

Regulations of Beijing Municipality on Administration of Urban Rivers and Lakes

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(Adopted at the 11th Session of the Standing Committee of the 11th Beijing Municipal People's Congress on June 24, 1999)

Chapter I General Provisions

Article 1 These Regulations are formulated for the purposes of strengthening the protection and administration of urban rivers and lakes, ensuring the flood prevention of urban rivers and lakes and the water supply in this Municipality, improving water environment and promoting national economic and social development, in accordance with the Water Law of the People's Republic of China, the Anti-floods Law of the People's Republic of China, the Law of the People's Republic of China on Prevention and Control of Water Pollution, the Law of the People's Republic of China on Urban Planning and other relevant laws and regulations and in line with the actual conditions of this Municipality.

Article 2 These Regulations apply to the protection and administration of rivers, lakes and artificial watercourses that are within the planned downtown area of this Municipality and those that are provided for in the Regulations.

The protection and administration of Jing-Mi Approach Channel shall follow the Regulations of Beijing Municipality on Conservation and Administration of Water Source of Miyun Reservoir, Huairou Reservoir and Jing-Mi Approach Channel.

Article 3 The Municipality follows the principles of uniform planning, comprehensive tackling, scientific management and rational utilization for urban rivers and lakes.

The planning, tackling and construction of urban rivers and lakes shall maintain the style and features of the centuries-old capital and be harmonized with the municipal environment as a whole.

Article 4 The people's governments at all levels shall include the conservation and administration of urban rivers and lakes in national economic and social development plans.

Funds needed for the comprehensively tackling construction projects of urban rivers

and lakes as well as costs of management and protection are included in fixed-assets investment plans and fiscal budgets.

Article 5 The Municipal People's Government is responsible for the implementation of these Regulations.

The municipal water administrative department is the regulatory department in charge of conservation and administration of urban rivers and lakes that exercises uniform supervision and control over the conservation and administration of urban rivers and lakes.

The district water administrative departments shall exercise uniform supervision and control over conservation and administration of district-managed urban rivers and lakes in their respective administrative areas.

Relevant administration departments of the municipal and district planning, programming, environmental protection, public works, environmental sanitation, gardening, commerce and industry, public security and forestry shall be responsible for supervision and control over relevant urban rivers and lakes according to the provisions of these Regulations.

Article 6 Urban watercourses undergo classified management and are divided into Municipality-managed watercourses and district-managed watercourses. Any adjustment concerning the management competence of urban watercourses shall be submitted by the municipal water administrative department to the Municipal People's Government for approval.

The management of an urban lake shall be under the charge of the managing unit of the lake.

Article 7 Water administrative departments strengthen the urban river-lake law enforcement contingents and introduce the system of law enforcement responsibility.

Urban river-and-lake law enforcers shall observe the laws and regulations concerning the management of urban rivers and lakes, be devoted to their duty and enforce law impartially. When performing duties, they shall wear marks and produce credentials of supervision and inspection.

Article 8 Any units and individuals have the responsibilities to protect the water environment and urban river and lake facilities and have the right to halt, report and denounce any actions of water environment pollution and of urban river and lake facilities destruction.

Article 9 The Municipal People's Government or water administrative department shall commend and reward the units and individuals that make contributions to the protection of urban river-and-lake water resources and water environment and facilities.

Chapter II Planning Administration

Article 10 The urban river-and-lake construction planning shall be subject to Beijing municipal overall planning and urban flood protection planning and linked to the overall water conservancy planning of the Municipality.

Article 11 The urban river-and-lake comprehensive tackling planning shall be prepared by the municipal water administrative department according to the State and municipal anti-flood, water supply and water environment quality standards and relevant technical requirements and based on Beijing municipal overall planning and after examination and approval by the municipal planning administrative department, shall be submitted to the Municipal People's Government for approval.

Where specialized planning involves urban rivers and lakes, relevant departments shall solicit opinions from the municipal water administrative department in advance.

Article 12 It is forbidden to fill up lakes, fill river for reclamation or to turn rivers into buried ones.

