

Flood Control Law of the People's Republic of China

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Chapter I: General Provisions

Article 1 This Law is enacted for the purpose of controlling floods, guarding against and mitigating damage done by floods and water-logging, preserving the safety of people's lives and property, and ensuring the socialist modernization drive.

Article 2 In flood control the principles of comprehensive planning, overall consideration, prevention first, all-purpose harnessing, and the interests of the part being subordinate to the interests of the whole shall be followed,

Article 3 The construction of projects and facilities for flood control shall be incorporated into the national economic and social development plans.
The funds for flood control shall be raised in accordance with the principle of combining government investment with rational contributions by beneficiaries.

Article 4 Water resources shall be developed, utilized and protected in conformity with the overall arrangement for flood control and in adherence to the principle of deriving benefits being combined with eliminating damage.

Rivers and lakes shall be harnessed and projects and facilities for flood control shall be built in conformity with the comprehensive plans for river basins and in combination with the all-purpose development of the water resources in the river basins.

For the purposes of this Law, comprehensive plans mean the comprehensive plans for the development and utilization of water resources and for controlling floods.

Article 5 Flood control shall be carried out under unified planning and implementation at different levels on the basis of river basins or administrative regions and under a system whereby the

management of river basins shall be combined with the management of administrative regions.

Article 6 Every unit and individual has the obligation to protect the projects and facilities for flood control and join, in accordance with law, in efforts to control and fight floods.

Article 7 The people's governments at various levels shall strengthen the unified leadership over flood control, organize relevant departments and units, mobilize the general public, rely on the achievements in science and technology, harness rivers and lakes in a planned way, adopt measures to reinforce the projects and facilities for flood control, consolidate and increase the flood control capacity.

The people's governments at various levels shall organize relevant departments and units and mobilize the general public to achieve successes in flood control and flood fighting and to make good arrangement for rehabilitation and relief after flood and water-logging disaster.

The people's governments at various levels shall give support and help to the flood storage and detention basins, giving them compensation or relief in accordance with the regulations of the State, after flood storage and detention.

Article 8 Under the direction of the State Council, the water administration department under the State Council shall be in charge of the day-to-day work in the way of organizing and coordinating efforts for exercising supervision over and giving guidance to flood control throughout the country. The river basin authorities set up for the major rivers and lakes, designated as such by the State, by the water administration department under the State Council shall, within the areas under their jurisdiction, exercise the functions and duties of coordinating the efforts for, exercising supervision over and administration of, flood control as provided for by laws and administrative rules and regulations and authorized by water administration department under the State Council.

The construction administration department under the State Council and other departments concerned shall, under the direction of the State Council, be in charge of the relevant work for flood control in conformity with their respective functions and duties.

The water administration departments of the local people's governments at or above the county level shall be in charge of the day-to-day work in the way of organizing and coordinating efforts for exercising supervision over and giving guidance to flood control within their administrative regions. The construction administration departments of the local people's governments at or above the county level and other departments concerned shall, under the direction of the people's governments at the corresponding levels, be in charge of the relevant work for flood control in conformity with their respective functions and duties.

Chapter II: Plans for Flood Control

Article 9 Plans for flood control mean the overall plans formulated for controlling flood and water-logging disasters in a given river basin, river section or region, including flood control plans for basins of the major rivers and lakes designated as such by the State, for other rivers, river sections and lakes and for regions.

A flood control plan shall be subordinate to the comprehensive plan for the given river basin or region. A flood control plan for a region shall be subordinate to the flood control plan for the given river basin. A flood control plan shall provide the basis for the harnessing of rivers and lakes and for the building of projects and facilities for flood control.

Article 10 Flood control plans for the major rivers and lakes designated as such by the State shall be formulated, on the basis of the comprehensive plans for the basins of these rivers and lakes, by the water administration department under the State Council in conjunction with the relevant departments and 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.

The flood control plans for other rivers, river sections and lakes or for regions shall be formulated separately on the basis of the comprehensive plans for river basins or for regions by the water administration departments of the local people's governments at or above the county level in conjunction with the relevant departments and authorities of the relevant regions, and shall be submitted to the people's governments at the corresponding levels for approval and to the water administration departments of the people's governments at the next higher level for the record. Flood control plans for rivers, river sections or lakes covering different provinces, autonomous regions or municipalities directly under the Central Government shall be drawn up by the river basin authorities concerned in conjunction with the water administration departments and the competent departments concerned of the people's governments of the provinces, autonomous regions or municipalities directly under the Central Government where the rivers, river sections or lakes are located. These plans shall, after examination and comment made respectively by the people's governments of the relevant provinces, autonomous regions or municipalities directly under the Central Government, be submitted to the water administration department under the State Council for approval.

