

ANNEX 2

WATER LAW OF CHINA

Former 1988 Water Law and New 2002 Water Law in Chinese and English,

<p>88年水法 WATER LAW OF THE PEOPLE'S REPUBLIC OF CHINA (1988 Water Law)</p>	<p>中华人民共和国水法 WATER LAW OF THE PEOPLE'S REPUBLIC OF CHINA 新华社北京 8 月 29 日电：中华人民共和国水法全文 (Adopted at the 29<sup>th</sup> Session of Standing Committee of the Ninth National People's Congress on August 29, 2002.)</p>	<p>[Key Terms/Purpose and Comments On 2002 Water Law By G. Radosevich 0203]</p>
<p>第一章 总则 CHAPTER I. GENERAL PROVISIONS</p>	<p>第一章 总则 CHAPTER I GENERAL PROVISIONS</p>	<p>Chapter the same</p>
<p>第一条 为合理开发利用和有效保护水资源，防治水害，充分发挥水资源的综合效益，适应国民经济发展和人民生活的需要，制定本法。 <b>Article 1:</b> This law is formulated for the purposes of rational development, utilization and protection of water resources, control of water disasters, fully deriving the comprehensive benefits of water resources and meeting the needs of national economic development and the livelihood of the people.</p>	<p>第一条 为了合理开发、利用、节约和保护水资源，防治水害，实现水资源的可持续利用，适应国民经济和社会发展的需要，制定本法。 <b>Article 1.</b> This Law is formulated for the rational development, utilization, saving and protection of water resources, for the prevention and control of water disasters and for the realization of sustainable utilization of water resources in order to meet the needs in national economic and social development.</p>	<p>-purpose of water law</p>
<p>第二条 本法所称水资源，是指地表水和地下水。在中华人民共和国领域内开发、利用、保护、管理水资源，防治水害，必须遵守本法。 海水的开发、利用、保护和管理，另行规定。 <b>Article 2:</b> For the purpose of this law, water resources mean surface water and groundwater. This law must be observed in developing, utilizing, protecting and managing water resources and in controlling water disasters within the territory of the People's Republic of China. Provisions for developing, utilizing, protecting and managing seawater shall be stipulated separately.</p>	<p>第二条 在中华人民共和国领域内开发、利用、节约、保护、管理水资源，防治水害，适用本法。 本法所称水资源，包括地表水和地下水。 <b>Article 2.</b> This Law must be observed in the development, utilization, saving, protection and management of water resources and in the prevention and control of water disasters within the territory of the People's Republic of China. The "water resources" referred to in this Law includes surface water and groundwater.</p>	<p>-application of water law; -definition of water resources</p>
<p>第三条 水资源属于国家所有，即全民所有。农业集体经济组织所有的水塘、水库中的水，属于集体所有。 国家保护依法开发利用水资源的单位和个人的合法权益。</p>	<p>第三条 水资源属于国家所有。水资源的所有权由国务院代表国家行使。农村集体经济组织的水塘和由农村集体经济组织修建管理的水库中的水，归各该农村集体经济组织使用。</p>	

<p><b>Article 3:</b> Water resources are owned by the State, that is, owned by the whole people. The waters in ponds and reservoirs possessed by agricultural collective economic organizations are collectively owned.</p> <p>The State shall protect the legitimate rights and interests of units and individuals engaged in the development and utilization of water resources in accordance with the law.</p>	<p><b>Article 3.</b> Water resources shall be owned by the state. The ownership of water resources shall be exercised by the State Council on behalf of the state. The waters in the ponds owned by the rural collective economic organizations and in the reservoirs built and managed by the agricultural collective economic organizations shall be used by the respective rural collective economic organizations.</p>	<ul style="list-style-type: none"> <li>- water owned by state;</li> <li>- ownership exercised by SC;</li> <li>- waters in ponds owned by “rural collective economic organizations” used by them</li> <li>{these may include WUAs}</li> </ul>
<p>第四条 国家鼓励和支持开发利用水资源和防治水害的各项事业。</p> <p>开发利用水资源和防治水害，应当全面规划、统筹兼顾、综合利用、讲求效益，发挥水资源的多种功能。</p> <p><b>Article 4:</b> The State shall encourage and support various undertakings to develop and utilize water resources as well as to control water disasters. In developing and utilizing water resources and in controlling water disasters, planning should be performed in a comprehensive and systematic manner with all aspects taken into account and with emphases on multiple purpose uses and achieving maximum benefits so as to allow full play to the multiple functions of water resources.</p>	<p>第四条 开发、利用、节约、保护水资源和防治水害，应当全面规划、统筹兼顾、标本兼治、综合利用、讲求效益，发挥水资源的多种功能，协调好生活、生产经营和生态环境用水。</p> <p><b>Article 4.</b> The development, utilization, saving and protection of water resources and the prevention and control of water disasters shall be carried out by comprehensive planning with all the factors taken into consideration, tackling problems both on the surface and at the root, with emphasis on multi-purposes use and on achieving maximum benefits so as to give full play to the multiple functions of water resources and the coordination of the water used in livelihood, production and business and ecological environment.</p>	<ul style="list-style-type: none"> <li>- comprehensive plans for development, use, saving and protection of water resources &amp; disaster prevention;</li> <li>- multi-purpose use;</li> <li>-maximum benefits from multiple functions;</li> <li>-coordination of water used in livelihood, business and environmental protection {water as social/ environmental good as well as an economic good}</li> </ul>
<p>第五条 国家保护水资源，采取有效措施，保护自然植被，种树种草，涵养水源，防治水土流失，改善生态环境。</p> <p><b>Article 5:</b> The State shall protect water resources and adopt effective measures to preserve natural flora, plant trees and grow grass, conserve water sources, control water and soil losses and improve the ecological environment.</p>	<p>第五条 县级以上人民政府应当加强水利基础设施建设，并将其纳入本级国民经济和社会发展规划。</p> <p><b>Article 5.</b> The people's government at or above county level shall strengthen the construction of infrastructure works and include it in the plans of national economic and social development at the corresponding level.</p>	<ul style="list-style-type: none"> <li>- strengthen infrastructure works;</li> <li>- include in national econ &amp; social development plans</li> </ul>
<p>第六条 各单位应当加强水污染防治工作，保护和改善水质。各级人民政府应当依照水污染防治法的规定，加强对水污染防治的监督管理。</p> <p>Article 6: All units shall, strengthen the prevention and control of water pollution to protect and improve water quality. People's governments at various levels shall, in accordance with the provisions of the Law of the Prevention and Control of Water Pollution, strengthen supervision and management of prevention and control of water pollution.</p>		

<p>第七条 国家实行计划用水，厉行节约用水。 各级人民政府应当加强对节约用水的管理。各单位应当采用节约用水的先进技术，降低水的消耗量，提高水的重复利用率。 <b>Article 7:</b> The State shall exercise planned water allocation and practise strict water conservation. People's governments at various levels shall strengthen the management on water conservation. All units shall adopt advanced technology in water conservation, reduce water consumption and raise the ratio of water reuse.</p>	<p>第六条 国家鼓励单位和个人依法开发、利用水资源，并保护其合法权益。开发、利用水资源的单位和个人有依法保护水资源的义务。 <b>Article 6.</b> The state shall encourage units and individuals to develop and utilize water resources in accordance with the Law and protect the lawful rights and interests. Units and individuals engaged in development and utilization of water resources shall have the obligations to protect the water resources in accordance with the Law.</p>	<p>- develop water resources and protect lawful rights and interests; - water users have obligations to protect water resources {Ref. A28}</p>
<p>第八条 在开发、利用、保护、管理水资源，防治水害，节约用水和进行有关的科学技术研究等方面成绩显著的单位和个人，由各级人民政府给予奖励。 <b>Article 8:</b> The units and individuals that have made outstanding achievements in developing, utilizing, protecting and managing water resources, in controlling water disasters, in water conservation and in conducting related scientific and technical research shall be rewarded by the people's governments at various levels.</p>	<p>第七条 国家对水资源依法实行取水许可制度和有偿使用制度。但是，农村集体经济组织及其成员使用本集体经济组织的水塘、水库中的水的除外。国务院水行政主管部门负责全国取水许可制度和水资源有偿使用制度的组织实施。 <b>Article 7.</b> The state shall implement systems of water withdrawal permit and paid use of water resources with the exception that the rural collective economic organizations and their members use the waters in their own ponds and reservoirs. The department of water administration under the State Council shall be in charge of the organization and implementation of systems of water-drawing licensing and paid use of water resources throughout the country.</p>	<p><u>-Water drawing permit system;</u> <u>- and paid for use of water resources;</u> - MWR in charge of permit and water charges system {Ref. A34,48, 49, 55, 69, &amp; 70}</p>
<p>第九条 国家对水资源实行统一管理与分级、分部门管理相结合的制度。 国务院水行政主管部门负责全国水资源的统一管理工作。 国务院其他有关部门按照国务院规定的职责分工，协同国务院水行政主管部门，负责有关的水资源管理工作。 县级以上地方人民政府水行政主管部门和其他有关部门，按照同级人民政府规定的职责分工，负责有关的水资源管理工作。 <b>Article 9:</b> The State shall exercise a system of unified administration on water resources in association with administration at various levels and by various departments. The department of water administration under the State Council shall be in charge of unified administration of water resources throughout the entire country.</p>	<p>第八条 国家厉行节约用水，大力推行节约用水措施，推广节约用水新技术、新工艺，发展节水型工业、农业和服务业，建立节水型社会。 各级人民政府应当采取措施，加强对节约用水的管理，建立节约用水技术开发推广体系，培育和发展节约用水产业。 单位和个人有节约用水的义务。 <b>Article 8.</b> The state shall strictly carry out water saving and devote major efforts to implementing water saving measures, popularize new water-saving technologies and processes and develop water-saving industry, agriculture, and services, and establish a water-saving society. The people's governments at various levels shall adopt</p>	<p>- water savings measures</p>

<p>Other relevant departments under the State Council shall be in charge of corresponding administration of water resources in conformity with the respective responsibility assigned to them by State Council and in coordination with the department of water administration under the State Council.</p> <p>The water administrative departments and other relevant departments of local people's governments at or above the county level shall be in charge of the corresponding administration of water resources in conformity with the respective responsibility assigned to them by the people's government at the corresponding level.</p>	<p>measures and strengthen the management of the economical use of water, set up a system of developing and popularizing water-saving technologies and foster and develop water-saving industries.</p> <p>Units and individuals shall have the obligations of economical use of water.</p>	
	<p><b>第九条 国家保护水资源，采取有效措施，保护植被，植树种草，涵养水源，防治水土流失和水体污染，改善生态环境。</b></p> <p><b>Article 9.</b> The state shall protect water resources and adopt effective measures to preserve natural flora/vegetation, plant trees and grow grass, conserve water sources, prevent and control soil and water losses and water pollution and to improve the ecological environment.</p>	<p><b>- protection of water resources, and related flora and fauna, conserve water resources, prevent soil and water losses and water pollution;</b>  <b>-improve environment</b>  <b>{'88 A5}</b></p>
	<p><b>第十条 国家鼓励和支持开发、利用、节约、保护、管理水资源和防治水害的先进科学技术的研究、推广和应用。</b></p> <p><b>Article 10.</b> The state shall encourage and support research, promotion and application of advanced science and technology for the development, utilization, saving, protection and management of water resources and for the prevention and control of water disasters.</p>	<p><b>- encourage research and advanced science and technology</b>  <b>{'88 A 10}</b></p>
	<p><b>第十一条 在开发、利用、节约、保护、管理水资源和防治水害等方面成绩显著的单位和个人，由人民政府给予奖励。</b></p> <p><b>Article 11.</b> Awards shall be given by the people's governments to units and individuals that have made outstanding achievements in the development, utilization, saving, protection and management of water resources, the prevention and control of water disasters, and so on.</p>	<p><b>-awards for achievements</b>  <b>{'88 A8}</b></p>
	<p><b>第十二条 国家对水资源实行流域管理与行政区域管理相结合的管理体制。</b></p> <p>国务院水行政主管部门负责全国水资源的统一管理和监督工作。</p> <p>国务院水行政主管部门在国家确定的重要江河、湖泊设立的流域管理机构（以下简称流域管理机构），在所管辖的</p>	

