

Water and Soil Conservation Law of the People's Republic of China

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Chapter I General Provisions

Article 1 This Law is formulated to prevent and control water and soil loss, protect and reasonably utilize water and soil resources, reduce disasters of flood, drought and sandstorm, improve the ecological environment and guarantee sustainable economic and social development.

Article 2 Water and soil conservation activities within the territory of the People's Republic of China shall be governed by this Law.

For the purposes of this Law, “water and soil conservation” refers to the measures taken to prevent and control water and soil loss resulting from natural factors or human activities.

Article 3 In water and soil conservation, the state shall give priority to prevention, make overall planning, exercise comprehensive control, adopt measures suited to local conditions, strengthen scientific management, and lay stress on efficiency.

Article 4 The people's government at or above the county level shall strengthen the unified leadership of water and soil conservation work, bring it into the national economic and social development plan at the same level, arrange special purpose funds for tasks determined in the water and soil conservation planning, and organize the implementation thereof.

In key areas for the prevention of water and soil loss (hereinafter referred to as “key prevention areas”) and key areas for the control of water and soil loss (hereinafter referred to as “key control areas”), the target responsibility system and the performance-based reward and punishment system shall apply to the local people's governments at all levels in respect of water and soil conservation.

Article 5 The water administrative department of the State Council shall be in charge of the water and soil conservation work of the whole nation.

The river basin administrative bodies set up by the water administrative department of the State Council at important rivers or lakes as determined by the state (hereinafter referred to as “river basin administrative bodies”) shall perform their supervisory and administrative functions on water and soil conservation within their respective jurisdictions.

The water administrative department of the local people's government at or above the county level shall be in charge of the water and soil conservation work within its administrative region.

The departments of forestry, agriculture, and land and resources of the people's government at or above the county level shall do a good job in the prevention and control of water and soil loss within their respective functions.

Article 6 The people's governments at all levels and the relevant departments thereof shall strengthen the publicity and education on water and soil conservation, disseminate scientific knowledge about water and soil conservation, and raise the public's awareness of water and soil conservation.

Article 7 The state encourages and supports science and technology research on water and soil conservation to improve the scientific and technological level of water and soil conservation, promote advanced technologies for water and soil conservation and foster scientific and technological talents for water and soil conservation.

Article 8 All entities and individuals shall have the obligation to protect water and soil resources and prevent and control water and soil loss, and have the right to report conduct damaging water and soil resources or causing water and soil loss.

Article 9 The state encourages and supports the participation of social forces in the water and soil conservation work.

Entities and individuals with outstanding performance in water and soil conservation shall be commended and rewarded by the people's government at or above the county level.

Chapter II Planning

Article 10 Water and soil conservation plans shall be made based on the results of water and soil loss investigation and delimitation of key prevention areas and key control areas, under the principle of overall coordination and classified guidance.

Article 11 The water administrative department of the State Council shall organize nationwide water and soil loss investigations and announce the investigation results on a regular basis.

The water administrative departments of the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall be responsible for investigating water and soil loss within their respective administrative regions, and announce the investigation results after submitting them to the water administrative department of the State Council for archival purposes.

Article 12 The people's government at or above the county level shall delimit and announce key prevention areas and key control areas according to the results of water and soil loss investigation.

Areas with a great potential risk of water and soil loss shall be delimited as key prevention areas; and areas with serious water and soil loss shall be delimited as key control areas.

Article 13 Water and soil conservation plans shall cover the status quo of water and soil loss, delimitation of different types of zones of water and soil loss, targets, tasks and measures for the prevention and control of water and soil loss, etc.

Water and soil conservation plans shall include the overall arrangements on the prevention and control of water and soil loss and the protection and reasonable utilization of water and soil resources in river basins or areas and the specific arrangements on special water and soil conservation tasks or prevention and control of water and soil loss in specific areas on the basis of the overall arrangements.

Water and soil conservation planning shall be coordinated with the overall land use planning, water resources planning, urban and rural planning and environmental protection planning.