An urban flood control plan shall be made by the water administration department, the construction administration department and other departments concerned under the mobilization of the municipal people's government, on the basis of the flood control plan for the river basin and the regional flood control plan of the people's government at the next higher level. Such plan, after being approved through the procedure for examination and approval prescribed by the State Council, shall be incorporated into the overall plan for the city.

Any modification to the flood control plan shall be submitted for approval to the organ that originally approved the plan.

Article 11 Flood control plans shall be made in adherence to the principles of ensuring safety of the vital places while taking into account the other places in general, combining flood control with drought fighting and engineering measures with non-engineering measures, giving full consideration to the regular pattern of flood and water-logging, the relationship between the upper and lower reaches and the left and right banks of rivers and the requirements of the national economy for flood control, and making these plans consistent with the national land plans and the overall plans for land use.

In flood control plans the objects to be protected, the objectives and tasks of harnessing, flood control measures and implementation programs shall be defined, the areas of flood basins, of flood storage and detention basins and the areas to be protected against floods shall be delimited, and the principles for the use of flood storage and detention basins shall be laid down.

Article 12 The local people's governments at or above the county level of coastal areas under the threat of storm tides shall include storm tide control in their flood control plans, build a strong system of projects for protection against storm tides, including sea-dikes(seawalls), tide-block sluices and shelter forests along the coast, and see to it that design and construction of buildings and structures meet the needs for protection against storm tides.

Article 13 The local people's governments at or above the county level of the areas where mountain

torrents may cause landslide, collapse and mud-rock flow and of the areas where mountain torrents frequently occur shall mobilize the geology and mining administration departments, water administration departments and other departments concerned to make an overall investigation of the hidden dangers of landslide, collapse and mud-rock flow, delimit the key areas for prevention and control and take measures to prevent and control them.

Urban, rural, and other residential areas, and factories, mines and main lines of railways and highways shall be located away from the threat of mountain torrents. Protective measures shall be taken for those already built in areas under such threat.

Article 14 The local people's governments of such areas liable to water-logging as flatlands, low-lying lands, low-lying areas in river embankment network, valleys and basins shall formulate plans for the drainage and control of water-logging, mobilize the departments and units concerned to take appropriate measures to keep water-logging under control, to improve the drainage system, to develop different kinds and varieties of waterlogging-tolerant crops and to take all-purpose measures to control flood, water-logging, drought and saline-alkali.

The people's governments of cities shall redouble their efforts to build and manage the pipe networks and pump stations for drainage of flooded districts.

Article 15 The water administration department under the State Council shall formulate, in conjunction with the relevant departments and people's governments of relevant provinces, autonomous regions or municipalities directly under the Central Government, plans for harnessing the estuaries of the Yangtze, Yellow, Pearl, Liaohe and Huaihe rivers.

Land from the estuaries of the rivers mentioned above shall be reclaimed in compliance with the plans for harnessing these estuaries.

Article 16 The land set aside for river regulation in flood control plans and the land within the areas for dikes to be constructed according to the plans may be delimited as planned reserves, after examination and verification conducted by the land administration departments and the water administration departments in conjunction with the authorities of relevant regions and after approval given by the people's governments at or above the county level in line with the limits of authority as prescribed by the State Council. Where the land within the reserves is involved in other projects, the relevant land administration department and water administration department, when examining the matter, shall consult the departments concerned.

The planned reserves shall be made known to the general public once they are delimited as such in accordance with the provisions of the preceding paragraph.

No industrial or mining engineering facilities which are irrelevant to flood control may be built in the planned reserves mentioned in the preceding paragraph. However, in special cases where industrial or mining projects of the State really need to be built in the land within such planned reserves, an application for approval shall be submitted in accordance with the procedure for capital construction as prescribed by the State and the water administration department concerned shall be consulted.

The land within the area for expanding or constructing man-made flood discharge channels set aside in the flood control plans, after examination and verification conducted by the land administration departments and water administration departments of the people's governments at or above the provincial level in conjunction with the departments concerned and the authorities of relevant regions and after approval given by the said governments in line with the limits of authority as prescribed by the State Council, may be delimited as planned reserves to which the provisions of the preceding paragraph

shall apply.

Article 17 Flood control projects and other water projects and hydropower stations to be built across rivers and lakes shall be constructed in compliance with the requirements of flood control plans. Sufficient storage capacity shall be reserved in reservoirs in accordance with the requirements of flood control plans.

When the feasibility study report for the construction of a flood control project or any other water project or hydropower station mentioned in the preceding paragraph is submitted for approval in compliance with the procedure for capital construction as prescribed by the State, a written consent signed by the water administration department concerned to show that the plan for the project meets the requirements of the flood control plan shall be attached to it. The construction unit of a flood control project or another water project or hydropower station project prescribed in the preceding Paragraph shall not commence construction until obtaining the written planning approval issued by the relevant competent water administrative department that proves the said project meets the requirements of the flood control planning.