	<p>范围内行使法律、行政法规规定的和国务院水行政主管部门授予的水资源管理和监督职责。</p> <p>县级以上地方人民政府水行政主管部门按照规定的权限，负责本行政区域内水资源的统一管理和监督工作。</p> <p><b>Article 12.</b> The state shall exercise a system of basin water resource management in conjunction with administrative boundary water resource management.</p> <p>The department of water administration under the State Council shall be in charge of the unified administration and supervision of water resources throughout the country.</p> <p>The basin management agency set up by the department of water administration under the State Council on the state designated major rivers and lake(s) (hereinafter referred to as basin management agency) shall exercise within their jurisdictions their water resource management and supervision responsibilities as prescribed by the laws and administrative statutes and assigned by the department of water administration under the State Council.</p> <p>The departments of water administration of local people's governments at or above the county level shall be responsible for the unified management and administration and supervision of the water resources within the corresponding administrative boundaries in accordance with the prescribed authorities.</p>	<p>- basin water management in conjunction with administrative boundaries -MWR in charge of unified administration &amp; supervision</p> <p>- basin management agencies for major rivers and lakes;</p> <p>- at and above county responsible for unified management and administration {Ref. A9}</p> <p>{ since county and above, county can make sure hydraulic units of WUA that cross village or township boundaries are managed according to those boundaries, not admin boundaries}</p>
	<p>第十三条 国务院有关部门按照职责分工，负责水资源开发、利用、节约和保护的有关工作。</p> <p>县级以上地方人民政府有关部门按照职责分工，负责本行政区域内水资源开发、利用、节约和保护的有关工作。</p> <p><b>Article 13.</b> Other relevant departments under the State Council shall be responsible for the undertakings concerning water resource development, utilization, saving, and protection in accordance with the responsibilities assigned to them.</p> <p>Other relevant departments of the local people's governments at or above the county level shall, in accordance with the duties assigned to them, be in charge of the related undertakings of development, utilization, saving and protection of water resources within administrative division at corresponding level.</p>	<p>- delegation of authority and responsibility to other departments</p>

<p>第二章 开发利用 CHAPTER II. DEVELOPMENT AND UTILIZATION</p>	<p>第二章 水资源规划 CHAPTER II WATER RESOURCE PLAN DEVELOPMENT</p>	<p>Chapter Title and Purpose Changed</p>
<p>第十条 开发利用水资源必须进行综合科学考察和调查评价。全国水资源的综合科学考察和调查评价，由国务院水行政主管部门会同有关部门统一进行。</p> <p>Article 10: For the development and utilization of water resources, comprehensive scientific investigation, survey and assessment must be undertaken.</p> <p>Comprehensive scientific investigation, survey and assessment of water resources throughout the entire country shall be performed by the department of water administration under the State Council jointly with other departments concerned.</p>	<p>第十四条 国家制定全国水资源战略规划。开发、利用、节约、保护水资源和防治水害，应当按照流域、区域统一制定规划。规划分为流域规划和区域规划。流域规划包括流域综合规划和流域专业规划；区域规划包括区域综合规划和区域专业规划。</p> <p>前款所称综合规划，是指根据经济社会发展需要和水资源开发利用现状编制的开发、利用、节约、保护水资源和防治水害的总体部署。前款所称专业规划，是指防洪、治涝、灌溉、航运、供水、水力发电、竹木流放、渔业、水资源保护、水土保持、防沙治沙、节约用水等规划。</p> <p>Article 14. The state shall formulate a strategic national water resources master plan.</p> <p>Master plans for development, utilization, saving, and protection of water resources and for prevention and control of water disasters shall be developed in a unified manner based on basin and region boundaries. The plans are divided into river basin plans and regional plans. River basin plans include comprehensive plans for river basins and special plans for river basins. Regional plans include regional comprehensive plans and regional special plans.</p>	<p>- strategic National Water Master Plan; - river basin master plans - comprehensive plans - special plans -and regional master plans -regional comprehensive plans -regional special plans</p>
<p>第十一条 开发利用水资源和防治水害，应当按流域或者区域进行统一规划。规划分为综合规划和专业规划。</p> <p>国家确定的重要江河的流域综合规划，由国务院水行政主管部门会同有关部门和有关省、自治区、直辖市人民政府编制，报国务院批准。其他江河的流域或者区域的综合规划，由县级以上地方人民政府水行政主管部门会同有关部门和有关地区编制，报同级人民政府批准，并报上一级水行政主管部门备案。综合规划应当与国土规划相协调，兼顾各地区、各行业的需要。</p> <p>防洪、治涝、灌溉、航运、城市和工业供水、水力发电、竹木流放、渔业、水质保护、水文测验、地下水普查勘探和动态监测等专业规划，由县级以上人民政府有关主管部门编制，报同级人民政府批准。</p> <p>经批准的规划是开发利用水资源和防治水害活动的基本依据。规划的修改，必须经原批准机关核准。</p> <p>Article 11: In the development and utilization of water resources</p>	<p>The "comprehensive plans" mentioned in the preceding paragraph refers to the general plans prepared for the development, utilization, saving and protection of water resources and the prevention and control of water disasters according to the needs of economic and social development and in the light of the water resource development and utilization conditions.</p> <p>The "special plans" mentioned in the preceding paragraph refers to plans for the special purposes of flood prevention, water-logging control, irrigation, navigation, water supply, hydropower generation, bamboo or log rafting, fishery, water resource protection, soil and water conservation, sand prevention and control, water saving, and so on.</p>	<p>-definition of comprehensive plans</p> <p>- definition of special plans { '88 A11 }</p>

<p>as well as in controlling water disasters, overall planning shall be undertaken with river basin or region as basic units. Plans are classified into comprehensive plans and specialty plans.</p> <p>Comprehensive plans for the basins of major rivers so designated by the State shall be formulated by the department of water administration under the State Council in conjunction with relevant departments and relevant people's governments of provinces, autonomous regions and municipalities directly under the Central Government. These plans shall be submitted to the State Council for approval. Comprehensive plans for the basins of other rivers or for regions shall be formulated by the water administrative department of local people's governments at or above the county level, in conjunction with relevant departments and relevant regions. These plans shall be submitted to the people's government at the corresponding level for approval and to the water administrative department at the next higher level for record. Comprehensive plans shall be in coordination with the National Land Plan and consider the demands of various regions and various sectors.</p> <p>Speciality plans for sectors of flood control, water-logging control, irrigation, navigation, urban and industrial water supply, hydro-electric power generation, bamboo and log rafting, fishery, water quality protection, hydrologic survey, general prospecting and dynamic monitoring of groundwater, etc., shall be formulated by respectively concerned competent departments of the people's governments at or above the county level. These plans shall be submitted to the people's government at the corresponding level for approval.</p> <p>The approved plans serve as the bases for the development and utilization of water resources as well as for the control of water disasters. Any modification on an approved plan must be reviewed and approved by the organ that originally approved the plan.</p>	<p><b>第十五条</b> 流域范围内的区域规划应当服从流域规划，专业规划应当服从综合规划。</p> <p>流域综合规划和区域综合规划以及与土地利用关系密切的专业规划，应当与国民经济和社会发展规划以及土地利用总体规划、城市总体规划和环境保护规划相协调，兼顾各地区、各行业的需要。</p> <p><b>Article 15.</b> The regional plans within the basins shall be subordinated to plans for river basins. The special plans shall be subordinated to comprehensive plans.</p> <p>The comprehensive plans for river basins, regional comprehensive plans and the special plans closely related to land utilization shall be coordinated with national economic and social development plans and with land utilization overall plans, city overall plans, and environmental protection plans with consideration for the needs of various regions and trades.</p>	<p>- regional plans subordinate to river basin plans; - special plans subordinate to comprehensive plans; - comprehensive &amp; special plans related to land use coordinated with national econ and social development plans, land use plans, city plans, and environmental protection plans</p>
<p><b>第十二条</b> 任何单位和个人引水、蓄水、排水，不得损害公共利益和他人合法权益。</p> <p><b>Article 12:</b> No unit nor individual, while diverting, storing or draining water, shall infringe upon public interests and lawful rights and interests of others.</p>	<p><b>第十六条</b> 制定规划，必须进行水资源综合科学考察和调查评价。水资源综合科学考察和调查评价，由县级以上人民政府水行政主管部门会同同级有关部门组织进行。</p> <p>县级以上人民政府应当加强水文、水资源信息系统建设。县级以上人民政府水行政主管部门和流域管理机构应当加强对水资源的动态监测。</p> <p>基本水文资料应当按照国家有关规定予以公开。</p>	