In the making of water and soil conservation plans, the opinions of experts and the general public shall be solicited.

Article 14 The water administrative department of the people's government at or above the county level shall make a water and soil conservation plan in conjunction with the relevant departments of the people's government at the same level, and the water administrative department shall organize the execution of the plan after the plan is approved by the people's government at the same level or a department authorized by it.

A water and soil conservation plan shall be strictly executed once it is approved. Any necessary amendment made to an approved plan according to the actualities shall be reported to the original approving organ for approval under the planning procedure.

Article 15 For a plan on infrastructure construction, mineral resource development, urban construction or public utility construction which may cause water and soil loss in the course of execution, the organ making the plan shall propose countermeasures for the prevention and

control of water and soil loss in the plan, and before submitting it for approval, solicit the opinion of the water administrative department of the people's government at the same level.

Chapter III Prevention

Article 16 The local people's governments at all levels shall, according to their water and soil conservation plans, take measures such as closure protection and natural rehabilitation, organize entities and individuals to plant trees and grass, enlarge the area covered by trees and grass, and conserve water sources, so as to prevent or reduce water and soil loss.

Article 17 The local people's governments at all levels shall strengthen the administration of soil or sand excavation, quarrying and other activities to prevent or reduce water and soil loss.

It shall be prohibited to carry out soil or sand excavation, quarrying or any other activity that may cause water and soil loss in areas with collapse or landslide danger or areas prone to debris flow. Such areas shall be delimited and announced by the local people's governments at and above the county level. In the delimitation of such areas, the areas prone to geologic hazards and key prevention and control areas as determined in the geological hazard prevention and control planning shall be taken into account.

Article 18 In areas with serious water and soil loss or in ecologically vulnerable areas, production and construction activities that may cause water and soil loss should be restricted or prohibited, and vegetation, sand shell, crust, lichen, etc., shall be strictly protected.

On the slope and bank of erosion grooves, on both sides of rivers and in the surrounding areas of lakes and reservoirs, owners of land, holders of right to use land or the relevant management entities shall build plant protection bands. Reclamation or exploitation on such bands shall be prohibited.

Article 19 Owners of or holders of right to use water and soil conservation facilities shall strengthen the management and maintenance of such facilities, fulfill the management and maintenance responsibilities, and guarantee the normal functioning thereof.

Article 20 It shall be prohibited to cultivate or plant crops at sloping fields with a 25-degree slope or above. For the planting of economic forests in such fields, the species of trees shall be scientifically selected, the size of forests shall be reasonably determined, and water and soil conservation measures shall be taken to prevent water and soil loss.

Provinces, autonomous regions and municipalities directly under the Central Government may, in light of the actualities of their respective administrative regions, set a grade less than 25 degree as the reclamation prohibition limit. The range of sloping fields where reclamation is prohibited shall be delimited and announced by the local people's government at the county level.

Article 21 Reclamation by destroying forest or grassland or collection of long thread moss shall be prohibited. It shall be prohibited to shovel turf, dig up tree stumps or excessively dig up caterpillar fungus, liquorice or ephedrae in key prevention areas and key control areas.

Article 22 Felling of trees shall be made in reasonable ways, and clear cutting shall be under strict control. Felling of trees is permitted in water source conservation forests, water and soil conservation forests, wind break and sand fixation forests and other protection forests only for the purpose of fostering and renewal. Measures for preventing water and soil loss shall be taken in felling areas and skidding trails, and forestation shall be conducted immediately after felling.

For the felling of trees in a forest zone, the felling plan shall contain water and soil conservation measures. The felling plan shall be executed under the supervision of the forestry administrative department and the water administrative department after it is approved by the forestry administrative department.

Article 23 Water and soil conservation measures shall be taken in the planting of trees, forestation, tending of young forest and planting of traditional Chinese medicinal crops in sloping fields with a 5-degree slope or above.

Water and soil conservation measures shall be taken in the planting of crops in barren sloping fields with a 5-degree slope or above but below the reclamation prohibition limit. The specific measures shall be formulated by provinces, autonomous regions and municipalities directly under the Central Government in light of the actualities of their respective administrative regions.