Chapter III: Control and Protection

Article 18 River floods shall be controlled both by storing and discharging them, by bringing into full play the flood passage capacity of river channels and the functions of reservoirs, low-lying land and lakes to regulate and store floods, effectively protecting the river channels, and adopting suitable measures to desilt and dredge at regular intervals so as to ensure smooth passage of floods.

River floods shall be controlled with the aim of protecting and enlarging the vegetation including trees and grass in river basins, conserving water and maintaining effective comprehensive control of water and soil conservation in river basins.

Article 19 When river channels are regulated and projects for controlling and guiding river flow and for protecting dikes and banks are constructed, consideration shall be given to the relationship between the upper and lower reaches and between left and right banks, the planned river-flow guiding line shall be followed, and the direction of river flow may not be changed without authorization.

The planned river-flow guiding lines for major rivers designated as such by the State shall be charted by the river basin authorities and submitted to the water administration department under the State Council for approval.

The planned river-flow guiding lines for other rivers and river sections shall be charted by the water administration departments of the local people's governments at or above the county level and submitted to the said governments at the corresponding levels for approval. The planned river-flow guiding lines for rivers and river sections covering different provinces, autonomous regions or municipalities directly under the Central Government and the ones for river channels bordering on different provinces, autonomous regions or municipalities directly under the central Government shall be charted by the water administration departments of the people's governments of the relevant provinces, autonomous regions or municipalities directly under the Central Government, under the mobilization of the relevant river basin authorities, and submitted to the water administration department under the State Council for approval after they are examined and commented on by the people's governments of the relevant provinces, autonomous regions or municipalities directly under the Central Government.

Article 20 Where the regulation of river channels and lakes involves navigation channels, the needs

of navigation shall be taken into consideration and the communications administration department shall be consulted in advance. The regulation of navigation channels shall meet the safety requirements of flood control for rivers and lakes and the water administration department shall be consulted in advance.

Where river channels in which bamboo and log are rafted and fishery is developed are regulated, the needs of rafting bamboo and log and developing fishery shall be taken into consideration and the forestry administration departments and fishery administration departments shall be consulted in advance. Bamboo and log rafting in river channels may not threaten the safety of projects and facilities for flood passage and control.

Article 21 River channels and lakes shall be managed in adherence to the principle of unified administration being combined with administration at different levels for each river system, with stress on protection to ensure that the rivers and lakes are unblocked.

The main river sections of the major rivers and lakes designated as such by the State, the important river sections and lakes covering different provinces, autonomous regions or municipalities directly under the Central Government, rivers and lakes bordering on provinces, autonomous regions or municipalities directly under the Central Government and rivers and lakes as national boundaries(frontiers) shall be managed in accordance with law by the river basin authorities and the water administration departments of the people's governments of the provinces, autonomous regions or municipalities directly under the Central Government, where such rivers and lakes are located, in conformity with the delimitation made by the water administration department under the State Council. Other rivers and lakes shall be managed in accordance with law by the water administration departments of the local people's governments at or above county level in conformity with the delimitation made by the water administration department under the State Council or of the organs authorized by the said department. The range of management of river channels and lakes that are protected by dikes covers the water area, sandbar, shallows and flood passage area between the dikes of two banks, the dikes and the land for dike protection. The range of management of river channels and lakes under no protection of dikes covers the water area, sandbar, shallows and flood passage area inundated by the highest flood level on records or the designed flood level.

The range of management of river channels and lakes directly under river basin authorities shall be delimited by river basin authorities in conjunction with the local people's governments at or above the county level in accordance with the provisions of the preceding paragraph. The range of management of other river channels and lakes shall be delimited by the relevant local people's governments at or above the county level in accordance with the provisions of the preceding paragraph.

Article 22 The use of land and shorelines that come within the range of management of river channels and lakes shall meet the requirements of flood passage and water delivery.

Construction of buildings and structures blocking flood passage, dumping of rubbish or dregs and activities adversely affecting the stability of river regime or threatening the safety of river banks or dikes or other activities impeding flood passage within the range of management of river channels and lakes are prohibited.

No trees or long-stalk crops that block flood passage may be planted in river channels for flood passage. The speed of boats and ships shall be limited within the river sections where navigation may threaten the safety of the dikes. The signs of speed limit shall be set up by the communications administration department after consulting the water administration department.

Article 23 Reclamation of land from lakes is prohibited. Where such land is already reclaimed, it shall be brought under control in conformity with the standards set by the State for flood control and changed to lake again in accordance with plans.