<p>第十三条 开发利用水资源，应当服从防洪的总体安排，实行兴利与除害相结合的原则，兼顾上下游、左右岸和地区之间的利益，充分发挥水资源的综合效益。</p> <p><b>Article 13:</b> The development and utilization of water resources shall conform to the overall arrangement for flood control, follow the policy of deriving benefits while mitigating damages, and take into account the interests of both upstream and downstream, both left [bank] and right bank as well as all involved regions, so as to fully realize the comprehensive benefits of water resources.</p>	<p><b>Article 16.</b> Comprehensive scientific research, investigations and assessments of water resources must be conducted in preparing a master plan. The comprehensive scientific research, investigations and assessments of water resources shall be organized and carried out by the department of water administration of the people's government at or above the county level jointly with other departments concerned at the corresponding level.</p>	<p><b>-Master plan preparation-</b>  <b>-assessment of water resources; <u>information system on water &amp; hydrology;</u></b>  <b>- monitoring of water resources;</b>  <b>-<u>basic hydro data made public</u></b></p>
<p>第十四条 开发利用水资源，应当首先满足城乡居民生活用水，统筹兼顾农业、工业用水和航运需要。在水源不足地区，应当限制城市规模和耗水量大的工业、农业的发展。</p> <p><b>Article 14:</b> In the development and utilization of water resources, the domestic water demands of urban and rural inhabitants shall be satisfied first, while agricultural and industrial water demands as well as navigation requirements shall also be considered and taken care of. In areas deficient of water, urban growth and the development of high water consumption industries and agriculture shall be restricted.</p>	<p>The people's governments at or above the county level shall strengthen the establishment of information system of water resources and hydrology. The departments of water administration and basin management agencies of the people's governments at or above the county level shall strengthen the dynamic monitoring of water resources.</p> <p>Basic hydrological data shall be made known to the public in accordance with the relevant stipulations of the state.</p>	
<p>第十五条 各地区应当根据水土资源条件，发展灌溉、排水和水土保持事业，促进农业稳产、高产。</p> <p>在水源不足地区，应当采取节约用水的灌溉方式。</p> <p>在容易发生盐碱化和渍害的地区，应当采取措施，控制和降低地下水的水位。</p> <p><b>Article 15:</b> All areas shall develop their irrigation, drainage and water and soil conservation work according to their water and soil conditions to promote stable and high agricultural yield.</p> <p>In areas deficient of water, irrigation methods saving water water-saving irrigation methods shall be adopted.</p> <p>In areas prone to salinization-alkalization and water-logging, measures shall be taken to control and lower groundwater table.</p> <p>第十六条 国家鼓励开发利用水能资源。在水能丰富的河流，应当有计划地进行多目标 梯级开发。</p> <p>建设水力发电站，应当保护生态环境，兼顾防洪、供水、灌溉、航运、竹木流放、渔业等方面的需要。</p> <p><b>Article 16:</b> The State shall encourage the development and utilization of hydropower potential. On rivers rich in hydropower potential, multiple-purpose cascade development in planned way</p>	<p>第十七条 国家确定的重要江河、湖泊的流域综合规划，由国务院水行政主管部门会同国务院有关部门和有关省、自治区、直辖市人民政府编制，报国务院批准。跨省、自治区、直辖市的其他江河、湖泊的流域综合规划和区域综合规划，由有关流域管理机构会同江河、湖泊所在地的省、自治区、直辖市人民政府水行政主管部门和有关部门编制，分别经有关省、自治区、直辖市人民政府审查提出意见后，报国务院水行政主管部门审核；国务院水行政主管部门征求国务院有关部门意见后，报国务院或者其授权的部门批准。</p> <p>前款规定以外的其他江河、湖泊的流域综合规划和区域综合规划，由县级以上地方人民政府水行政主管部门会同同级有关部门和有关地方人民政府编制，报本级人民政府或者其授权的部门批准，并报上一级水行政主管部门备案。</p> <p>专业规划由县级以上人民政府有关部门编制，征求同级其他有关部门意见后，报本级人民政府批准。其中，防洪规划、水土保持规划的编制、批准，依照防洪法、水土保</p>	



<p>shall be practiced.</p> <p>In the development of hydropower stations, the ecological environment shall be protected, and the requirements of flood control, water supply, irrigation, navigation, bamboo and log rafting, fishery, etc., shall be taken into account.</p> <p>第十七条 国家保护和鼓励开发水运资源。在通航或者竹木流放的河流上修建永久性拦河闸坝，建设单位必须同时修建过船、过木设施，或者经国务院授权的部门批准采取其他补救措施，并妥善安排施工和蓄水期间的航运和竹木流放，所需费用由建设单位负担。</p> <p>在不通航的河流或者人工水道上修建闸坝后可以通航的，闸坝建设单位应当同时修建过船设施或者预留过船设施位置，所需费用除国家另有规定外，由交通部门负担。</p> <p>现有的碍航闸坝，由县级以上人民政府责成原建设单位在规定的期限内采取补救措施。</p> <p><b>Article 17:</b> The State shall safeguard and encourage the development of navigation potential. When building permanent dams and sluice gate structure on navigable or bamboo and log rafting streams, the construction unit must simultaneously build facilities for ship or log passage or, after being approved by departments authorized by the State Council, take other remedial measures and also make adequate arrangements for navigation and bamboo and log rafting during the construction period and the initial filling period, and bear the expenses thereby incurred.</p> <p>In case a non-navigable stream or man-made waterway becomes navigable after a dam or sluice gate structure is built, the construction unit shall simultaneously build ship passage facilities or reserve sites for such facilities, and the expenses needed thereby incurred shall be borne by the communication departments concerned, unless there are other State-provisions applicable.</p> <p>For any existing dam or sluice gate structure which hinders navigation, the corresponding original construction unit shall be ordered by the people's government at or above the county level to take remedial measures within a stipulated time limit.</p>	<p>持法的有关规定执行。</p> <p><b>Article 17.</b> Comprehensive plans for major river basins and lakes designated by the state shall be formulated by the department of water administration under the State Council jointly with the relevant departments under the State Council and with the people's governments of relevant provinces, autonomous regions or municipalities directly under the Central Government, and shall be submitted to and approved by the State Council. Comprehensive plans and regional comprehensive plans for other river basins and lakes that cross provinces, autonomous regions or municipalities shall be formulated by the river basin management agencies concerned jointly with the departments of water administration and other relevant departments of the people's governments of the provinces, autonomous regions and municipalities directly under the Central Government where the rivers and lakes are located, and shall be submitted to the departments of water administration under the State Council for verification after they are reviewed and made comments on by the people's governments of the relevant provinces, autonomous regions, and municipalities directly under the Central Government. The department of water administration under the State Council shall submit them to the State Council or the department authorized by the State Council for approval after soliciting opinions from the relevant departments under the State Council.</p> <p>Comprehensive plans and regional comprehensive plans for the river basins and lakes other than those concerned in the preceding paragraph shall be formulated by the departments of water administration of the people's governments at or above the county level jointly with the relevant departments at the corresponding level and with the relevant local people's governments and shall be submitted to and approved by the people's governments at the corresponding level or other departments authorized by them and (further submitted to the department of water administration) at the next higher level for the record.</p>	<p>- comprehensive plans for major rivers and lakes so designated done by MWR and other departments and provinces, submitted to SC for approval;</p> <p>- comprehensive and regional plans for other inter-provincial rivers and lakes done by basin management agencies jointly with water departments of provinces, commented on by provinces, approval by SC;</p> <p>-comprehensive and regional plans for other basins and lakes done by provincial to county level, approved by provincial government and sent to MWR for recording {registry of the plans};</p>
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<p>第十八条 在鱼、虾、蟹洄游通道修建拦河闸坝，对渔业资源有严重影响的，建设单位应当修建过鱼设施或者采取其他补救措施。</p> <p><b>Article 18:</b> When there is serious impact on fishery resources due to the building of a dam or sluice gate structure on migration route of fish, shrimp or crab, the construction unit of the dam or sluice gate structure shall build fish passage facilities or take remedial measures.</p>	<p>Special plans shall be formulated by the relevant departments of the people's governments at or above the county level, and shall be submitted to and approved by the people's governments at corresponding level after opinions on them are solicited from the other relevant departments at the corresponding level. Of these, the plans for prevention of floods and for conservation of water and soil shall be prepared and approved in accordance with the relevant provisions of the Flood Control Law and the Law of Soil and Water Conservation.</p>	<p>- special plans prepared by county and above and approved by next higher government; - flood prevention and conservation of water &amp; soil in accordance with Flood and Soil &amp; Water Conservation Laws</p>
	<p>第十八条 规划一经批准，必须严格执行。经批准的规划需要修改时，必须按照规划编制程序经原批准机关批准。</p> <p><b>Article 18.</b> The plans shall be strictly carried out upon approval. Any amendment to an approved plan must be approved by the organ that originally approved the plan in accordance with the plan preparation procedures.</p>	<p>- plans carried out; - amendments need approval</p>
<p>第十九条 修建闸坝、桥梁、码头和其他拦河、跨河、临河建筑物，铺设跨河管道、电缆，必须符合国家规定的防洪标准、通航标准和其他有关的技术要求。</p> <p>因修建前款所列工程设施而扩建、改建、拆除或者损坏原有工程设施的，由后建工程的建设单位负担扩建、改建的费用和补偿损失的费用，但原有工程设施是违章的除外。</p> <p><b>Article 19:</b> Building of dam, sluice gate, bridge, wharf and other structures blocking, crossing or bordering a river channel; laying pipelines or cables across a river, must comply with State-specified standards for flood control and navigation as well as other related technical requirements.</p> <p>When existing structures or facilities require extension, modification and removal, or suffer damage because of the building of the structures or facilities listed in the foregoing clause, the construction unit of the subsequent projects shall bear the expenses for the extension and modification as well as the expenses for the compensation of losses, except when the existing structures or facilities violate relevant regulations.</p> <p>第二十条 兴建水工程或者其他建设项目，对原有灌溉用水、供水水源或者航道水量有不利影响的，建设单位应当采取补救措施或者予以补偿。</p>	<p>第十八条 规划一经批准，必须严格执行。</p> <p>经批准的规划需要修改时，必须按照规划编制程序经原批准机关批准。</p> <p>第十九条 建设水工程，必须符合流域综合规划。在国家确定的重要江河、湖泊和跨省、自治区、直辖市的江河、湖泊上建设水工程，其工程可行性研究报告报请批准前，有关流域管理机构应当对水工程的建设是否符合流域综合规划进行审查并签署意见；在其他江河、湖泊上建设水工程，其工程可行性研究报告报请批准前，县级以上地方人民政府水行政主管部门应当按照管理权限对水工程的建设是否符合流域综合规划进行审查并签署意见。水工程建设涉及防洪的，依照防洪法的有关规定执行；涉及其他地区和行业的，建设单位应当事先征求有关地区和部门的意见。</p> <p><b>Article 19.</b> The building of water projects shall conform to the comprehensive plans for river basins.</p> <p>When a water project is constructed on a state-designated major river or lake or a river or lake that crosses provinces, autonomous regions, or municipalities directly under the Central Government, the basin management agency concerned shall review it to see whether the construction of the water</p>	<p>- water projects built in conformity with comprehensive plans; - inter-provincial projects need feasibility study and approval by basin management agency {Ref. A45}</p>

<p><b>Article 20:</b> When building a water project or other construction project having adverse impacts on any existing irrigation water supply, source of water supply or the flow in navigation waterway, the construction unit of the project shall take remedial measures or otherwise pay compensation.</p>	<p>project is in conformity to the comprehensive master plan for the river basin or not and write comments on it with signature before its feasibility study report is submitted for approval.</p>	
<p>第二十一条 兴建跨流域引水工程，必须进行全面规划和科学论证，统筹兼顾引出和引入流域的用水需求，防止对[生态环境]的不利影响。</p> <p><b>Article 21:</b> For any inter-basin diversion project, integrated planning and scientific justification must be undertaken, water demands of both the export and import basins must be considered, and adverse impacts on the [ecological environment] must be averted.</p>	<p>When a water project is constructed on other rivers and lakes, the department of water administration of the local people's government at or above the county level shall review it within the limits of its management authority to see whether the construction of the water project is in conformity to the comprehensive master plan for the river basin or not and write comments on it with signature before its feasibility study report is submitted for approval. In the case that the project to be constructed is concerned with flood control, it shall be executed in accordance with the relevant provisions of the Flood Control Law. In case the project is concerned with another region or sector, the execution unit shall solicit opinions from the relevant region and department in advance.</p>	
<p>第二十三条 兴建水工程，必须遵守国家规定的基本建设程序和其他有关规定。凡涉及其他地区和行业利益的，建设单位必须事先向有关地区和部门征求意见，并按照规定报上级人民政府或者有关主管部门审批。</p> <p><b>Article 22:</b> For all water projects, capital construction procedures stipulated by the State and other relevant provisions must be observed. When the interests of other regions and other sectors are involved, the construction unit of the project must first consult with the regions and departments concerned, and report, in accordance with regulations, to the people's government at higher level or relevant competent department for approval.</p> <p>第二十三条 国家兴建水工程需要移民的，由地方人民政府负责妥善安排移民的生活和生产。安置移民所需的经费列入工程建设投资计划，并应当在建设阶段按计划完成移民安置工作。</p> <p><b>Article 23:</b> When there is a need for relocation of inhabitants for a water project by the State, the local people's government shall be responsible for the proper arrangement of the livelihood and production of relocatees. The funds needed for the resettlement of the relocatees shall be included in the investment plan of the project, and the resettlement work shall be completed within the construction stage according to schedule.</p>		