Article 24 The sites or routes selected for production or construction projects shall keep away from key prevention areas and key control areas. Where it is impossible to keep away from those areas, the prevention and control requirements shall be raised and the construction techniques shall be optimized to reduce the disturbance of the earth's surface and the extent of damage to vegetation and effectively control possible water and soil loss.

Article 25 To launch a production or construction project that may result in water and soil loss in a mountainous area, hilly area, windy-sandy area or any other area specified in the water and soil planning prone to water and soil loss, the production or construction entity shall make a water and soil conservation scheme, submit it to the water administrative department of the people's government at or above the county level for approval, and take measures for the prevention and control of water and soil loss pursuant to the approved scheme. Those unable to make such a scheme shall authorize an institution meeting the relevant technical requirements to make one.

A water and soil conservation scheme shall cover the scope, objectives, measures, investment, etc. for the prevention and control of water and soil loss.

Where the site or size of the production or construction project changes significantly after the water and soil conservation scheme is approved, the production or construction entity shall supplement or revise the water and soil conservation scheme and submit it to the original approving organ for approval. Any significant change necessarily made in water and soil conservation measures during the execution of the water and soil scheme shall be subject to the approval of the original approving organ.

The measures for the making, examination and approval of water and soil conservation schemes in production and construction projects shall be formulated by the water administrative department of the State Council.

Article 26 The construction of a production or construction project for which a water and soil conservation scheme is required according to law may not commence if the production or construction entity fails to make a water and soil conservation scheme or such a scheme has not been approved by the water administrative department.

Article 27 The water and soil conservation facilities in a production or construction project for which a water and soil conservation scheme is required according to law shall be designed, constructed and put to use, simultaneously with the principal part of the project; the as-built check of the project shall also cover the water and soil conservation facilities; and if such facilities have not been checked or fail to pass the check, the production or construction project shall not be put to use.

Article 28 For a production or construction project for which a water and soil conservation scheme is required according to law, the sand, stones, dirt, waste stones, tailings and waste residues discarded in the course of production or construction shall be comprehensively utilized. Those that cannot be comprehensively utilized and need to be discarded shall be stacked at places exclusively for stacking as determined in the water and soil conservation scheme, and measures shall be taken to ensure that no new harm is caused.

Article 29 The water administrative department and the river basin administrative body of the people's government at or above the county level shall make follow-up inspections on the implementation of the water and soil conservation schemes of production and construction projects, and solve problems discovered without delay.

Chapter IV Control

Article 30 The state shall strengthen the construction of key water and soil conservation projects such as changing sloping farmland into terraces and warping dams in key prevention areas and key control areas, and make more efforts in ecological rehabilitation.

The water administrative departments of the people's governments at and above the county level shall strengthen the administration of the construction of key water and soil conservation projects, and establish sound rules for operation, management and maintenance.

Article 31 The state shall strengthen the prevention and control of water and soil loss in headwaters of rivers, drinking water source reserve areas and water source conservation areas, raise funds through various channels, and bring the ecological benefit compensation of water and soil conservation into the state's ecological benefit compensation system.

Article 32 Control measures shall be taken whenever a production or construction project or any other production or construction activity causes any water and soil loss.

Where a production or construction project or any other production or construction activity launched in a mountainous area, hilly area, windy-sandy area or any other area prone to water and soil loss as specified in the water and soil planning causes any damage to the water and soil conservation facilities, landform or vegetation, if the original water and soil conservation functions cannot be restored, the production or construction entity shall pay water and soil conservation compensation fees, which shall be exclusively used for the prevention and control of water and soil loss. Special purpose prevention and control of water and soil loss shall be organized by the water administrative department. The measures for the administration of the collection and use of water and soil conservation compensation fees shall be formulated by the public finance department and the price department of the State Council in conjunction with the water administrative department of the State Council.

Water and soil conservation expenses incurred in the course of production or construction of a production or construction project shall be treated according to the unified accounting rules of the state.