Reclamation of land from river channels is prohibited. Where such reclamation is really necessary, scientific demonstration shall be made and the matter shall be submitted to the people's government at or above the provincial level for approval after the water administration department confirms that flood passage and water delivery are not impeded by reclaiming.

Article 24 The local people's government shall make plans to have the residents move out of the river channels for flood passage.

Article 25 The river channel or lake administration authorities shall arrange for the planting and tending of trees along the protection dikes or banks of the river or lake. No trees along the protection dikes or banks may be felled without authorization. Anyone who wishes to fell trees along the protection dikes or banks shall go through the formalities for a felling permit in accordance with law and fulfill the quotas for replanting the trees.

Article 26 With regard to the bridges, approach roads, wharves and other cross-river projects and facilities that cause serious water choking or blocking, the water administration departments concerned may, on the basis of the standards for flood control, submit a proposal requesting the people's governments at or above the county level to order, in line with the limits of authority as prescribed by the State Council, the construction units to improve or demolish them within a time limit.

Article 27 If any unit wishes to construct such projects and facilities as bridges, wharves, roads, ferries, pipelines, cables, drawing water projects and drainage works which cross over or go through rivers, or cross dikes or border on rivers, shall see to it that they conform to the standards for flood control, shoreline plans, the requirements for navigation and other technical requirements and that they shall not threaten the safety of the dikes, adversely affect the stability of the river regime or impede the smooth passage of floods. The construction unit shall not commence construction until its project construction plan has been consented to by the relevant competent water administrative department after conducting examination pursuant to the foregoing requirements on flood prevention. Before it submits its feasibility report for approval in compliance with the procedure for capital construction prescribed by the State, its construction programme for the projects attached to the said report shall be subject to the examination and consent by the water administration department concerned in accordance with the standards for flood control mentioned above.

If construction of the projects and facilities mentioned in the preceding paragraph needs to occupy the land within the range of management of river channels or lakes, to cross over the space above them or to cross through riverbeds, the construction unit shall apply to the water administration department concerned for examination of and approval for the positions and limits of the said projects and facilities before it may, in accordance with law, go through the formalities for starting construction. It shall carry out construction in the positions and within the limits approved by the water administration department.

Article 28 The water administration department shall have the right, in accordance with law, to inspect the projects and facilities being constructed according to the provisions of this Law, within the range of management of rivers and lakes; the unit under inspection shall provide the water administration department with relevant truthful materials and data.

When construction of the projects and facilities mentioned in the preceding paragraph is completed, there shall be members of the water administration departments participating in the checking for acceptance.

Chapter IV: Management of Flood Control Zones and of Projects and Facilities for Flood Control

Article 29 Flood control zones refer to the areas that may be inundated by floods, namely, the flood basins, the flood storage and detention basins, and the areas protected against floods.

The flood basins are areas that are subjected to inundation and are not yet protected by any projects or facilities.

The flood storage and detention basins are the low-lying lands and lakes beyond the back scarps of the dikes, including the flood diversion outfalls, used for temporary storage of floods

The areas protected against floods are areas protected by projects and facilities for flood control in conformity with standards for flood control.

The areas of the flood basins, the flood storage and detention basins and the areas protected against floods shall be delimited in plans for flood control or the programmes for protection against floods and shall be made known to the general public after they are submitted to the people's governments at or above the provincial level and approved in line with the limits of authority prescribed by the State Council.

Article 30 The people's governments at various levels shall, according to the plans for flood control, discriminatingly control the use of the land in the different basins or areas within the flood control zones.

Article 31 The local people's governments at various levels shall, strengthen leadership over the work regarding the safety in the flood control zones, mobilize the departments and units concerned to conduct education among the units and residents in the flood control zones in the importance of flood control, disseminate the knowledge of flood control and enhance their awareness of the danger of inundation; they shall set up and improve, in accordance with plans for flood control and programmes for protection against floods, the flood control system and the systems of hydrology, meteorology, telecommunications, pre-warning and the monitoring of flood and water-logging disasters, so as to increase their ability in protecting against floods; and they shall mobilize the units and residents in the flood control zones to take an active part in the effort to control floods and adopt the measures suitable to local conditions to control and ward off floods.

Article 32 The people's governments of the provinces, autonomous regions or municipalities directly under the Central Government, where flood basins or flood storage and detention basins are located, shall mobilize the local authorities and departments concerned to formulate, according to the requirements of plans for flood control, programmes for the safety in flood basins, to control the population growth in flood storage and detention basins, to get the residents living in the frequently used flood storage and detention basins to move out according to plans, and to take other necessary safety control measures.