Stream-way diversion and excavation of artificial lakes must be examined and approved by the municipal water administrative department and after obtaining its approval, follow examination and approval procedures for capital construction.

Article 13 Urban watercourses are divided into feeder watercourses, scenic watercourses and drainage watercourses according to their locations and main functions.

Where the classification of urban watercourses need to be adjusted, the municipal water administrative department shall report to the Municipal People's Government for approval.

Chapter III Management and Protection of Water Projects

Article 14 Isolated belts shall be designed along urban rivers and lakes. The isolated belts of urban rivers and lakes are divided into management range and protection range.

Urban river-and-lake management and protection ranges shall be specified by the municipal planning department together with the water administrative department and other relevant departments according to relevant provisions of the Municipal People's Government.

Article 15 In urban river-and-lake management ranges, the following actions are banned:

1. Establishing buildings irrelevant to water projects;
2. Dumping or piling refuse, slug and other wastes; and randomly piling up materials;
3. Opening all kinds of commodity trading markets and business outlets;
4. Random blasting, well-digging, excavating sand or drawing earth;
5. Damaging water conservancy projects, hydraulic and hydrological observation facilities and auxiliary equipment and facilities such as communication, lighting and waterfront roads;
6. Opening or closing water conservancy equipment by non-administrators;
7. Driving caterpillar vehicles or overloaded vehicles;
8. Poisoning, blasting and electrifying fish, setting fish screen across a river and fishing and angling in the non-designated water area;
9. Enclosing dikes or building water-retarding channels or roads;
10. Randomly building dams;
11. Growing crops with high stalks or trees in watercourses;
12. Arbitrarily exploiting underground resources, conducting archeological excavations; and
13. Other actions banned by laws and regulations,

Article 16 The actions provided for in Paragraphs 1, 2, 3, 4 and 12 of Article 15 are banned in the urban watercourse protection ranges.

Article 17 Where blasting, digging a well, excavating sand, drawing earth, piling up materials, exploiting underground resources and conducting archeological excavations are really needed in urban river-and-lake management and protection ranges, they shall be approved by the water administrative department.

Article 18 Trees and grasses shall be planted in the urban river-and-lake management and protection ranges except in watercourses and greening areas shall be increased to gradually form waterfront greening belts.

Greening along urban rivers and lakes shall be planned and designed in a uniform way according to the functions and scenic requirements of urban rivers and lakes.

The water administrative department shall be responsible for the urban river-and-lake management range's greening and conservation thereof; and the departments of gardening, highways and water conservancy shall take charge of urban watercourse protection range's greening and conservation thereof respectively.

Tending and regeneration of woods shall follow relevant provisions of laws and regulations.

Article 19 It is allowed to build roads, lay necessary pipelines of public works and put up a few small gardening creations and necessary sluice rooms and their auxiliary facilities in the urban watercourse protection ranges according to the planning. After obtaining consent from the water administrative department, the construction units shall report to relevant department for approval.

Article 20 Any illegal buildings and structures in the urban river-and-lake management and protection ranges shall be, by order of the municipal planning administrative department, dismantled within the time limit; and any building constructed in the urban watercourse protection range before the implementation of these Regulations shall be dismantled step by step.

All kinds of commodity trading markets in the urban river-lake management and protection ranges shall be, by order of the commerce and industry administrative department together with local district people's governments, moved, closed or dismantled within a time limit.

Article 21 Where temporary occupation of land in the urban river-and-lake management and protection ranges is really needed due to construction projects, it must be allowed by the water administrative department and reported to relevant department for approval.

Article 22 For building dams, coffer-dams, bridges and roads, laying pipelines and cables, constructing sluice rooms, docks and their auxiliary facilities, and construction projects necessary to break or cross dikes, the building units shall apply to the water administrative department according to the jurisdiction over urban rivers and lakes, and the latter shall make the decision of approval or disapproval within one month. Upon examination and approval of the water administrative department, the building units may go through examination and approval formalities according to the capital construction procedures.