<p>第三章 水、水域和水工程的保☒</p> <p><b>CHAPTER III.</b></p> <p><b>PROTECTION OF WATER, WATER BODIES</b></p> <p><b>AND WATER PROJECTS</b></p>	<p>第三章 水资源开发利用</p> <p><b>CHAPTER III</b></p> <p><b>DEVELOPMENT AND UTILIZATION</b></p> <p><b>OF WATER RESOURCES</b></p>	<p><b>Chapter renamed,</b></p> <p><b>similar to Chapter II of</b></p> <p><b>1988 Water Law</b></p>
<p>第二十四条 在江河、湖泊、水库、渠道内，不得弃置、堆放阻碍行洪、航运的物体，不得种植阻碍行洪的林木和高秆作物。</p> <p>在航道内不得弃置沉船，不得设置碍航渔具，不得种植水生植物。</p> <p>未经有关主管部门批准，不得在河床、河滩内修建建筑物。</p> <p>在行洪、排涝河道和航道范围内开采砂石、砂金，必须报经河主管部门批准，按照批准的范围和作业方式开采；涉及航道的，由河道主管部门会同航道主管部门批准。</p> <p>Article 24: In any river, lake, reservoir and canal, The following activities are prohibited: discarding or piling objects impedimental to flood passage and navigation; planting trees and growing crops of long stalk variety impedimental to flood passage.</p> <p>In any navigation channel, the following activities are prohibited: abandoning sunken vessels, laying fishing implements impedimental to navigation, and cultivating aquatic plants.</p> <p>Building structures within river channel or on river beaches is prohibited without approval from relevant competent departments.</p> <p>Within a channel for flood passage, excess water drainage or navigation, all mining activities for sand and gravel or placer gold must be reported to the river administrative department for approval, and the mining activities must be in accordance with the approved scope and operation procedures; when a navigation channel is involved, approval shall be given by the river administrative department together with the navigation channel administrative department.</p>	<p>第二十条 开发、利用水资源，应当坚持兴利与除害相结合，兼顾上下游、左右岸和有关地区之间的利益，充分发挥水资源的综合效益，并服从防洪的总体安排。</p> <p><b>Article 20.</b> In the development and utilization of water resources, the principle of promoting what is beneficial and abolishing what is harmful shall be stuck to, with consideration for the interests between upstream and downstream, between left bank and right bank, and of the areas concerned, so as to full derive the comprehensive benefits of water resources, and the overall arrangement for flood control shall be conformed to.</p>	<p>- <u>principle of promoting beneficial use applied in development and use of water resources</u>;</p> <p>- take into account <u>upstream &amp; downstream, and left and right bank concerns</u>, and flood control measures</p> <p>{'88 A13}</p>
<p>第二十五条 开采地下水必须在水资源调查评价的基础上，实行统一规划，加强监督管理。在地下水已经超采的地区，应当严格控制开采，并采取措施，保护地下水资源，防止地面沉降。</p> <p><b>Article 25:</b> When drawing groundwater, unified planning must be conducted based upon the findings from survey and</p>	<p>第二十一条 开发、利用水资源，应当首先满足城乡居民生活用水，并兼顾农业、工业、生态环境用水以及航运等需要。</p> <p>在干旱和半干旱地区开发、利用水资源，应当充分考虑生态环境用水需要。</p> <p><b>Article 21.</b> In the development and utilization of water resources, demand for domestic water use of urban and rural</p>	<p>- domestic water for urban and rural use <u>first priority</u>, then the other uses taken into account</p>

<p>assessment of water resources, supervision and management shall be strengthened. In areas where groundwater has already been overdrawn, strict control on drawing shall be imposed and effective measures shall be taken to protect groundwater resources and control land subsidence.</p>	<p>residents shall be met first, with consideration for agricultural, industrial, eco-environmental, and navigational uses, and so on. Full consideration shall be given to the ecological environmental need for water in the development and utilization of water resources in the arid and semi-arid areas.</p>	<p>- <b>must take into consideration <u>environmental needs</u> in arid and semi-arid areas</b> {Ref. A14}</p>
<p>第二十六条 开采矿藏或者兴建地下工程，因疏干排水导致地下水水位下降、枯竭或者地面塌陷，对其他单位或者个人的生活和生产造成损失的，采矿单位或者建设单位应当采取补救措施，赔偿损失。 <b>Article 26:</b> In mining operations or the construction of underground projects, when water drainage results in lowering of the groundwater table, groundwater depletion, ground subsidence or cave-ins, and causes losses to the livelihood and production of other units or individuals, the mining unit or the construction unit shall take remedial measures and compensate for the losses.</p>	<p>第二十二条 跨流域调水，应当进行全面规划和科学论证，统筹兼顾调出和调入流域的用水需要，防止对生态环境造成破坏。 <b>Article 22.</b> In the case of inter-basin water transfer, comprehensive planning and scientific justifications shall be conducted with due consideration for water use demand of the basins where water is transferred out and in, so as to prevent damages to the eco-environment.</p>	<p>- <b><u>inter-basin water transfers</u></b> - <b>comprehensive planning and scientific justification conducted regarding basin of origin and basin of use to prevent environmental damages</b> {'88 A21}</p>
<p>第二十七条 禁止围湖造田。禁止围垦河流，确需围垦的，必须经过科学论证，并经省级以上人民政府批准。 <b>Article 27:</b> Reclaiming parts of lakes for farmland is prohibited. Reclaiming river beaches for farmland is also prohibited, in case of definite necessity, scientific justification is mandatory and must be approved by the people's governments at or above the province level.</p>	<p>第二十三条 地方各级人民政府应当结合本地区水资源的实际情况，按照地表水与地下水统一调度开发、开源与节流相结合、节流优先和污水处理再利用的原则，合理组织开发、综合利用水资源。 国民经济和社会发展规划以及城市总体规划的编制、重大建设项目的布局，应当与当地水资源条件和防洪要求相适应，并进行科学论证；在水资源不足的地区，应当对城市规模和建设耗水量大的工业、农业和服务业项目加以限制。 <b>Article 23.</b> The local people's governments at all levels shall organize in a rational manner the development and comprehensive utilization of water resources in view of the local water resource conditions, on the principles of unified allocation and development of surface water and groundwater, tapping new sources of supply and reducing consumption with high priority placed on reducing consumption, and sewage treatment for reuse. The preparation of a national economic and social development plan and of an overall urban development plan and the layout of a major construction project shall be in conformity with the local water resource conditions and with the flood control requirements, which shall be scientifically</p>	<p>- <b>responsibilities of local governments in rational development and comprehensive use of water in view of local water conditions for surface and ground water;</b> - <b>principle of unified {conjunctive} allocation and development of surface and ground waters</b> - <b>National econ &amp; social plan and urban development plan in conformity with local water</b></p>

	<p>justified. In areas where water resources are deficient, the scale of a city and the construction of industrial, agricultural, and service projects which consume a lot of water shall be restricted.</p>	<p><b>conditions and flood requirements</b>  <b>{statutory “limits to growth” policy}</b></p>
<p>第二十八条 国家保护水工程及堤防、护岸等有关设施，保护防汛设施、水文监测设施、水文地质监测设施和导航、助航设施，任何单位和个人不得侵占、毁坏。</p> <p><b>Article 28:</b> The State shall protect water projects and related facilities such as dikes, bank revetments, etc. flood prevention facilities, hydrologic monitoring facilities, hydrologic monitoring facilities, navigation aids and navigation facilities. No unit or individual shall encroach upon or damage these facilities.</p>	<p>第二十四条 在水资源短缺的地区，国家鼓励对雨水和微咸水的收集、开发、利用和对海水的利用、淡化。中华人民共和国水法</p> <p><b>Article 24.</b> In areas where water resources are deficient, the state shall encourage the collection, development, and utilization of rainwater and brackish water and the utilization and desalination of seawater.</p>	<p><b>-water deficient areas, measures to be taken</b></p>
<p>第二十九条 国家所有的水工程，应当按照经批准的设计，由县级以上人民政府依照国家规定，划定管理和保护范围。集体所有的水工程应当依照省、自治区、直辖市人民政府的规定，划定保护范围。</p> <p>在水工程保护范围内，禁止进行爆破、打井、采石、取土等危害水工程安全的活动。</p> <p><b>Article 29:</b> For each State-owned water project, a management and safeguard zone shall be delimited based upon the approved design and in accordance with State provisions by the people's governments at or above the county level.</p> <p>For a collectively owned water project, a safeguard zone shall be delimited in accordance with stipulations made by the people's government of the corresponding province, autonomous region, and municipality directly under the Central Government.</p> <p>Within the safeguard zone of a water project, activities such as blasting, well sinking, rock quarrying, earth borrowing, etc., which endanger the safety of the water project are prohibited.</p>	<p>第二十五条 地方各级人民政府应当加强对灌溉、排涝、水土保持工作的领导，促进农业生产发展；在容易发生盐碱化和渍害的地区，应当采取措施，控制和降低地下水的水位。</p> <p>农村集体经济组织或者其成员依法在本集体经济组织所有的集体土地或者承包土地上投资兴建水工程设施的，按照谁投资建设谁管理和谁受益的原则，对水工程设施及其蓄水进行管理和合理使用。</p> <p>农村集体经济组织修建水库应当经县级以上地方人民政府水行政主管部门批准。</p> <p><b>Article 25.</b> The local people's governments at all levels shall strengthen their leadership of irrigation, water-logging drainage and conservation of water and soil and promote the development of agricultural production. In areas that are prone to salinization-alkalization and water-logging, measures shall be taken to control and lower the groundwater table.</p> <p>Rural collective economic organizations or their members that invest in the construction of water works in accordance with the law on the land collectively owned by the economic organizations themselves or on the land contracted by them shall follow the principle of whoever invests in the construction manages and benefits and shall manage and use in a rational manner the water works and the stored water.</p> <p>The construction of reservoirs by the rural collective</p>	<p><b>- strengthen leadership in irrigation, water-logging drainage and conservation</b></p> <p><b>-Rural collective economic organizations &amp; members who invest are entitled to benefits and manage their works</b></p> <p><b>{Ref. A15}</b>  <b>{Type of WUOs- see State Council Circular #45, Sept. 17, 2002-ger}</b></p>