The authorities of regions and units that benefit directly from the flood storage and detention basins shall have the obligation to make compensation and provide relief for these basins according to the regulations of the State. The State Council and the people's governments of the provinces, autonomous regions or municipalities directly under the Central Government concerned shall set up the system for

giving support, making compensation and providing relief with regard to the flood storage and detention basins.

The State Council and the people's governments of the provinces, autonomous regions or municipalities directly under the Central Government concerned may formulate measures for the safety in the flood basins and flood storage and detention basins and for support, compensation and relief for flood storage and detention basins.

Article 33 For the construction of projects, not for the purpose of flood control, within the flood basins or flood storage and detention basins, an assessment of the potential effect of floods on the construction projects and the potential effect of the construction projects on flood control shall be made, a report on the assessment of flood effect shall be prepared, and measures against such effect shall be proposed. When the feasibility study report on a construction project is submitted for approval according to the procedure for capital construction prescribed by the State, it shall be attached with the report on the assessment of flood effect examined and approved by the relevant water administration department. The construction unit shall not commence construction until its report on flood impact assessment has been approved by the relevant competent water administrative department after examination.

The report on the assessment of flood effect on oil fields, railways, highways, mines, power plants, telecommunications equipment and pipelines to be constructed in the flood storage and detention basins shall include programmes prepared by the construction unit itself for controlling or warding off floods. When a construction project is put into production or use, its projects and facilities for flood control shall be checked for acceptance by the water administration department.

The flat-roof structure shall be adopted for the houses built in flood storage and detention basins.

Article 34 Large and medium-sized cities, important main lines of railways and highways, and large key enterprises shall be listed as the focal points of flood control and their safety shall be ensured.

The cities, economic development zones, industrial and mining areas, and important agricultural bases of the State that are vulnerable to floods shall enjoy special protection and necessary projects and facilities for flood control shall be constructed there.

In urban construction, no river channels, ditches, river forks, water storage lakes, ponds, depressions or shallow lakes may be blocked or filled up and no dikes for flood control may be leveled without authorization. Where it is definitely necessary to do so, the matter shall be approved by the municipal people's government for approval.

Article 35 The area of management and protection for the projects and facilities for flood control owned by the State shall be delimited, in accordance with the approved design and State regulations, by the people's governments at or above the county level before such projects and facilities are completed and accepted.

The area of protection for projects and facilities for flood control owned by the collective shall be delimited in accordance with the regulations of the people's governments of provinces, autonomous regions or municipalities directly under the Central Government.

Within the area of protection for projects and facilities for flood control, activities that jeopardise the safety of projects and facilities for flood control such as exploding, well-digging, quarrying and earth-borrowing are prohibited.

Article 36 The people's governments at various levels shall mobilize the departments concerned to

strengthen regular inspection of and supervision over reservoirs and dams. For the dangerous dams that fail to meet the designed standards for flood control or the requirements for fortification against earthquake or that have serious defects in quality, the dam administration department shall mobilize the units concerned to take measures to reinforce the dams and to remove the danger or rebuild the dams within a time limit, and the people's governments concerned shall give priority to allocation of the funds needed. For the reservoir where the dam may possibly break down, plans for emergency repair and for temporary evacuation of the residents shall be made in advance.

The people's governments at various levels and the competent departments concerned shall strengthen supervision over tailing dams and take measures to prevent them from being broken down by floods.

Article 37 No units or individuals may undermine, occupy, or damage such flood control projects as dams of reservoirs, dikes, sluices, revetments, pumping stations, and drainage canal systems, hydrologic and telecommunications facilities, and the equipment and materials prepared for flood control.

Chapter V: Flood Control and Flood Fighting

Article 38 Flood control and flood fighting shall be carried out under the system whereby the administrative chief of the people's government at any level assumes full responsibility under unified command and departments at various levels shall assume their respective responsibilities.

Article 39 The State Council shall set up the National Flood Control Headquarters, which shall be responsible for guiding and organizing flood control and flood fighting throughout the country, and the office of the National Flood Control Headquarters shall be set up in the water administration department under the State council.

For the major rivers and lakes designated as such by the State, flood control headquarters consisting of leading members of the people's governments of the relevant provinces, autonomous regions or municipalities directly under the Central Government and of the river basin authorities of the said rivers and lakes may be set up in order to direct flood control and flood fighting within the area under their jurisdiction, and their offices shall be set up in the river basin authorities.

The local people's government at or above the county level which is assigned with the tasks of flood control and flood fighting shall set up its flood control headquarters consisting of leading members of the departments concerned, of the troops stationed there and of the local arm-the-people department in order to direct flood control and flood fighting in the area, under the guidance of the flood control headquarters at higher levels and the people's government at the corresponding level, and the office of the headquarters shall be set up in the water administration department at the corresponding level. When necessary, upon decision by the municipal people's government, the flood control headquarters may also set up an urban area office in the construction administration department, which shall be in charge of the routine work for flood control and flood fighting, within the urban area, under the unified guidance of the flood control headquarters.

