
Water Law of the People's Republic of China

adoption date: [1988-01-21]



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CHAPTER I GENERAL PROVISIONS

Article 1. This Law is formulated for the rational development and utilization of water resources and the protection of such resources, for the prevention and control of water disasters, and for the full derivation of comprehensive benefits from water resources in order to meet the needs in national economic development and in the livelihood of the people.

Article 2. The " water resources " referred to in this Law includes surface water and groundwater. This Law must be observed in the development, utilization, protection and management of water resources and in the prevention and control of water disasters within the territory of the People's Republic of China.

Provisions for the development, utilization, protection and management of sea water shall be stipulated separately.

Article 3. Water resources shall be owned by the state, that is, by the whole people.

The waters of ponds and reservoirs belonging to agricultural collective economic organizations shall be owned by the collectives.

The state shall protect the lawful rights and interests of units and individuals engaged in the development and utilization of water resources in accordance with law.

Article 4. The state shall encourage and support various undertakings for the development and utilization of water resources and for the prevention and control of water disasters.

The development and utilization of water resources and the prevention and control of water disasters shall be carried out by comprehensive planning with all factors taken into consideration, and with emphasis on multipurpose use and on achieving maximum benefits so as to give full play to the

multiple functions of water resources.

Article 5. The state shall protect water resources and adopt effective measures to preserve natural flora, plant trees and grow grass, conserve water sources, prevent and control soil erosion and improve the ecological environment.

Article 6. All units shall strengthen the prevention and control of water pollution so as to protect and improve water quality. People's governments at various levels shall, in accordance with the provisions of the Law on the Prevention and Control of Water Pollution, strengthen supervision over, and management of, the prevention and control of water pollution.

Article 7. The state shall carry out planning and require strict economy in the use of water.

People's governments at various levels shall strengthen the management of the economical use of water. All units shall adopt advanced technology for the economical use of water, reduce water consumption and raise the frequency of the reuse of water.

Article 8. Units and individuals that have made outstanding achievements in the development, utilization, protection and management of water resources, in the prevention and control of water disasters, in the economical use of water and in related scientific and technological research shall be awarded by the people's governments at the corresponding level.

Article 9. The state shall, with respect to water resources, adopt a system which combines unified administration with administration at various levels and by various departments.

The department of water administration under the State Council shall be in charge of the unified administration of water resources throughout the country.

Other relevant departments under the State Council shall, in accordance with the duties assigned to them by the State Council, be in charge of the administration of water resources related to them in coordination with the department of water administration under the State Council.

The departments of water administration and other relevant departments of the local people's governments at or above the county level shall be in charge of the administration of water resources related to them in accordance with the duties assigned to them by the people's governments at the corresponding level.

CHAPTER II DEVELOPMENT AND UTILIZATION

Article 10. In order to develop and utilize water resources, a comprehensive scientific survey and an investigation and assessment must be undertaken. The comprehensive scientific survey and the investigation and assessment of water resources throughout the country shall be carried out by the department of water administration under the State Council jointly with other departments concerned.

Article 11. The development and utilization of water resources as well as the prevention and control of water disasters shall be planned in a unified way on the basis of river basins or regions. The plans are divided into comprehensive plans and special plans.

Comprehensive plans for major river basins designated by the state shall be formulated by the department of water administration under the State Council jointly with the relevant departments and with the people's governments of the relevant provinces, autonomous regions or municipalities directly under the Central Government, and shall be submitted to the State Council for approval. Comprehensive plans for other river basins or regions shall be formulated by the departments of water administration of local people's governments at or above the county level jointly with the relevant departments and local authorities, and shall be submitted to the people's governments at the corresponding level for approval and to the departments of water administration at the next higher level for the record. Comprehensive plans shall be coordinated with the National Land Plan and take into consideration the needs in various regions and trades.

Special plans for the prevention of floods, the control of water-logging, irrigation, navigation, urban and industrial water supply, hydro-electric power generation, bamboo or log rafting, fishery, water quality protection, hydrologic surveys, the general prospecting and dynamic monitoring of groundwater, etc., shall be formulated respectively by the competent departments of the people's governments at or above the county level and shall be submitted to the people's governments at the corresponding level for approval.