Article 33 The state encourages entities and individuals to participate in the control of water and soil loss according to the water and soil conservation planning, and provides support in capital, technology and taxation.

Article 34 The state encourages and supports the control of barren hills, grooves, hillocks and beaches by contract to prevent and control water and soil loss, protect and improve the ecological environment and promote the reasonable development and sustainable utilization of land and resources, and shall protect the legitimate rights and interests of parties to the land contracts.

A land contract lawfully concluded for the control of a barren hill, groove, hillock or beach or for the land in a rural area with serious water and soil loss shall include clauses on the responsibility for the prevention and control of water and soil loss.

Article 35 In areas of water erosion, the local people's governments at all levels and the relevant departments thereof shall organize entities and individuals to comprehensively control water and soil loss in sloping farmland and channels by taking engineering, planting, protective farming and other measures for each small drainage area formed by natural ravines and the hills on both sides in light of the local conditions.

In areas of wind erosion, the local people's governments at all levels and the relevant departments thereof shall organize entities and individuals to establish a windbreak and sand fixation system by taking measures such as closure rotation, grazing rotation, tree and grass planting, artificial sand barriers and forest network in light of the local conditions.

In areas of gravity erosion, the local people's governments at all levels and the relevant departments thereof shall organize entities and individuals to establish a monitoring, forecasting and pre-warning system by taking measures such as monitoring, runoff leading, cutting slope and unloading, anti-slide retaining of slopes, and blocking construction.

Article 36 In drinking water source reserves, the local people's governments at all levels and the relevant departments thereof shall organize entities and individuals to reduce diffused pollution resulting from water and soil loss and protect drinking water sources by taking measures such as preventive protection, natural rehabilitation and comprehensive control, building plant filtering bands, promoting the use of biogas, carrying out clean small drainage area construction and strictly controlling the use of fertilizers and pesticides.

Article 37 Whoever has reclaimed and planted crops on a steep slope where reclamation is prohibited shall return the farmland to the original state and plant trees and grass according to the relevant provisions of the state; or if it is really difficult to return the farmland to the original state due to shortage of farmland, terraces shall be built or other water and soil conservation measures shall be taken.

Whoever has reclaimed or planted crops on a sloping farmland with a degree below the reclamation prohibition limit shall take measures such as building terraces, renovating the water system of the slope, carrying out water and soil conservation tillage or returning farmland to the original state.

Article 38 Soil on the surface of land used for production and construction activities shall be peeled off, preserved and utilized by layer to balance the excavation and filling of earth and reduce disturbance of the earth's surface; and blocking, slope protection, flood control and drainage measures shall be taken at places for storing the discarded sand, stones, dirt, waste stones, tailings and residues. After a production or construction activity is finished, trees and grass shall be planted or vegetation shall be rehabilitated on borrow pits, mining areas and stocking places without delay, and closed tailing ponds shall be reclaimed.

For production and construction activities on dry land or in areas short of water, measures for preventing wind erosion shall be taken and rainfall conservation facilities shall be installed to sufficiently use rainfall resources.

Article 39 The state encourages and supports the adoption of the following measures helpful for water and soil conservation in mountainous areas, hilly areas, windy-sandy areas and other areas prone to water and soil loss:

- (1) Zero tillage, contour tillage, crop rotation, tillage rotation, grass-crop rotation, intercropping and interplanting, etc.;
- (2) Closure cultivation, closure rotation, grazing rotation, and indoor and pen raising;
- (3) Developing biogas-powered and firewood-saving ranges, utilizing solar energy, wind energy and water energy, and using coal, electric power and gas in place of firewood;
- (4) Migrating from ecologically vulnerable areas; and
- (5) Other measures helpful for water and soil conservation.

Chapter V Monitoring and Supervision

Article 40 The water administrative departments of the people's governments at and above the county level shall strengthen the monitoring of water and soil conservation and give play to the role of water and soil conservation monitoring in the government decision-making, economic and social development and public service. The people's governments at and above the county level shall guarantee the expenses necessary for water and soil conservation monitoring.

