the suspected cases could be excluded, and he can move freely without 14 days' quarantine at hotel.

The above mentioned is the national health authorities' guidance for treating COVID-19 related cases, and local policies may vary from place to place, but generally speaking, local policies are usually stricter. That is to say, sometimes local authorities may require the suspected cases also get 14 days' quarantine after discharge from a hospital, but they will not allow a confirmed case to be exempted from the 14 days' quarantine after discharge

from a hospital. There might be an exception to this that if the crew in a confirmed case has been cured and can be discharged from hospital, and the vessel is scheduled to depart from China soon, the local authorities may consider allowing the crewmember to return to vessel without further quarantine in China.

Terminals' claims

When one or more crewmembers are found positive to Covid-19 test, the cargo operation will usually be suspended until a work plan is decided or approved by the various local authorities. This means that the vessel has to occupy the berth idly until she eventually vacates the berth or resumes cargo operation. In case of crew change at berth, such idle occupation of the berth will be much longer. On such occasions, we have seen different attitude of terminals in terms of their claims against owners:

- (1) waive the idle berth fee in exchange for the vessel's soonest departure without cargo operation or crew change to minimize their risks and idle berth occupation;
- (2) claim berth fee either on basis of normal berth rate of RMB0.25/day/NT or on basis of non-production berth rate of RMB0.15/hour/NT;
- (3) claim loss of income in tort;
- (4) claim both berth fee and loss of income.

According to relevant regulations, the terminal can charge non-production berthing fees if the vessel occupies the berth without any cargo operation or stays there for more than 4 hours after completion of cargo operation for owners' reason. If the terminal claims normal berthing fee or non-production berthing fee, the burden of proof is much less. Generally speaking, the simple fact of occupying is enough.

Usually, the claim amount of income loss is much more than the non-production berthing fee but the terminal's burden of proof is much heavier, e.g., they may need to disclose their financial data to support their claim.

Theoretically, owners may have a chance to defend the claim on basis of force majeure which depends on the actual situation of each case. In practice, however, terminals usually exert pressure on vessels by making use of their advantageous position in controlling the vessel's departure, and insist on quick settlement before the vessel's departure even though they have not disclosed their financial data yet. Ideally, a security can be put up to the terminal first to secure the vessel's timely departure, leaving the claim to be dealt with afterwards.

Agency fees

As there is no standard fee rate in dealing with such cases, agency fees vary substantially from case to case. In some cases, the agency fees were found to be exaggerated and difficult to be negotiated downwards.

Generally, we recommend owners seek a fee quotation from the agent beforehand for handling of the various procedures, either from the charterer's agent or a separate owners' agent, and compare the quotations if possible. At the time of appointing the agent, it is advisable to make it clear that all costs and disbursements incurred need to be supported by invoices and vouchers and they will be scrutinized afterwards.

Other recommendations

- (1) Try to avoid change of crew coming from high risk areas, or avoid crew change at ports in high risk areas, if possible.
- (2) Joining crew members should hold vaccination certificate and negative nucleic acid test report. Nucleic acid test methods should include swab and serum test as far as possible. If necessary, nucleic acid test should be carried out several times to confirm the crew's negative result before embarkation.
- (3) When the vessel is in a high risk port, crewmembers shall take all necessary precautions including wearing sufficient and proper PPE and avoid physical contact with shore personnel as far as possible. Furthermore, disinfection of exposed vessel areas is recommended after completing the cargo operation.
- (4) During the voyage to the destination port, the temperature of crew members shall be taken regularly and recorded to monitor their condition continuously.

If you have any further query, please feel free to contact us for more information.

Best regards,

Oasis P&I Services Company Limited