The approved plans shall serve as the bases for the development and utilization of water resources as well as the prevention and control of water disasters. Any amendment to an approved plan must be examined and approved by the organ that originally approved the plan.

Article 12. No unit or individual shall, while channeling, storing or discharging water, infringe upon public interests or the lawful rights and interests of other people.

Article 13. The development and utilization of water resources shall conform to the overall arrangement for the prevention of floods, follow the principle of promoting benefits while eliminating disasters, and take into consideration the interests of upstream and downstream areas, of the left and right banks and of all regions concerned, so as to give full play to the comprehensive benefits of water resources.

Article 14. The development and utilization of water resources shall first satisfy the need of the urban and rural inhabitants in their domestic use of water and give overall consideration to the agricultural and industrial need for water as well as to the need of navigation. In areas where the water sources are insufficient, the scale of the urban area and the development of industrial and agricultural undertakings which use a large amount of water shall be restricted.

Article 15. All areas shall, according to their respective water and soil resources, develop irrigation, drainage and water and soil conservation to bring in stable and high agricultural yields.

In areas where the water sources are insufficient, any irrigation method which makes for an economical use of water shall be adopted.

In areas which are prone to salinization-alkalization and water-logging, measures shall be taken to control and lower the groundwater level.

Article 16. The state shall encourage the development and utilization of hydraulic power potentials. On rivers rich with hydraulic power potentials, multipurpose cascade development shall be effected in a planned way.

In the development of hydropower stations, the ecological environment shall be protected, and the needs for flood control, water supply, irrigation, navigation, bamboo and log rafting, fishery, etc. shall be taken into account.

Article 17. The state shall protect and encourage the development of water transport resources. When permanent dams and sluice-gates are built on rivers which are navigable or suitable for bamboo and log rafting, the construction unit must at the same time build facilities for the passage of ships and for bamboo and log rafting or, after approval by a department authorized by the State Council, take other remedial measures. The construction unit must also make adequate arrangements for navigation and bamboo and log rafting during the construction period and the initial water-filling period, and bear the expenses incurred thereby.

Where a non-navigable river or man-made waterway becomes navigable after a dam or sluice-gate is built, the construction unit shall at the same time build facilities for the passage of ships or reserve sites for such facilities. The expenses needed for such facilities shall, except as otherwise provided for by the state, be borne by the transport department concerned.

Where any existing dam or sluice gate hinders navigation, the people's government at or above the county level shall order the original construction unit to take remedial measures within a prescribed time limit.

Article 18. Where the building of a dam or sluice gate on the migration route of fish, shrimp or crabs has a serious impact on fishery resources, the construction unit shall build facilities for their passage or adopt other remedial measures.

Article 19. The building of any dam and sluice gate, bridge, wharf or any structure which blocks, crosses or borders a river channel, and the laying of a pipeline or a cable which crosses a river, must be in conformity with the standards for the prevention of floods and navigation and other related technical requirements set by the state.

Where the building of any of the structures or facilities referred to in the preceding paragraph requires the extension, modification, removal or destruction of the original structures or facilities, the unit constructing the new project shall bear the expenses for extension or modification and the expenses for the compensation of losses, unless the original structures or facilities were built in violation of the relevant regulations.

Article 20. Where the building of any water project or any other construction project has an adverse effect on the current use of water for irrigation, the existing source of water supply or the present flow of the navigation channel, the unit constructing the project shall adopt remedial measures or otherwise make compensation.

Article 21. Where an interbasin diversion project is to be built, an overall plan and a scientific justification must be provided, and consideration given to the demand for water in the basin which supplies the water and in the basin which receives it, while adverse effects on the ecological environment shall be avoided.

Article 22. The building of any water project must conform with the capital construction procedures and the other relevant provisions stipulated by the state. Where a project involves the interests of

other regions and trades, the construction unit must first solicit opinions from the regions and departments concerned and, in accordance with the relevant provisions, report the project to the people's government at the higher level or the competent department concerned for approval.

Article 23. Where a water project to be built by the state requires the resettlement of inhabitants, the local people's government shall be responsible for making proper arrangements for the livelihood and production of the inhabitants to be resettled. The funds needed for the resettlement of inhabitants shall be included in the investment plan for the project, and the resettlement shall be completed within the construction stage on schedule.