The water administrative department of the State Council shall improve the national water and soil conservation monitoring network, and exercise dynamic monitoring of water and soil loss of the whole nation.

Article 41 For a medium- or large-sized production or construction project that may lead to serious water and soil loss, the production or construction entity shall monitor water and soil loss resulting from the production or construction activity either by itself or by hiring an institution qualified for water and soil conservation monitoring to do so, and report the relevant information to the local water administrative department on a regular basis.

In the water and soil conservation monitoring activities, the relevant technical standards, norms and procedures of the state shall be observed to ensure the quality of monitoring.

Article 42 The water administrative department of the State Council and the water administrative departments of the people's governments of provinces, autonomous regions

and municipalities directly under the Central Government shall periodically announce the following matters according to the water and soil conservation monitoring results:

- (1) Type, area, strength, distribution and development trend of water and soil loss;
- (2) Damage done by water and soil loss; and
- (3) Prevention and control of water and soil loss.

Article 43 The water administrative departments of the people's governments at and above the county level shall be responsible for conducting supervisory inspections on water and soil conservation. The river basin administrative bodies may exercise the supervisory inspection powers of the water administrative department of the State Council within their respective jurisdictions.

Article 44 Water inspectors shall have the power to take the following measures in performing the supervisory inspection function:

- (1) Requiring the entity or individual under inspection to provide the relevant documents, certificates, licenses and materials;
- (2) Requiring the entity or individual under inspection to make an explanation on the prevention and control of water and soil loss; and
- (3) Entering the site to investigate and take evidence.

Where any entity or individual under inspection refuses to stop an illegal act and therefore causes serious water and soil loss, with the approval of the water administrative department, the tools and construction machinery and equipment used for the illegal act may be sealed up or seized.

Article 45 Water inspectors shall produce their law enforcement certificates when performing the supervisory inspection function. Entities and individuals under inspection shall be cooperative in the supervisory inspections on work water and soil conservation, truthfully report the relevant situations, and provide the required documents, certificates and materials; and may not reject or impede the legal performance of official duties by water inspectors.

Article 46 Any dispute over water and soil loss between different administrative regions shall be first solved by consultations; and if consultations fail, the dispute shall be referred to their immediate common people's government at the higher level for settlement.

Chapter VI Legal Liability

Article 47 Where any water administrative department or any other department which exercises the regulatory power under this Law fails to make an administrative licensing decision or issue an approval document as required by law, fails to investigate any illegal act that has been discovered by it or reported to it, or otherwise fails to perform its duties under this Law, disciplinary actions shall be taken against the directly liable person in charge and other directly liable persons.

Article 48 Where anyone, in violation of this Law, is engaged in the excavation of earth or sand, quarrying or any other activity that may cause water and soil loss in areas with collapse or landslide danger or areas prone to debris flow, the water administrative department of the local people's government at or above the county level shall order the violator to stop the illegal act, confiscate the illegal gains, and impose a fine of not less than 1,000 yuan upon but not more than 10,000 yuan upon the violator if it is an individual or not less than 20,000 yuan but not more than 200,000 yuan upon the violator if it is an entity.

Article 49 Where anyone, in violation of this Law, reclaim land to plant crops on a steep slope with a degree above the reclamation prohibition limit, or reclaim or develop land in a plant protection zone where reclamation or development is prohibited, the water administrative department of the local people's government at or above the county level shall order the violator to stop the illegal act and take remedial actions such as returning the reclaimed land to the original state and restoring vegetation; and according to the area of reclamation or development, may impose a fine of not more than 2 yuan per m² upon the violator if it is an individual or 10 yuan per m² upon the violator if it is an entity.

Article 50 Whoever, in violation of this Law, reclaims land by destroying forest or grassland shall be punished under the relevant provisions of the Forest Law of the People's Republic of China or the Grassland Law of the People's Republic of China.