	<p>economic organizations shall be approved by the departments of water administration of the people's governments at or above the county level.</p>	
	<p>第二十六条 国家鼓励开发、利用水能资源。在水能丰富的河流，应当有计划地进行多目标梯级开发。 建设水力发电站，应当保护生态环境，兼顾防洪、供水、灌溉、航运、竹木流放和渔业等方面的需要。 <b>Article 26.</b> The state shall encourage the development and utilization of hydraulic energy resources. In rivers that are rich in hydraulic energy, multi-purpose development shall be made step by step in a planned manner. In the construction of hydropower stations, the ecological environment shall be protected, and the needs for flood control, water supply, irrigation, bamboo and log rafting and fishery, etc. shall be taken into account.</p>	<p>- develop and use hydraulic energy resources, multi-purpose, protect environment, flood control, etc. {'88 A16}</p>
	<p>第二十七条 国家鼓励开发、利用水运资源。在水生生物洄游通道、通航或者竹木流放的河流上修建永久性拦河闸坝，建设单位应当同时修建过鱼、过船、过木设施，或者经国务院授权的部门批准采取其他补救措施，并妥善安排施工和蓄水期间的水生生物保护、航运和竹木流放，所需费用由建设单位承担。 在不通航的河流或者人工水道上修建闸坝后可以通航的，闸坝建设单位应当同时修建过船设施或者预留过船设施位置。 <b>Article 27.</b> The state shall encourage the development and utilization of navigation resources. In the case that a permanent sluice-gate or dam is built on a river with a migration passage of aquatic organisms, with navigation, or with bamboo and log rafting, the construction unit shall build concurrently facilities for the passage of fish, ships and bamboo and log rafts, or shall take other remedial measures approved by a department authorized by the State Council and make appropriate arrangements during the period of construction and impoundment for the protection of aquatic organisms and for navigation and bamboo and log rafting, the expenses incurred from which shall be born by the construction unit.</p>	<p>- navigation uses of water {Ref. A17}</p>

	<p>Where a non-navigable river or man-made waterway becomes navigable after a dam or sluice-gate is built, the construction unit shall at the same time build facilities for the passage of ships or reserve sites for such facilities.</p>	
	<p>第二十八条 任何单位和个人引水、截（蓄）水、排水，不得损害公共利益和他人合法权益。</p> <p><b>Article 28.</b> No unit and individual shall, when diverting, storing, or discharging water, infringe upon the public interests or the lawful rights and interests of other people.</p>	<p>- no infringement upon public interest or lawful rights and interests of others {Ref. A6} {'88 A12}</p>
	<p>第二十九条 国家对水工程建设移民实行开发性移民的方针，按照前期补偿、补助与后期扶持相结合的原则，妥善安排移民的生产和生活，保护移民的合法权益。</p> <p>移民安置应当与工程建设同步进行。建设单位应当根据安置地区的环境容量和可持续发展的原则，因地制宜，编制移民安置规划，经依法批准后，由有关地方人民政府组织实施。所需移民经费列入工程建设投资计划。</p> <p><b>Article 29.</b> Where a water project to be built by the state requires the resettlement of inhabitants, the state shall adopt the policy of developmental resettlement of inhabitants, and shall follow the principle of compensation at first half stage and assistance-support at second half stage, and shall be responsible for making proper arrangements for the livelihood and production and for the protection of the lawful rights and interests of the inhabitants to be resettled.</p> <p>The resettlement of inhabitants shall be in step with the project construction. Construction unit shall take into account the resettlement area environment capacity and sustainable growth, and shall take measures suited to local conditions to formulate the plan for the resettlement of inhabitants. The plan shall be carried out by local people's governments concerned after approval in accordance with the Law. The funds needed for resettlement of inhabitants shall be included in investment plans for the project.</p>	<p>- resettlement from water projects {Ref. A23}</p>
<p>第四章 用水管理</p>	<p>第四章 水资源、水域和水工程的保护</p>	



<p style="text-align: center;"><b>CHAPTER IV. MANAGEMENT OF WATER USE</b></p>	<p style="text-align: center;"><b>CHAPTER IV PROTECTION OF WATER RESOURCES, WATER AREAS AND WATER PROJECTS</b></p>	<p style="text-align: center;"><b>Chapter renamed, purpose changed</b></p>
<p>第三十条 全国和跨省、自治区、直辖市的区域的水长期供求计划，由国务院水行政主管部门会同有关部门制定，报国务院计划主管部门审批。地方的水长期供求计划，由县级以上地方人民政府水行政主管部门会同有关部门，依据上一级人民政府主管部门制定的水长期供求计划和本地区的实际情况制定，报同级人民政府计划主管部门审批。</p> <p><b>Article 30:</b> The long-term plan on water demand and supply of the entire country and those of districts covering different provinces or autonomous regions and municipalities directly under the Central Government shall be formulated by the department of water administration under the State Council in cooperation with other relevant departments and shall be submitted to the competent planning department under the State Council for approval. Local long-term plans on water demand and supply shall be formulated, based upon the long-term plan on water demand and supply formulated by the competent department of the people's government at the next higher level and upon actual local conditions, by the water administrative department of the local people's government at or above the county level in cooperation with other relevant departments, and shall be submitted to the competent planning department of the people's government at the corresponding level for approval.</p>	<p>第三十条 县级以上人民政府水行政主管部门、流域管理机构以及其他有关部门在制定水资源开发、利用规划和调度水资源时，应当注意维持江河的合理流量和湖泊、水库以及地下水的合理水位，维护水体的自然净化能力。</p> <p><b>Article 30.</b> In the formulation of a water resource development and utilization plan and in the allotment of water resources, the department of water administration of the people's government at or above the county level, the basin management agency, and other department/departments concerned shall take care to maintain the rational river flow, the rational water level of lakes and reservoirs and water table and the natural purification capacity of water bodies.</p>	<p>- maintenance of river flows and rational level of lakes and reservoirs and water table and natural purification capacity when formulating plans for use and allotment of water</p>
<p>第三十一条 调蓄径流和分配水量，应当兼顾上下游和左右岸用水、航运、竹木流放、渔业和保护生态环境的需要。</p> <p>跨行政区域的水量分配方案，由上一级人民政府水行政主管部门征求有关地方人民政府的意见后制定，报同级人民政府批准后执行。</p> <p><b>Article 31:</b> In runoff regulation and water allocation, water demands from both upstream and downstream as well as from both sides of the river, requirements from navigation bamboo and log rafting, fishery and ecological environment protection, shall be taken into account.</p> <p>Water allocation plan covering different administrative divisions shall be formulated by the water administrative department of the people's government at the next higher level after consulting with the concerned local people's governments, and shall be implemented after approval is granted by the</p>	<p>第三十一条 从事水资源开发、利用、节约、保护和防治水害等水事活动，应当遵守经批准的规划；因违反规划造成江河和湖泊水域使用功能降低、地下水超采、地面沉降、水体污染的，应当承担治理责任。</p> <p>开采矿藏或者建设地下工程，因疏干排水导致地下水水位下降、水源枯竭或者地面塌陷，采矿单位或者建设单位应当采取补救措施；对他人生活和生产造成损失的，依法给予补偿。</p> <p><b>Article 31.</b> Whoever is engaged in activities of water resource development, utilization, saving, protection, and control of water disasters shall conform to the approved master plan. Whoever causes utility degradation of water bodies of rivers and lakes, groundwater overdraft, land subsidence, and</p>	<p>- water agency officials follow plans and those causing degradation responsible for rectification - remedial action and</p>

<p>people's government at the corresponding level.</p>	<p>water body pollution due to violation of the master plan shall be responsible for the rectifications).</p> <p>In the case of groundwater drawdown, water depletion at the source, or land subsidence resulting from drainage by desiccation in mining or underground project construction, the mining or construction unit shall take remedial measures and shall compensate for the losses, if any, imposed on others in life and production in accordance with the law.</p>	<p><b>compensation for groundwater drawdown, water depletion and land subsidence</b> {Ref. A26}</p>
<p>第三十二条 国家对直接从地下或者江河、湖泊取水的，实行取水许可制度。为家庭生活、畜禽饮用取水和其他少量取水的，不需要申请取水许可。</p> <p>实行取水许可制度的步骤、范围和办法，由国务院规定。</p> <p><b>Article 32:</b> For drawing water directly from ground aquifers, rivers, or lakes, the State shall exercise a water-drawing permit system. For drawing water for household use and for livestock and poultry drinking, and also for other small quantity water drawings, it is not necessary to apply for water-drawing permit.</p> <p>The steps to be taken, scope and implementation measures for the water-drawing permit system shall be stipulated by the State Council.</p>	<p><b>第三十二条</b> 国务院水行政主管部门会同国务院环境保护行政主管部门、有关部门和有关省、自治区、直辖市人民政府，按照流域综合规划、水资源保护规划和社会经济发展要求，拟定国家确定的重要江河、湖泊的水功能区划，报国务院批准。跨省、自治区、直辖市的其他江河、湖泊的水功能区划，由有关流域管理机构会同江河、湖泊所在地的省、自治区、直辖市人民政府水行政主管部门、环境保护行政主管部门和其他有关部门拟定，分别经有关省、自治区、直辖市人民政府审查提出意见后，由国务院水行政主管部门会同国务院环境保护行政主管部门审核，报国务院或者其授权的部门批准。</p> <p>前款规定以外的其他江河、湖泊的水功能区划，由县级以上地方人民政府水行政主管部门会同同级人民政府环境保护行政主管部门和有关部门拟定，报同级人民政府或者其授权的部门批准，并报上一级水行政主管部门和环境保护行政主管部门备案。</p> <p>县级以上人民政府水行政主管部门或者流域管理机构应当按照水功能区对水质的要求和水体的自然净化能力，核定该水域的纳污能力，向环境保护行政主管部门提出该水域的限制排污总量意见。</p> <p>县级以上地方人民政府水行政主管部门和流域管理机构应当对水功能区的水质状况进行监测，发现重点污染物排放总量超过控制指标的，或者水功能区的水质未达到水域使用功能对水质的要求的，应当及时报告有关人民政府采取治理措施，并向环境保护行政主管部门通报。</p>	