Article 40 The local people's government at or above the county level which is assigned with the tasks of flood control and flood fighting shall draw up flood control programmes (including measures for a catastrophic flood) on the basis of the comprehensive plan for the river basin, the actual conditions of the projects for flood control and the standards for flood control prescribed by the State.

The flood control programmes for the Yangtze, Yellow, Huaihe and Haihe rivers shall be formulated by the National Flood Control Headquarters and submitted to the State Council for approval; the flood

control programmes for other rivers covering different provinces, autonomous regions or municipalities directly under the Central Government shall be formulated by river basin authorities concerned in conjunction with the people's governments of relevant provinces, autonomous regions or municipalities directly under the Central Government and submitted to the State Council or the department authorized by the State Council for approval. Once the flood control programmes are approved, the local people's governments concerned must execute them.

The flood control headquarters at various levels, and the departments and units shouldering the tasks of flood control and flood fighting must make preparations for flood control and flood fighting in accordance with the flood control programmes.

Article 41 The flood control headquarters of the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall, on the basis of the flood pattern, specify the starting and ending dates of a flood season.

When the water condition of a river or lake is close to the guaranteed water level or the safe flow or the water level of a reservoir is close to the designed flood level or, when a flood control project or facility is found to be in a critically dangerous condition, the flood control headquarters of the people's government at or above the county level concerned may declare the start of an urgent flood control period.

Article 42 Flood control headquarters shall order the removal, within a time limit, of the obstacles to flood passage within the areas of river channels or lakes in accordance with the principle of whoever puts the obstacles removes them. If the person fails to remove the obstacles at the expiration of the time limit, the flood control headquarters shall have them removed, and the expenses thus incurred shall be born by the person who puts the obstacles.

During an urgent flood control period, the National Flood Control Headquarters or the flood control headquarters of the provinces, autonomous regions or municipalities directly under the Central Government or of the river basins it authorized shall have the power to take emergency measures with respect to the bridges, approach roads, wharves and other cross-river projects that have caused serious water choking or blocking.

Article 43 During a flood season, the meteorological, hydrological and marine departments concerned shall fulfill their respective duties by promptly providing the relevant flood control headquarters with real-time information on weather and hydrology and windstorm tide forecasts; departments of telecommunications shall give priority to providing services for flood control and flood fighting; and departments of transport, electric power, and goods and materials and other departments concerned shall give priority to providing services for flood control and flood fighting.

The Chinese People's Liberation Army, the Chinese People's Armed Police Force and the people's militia shall perform the tasks of fighting floods and dealing with emergencies as assigned by the State.

Article 44 During a flood season, the reservoirs, sluice gates and other water projects and facilities shall be used under the control and supervision of the flood control headquarters concerned.

During a flood season, water in any reservoir may not, without authorization, be stored above the limits of flood-season water level; the flood-control storage capacity above the limits of flood-season water level shall be used under the control and supervision of the flood control headquarters concerned.

During an ice flood season, the amount of water to be discharged from reservoirs of the upper reaches of the rivers that give rise to ice floods shall be subject to consent and supervision of the relevant flood

control headquarters concerned.

Article 45 During an urgent flood control period, flood control headquarters shall have the power to requisition, according to the needs of flood control and flood fighting and within the area under their jurisdiction, materials, equipment, means of transport and manpower and to decide to borrow earth, occupy land, fell trees, remove obstacles that block water flow and to take other necessary emergency measures; when necessary, public security organs, departments of communications and other departments concerned may, in accordance with decisions of flood control headquarters, enforce traffic control on land and water.

The materials, equipment, means of transport, etc. requisitioned according to the provisions in the preceding paragraph shall be returned without delay after the flood season ends; for those that are damaged or unreturnable, appropriate compensation shall be made or, the matter shall be dealt with otherwise, in accordance with the regulations of the State Council. Where earth has been borrowed or trees have been felled, the formalities shall, in accordance with law, be completed afterwards with the departments concerned after the flood season ends; the local people's governments concerned shall see to it that the land from which earth has been borrowed is reclaimed and that new trees are planted where trees have been felled.

Article 46 When the water level or flow of rivers or lakes has reached the standard for flood diversion as set by the State so that flood storage and detention basins need be used, the State Council, the National Flood Control Headquarters, the river basin flood control headquarters, the people's governments of provinces, autonomous regions or municipalities directly under the Central Government, and the flood control headquarters of the provinces, autonomous regions or municipalities directly under the Central Government may decide to use them in accordance with the conditions for their use and the procedure for approval as stipulated in the flood control programmes that are lawfully approved. No units or individuals may impede or delay the use of the flood storage and detention basins; in case it happens, the local people's governments at or above the county level concerned shall enforce the use.