For the approved construction project, after the water administrative department examines and approves the project building plan, the building unit shall sign a construction agreement with the water administrative department and, after the

completion of the project, the building unit together with the water administrative department shall make the acceptance testing. In case of failure to meet the design standards or to pass the acceptance testing, building shall not be put into use.

Article 23 The water administrative department shall regularly inspect buildings and facilities such as the built culverts, sluices, pump stations and the laid dike-crossing pipelines and cables in the urban river-and-lake management and protection ranges and upon discovering any case out of compliance with project safety requirements, shall order the property owner to make corrections within a time limit.

Article 24 Building of bridges, docks and river-crossing pipelines and cables and other facilities must meet the flood control requirements and must not damage or narrow flood passageways.

Article 25 Where any buildings and facilities obstruct flood passage, flood protection administrative organ shall order to convert or dismantle them within a time limit. Where they are not converted or dismantled within the time limit, the flood protection administrative organ shall organize coercive demolition the costs of which shall be borne by the barrier makers.

Article 26 Without approval of the water administrative department, no units or individuals may fill up, block up, occupy or demolish ancient courses, old dikes and original project facilities of urban rivers and lakes.

Article 27 The water administrative department shall decide on the urban river-and-lake water dispatch and distribution plans.
In normal years and seasons, the rational flow and water level of scenic watercourses shall be maintained.

Article 28 This Municipality carries out the water-draw licensing system according to relevant regulations of the State and bans random water draw from urban rivers and lakes.

Article 29 With approval of the Municipal People's Government, water tours on scenic watercourses are allowed according to the municipal overall planning and. Water tour items and scale shall be put under a total control.

Water tour items shall meet the following conditions:

1. Satisfying the requirements for flood passage and water conveying;
2. Not contaminating water-body or lowering the stipulated water quality standards;

3. Protecting water project safety; and
4. Not spoiling environmental style and features.

Those that intend to run water tour items must get the approval of the water administrative department and obtain the Examination Consent Letter. After going through examination, approval and registration formalities according to relevant provisions, business may be started.

Chapter IV Protection of Water Quality

Article 30 According to prevention and control planning, the urban river-and-lake water quality shall reach the following standards:

1. Feeder watercourses must reach Class-2 water-body standards provided for by the State surface water environment quality standards;
2. Scenic watercourses and lakes must reach Class-3 or Class-4 water-body standards provided for by the State surface water environment quality standards; and the Kunyu River Section of the Jing-Mi Approach Channel must reach Class-2 water-body standards provided for by the State surface water environment quality standards;
3. Drainage watercourses must reach Class-5 water-body standards provided for by the State surface water environment quality standards.

The Municipal People's Government shall provide for the deadline for urban river-and-lake water quality to reach the standards.

Article 31 It is banned to discharge raw industrial waste water that has not been treated into urban rivers and lakes. Those that discharge industrial waste water in excess of the set standards into urban rivers and lakes shall be ordered to make corrections within a time limit by the municipal environmental protection administrative department.

Article 32 Urban sewage must reach standards through centralized treatment before being discharged into urban rivers and lakes.

The people's governments at all levels must speed up the construction of infrastructural public works, perfect city drainage facilities and sewage disposal facilities and realize the diverted flow of rainwater and sewage according to the Beijing municipal overall planning,.

In areas with discharge conditions for the diverted flow of rainwater and sewage, the pollutant discharging units must discharge sewage into the municipal wastes discharge

pipelines and networks; and the original sewage outfalls set in urban rivers and lakes must be discarded.

Article 33 In areas without discharge conditions for the diverted flow of rainwater and sewage, where it is necessary to discharge effluents into urban rivers and lakes, the newly built, converted or expanded construction projects must have sewage disposal facilities built. The sewage disposal facilities must be designed, constructed and put into use at the same time with the main projects. It is forbidden to discharge directly or indirectly sewage that has not been treated or sewage below the stipulated discharge standard in spite of the treatment.

The completed projects without sewage treatment facilities constructed shall construct such facilities within a time limit by order of the water administrative department.

Article 34 Scenic watercourses and drainage watercourses shall be put under the control of pollutant discharge totals. No unit or individual may discharge pollutants in excess of the targets.