Article 51 Where anyone, in violation of this Law, collects long thread mosses, or shovels turf, digs up tree stumps or excessively digs up caterpillar fungus, liquorice or ephedrae in any key prevention area or key control area, the water administrative department of the people's government at or above the county level shall order the violator to stop the illegal act and take remedial actions, confiscate the illegal gains and impose a fine of not less than the amount of but not more than 5 times the illegal gains upon the violator; or if there are no illegal gains, may impose a fine of not more than 50,000 yuan upon the violator.

Whoever commits a violation mentioned in the preceding paragraph in a grassland area shall be punished under the relevant provisions of the Grassland Law of the People's Republic of China.

Article 52 Where anyone fells trees in a forest zone without taking measures for preventing water and soil loss, the forestry administrative department and the water administrative

department of the people's government at or above the county level shall order the violator to make correction within a certain time limit and take remedial actions; and if any water and soil loss is caused, the water administrative department shall, according to the area of water and soil loss, impose a fine of not less than 2 yuan per m² but not more than 10 yuan per m² upon the violator.

Article 53 Where anyone, in violation of this Law, commits any of the following conduct, the water administrative department of the people's government at or above the county level shall order it/him to stop the illegal act and go through the relevant formalities within a certain time limit; if it/he fails to do so, impose a fine of not less than 50,000 yuan but not more than 500,000 yuan upon it/him; and take disciplinary actions against the directly liable person in charge and other directly liable persons of the production or construction entity according to law:

(1) Commencing the construction of a production or construction project without a water and soil conservation plan or without an approval of the water and soil conservation plan, provided that the water and soil conservation plan is required for the project;

(2) Failing to supplement or revise a water and soil conservation plan or obtain an approval of the supplemented or revised water and soil conservation plan, when any major change occurs to the site or size of the production or construction project; or

(3) Making any major change to the water and soil conservation measures in the execution of a water and soil conservation plan, without the approval of the original approving organ.

Article 54 Where anyone, in violation of this Law, puts a production or construction project to use when the water and soil conservation facilities have not gone through the as-built check or fail to pass the check, the water administrative department of the people's government at or above the county level shall order the violator to stop production or use until the as-built check is passed, and impose a fine of not less than 50,000 yuan but not more than 500,000 yuan upon the violator.

Article 55 Where anyone, in violation of this Law, dumps sand, stones, dirt, waste stones, tailings or residues outside areas designated in the water and soil conservation plan exclusively for storing the same, the water administrative department of the people's government at or above the county level shall order the violator to stop the illegal act, make a clean-up within a certain time limit, and impose a fine of not less than 10 yuan per m³ but not more than 20 yuan m³ according to the volume of dumping; and if the violator fails to make a clean-up within the prescribed time limit, may designate an entity capable of clean-up to do so for the violator, and the necessary expenses shall be paid by the violator.

Article 56 Where anyone, in violation of this Law, launches a production or construction project or is engaged in any other production or construction activity which causes water and soil loss and fails to control it, the water administrative department of the people's government at or above the county level shall order the violator to control it within a certain time limit; and if the violator fails to do so, may designate an entity capable of control to do so for the violator, and the necessary expenses shall be paid by the violator.

Article 57 Where anyone, in violation of this Law, refuses to pay water and soil conservation compensation fees, the water administrative department of the people's government at or above the county level shall order the violator to pay within a certain time limit; and if the violator fails to do so, impose an overdue fine at 0.05% of the unpaid amount for each day from the due date, and may impose a fine of not more than three times the payable water and soil compensation fees.

Article 58 Whoever, in violation of this Law, causes any water and soil loss shall be subject to civil liability according to law; and be subject to public security administration punishment by the public security organ if a violation of the public security administration is constituted; or be subject to criminal liability if a crime is constituted.

Chapter VII Supplementary Provisions

Article 59 The bodies responsible for water and soil conservation work as determined by the local people's governments at and above the county level in light of the local actualities shall perform the water and soil conservation functions of the water administrative departments as specified in this Law.

Article 60 This Law shall come into force on March 1, 2011.