	<p><b>Article 32.</b> The department of water administration under the State Council jointly with the environmental protection administrative department and other concerned departments under the State Council and the people's governments of the concerned provinces, autonomous regions and municipalities directly under the Central Government shall work out the water functional division plans of the state-designated major rivers and lakes, in accordance with the comprehensive basin plan, the water resource protection plan and the requirements of social and economic development, and submit them to the State Council for approval. The water functional division plans of other rivers and lakes which cross provinces, autonomous regions and municipalities directly under the Central Government shall be worked out by the basin management agencies concerned jointly with the departments of water administration, environmental protection administrative departments and other concerned departments of the people's governments of the provinces, autonomous regions and municipalities directly under the Central Government where the rivers and lakes are located, and verified by the department of water administration under the State Council jointly with the environmental protection administrative department under the State Council and submitted to the State Council or the department authorized by the State Council for approval after they are reviewed and made comments on respectively by the people's governments of the concerned provinces, autonomous regions and municipalities directly under the Central Government.</p> <p>The water functional division plans of other rivers and lakes than those covered in the preceding paragraph shall be worked out by the departments of water administration of the local people's governments at or above the county level jointly with environmental protection administrative departments and other concerned departments of the people's governments at the corresponding level, submitted to and approved by the people's governments at the corresponding level or the departments authorized by them, and further submitted to the departments of water administration and environmental protection</p>	<p><b>- agencies work out functional division plans on water uses, water pollution protection and environmental protection, approval by SC</b></p>
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	<p>administrative departments at the next higher level for the record.</p> <p>The departments of water administration of the people's governments at or above the county level or basin management agencies shall check and define the assimilative capacities of the above mentioned water areas in accordance with the water quality requirements of the function divisions and the natural purification capacity of the water bodies and submit a proposal of total pollutant discharge limitation to the environmental protection administrative departments.</p> <p>The departments of water administration of the local people's governments at or above the county level and basin management agencies shall monitor the water quality conditions of the function divisions, and if it is discovered that the total discharge of primary pollutants exceeds the controlled standard or the water quality of a function division fails to meet the utility function requirements of the water area, shall report in good time to the people's government concerned for rectification measures and notify the environmental protection administrative department of the case.</p>	
<p>第三十三条 新建、扩建、改建的建设项目，需要申请取水许可的，[建设单位在报送设计任务书时，应当附有审批取水申请的机关的书面意见。</p> <p><b>Article 33:</b> For new projects, extension projects and modification projects, in case it is necessary to apply for a water-drawing permit, the construction unit shall attach the written comments of the organ in charge of water-drawing permit applications to the document of specifications for project design while submitting it.</p>	<p><b>第三十三条 国家建立饮用水水源保护区制度。省、自治区、直辖市人民政府应当划定饮用水水源保护区，并采取措施，防止水源枯竭和水体污染，保证城乡居民饮用水安全。</b></p> <p><b>Article 33.</b> The state shall establish a system of protecting safe drinking water source areas. The people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall specify their protected drinking water source areas and take measures to prevent water sources from depletion and water body pollution to ensure drinking water safety for the urban and rural residents.</p>	<p><b>-safe drinking water areas; {Ref. A54}</b></p>
<p>第三十四条 使用供水工程供应的水，应当按照规定向供水单位缴纳水费。</p> <p>对城市中直接从地下取水的单位，征收水资源费；其他直接从地下或者江河、湖泊取水的，可以由省、自治区、直辖市人民政府决定征收水资源费。水费和水资源费的征收办法，由国务院规定。</p>	<p><b>第三十四条 禁止在饮用水水源保护区内设置排污口。</b></p> <p>在江河、湖泊新建、改建或者扩大排污口，应当经过有管辖权的水行政主管部门或者流域管理机构同意，由环境保护行政主管部门负责对该建设项目的环境影响报告书进行审批。</p>	

<p><b>Article 34:</b> Those who use water provided by water-supply project shall pay water charge to the supplying unit in accordance with stipulations.</p> <p>Water resources fee shall be charged to those urban units directly drawing groundwater; the fee to be charged to others drawing water directly from ground aquifers, rivers, lakes shall be decided by the people's governments of province, autonomous region, or municipality directly under the Central Government. Measures for charging water charge and water resources fees shall be stipulated by the State Council.</p>	<p><b>Article 34.</b> Sewage outfalls shall be prohibited from being set up within a protected drinking water source area.</p> <p>The construction, reconstruction or enlargement of a sewage outfall at a river or lake shall be agreed to by the competent department of water administration or basin management agency, and the environmental protection administrative department shall be responsible for review and approval of the environmental impact assessment report of the construction project.</p>	<p><b>-protection of safe drinking water areas</b></p>
<p>第三十五条 地区之间发生的水事纠纷，应当本着互谅互让、团结协作的精神协商解决；协商不成的，由上一级人民政府处理。在水事纠纷解决之前，未经各方达成协议或者上一级人民政府批准，在国家规定的交界线两侧一定范围内，任何一方不得修建排水、阻水、引水和蓄水工程，不得单方面改变水的现状。</p> <p><b>Article 35:</b> Water dispute arising between districts shall be handled through consultation in adherence with the spirit of mutual understanding and mutual accommodation as well as the spirit of solidarity and cooperation; when consultation is unsuccessful, the dispute shall be handled by the people's government at the next higher level.</p> <p>Pending a settlement of the dispute, neither party shall build any project to drain, block, divert, or store water within a certain zone on both sides of the common boundary defined by the State and neither party shall alter the existing water regime one-sidedly, unless an agreement is reached between the parties or an approval is granted by the people's government at the next higher level.</p>	<p>第三十五条 从事工程建设，占用农业灌溉水源、灌排工程设施，或者对原有灌溉用水、供水水源有不利影响的，建设单位应当采取相应的补救措施；造成损失的，依法给予补偿。</p> <p><b>Article 35.</b> In the case that an agricultural irrigation water source or irrigation or drainage works is occupied, or irrigation water or water supply source is adversely affected as a result of project construction, the construction unit shall take corresponding remedial measures and shall compensate for any loss it may incur in accordance with the law.</p>	<p><b>- protection of irrigation and drainage works and water supply</b></p>
<p>第三十六条 单位之间、个人之间、单位与个人之间发生的水事纠纷，应当通过协商或者调解解决。当事人不愿通过协商、调解解决或者协商、调解不成的，可以请求县级以上地方人民政府或者其授权的主管部门处理，也可以直接向人民法院起诉；当事人对有关人民政府或者其授权的主管部门的处理决定不服的，可以在接到通知之日起十五日内，向人民法院起诉。</p> <p>在水事纠纷解决之前，当事人不得单方面改变水的现状。</p> <p><b>Article 36:</b> Water dispute arising between units, between individuals, or between units and individuals, shall be resolved through consultation or mediation. In case that one party is</p>	<p>第三十六条 在地下水超采地区，县级以上地方人民政府应当采取措施，严格控制开采地下水。在地下水严重超采地区，经省、自治区、直辖市人民政府批准，可以划定地下水禁止开采或者限制开采区。在沿海地区开采地下水，应当经过科学论证，并采取措施，防止地面沉降和海水入侵。</p> <p><b>Article 36.</b> In areas where groundwater is overdrawn, the local people's government at or above the county level shall take measures to strictly control the mining of groundwater. In areas where groundwater is seriously overdrawn, area where</p>	<p><b>- groundwater overdraft measures to control mining of groundwater, including prohibition or restriction of use</b></p>

<p>unwilling to have the dispute resolved through consultation or mediation; or if consultation or mediation is unsuccessful, the parties involved may request that the dispute be handled by the people's government at or above the county level or by the competent department authorized by the concerned government and may also directly initiate legal action in a people's court; when any of the parties involved refuses to accept the decision made by the concerned people's government or the competent department authorized by the concerned government, the party may initiate legal action in a people's court within fifteen days of the day on which notification is received.</p> <p>Pending the resolution of the water dispute, no party shall alter the existing water regime one-sidedly.</p>	<p>groundwater mining is prohibited or restricted may be specified after the approval of the people's government of the province, autonomous region, or municipality directly under the Central Government. In the case that groundwater is withdrawn in coastal areas, scientific justification shall be conducted and measures be taken to prevent land subsidence and intrusion of seawater.</p>	
<p>第三十七条 县级以上人民政府或者其授权的主管部门在处理水事纠纷时,有权采取临时处置措施,当事人必须服从。</p> <p><b>Article 37:</b> When handling a water dispute, the people's government at or above the county level or the competent department authorized by the concerned government, has the power to take temporary measures which the parties involved in the dispute must obey.</p>	<p><b>第三十七条 禁止在江河、湖泊、水库、运河、渠道内弃置、堆放阻碍行洪的物体和种植阻碍行洪的林木及高秆作物。</b></p> <p>禁止在河道管理范围内建设妨碍行洪的建筑物、构筑物以及从事影响河势稳定、危害河岸堤防安全和其他妨碍河道行洪的活动。</p> <p><b>Article 37.</b> Discarding or piling any object/objects impedimental to flood passage or growing trees or long stalk crops impedimental to flood passage in a river, lake, reservoir, or canal is prohibited.</p> <p>Within a river channel management area, construction of a building or structure impedimental to flood passage or any activity affecting flow momentum stability, endangering the safety of a river bank or levee, or impeding flood passage is prohibited.</p>	<p><b>- prohibition on waste or refuse into rivers, etc.</b></p>
	<p><b>第三十八条 在河道管理范围内建设桥梁、码头和其他拦河、跨河、临河建筑物、构筑物,铺设跨河管道、电缆,应当符合国家规定的防洪标准和其他有关的技术要求,工程建设方案应当依照防洪法的有关规定报经有关水行政主管部门审查同意。</b></p> <p>因建设前款工程设施,需要扩建、改建、拆除或者损坏原有水工程设施的,建设单位应当负担扩建、改建的费用和损失补偿。但是,原有工程设施属于违法工程的除外。</p>	

	<p><b>Article 38.</b> Within a river channel management area, construction of a bridge, dock, or any other building or structure that bars, crosses or sits beside a river, or installation of a pipeline or electric power cable that crosses a river shall conform with the flood control standards and other relevant technical requirements set by the state, and the project construction plan shall be submitted to the department of water administration concerned for review and consent in accordance with the relevant provisions of the Flood Control Law.</p> <p>If any construction as referred to in the preceding paragraph requires the extension, reconstruction, demolition or damage of the original structure, etc., the construction unit shall bear the expenses of the extension or reconstruction and compensate for any loss incurred there from with the exception that the original structure, etc. is illegal.</p>	<p><b>- no obstruction of flood control</b>  <b>{address major problem encountered during '98 floods on Yangtze, Yellow and Song-Liao Rivers}</b></p>
	<p><b>第三十九条</b> 国家实行河道采砂许可制度。河道采砂许可制度实施办法，由国务院规定。</p> <p>在河道管理范围内采砂，影响河势稳定或者危及堤防安全的，有关县级以上人民政府水行政主管部门应当划定禁采区和规定禁采期，并予以公告。</p> <p><b>Article 39.</b> The state shall exercise a permit system for sand extraction in a river course. Measures for implementation of the permit system for sand extraction in a river course shall be formulated by the State Council.</p> <p>In the case that sand extraction within a river course management area affects the stability of river flow momentum or endangers the safety of embankment, the concerned department of water administration the people's government at or above county level shall specify and announce the area where sand extraction is prohibited or time period when sand extraction is prohibited.</p>	<p><b>-permit system for sand extraction in river courses</b>  <b>{Ref. A77}</b>  <b>{addresses difficulties encountered on lower Yangtze River in late 1900's}</b></p>
	<p><b>第四十条</b> 禁止围湖造地。已经围垦的，应当按照国家规定的防洪标准有计划地退地还湖。</p> <p>禁止围垦河道。确需围垦的，应当经过科学论证，经省、自治区、直辖市水行政主管部门或者国务院水行政主管部门同意后，报本级人民政府批准。</p>	

	<p><b>Article 40.</b> Making a polder from a lake is prohibited. In the case that a polder is already made, the lake part shall be recovered by eliminating the polder in a planned manner in accordance with the flood control standards set by the state</p> <p>Making a polder from a river course is prohibited. In the event of real necessity, it shall be scientifically justified, consented to by the department of water administration of the people's government of the province, autonomous region or the municipality directly under the Central Government or by the department of water administration under the State Council, and submitted to the people's government at the corresponding level for approval.</p>	<p><b>- polders in lakes prohibited</b></p>
	<p>第四十一条 单位和个人有保护水工程的义务，不得侵占、毁坏堤防、护岸、防汛、水文监测、水文地质监测等工程设施。</p> <p><b>Article 41.</b> Units and individuals shall have the obligation to protect water projects and may not seize, damage or destroy a levee, bank protection, flood control and hydrological monitoring equipment, hydro-geological monitoring equipment, and so on.</p>	<p><b>- protection of water projects and facilities</b></p>
	<p>第四十二条 县级以上地方人民政府应当采取措施，保障本行政区域内水工程，特别是水坝和堤防的安全，限期消除险情。水行政主管部门应当加强对水工程安全的监督管理。</p> <p><b>Article 42</b> Local people's government at or above the county level shall take measures to guarantee the safety of water projects within its administrative boundaries, particularly the safety of dams, and levees, and to eliminate any dangerous situation within the specified time. The department of water administration shall strengthen the supervision and management of the safety of water projects.</p>	<p><b>-protection of dams and levees</b></p>
	<p>第四十三条 国家对水工程实施保护。国家所有的水工程应当按照国务院的规定划定工程管理和保护范围。</p> <p>国务院水行政主管部门或者流域管理机构管理的水工程，由主管部门或者流域管理机构商有关省、自治区、直辖市人民政府划定工程管理和保护范围。</p>	