Article 47 In the wake of a disaster of flood or water-logging, the people's governments concerned shall mobilize the departments and units concerned to ensure the supply of the daily necessities, sanitation and epidemic prevention, the supply of goods and materials for disaster relief, maintenance of public order, resumption of school classes and production, rehabilitation of homes, success in other relief work and repair of each and every project or facility damaged by flood in the area under their jurisdiction. Repair of the projects and facilities for flood control damaged by flood shall be placed on top of the annual construction plans of the departments concerned.

The State shall encourage and support the development of flood insurance.

Chapter VI: Ensuring Measures

Article 48 The people's governments at various levels shall take measures to increase their overall investment in flood control.

Article 49 Investments needed for the harnessing of rivers and lakes and for the construction and maintenance of projects and facilities for flood control shall be made by the Central Government and the local governments at different levels in adherence to the principle of the unity of administrative power and financial power. The investments needed for the construction and maintenance of urban

projects and facilities for flood control shall be made by the municipal people's governments. Enterprises and institutions of oil, pipelines, railways, highways, mines, electric power, telecommunications, etc. , which are situated in areas vulnerable to floods, shall raise funds themselves to construct flood control projects necessary for their own protection.

Article 50 The Central Government shall allocate funds for fighting floods, dealing with emergencies and repairing flood control projects damaged by floods when dams on the major rivers and lakes designated as such by the State are hit by catastrophic floods or waterlogging. The people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall, in their financial budgets include funds for fighting floods, dealing with emergencies and repairing flood control projects damaged by floods when the areas within their administrative regions are hit by catastrophic floods or waterlogging.

Article 51 The State shall establish funds for water conservancy, to be used for the maintenance and construction of flood control projects and water conservancy projects. Specific measures shall be formulated by the State Council.

In order to reinforce the construction of projects and facilities for flood control within their administrative regions to increase flood control capacity, the provinces, autonomous regions and municipalities directly under the Central Government, which are vulnerable to floods, may, in accordance with the relevant regulations of the State Council, formulate regulations for the collection of fees in the areas under protection against floods for construction and maintenance of river channel projects.

Article 52 No units or individuals may withhold or misappropriate funds or materials to be used for flood control and disaster relief.

Audit institutions of the people's governments at various levels shall strictly audit and oversee the use of the funds for flood control and disaster relief.

Chapter VII: Legal Liability

Article 53 Anyone who, in violation of the provisions of Article 17 of this Law, conducts a flood control project or any other water project or hydropower station across rivers or lakes without the written consent signed by the water administration department for the plan thereof shall be ordered to discontinue the illegal act and to complete the formalities for obtaining the written consent for the plan; any project that is built at variance with the requirements of the written consent and seriously affects flood control shall be ordered to be demolished within a time limit; with regard to any project that fails to meet the requirements of the written consent and adversely affects flood control, but that is still remediable, remedial measures shall be ordered to be taken within a time limit and a fine of not less than 10,000 yuan but not more than 100,000 yuan may be imposed.

Article 54 Anyone who, in violation of the provisions of Article 19 of this Law, fails to regulate the river channels or construct projects for controlling and guiding river flow and for protecting dikes and banks in conformity with the planned river-flow guiding line and therefore adversely affects flood control shall be ordered to discontinue the illegal act and to restore the place to its original state or to adopt other remedial measures and may be fined not less than 10,000 yuan but not more than 100,000 yuan.

Article 55 Anyone who commits any of the following acts in violation of the provisions of paragraphs 2 and 3 of Article 22 of this Law shall be ordered to discontinue the illegal act, remove the obstacles or to take other remedial measures and may be fined not more than 50,000 yuan:

(1) to construct any buildings or structures within the range of management of river channels or lakes that block flood passage;

(2) in the administrative zone of any river or lake, to dump rubbish or dregs or engage in any activities that adversely affect the stability of the river regime and threaten the safety of river banks or dikes or any other activities impeding flood passage within the range of management of river channels or lakes;
or

(3) to plant trees or grow long-stalk crops that block flood passage in flood-relief channels.

Article 56 Anyone who, in violation of the provisions of paragraph 2, Article 15 or of Article 23 of this law, reclaims land from the sea, any lakes or river channels shall be ordered to discontinue the illegal act, restore the place to its original state or take other remedial measures and may be fined not more than 50,000 yuan; if the violator neither restores the place to its original state nor takes any other remedial measures, he shall bear the costs incurred for the restoration done or the remedial measures taken by others.