Article 35 It is forbidden to directly or indirectly discharge or dump noxious and hazardous chemicals and preparations; it is forbidden to dump sewage and pollutants contaminating water-body; it is forbidden to raise livestock and poultry or to wash vehicles, clothes and other utensils in the urban river-and-lake management ranges; it is forbidden to use fish drug and highly toxic and highly residual pesticides that are harmful to water-body; and it is forbidden to swim, skate or launch other water activities in non-designated waters.

Article 36 No unit or individuals may dump sewage, pollutants or other noxious and harmful substances into roadside rain outfalls.

Article 37 It is forbidden to set drainage outlets in feeder watercourses.

Where scenic watercourses and drainage watercourses have any of the following situations, any new sewage outfall shall not be set:

1. Discharged sewage fails to reach the stipulated emission standards;
2. Within the range controlled by the municipal sewage discharge pipelines and networks; and
3. Sewage discharging units can use existing sewage outfalls to discharge effluents.

Article 38 Setting the rainwater outfalls and sewage outfalls of the public works pipelines in urban rivers and lakes shall obtain approval from the water administrative department and shall be determined by the city planning administrative department.

Direct drainage into urban rivers and lakes without using the pipelines of public works shall be examined and approved by the water administrative department.

Rainwater outfalls and sewage outfalls of public works set in urban rivers and lakes before the implementation of these Regulations shall be checked and registered by the water administrative department jointly with the municipal public works administrative department. Units and individuals that directly discharge effluents into urban rivers and lakes without using the pipelines of public works shall go through registration formalities with the water administrative department within the prescribed time period.

Article 39 Relevant departments of the Municipal People's Government and district people's governments shall intensify the construction of environmental sanitation facilities along urban rivers and lakes and organize the implementation of the urban river-and-lake environmental sanitation responsibility system.

Urban river-and-lake management units shall be responsible for supervising the preservation of clean water surface of urban rivers and lakes.

Article 40 The municipal environmental protection administrative department should regularly publish to the public the urban river-and-lake water quality

Chapter V Legal Liabilities

Article 41 Those that violate the provisions of Article 12 (1) of these Regulations to fill up lakes or rivers for reclamation or turn rivers into buried ones, shall be ordered by the water administrative department to stop their illegal actions and to restore the original state or take make-up measures, and a fine of more than 10,000 yuan but less than 50,000 yuan shall be imposed upon them.

Article 42 Those that violate the provisions of Article 15 of these Regulations shall be ordered by the water administrative department to stop their illegal actions, to restore the original state within a time limit and to compensate for losses or take make-up measures, and shall be punished according to the following provisions:

1. Construction of buildings irrelevant to water projects shall incur fines of more than 30 yuan but less than 300 yuan per square meter of ground floor area.
2. Dumping or piling up refuse, slug and other wastes and arbitrarily piling up materials shall incur fines of 1,000 yuan per ton, and a fine of 200 yuan shall be imposed upon the persons held directly responsible; and failing to clear away the waste or materials within deadline shall incur an extra fine of 50 yuan for each additional day.

3. Those that open any kind of commodity trading market shall have their illegal gains confiscated and a fine of more than 1,000 yuan but less than 20,000 yuan may be imposed. Those that set up business outlets shall have their illegal gains confiscated and commodities and means illegally operated confiscated and a fine of less than 500 yuan or of more than 1,000 yuan but less than 10,000 yuan shall be imposed upon the law-breaking individual and the law-breaking unit respectively.
4. Arbitrarily blasting or digging wells shall incur fines as much as the project construction costs; and arbitrarily excavating sand or drawing soil shall incur fines as much as the value.
5. Destroying the water conservancy project, the hydraulic and hydrological observation facilities and auxiliary equipment and the facilities of communication, lighting and waterfront roads shall incur fines less than the amount of the loss.
6. A fine of less than 200 yuan shall be imposed upon non-administrators who open or close water conservancy equipment or those who drive caterpillar vehicles or overloaded vehicles.
7. Poisoning, blasting and electrifying fish, laying crossing-river fish screen and fishing and angling in the non-designated water area shall incur the confiscation of fishing tackle and illegal gains and fines of more than 50 yuan but less than 5,000 yuan.
8. Enclosing dikes, building water-retarding channels and roads, and randomly building dams, exploiting underground resources, and conducting archeological excavations shall incur fines of less than 50,000 yuan.
9. Growing high-stalked crops and trees may incur fines of less than 5,000 yuan.