CHAPTER III PROTECTION OF WATER, WATER AREAS AND WATER PROJECTS

Article 24. In any river, lake, reservoir or canal, no person may abandon or pile objects which block navigation or the passage of flood water, or plant trees or grow crops of a long-stalk variety which block the passage of flood water.

In any navigable channel, no person may abandon any sunken boat, lay any fishing gear which blocks navigation, or grow aquatic plants.

No person may erect any building in a riverbed or in flood land without the approval of the competent department concerned.

Anyone who wishes to mine for sand and gravel or placer gold within the extent of a river course through which flood water passes or into which water from water-logged areas is drained, or within the extent of a navigable river, must apply to the department of river administration for approval, and must conduct his mining within the approved confines and in conformity with the approved operation procedures. Where the mining relates to a navigable river, it shall be subject to approval by the department of river administration and the department of navigation.

Article 25. The drawing of groundwater must be carried out by a unified plan based on the findings of a survey and assessment of water resources, and the supervision and management of the drawing must be strengthened. In areas where too much groundwater has been drawn, a strict control shall be imposed on the drawing and effective measures taken to protect the groundwater resources and to prevent the subsidence of the ground.

Article 26. Where mining or the construction of underground projects, because of water drainage,

results in a lowering of the groundwater level, the depletion of groundwater or the subsidence of the ground and causes losses to the livelihood and production of units or individuals, the mining unit or the construction unit shall take remedial measures and compensate for the losses.

Article 27. Reclaiming parts of a lake for use as farmland shall be prohibited. Reclaiming parts of a river for use as farmland shall also be prohibited. Where reclamation is necessary, a scientific justification must be provided and approval obtained from a people's government at or above the provincial level.

Article 28. The state shall protect water projects and related facilities such as dikes and bank revetments, and shall protect flood prevention facilities, hydrologic monitoring facilities, hydrogeologic monitoring facilities, and navigation facilities and aids. No unit or individual may seize or destroy these facilities.

Article 29. Any state-owned water project shall have a zone for its management and protection, to be delimited by a people's government at or above the county level in accordance with the approved design and state provisions.

Any collectively-owned water project shall have a zone for its protection, to be delimited in accordance with stipulations made by the people's government of the relevant province, autonomous region or municipality directly under the Central Government.

Within the protection zone for a water project, any act of blasting, sinking a well, quarrying rock, and collecting earth, which endangers the safety of the water project, shall be prohibited.

CHAPTER IV MANAGEMENT OF THE USE OF WATER

Article 30. The long-term plan for the demand for and supply of water of the entire country and those of regions covering different provinces, autonomous regions and municipalities directly under the Central Government shall be formulated by the department of water administration jointly with the other relevant departments under the State Council and submitted to the planning department under the State Council for approval. A local long-term plan for the demand for and supply of water shall, on the basis of the long-term plan for the demand for and supply of water made by the department of water administration of the people's government at the next higher level and the actual local conditions, be formulated by the department of water administration jointly with the other relevant departments of a local people's government at or above the county level, and shall be submitted to the

planning department of the people's government at the corresponding level for approval.

Article 31. The regulation and storage of the run-off and the allocation of water shall take into account the demand for water in upstream and downstream areas and on both banks of a river and also the need for navigation, bamboo and log rafting and fishery and for the protection of the ecological environment.

A plan for the allocation of water covering different administrative divisions shall be formulated by the department of water administration of the people's government at the next higher level after soliciting the opinions of the local people's governments concerned, and shall be executed after approval by the people's government at the corresponding level.

Article 32. The state shall put into practice a license system for drawing water directly from subterranean streams, rivers or lakes. However, it shall not be necessary to apply for a license if water is drawn for household use or for livestock and poultry to drink, or if a small amount of water is drawn for other purposes.

The steps, the scope and the measures for implementing a system of water-drawing licenses shall be stipulated by the State Council.

Article 33. Where it is necessary to apply for a water-drawing license for a new construction project, an extension project or a reconstruction project, the construction unit shall, while submitting the design for the project, enclose written comments from the organ in charge of examining applications for the drawing of water.

Article 34. Anyone who uses water provided by a water-supply project shall pay a water fee to the supplying unit in accordance with the relevant provisions.