	<p>前款规定以外的其他水工程，应当按照省、自治区、直辖市人民政府的规定，划定工程保护范围和保护职责。</p> <p>在水工程保护范围内，禁止从事影响水工程运行和危害水工程安全的爆破、打井、采石、取土等活动。</p> <p><b>Article 43.</b> The state shall protect water projects. Project management and protection boundaries shall be specified for state-owned water projects in accordance with the provisions of the State Council.</p> <p>For projects managed by the department of water administration under the State Council or by a basin management agency, the project management and protection boundaries shall be specified by the competent department or the basin management agency jointly with the concerned province, autonomous region, or municipality directly under the Central Government.</p> <p>For other water projects than covered in the proceeding paragraph, the project protection boundaries and responsibilities shall be specified in accordance with the provisions of the people's government of the province, autonomous region, or municipality directly under the Central Government.</p> <p>Within the water project protection boundaries, activities such as explosive blasting, well sinking/drilling, quarrying, earth excavating which affect the operation or endanger the safety of the project area prohibited.</p>	<p><b>- boundaries of water projects for protection</b></p>
<p><b>第五章 防汛与抗洪</b> <b>CHAPTER V.</b> <b>FLOOD CONTROL AND FLOOD FIGHTING</b></p>	<p><b>第五章 水资源配置和节约使用</b> <b>CHAPTER V</b> <b>WATER RESOURCE ALLOCATION &amp; WATER SAVING</b></p>	<p><b>Chapter purpose changed, flood control under Flood Law</b></p>
<p>第三十八条 各级人民政府应当加强领导，采取措施，做好防汛抗洪工作。任何单位和个人，都有参加防汛抗洪的义务。</p> <p><b>Article 38:</b> People's governments at all levels shall strengthen their leadership and take effective measures for flood control and flood fighting. Every unit and individual has the obligation to work for flood control and flood fighting.</p>	<p><b>第四十四条</b> 国务院发展计划主管部门和国务院水行政主管部门负责全国水资源的宏观调配。全国的和跨省、自治区、直辖市的水中长期供求规划，由国务院水行政主管部门会同有关部门制订，经国务院发展计划主管部门审查批准后执行。地方的水中长期供求规划，由县级以上地方人民政府水行政主管部门会同同级有关部门依据上一级水中长期供求规划和本地区的实际情况制订，经本级人民政</p>	

	<p>府发展计划主管部门审查批准后执行。</p> <p>水中长期供求规划应当依据水的供求现状、国民经济和社会发展规划、流域规划、区域规划，按照水资源供需协调、综合平衡、保护生态、厉行节约、合理开源的原则制定。</p> <p><b>Article 44.</b> The development planning administrative department and department of water administration under the State Council shall be responsible for national water resource allocation at the macro level. The mid-and-long-term water supply and demand master plan for the national level and for inter-provincial, inter-autonomous regional, and inter-direct municipal level shall be formulated by the department of water administration under the State Council jointly with other departments concerned, and implemented after review and approval by the development planning administrative department under the State Council. The local mid-and-long-term master plans of water supply and demand shall be formulated by the departments of water administration of the local people's governments at or above the county level jointly with the departments concerned at the corresponding level in accordance with the mid-and-long-term water supply and demand master plans of the next higher levels and in the light of the actual local conditions, and implemented after review and approval by the development planning administrative departments of the people's governments at the corresponding level.</p> <p>The mid-and-long-term master plan of water supply and demand shall be formulated in accordance with the water supply and demand conditions, national economic and social development master plans, basin master plans, and regional master plans and on the principles of coordinated supply and demand of water resources, being comprehensively balanced, ecological protection, strict water saving, and rational tapping of water supply sources.</p>	<p>- <b>SDPC and MWR</b> responsible for national water resources allocation at <b>macro</b> level;</p> <p>- <b>mid and long-term water supply and demand master plans</b> for national and inter-provincial waters formulated by MWR jointly with other departments and approved by SDPC;</p> <p>- mid and long-term water supply and demand master plans in conformity with conditions, national econ and social development plans, basin master plans, regional plans, and principles of coordinated water supply and demand, environmental protection, etc.</p>
<p>第三十九条 县级以上人民政府防汛指挥机构统一指挥防汛抗洪工作。</p> <p>在汛情紧急的情况下，防汛指挥机构有权在其管辖范围内</p>	<p>第四十五条 调蓄径流和分配水量，应当依据流域规划和水中长期供求规划，以流域为单元制定水量分配方案。</p> <p>跨省、自治区、直辖市的水量分配方案和旱情紧急情况</p>	

<p>调用所需的物资、设备和人员，事后应当及时归还或者给予适当补偿。</p> <p><b>Article 39:</b> Flood control and flood fighting work shall be put under the unified direction of the flood control headquarters under the people's governments at or above the county level.</p> <p>During a flood emergency, the flood control headquarters have the power to requisition within their jurisdictions materials, equipments and manpower for use in urgent need, and these requisitioned resources shall be returned afterwards without delay or adequately compensated.</p>	<p>下的水量调度预案，由流域管理机构商有关省、自治区、直辖市人民政府制订，报国务院或者其授权的部门批准后执行。其他跨行政区域的水量分配方案和旱情紧急情况下的水量调度预案，由共同的上一级人民政府水行政主管部门商有关地方人民政府制订，报本级人民政府批准后执行。</p> <p>水量分配方案和旱情紧急情况下的水量调度预案经批准后，有关地方人民政府必须执行。</p> <p>在不同行政区域之间的边界河流上建设水资源开发、利用项目，应当符合该流域经批准的水量分配方案，由有关县级以上地方人民政府报共同的上一级人民政府水行政主管部门或者有关流域管理机构批准。</p> <p><b>Article 45.</b> In regulation and storage of run-off and allocation of water, the water allocation plans shall be formulated based on the basin, in accordance with the basin master plans and the mid-and-long-term master plan of water supply and demand.</p> <p>A plan for the allocation of water covering provinces, autonomous regions and municipalities directly under the Central Government and a preliminary plan for the regulation of water under the circumstances of urgent droughts shall be formulated by the administrative organization consulting with relevant people's government of provinces, autonomous regions and municipalities directly under the Central Government, and shall be submitted to and approved by the State Council or its authorized department and then be implemented. A plan for the allocation of water covering different administrative divisions and a preliminary plan for the regulation of water under the circumstances of urgent droughts shall be formulated after consultation by the department of water administration of the people's government at the next higher level and local people's government concerned, and shall be executed after being submitted to and approved by the people's government at corresponding level. Water allocation plans and contingency plans of water allotment for drought emergencies for inter-provincial, inter-autonomous regional and inter-direct municipal level shall be formulated by basin</p>	<p>- <b>formulation of <u>water allocation plans</u> at basin level according to basin master plan and mid- &amp; long-term water supply and demand plans</b></p> <p>- <b>provincial to county water allocation plan and preliminary urgent drought plan</b></p> <p>- <b>water allocation and drought emergency plans for inter-administrative areas formulated by</b></p>
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<p>After the flood defense plan has been approved or formulated, the concerned local people's governments must implement it.</p>	<p>conform. Annual water allocation plans for state-designated major rivers and lakes shall be included in the annual national economic and social development plan of the state.</p>	<p><b>- annual water allocation plans to be included in annual NESD plans</b></p>
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<p>下泄流量。</p> <p><b>Article 42:</b> In regard to flood water or excess water discharged according to the natural flow trend or according to the design standards of flood control project, or according to the approved operation plan, the downstream shall neither hinder the flow by blocking the water nor reduce the carrying capacity of the river, and the upstream shall not increase the discharge without authorization.</p>	<p>制度的规定，向水行政主管部门或者流域管理机构申请领取取水许可证，并缴纳水资源费，取得取水权。但是，家庭生活和零星散养、圈养畜禽饮用等少量取水的除外。</p> <p>实施取水许可制度和征收管理水资源费的具体办法，由国务院规定。</p> <p><b>Article 48.</b> Any unit or individual that withdraws water resources directly from a river, a lake, or underground shall obtain the water withdrawal right by applying for and receiving a water withdrawal permit from the department of water administration or the basin management agency and paying the water resource fee in accordance with the provisions of the state's water withdrawal permit system and system of paid use of water resources, with the exception that a small amount of water is withdrawn for household use, as drinking water for a small number of scattered or pen-fed livestock and poultry, or for other purposes.</p> <p>Specific measures for implementation of water withdrawal permit system and of collection and management of water resource fee shall be stipulated by the State Council.</p>	<p>-any unit or individual withdrawing water must get a <u>water withdrawal permit</u> ;</p> <p>-must pay <u>water resources fee</u>;</p> <p>-must pay <u>water charges for use</u>;</p> <p> </p> <p>-exceptions</p> <p> </p> <p>- special provisions <u>stipulated by State Council</u></p>
<p>第四十三条 在汛情紧急情况下，各级防汛指挥机构可以在其管辖范围内，根据经批准的分洪、滞洪方案，采取分洪、滞洪措施。采取分洪、滞洪措施对毗邻地区有危害的，必须报经上一级防汛指挥机构批准，并事先通知有关地区。</p> <p>国务院和省、自治区、直辖市人民政府应当分别对所管辖的滞洪区、蓄洪区内有关居民的安全、转移、生活、生产、善后恢复、损失补偿等事项，制定专门的管理办法。</p> <p><b>Article 43:</b> During a flood emergency, flood control headquarters at different levels may, within their jurisdiction, take measures in the diversion and detention of floods based upon the approved plan concerning these measures. When these measures are detrimental to adjoining districts, the adoption of these measures must be reported to the flood control headquarter at the next higher level for approval, and the concerned districts shall be notified in advance.</p> <p>The State Council and the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall respectively formulate special management measures regarding the safety, evacuation, livelihood,</p>	<p>第四十九条 用水应当计量，并按照批准的用水计划用水。</p> <p>用水实行计量收费和超定额累进加价制度。</p> <p><b>Article 49.</b> The use of water shall adopt a system for collecting fees by the volumetric amount and consumption of water above the quota, water shall be used in a measured manner and in accordance with the approved water use plan. Volumetric water charge system shall be adopted, and progressively increased water prices charged in the case of water use above the quota.</p>	<p>-water use charges based on <u>volumetric measurement</u>;</p> <p>-<u>progressive increase in water charges for use above quota</u></p>