Article 43 Where the provisions of Article 16 of these Regulations are violated, the administrative departments of water, municipal planning, environmental sanitation, commerce and industry shall, according their respective functions, order the violators to stop their illegal actions, restore the original state, compensate for losses or take make-up measures and punish the violators according to the provisions of Article 42 of these Regulations.

Article 44 Where in violation of the provisions of Article 20 (1) of these Regulations, illegal buildings and structures in urban river-and-lake management and protection ranges fail to be dismantled within deadline, the municipal planning administrative department shall apply to the people's court for coercive enforcement.

Article 45 Where in violation of the provisions of Article 22 of these Regulations, construction units build dams and cofferdams, bridges, roads or lay pipelines and cables, construct sluice rooms, docks and their auxiliary facilities, and carry the projects that need to break or cross dikes, but fail to apply to the water administrative department or arbitrarily start work without examination and approval, shall be ordered by the water administrative department to stop construction and restore the

original state within a time limit; Where the construction project plans are not permitted by the water administrative department or they are not observed in construction, the construction units shall be ordered by the water administrative department to stop their illegal actions, and make up for the examination consent or examination approval formalities; project construction facilities that seriously interfere with impoundment, water supply, drainage and flood passage shall be ordered to be dismantled within a time limit; where they are not dismantled within deadline, they shall be dismantled forcibly with the costs being borne by the construction units; those that interfere with impoundment, water delivery, drainage and flood passage but still can have make-up measures shall be ordered to take make-up measures, and may incur fines of more than 10,000 yuan but less than 100,000 yuan.

Article 46 Where those, in violation of the provisions of Article 26 of these Regulations, fill up or blocking up ancient courses, old dikes and original project facilities of urban rivers and lakes or destroy old dikes and original project facilities of urban rivers and lakes shall be ordered by the water administrative department to stop the illegal actions, restore the original state and take make-up measures.

Article 47 Where those, in violation of the provisions of Article 29 of these Regulations, run water tour items without the Examination Consent Letter of the water administrative department shall be ordered by the latter to stop the illegal actions and a fine of more than 20,000 yuan but less than 100,000 yuan shall be imposed.

Article 48 Where those, in violation of the provisions of Articles 31 and 34 of these Regulations, discharge industrial waste water exceeding the stipulated standards into urban rivers and lakes or discharge the sewage exceeding the control of sewage emission totals shall be punished by the municipal environmental protection administrative department according to relevant provisions of laws and regulations.

Article 49 Where those, in violation of the provisions of Articles 32(3) of these Regulations, connect sewage pipes with rainwater pipelines to discharge the sewage exceeding the standards into urban rivers and lakes shall be fined between 10,000 yuan and 50,000 yuan by the water administrative department.

Article 50 Where those, in violation of the provisions of Articles 33 and 34 of these Regulations, discharge the raw sewage or the sewage below the stipulated emission standards despite treatment into urban rivers and lakes shall be ordered by the environmental protection administrative department to make treatment within a time limit, and be fined between 10,000 yuan and 50,000 yuan.

Article 51 Where those, in violation of the provisions of Articles 35 of these Regulations, shall be ordered by the water administrative department or the environmental protection administrative department to stop the illegal actions, compensate for losses, take make-up measures and be punished according to the following provisions:

1. Those that directly or indirectly discharge or dump noxious and hazardous chemicals and preparations into urban rivers and lakes shall be punished by the environmental protection administrative department according to relevant provisions of laws and regulations.
2. Those that directly or indirectly dump sewage and pollutants contaminating water-body or use fish drug and highly toxic and residual pesticides harmful to urban river-and-lake water-body in less serious cases shall be fined between 300 yuan and 5,000 yuan. Where the case is serious and consequences are relatively serious, they shall be fined between 5,000 yuan and 50,000 yuan. Where the case and consequences are extremely serious, they shall be fined between 50,000 and 200,000 yuan.
3. Those who raise livestock and poultry, wash vehicles, clothes and other utensils, or dump small quantities of sewage and pollutants into urban rivers and lakes, or swim in the non-designated water area shall be fined between 20 yuan and 100 yuan.