Any unit which directly draws groundwater in an urban area shall be charged a water resources fee. The collection of such fees from other units or individuals drawing water directly from subterranean streams, rivers or lakes shall be decided by the people's governments of provinces, autonomous regions or municipalities directly under the Central Government.

Measures for the collection of water fees and water resources fees shall be stipulated by the State Council.

Article 35. Any dispute concerning water between different districts shall be handled through consultation in the spirit of mutual understanding and mutual accommodation as well as the spirit of solidarity and cooperation. Where consultations are unsuccessful, the dispute shall be handled by the people's government at the next higher level. Pending a settlement of the dispute, no party may build any project to drain, block, divert or store water within a certain area on either side of the common boundary defined by the state, and no party may unilaterally alter the existing water regime, unless an agreement is reached between the parties concerned or an approval is granted by the people's government at the next higher level.

Article 36. Any dispute concerning water between units, between individuals or between units and individuals shall be resolved through consultation or mediation. Where a party is unwilling to have the dispute resolved through consultation or mediation, or the consultation or mediation is unsuccessful, he may request the people's government at or above the county level or the competent department authorized by such a government to handle the dispute, or may directly institute legal proceedings in the people's court. Where a party is dissatisfied with the decision made by the people's government concerned or the competent department authorized by such a government, he may institute legal proceedings in the people's court within fifteen days of receiving the notification on the decision. Pending a settlement of the dispute, no party may unilaterally alter the existing water regime.

Article 37. When handling any dispute concerning water, the people's government at or above the county level, or the competent department authorized by such a government, shall have the power to take temporary measures with which the parties must comply.

CHAPTER V FLOOD PREVENTION AND FLOOD FIGHTING

Article 38. The people's governments at all levels shall strengthen their leadership and take effective measures to prevent and fight floods. It is the duty of every unit and individual to participate in the prevention of and the fight against floods.

Article 39. The flood prevention headquarters under the people's governments at or above the county level shall exercise unified command over the work of preventing and fighting floods.

In case of a flood emergency, the flood prevention headquarters shall have the power to requisition materials and equipment and employ personnel within their jurisdiction, which shall be returned or adequately compensated for without delay after the flood subsides.

Article 40. The people's governments at or above the county level shall, on the basis of river basin plans and in accordance with the principle of ensuring defence at the major points and giving consideration to ordinary ones, formulate schemes for the prevention of floods, in which the standards and measures for the prevention of floods shall be specified. The schemes for the prevention of floods along major rivers throughout the country shall be formulated by the Central Flood Prevention Headquarters and submitted to the State Council for approval.

After a scheme for the prevention of floods is approved or formulated, the people's governments concerned must execute it.

Article 41. Along floodways and in flood detention basins and flood storage basins, the utilization of land and the various construction projects must meet the requirements for the prevention of floods.

Article 42. People in a downstream area may not hinder by blocking the flow of the flood water or excess water discharged according to the natural flow trend or the design standards of flood prevention or flood drainage projects, or an approved flood fighting plan, or reduce the carrying capacity of the river, while people in an upstream area may not increase without authorization the flow discharged downstream.

Article 43. In case of a flood emergency, flood prevention headquarters at different levels may, within their jurisdiction, take measures to divert or detain the flood pursuant to the approved plans. Where these measures are detrimental to the adjoining districts, the adoption of such measures must be reported to the flood prevention headquarters at the next higher level for approval, and the districts concerned shall be notified in advance.

The State Council and the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall separately formulate special administrative measures for the safety, evacuation, livelihood, production, rehabilitation, compensation for losses, etc. for the inhabitants in the flood detention basins and the flood storage basins within their respective jurisdiction.

CHAPTER VI LEGAL LIABILITY

Article 44. Whoever, in violation of this Law, draws, intercepts, blocks or discharges water and thereby causes obstruction or losses to others shall stop his acts of infringement, remove the obstruction and compensate for the losses.