Article 57 Anyone who, in violation of the provisions of Article 27 of this Law, constructs any projects or facilities within the range of management of river channels or lakes without the examination and consent of his construction programmes by the water administration department, or at variance with the positions and limits examined and approved by the water administration department, shall be ordered to discontinue the illegal act and to complete the formalities for the examination and consent or for examination and approval; if any projects or facilities seriously affect flood control, their demolition shall be ordered to be done within a time limit or they shall be demolished by compulsion if the time limit expires and the costs thus incurred shall be borne by the construction unit; if any projects or facilities adversely affect flood passage but are still remediable, the violator shall be ordered to take remedial measures within a time limit and may be fined not less than 10,000 yuan but not more than 100,000 yuan.

Article 58 Anyone who, in violation of the provisions of paragraph 1 of Article 33 of this Law, constructs a project, not for the purpose of flood control, in a flood basin or flood storage and detention basin without preparing a report on the assessment of flood effect, or commences the construction of such a project before its report on flood impact assessment is approved upon examination, shall be ordered to make amends within a time limit; if he fails to do so, he shall be fined not more than 50,000 yuan.

Anyone who, in violation of the provisions of paragraph 2 of Article 33 of this Law, puts a construction project into production or use before the project or facility for flood control is checked for acceptance shall be ordered to discontinue the production or use and have the project or facility checked for acceptance within a time limit and may be fined not more than 50,000 yuan.

Article 59 Anyone who, in violation of the provisions of Article 34 of this Law, blocks or fills up any existing river channels, ditches, river forks or any water storage lakes, ponds, depressions or shallow lakes, or levels any existing flood control dikes for the sake of urban construction without authorization shall be ordered by the municipal people's government to discontinue the illegal act and restore the place to its original state or take other remedial measures.

Article 60 Anyone who, in violation of the provisions of this Law, undermines, occupies or damages any flood control projects such as dikes, sluices, revetments, pumping stations and drainage canal systems, or hydrologic or telecommunications facilities, or the equipment and materials prepared for flood control shall be ordered to discontinue the illegal act and take remedial measures and may be fined not more than 50,000 yuan; if any damage is caused, he shall bear civil liability in accordance with law; if he need be punished for public security, penalties shall be meted out in accordance with the Law of the People's Republic of China on Penalties for Administration of Public Security; if the violation constitutes a crime, he shall be investigated for criminal responsibility in accordance with law.

Article 61 Anyone who hinders or intimidates any members of flood control headquarters, water administration departments or river basin authorities when they perform their duties, if his act constitutes a crime, shall be investigated for criminal responsibility in accordance with law; if his act is not serious enough to constitute a crime but penalties need be imposed for public security, he shall be punished in accordance with the Law of the People's Republic of China on Penalties for Administration of Public Security.

Article 62 Anyone who withholds or misappropriates funds or materials for flood control or disaster relief, if his act constitutes a crime, shall be investigated for criminal responsibility in accordance with law; if his act is not serious enough to constitute a crime, he shall be given administrative sanctions.

Article 63 Except for the provisions of Article 59 of this Law, the administrative penalties and administrative measures stipulated in this Chapter shall be determined by the water administration departments of the people's governments at or above the county level or by the river basin authorities in accordance with the limits of authority prescribed by the water administration department under the State Council. However, the administrative penalties for public security stipulated in Articles 60 and 61 of this Law shall be determined by the organs specified in the provisions of the Law of the People's Republic of China on Penalties for Administration of Public Security.

Article 64 Any functionary of a State organ, who commits any of the following acts, if his act constitutes a crime, shall be investigated for criminal responsibility in accordance with law; if his act is not serious enough to constitute a crime, he shall be given administrative sanctions:

- (1) to seriously impair flood control in violation of the provisions of Article 17, Article 19, paragraphs 2 and 3 of Article 22, Article 27 or Article 34 of this Law;
- (2) to abuse his power, neglect his duty, conduct malpractice for selfish ends so as to cause heavy losses to the work of flood control and flood fighting;
- (3) to refuse to implement programmes for protection against floods or to execute instructions for controlling flood and dealing with emergencies, or the programmes and measures for flood storage and detention, or such dispatch plans as dispatch and operation programmes for a flood season; or
- (4) to cause or aggravate losses to the neighbouring areas or other units during a flood disaster by violating the provisions of this Law.

Chapter VIII: Supplementary Provisions

Article 65 This Law shall come into force as of January 1, 1998. ENGLISH TRANSLATION BY THE GENERAL OFFICE OF THE LEGISLATIVE AFFAIRS COMMISSION, THE STANDING COMMITTEE OF THE NATIONAL PEOPLE'S CONGRESS.

LICENSED FOR USE AS OF MARCH 2009.