Article 52 Those that violate the provisions of Article 36 to discharge or dump sewage, pollutants or other noxious and hazardous substances into roadside rainwater outfalls shall be ordered by the municipal public works administrative department to stop the illegal actions and compensate for losses and may be fined between 100 yuan and 1,000 yuan.

Article 53 Those that violate the provisions of Article 38 of these Regulations, directly discharge effluents into urban rivers and lakes without examination, approval or registration shall be ordered by the water administrative department to stop the illegal actions, restore the original state and be fined between 10,000 yuan and 100,000 yuan.

Article 54 Where the administrative departments fail to perform their functions and duties relating to the protection and administration of urban rivers and lakes, which causes serious consequences, the people's government at the corresponding level shall investigate the top officials of those departments for administrative responsibilities.

Article 55 Government functionaries who abuse power, engage in malpractice for selfish ends and commit dereliction of duties in the protection and administration of urban rivers and lakes shall be given disciplinary sanctions by their working units or higher authorities.

Article 56 Those who violate the provisions of these Regulations and a crime is constituted shall be investigated for criminal responsibilities.

Article 57 In regard to violations of laws and regulations involving the urban river-and-lake administration that should be dealt with by other administrative departments under their jurisdiction, the water administrative department shall have the right to propose in writing the suggestions of urban river-and-lake supervisory inspection to relevant departments and the latter should conduct investigation according to law and inform the water administrative department of results.

Chapter VI Supplementary Provisions

Article 58 These Regulations shall become effective as of October 15, 1999.

Annex I:

Scope of the Classified Administrative Urban Watercourses

The municipality-managed urban watercourses include:

1. Tongzhi River, Southern Moat and Northern Moat;
2. Qinghe-Anhe Sluice to the debouchment section of Wenyu River;
3. The Dongbianmen to Wohuqiao section of Tonghui River, Erdao Fosse, and Dongjiao circulating water system;
4. the Xitiejiaoping Bridge to Maju Bridge section of Liangshui River, Lianhua River and Xinkai Canal;
5. Jing-Mi Approach Channel, Yondinghe Approach Channel, Nanchang River, and Dongshuangzhi Branch Canal;
6. Xiaoyue River and Tucheng Fosse

Other urban watercourses except those provided for in the previous paragraph are district-managed urban watercourses.

Annex II:

List of Feeder Watercourses, Scenic Watercourses and Drainage Watercourses

I. Feeder watercourses include:

1. Sanjiadian flood retarding sluice to Tiancun power station section of Yongdinghe Approach Channel;
2. Tuancheng Lake section and Tuanchenghu Lake upper section of Jing-Mi

Approach Channel;
3. Nanhao River.

II. Scenic watercourses include:

1. Kunmin Lake-Yuyuan Pool-Southern Moat-Gaobeidian Lake section of Tonhui River;
2. Chang River, Dongshuangzhi Branch Canal-Northern Moat-Yongshui Sluice section of Liangma River;
3. Tucheng Fosse;
4. Anhe Sluice to Qinghezhen Township section of Qing River;
5. Wanquan River;
6. Northeastern wall corner to Jiuxian Bridge section of Ba River;
7. Tongzhi River.

III. Drainage watercourses include:

1. Gaobeidianhu Lake to Wohu Bridge section of Tonghui River;
2. Jiuxian Bridge to Wenyu River section of Ba River;
3. Qinghe Town to Wenyu River section of Qing River;
4. Xinkai Canal-Lianhua River-Liangshui River and its affluent;
- 5 Other branch rivers and lateral ditches: Beihan River, Xiaoyue River, Beixiao River, Erdao Fosse, etc.