Article 45. Whoever, in violation of this Law, commits any of the following acts shall be ordered, by the department of water administration or another competent department concerned of the relevant local people's government at or above the county level, to stop his illegal act and clear away the obstacles or take other remedial measures within the specified time limit, and may be concurrently fined; the person who is responsible may be given administrative sanctions by the unit to which he belongs or by the competent authority at a higher level:

(1) abandoning or piling objects which obstruct navigation or the passage of flood, or planting trees and growing crops of a long-stalk variety which obstruct the passage of flood in any river, lake, reservoir or canal, or abandoning sunken vessels, laying fishing gear which obstructs navigation, or growing aquatic plants in any navigable river;

(2) erecting buildings in any riverbed or flood land without approval;

(3) mining for sand and gravel or placer gold in any river course or navigable river without approval or not in conformity with the approved scope and operation procedures; or

(4) reclaiming parts of any lake or river for use as farmland in violation of the provisions of Article 27 of this Law.

Article 46. Whoever, in violation of this Law, commits any of the following acts shall be ordered, by the department of water administration or another competent department concerned of the relevant local people's government at or above the county level, to stop his illegal act and take remedial measures and may be concurrently fined; the person who is responsible may be given administrative sanctions by the unit to which he belongs or by the competent authority at a higher level and, where a crime is constituted, he shall be prosecuted for criminal responsibility in accordance with the Criminal Law:

(1) constructing any water project or realigning any river or course of navigation without authorization; or

(2) in violation of the provisions of Article 42 of this Law, increasing the discharge of flood or drainage of excess water downstream or hindering the discharge of flood or drainage of excess water from upstream without authorization.

Article 47. Whoever, in violation of this Law, commits any of the following acts shall be ordered, by the department of water administration or another competent department concerned of the relevant local people's government at or above the county level, to stop his illegal act, compensate for the losses caused and take remedial measures, and may be concurrently fined; where a penalty for violation of public security should be given, the person shall be given a penalty in accordance with the Regulations on Administrative Penalties for Public Security; where a crime is constituted, the person shall be prosecuted for criminal responsibility in accordance with the Criminal Law:

(1) damaging any water project or related facilities such as dikes and bank revetments, damaging any flood prevention facilities, hydrologic monitoring facilities, hydrogeologic monitoring facilities, or navigation facilities or aids; or

(2) carrying out, within the protection zone for a water project, any act of blasting, sinking a well, quarrying rock, or collecting earth, etc., which endangers the safety of the project.

Article 48. If any party is not satisfied with the decision on an administrative penalty, he may, within fifteen days of receiving the notification on the penalty, file an application for reconsideration with the department at the level next higher to the department that made the decision on the penalty. If the party is not satisfied with the decision made after such reconsideration, he may institute legal proceedings in the people's court within fifteen days of receiving the decision on the reconsideration. The party may also directly institute legal proceedings in the people's court within fifteen days of receiving the notification on the penalty. If the said party neither applies for reconsideration nor institutes legal proceedings in the people's court within the time limit nor complies with the decision on the penalty, the department that made the decision on the penalty shall apply to the people's court for compulsory execution.

If any party is not satisfied with a penalty for violation of public security, the case shall be handled according to the Regulations on Administrative Penalties for Public Security.

Article 49. Whoever steals or forcibly seizes the supplies for the prevention of floods or materials and equipment for the building of water projects, or whoever embezzles or misappropriates state funds and materials for the relief of disasters, for use in flood emergencies, for the prevention of floods or for the resettlement of inhabitants, shall be prosecuted for criminal responsibility in accordance with the Criminal Law.

Article 50. Any functionary of a department of water administration, of another competent department or of a unit managing a water project, who neglects his duty, abuses his power, engages in malpractices for personal gains or commits fraudulent acts, shall be given administrative sanctions by the unit to which he belongs or by the competent department at a higher level; whoever causes heavy

losses to public property or to the interests of the state and the people shall be prosecuted for criminal responsibility in accordance with the Criminal Law.

CHAPTER VII SUPPLEMENTARY PROVISIONS

Article 51. Where any international treaty or agreement relating to international or border rivers or lakes, concluded or acceded to by the People 's Republic of China, contains provisions differing from those in the laws of the People's Republic of China, the provisions of the international treaty or agreement shall apply, unless the provisions are ones on which the People's Republic of China has made reservations.

Article 52. The State Council may, in accordance with this Law, formulate rules for its implementation.

The standing committees of the people's congresses of provinces, autonomous regions and municipalities directly under the Central Government may, in accordance with this Law, formulate measures for its implementation.

Article 53. This Law shall come into force as of July 1, 1988.