<p>production, rehabilitation, compensation for losses, etc., for the inhabitants in the flood detention basin and the flood storage basin within their jurisdiction.</p>		
	<p>第五十条 各级人民政府应当推行节水灌溉方式和节水技术，对农业蓄水、输水工程采取必要的防渗漏措施，提高农业用水效率。  <b>Article 50.</b> People's governments at all levels shall promote water-saving irrigation methods and water-saving techniques, and take necessary measures of seepage control on agricultural water storage and delivery projects to raise efficiency of agricultural water use.</p>	<p><b>-promote <u>water saving and increase in efficiency in agriculture water use</u></b></p>
	<p>第五十一条 工业用水应当采用先进技术、工艺和设备，增加循环用水次数，提高水的重复利用率。          国家逐步淘汰落后的、耗水量高的工艺、设备和产品，具体名录由国务院经济综合主管部门会同国务院水行政主管部门和有关部门制定并公布。生产者、销售者或者生产经营中的使用者应当在规定的时间内停止生产、销售或者使用列入名录的工艺、设备和产品。  <b>Article 51.</b> Advanced technologies, processes and equipment shall be introduced for industrial water use to increase the number of times of recycled water uses and raise the reutilization ratio of water.          The state shall gradually eliminate backward, high water consuming technologies, equipment and products, a specific name list of which shall be drawn up and announced by the comprehensive economy department under the State Council jointly with the department of water administration and other departments concerned under the State Council. Manufacturers, sellers or users in production and business operations shall stop manufacturing, selling and using the technologies, equipment and products on the list within the specified time.</p>	<p><b>- advanced technologies applied for industrial water use and recycling</b></p>
	<p>第五十二条 城市人民政府应当因地制宜采取有效措施，推广节水型生活用水器具，降低城市供水管网漏失率，提高生活用水效率；加强城市污水集中处理，鼓励使用再生水，提高污水再生利用率。  <b>Article 52.</b> Urban people's governments shall take effective</p>	



	<p>measures suitable to local conditions to raise domestic water use efficiency by popularizing water-saving household facilities and reducing water leakage and losses of pipeline networks for urban water supply, and to raise the utilization ratio of recycled sewage water by strengthening concentrated treatment of municipal sewage and encouraging the use of recycled water.</p>	<p><b>- improve domestic water use efficiency</b></p>
	<p>第五十三条 新建、扩建、改建建设项目，应当制订节水措施方案，配套建设节水设施。节水设施应当与主体工程同时设计、同时施工、同时投产。</p> <p>供水企业和自建供水设施的单位应当加强供水设施的维护管理，减少水的漏失。</p> <p><b>Article 53.</b> When a project is constructed, extended, or reconstructed, a water-saving plan of measures shall be laid down to include construction of water saving facilities. The design, construction, and operation of water-saving facilities shall go along with those of the principal project.</p> <p>Water supply enterprises or units that own water supply facilities shall strengthen the maintenance and management of water supply facilities to reduce leakage and losses of water.</p>	<p><b>- when water project constructed or reconstructed, water savings facilities, measures to be included</b></p>
	<p>第五十四条 各级人民政府应当积极采取措施，改善城乡居民的饮用水条件。</p> <p><b>Article 54.</b> People's governments at all levels shall take active measures to improve the conditions for drinking water for urban and rural residents.</p>	<p><b>- all levels of government improve drinking water for urban and rural residents</b></p>
	<p>第五十五条 使用水工程供应的水，应当按照国家规定向供水单位缴纳水费。供水价格应当按照补偿成本、合理收益、优质优价、公平负担的原则确定。具体办法由省级以上人民政府价格主管部门会同同级水行政主管部门或者其他供水行政主管部门依据职权制定。</p> <p><b>Article 55.</b> Anyone who uses water supplied by a water structure shall pay water charge to the water supply unit in accordance with the provisions of the state. The price of the</p>	<p><b>- users of water from water structures <u>must pay water charge</u>;</b></p>

	<p>supplied water shall be determined on the principles of cost compensation, reasonable income, good price with good quality, and equitable cost sharing. Specific measures shall be formulated by the competent price department of the people's government at or above the provincial level, jointly with the department of water administration or other water supply administrative department at the corresponding level in accordance with their functions and powers.</p>	<p>- <b>formula for determining price</b> {Ref. A48}</p>
	<p style="text-align: center;"><b>第六章 水事纠纷处理与执法监督检查</b> <b>CHAPTER VI</b> <b>WATER DISPUTE RESOLUTION AND SUPERVISION AND INSPECTION FOR LAW ENFORCEMENT</b></p>	<p style="text-align: center;"><b>New Chapter</b></p>
	<p>第五十六条 不同行政区域之间发生水事纠纷的，应当协商解决；协商不成的，由上一级人民政府裁决，有关各方必须遵照执行。在水事纠纷解决前，未经各方达成协议或者共同的上一级人民政府批准，在行政区域交界线两侧一定范围内，任何一方不得修建排水、阻水、取水和截（蓄）水工程，不得单方面改变水的现状。</p> <p><b>Article 56.</b> Any water dispute between/among different administrative areas shall be resolved through consultations. In the case that resolution fails through consultations, the dispute shall be decided by the people's government at the next higher level, and the decision must be conformed to by all the parties concerned. Pending the resolution of a water dispute no party may build any project for water drainage, blockage, withdrawal or cutting-off (storage), nor may any party unilaterally change the water conditions within a certain area of either side of the administrative boundary, unless an agreement is reached between/among the parties concerned or approval is granted by the people's government at the next higher level.</p>	<p>-<b>dispute resolution between administrative areas</b></p>
	<p>第五十七条 单位之间、个人之间、单位与个人之间发生的水事纠纷，应当协商解决；当事人不愿协商或者协商不成的，可以申请县级以上地方人民政府或者其授权的部门调解，也可以直接向人民法院提起民事诉讼。县级以上地方人民政府或者其授权的部门调解不成的，当事人可以向人民法院提起民事诉讼。</p>	

	<p>在水事纠纷解决前，当事人不得单方面改变现状。</p> <p><b>Article 57.</b> Any water dispute between/ among units, between/among individuals or between/among units and individuals shall be resolved through consultations. In the case that a party concerned is unwilling to resolve the dispute through consultations, or resolution fails through consultations, it may apply for mediation of the local people's government at or above the county level or the department authorized by the said government or it may file a civil lawsuit in the people's court directly. In the case that the local people's government at or above the county level or the department authorized by the said government fail in mediation, the party concerned may file a civil lawsuit in the people's court.</p> <p>Pending the resolution of a water dispute, no party may unilaterally change the water conditions.</p>	<p><b>- dispute resolution between individuals and units</b></p>
	<p>第五十八条 县级以上人民政府或者其授权的部门在处理水事纠纷时，有权采取临时处置措施，有关各方或者当事人必须服从。</p> <p><b>Article 58.</b> In handling a water dispute, the people's government at or above the county level or the department authorized by the said government shall have the right to take temporary measures, to which all parties concerned must conform.</p>	<p><b>- government shall take temporary measures when dispute</b></p>
	<p>第五十九条 县级以上人民政府水行政主管部门和流域管理机构应当对违反本法的行为加强监督检查并依法进行查处。</p> <p>水政监督检查人员应当忠于职守，秉公执法。</p> <p><b>Article 59.</b> The department of water administration of the people's governments at or above the county level and basin management agencies shall strengthen supervision and inspection, and investigate and prosecute any activity in violation of this law in conformity with legal provisions.</p> <p>Supervision and inspection officials of water administration shall strictly adhere to their duties and impartially enforce the Law</p>	<p><b>- supervision and inspection of law implementation, prosecution for violation</b></p>
	<p>第六十条 县级以上人民政府水行政主管部门、流域管理机构及其水政监督检查人员履行本法规定的监督检查职责时，</p>	

	<p>有权采取下列措施：                  (一) 要求被检查单位提供有关文件、证照、资料；                  (二) 要求被检查单位就执行本法的有关问题作出说明；                  (三) 进入被检查单位的生产场所进行调查；                  (四) 责令被检查单位停止违反本法的行为，履行法定义务。  <b>Article 60.</b> In carrying out the supervision and inspection duties prescribed by this law, department of water administrations of the people's governments at or above the county level, basin management agencies and their water administration supervision and inspection officials shall have the right to take the following measures:                  (1) to require the unit under inspection to produce relevant documents, certificates and licenses, and data and information;                  (2) to require the unit under inspection to give explanations of problems with respect to the implementation of this law;                  (3) to enter the production site of the unit under inspection to carry out investigations;                  (4) to instruct the unit under inspection to end any activity in violation of this law and fulfill its statutory duties.</p>	<p><b>- rights and responsibilities of water supervisors/ inspectors</b></p> <p><b>-list of four rights:</b></p>
	<p><b>第六十一条</b> 有关单位或者个人对水政监督检查人员的监督检查工作应当给予配合，不得拒绝或者阻碍水政监督检查人员依法执行职务。  <b>Article 61</b> Units or individuals concerned shall cooperate with the supervision and inspection officials of water administration in their supervision and inspection and may not reject or hinder supervision and inspection officials of water administration in their execution of the duties in conformity with legal provisions.</p>	<p><b>- non-interference with inspectors</b></p>
	<p><b>第六十二条</b> 水政监督检查人员在履行监督检查职责时，应当向被检查单位或者个人出示执法证件。  <b>Article 62.</b> In carrying out supervision and inspection duties, supervision and inspection officials of water administration shall show their law enforcement credentials to units or individuals under inspection.</p>	<p><b>- inspectors show credentials</b></p>
	<p><b>第六十三条</b> 县级以上人民政府或者上级水行政主管部门发现本级或者下级水行政主管部门在监督检查工作中有违法或</p>	

	<p>者失职行为的，应当责令其限期改正。  <b>Article 63.</b> In the case that any people's government at or above the county level or any department of water administration of the people's government at a higher level find any department of water administration at or below its own level to engage in malfeasance or dereliction of duty in its supervision and inspection activities, it shall instruct the said department of water administration to make rectification within a prescribed time.</p>	<p>- inspectors to inform government agencies of wrong- doing and order to rectify</p>
<p><b>第七章 法律责任</b>  <b>CHAPTER VI.</b>  <b>LEGAL LIABILITY</b></p>	<p><b>第七章 法律责任</b>  <b>CHAPTER VII</b>  <b>LEGAL LIABILITIES</b></p>	<p><b>Expanded Significantly</b></p>
<p>第四十四条 违反本法规定取水、截水、阻水、排水，给他人造成妨碍或者损失的，应当停止侵害，排除妨碍，赔偿损失。          Article 44: Whoever draws, intercepts, blocks or discharges water in violation of this law and thereby causes impediments or losses to others shall stop the infringements, remove the impediments and compensate for the losses incurred.</p>	<p>第六十四条 水行政主管部门或者其他有关部门以及水工程管理单位及其工作人员，利用职务上的便利收取他人财物、其他好处或者玩忽职守，对不符合法定条件的单位或者个人核发许可证、签署审查同意意见，不按照水量分配方案分配水量，不按照国家有关规定收取水资源费，不履行监督职责，或者发现违法行为不予查处，造成严重后果，构成犯罪的，对负有责任的主管人员和其他直接责任人员依照刑法的有关规定追究刑事责任；尚不够刑事处罚的，依法给予行政处分。  <b>Article 64.</b> In the case that any department of water administration, any other department concerned, or any water project management unit or any of its staff members accepts any article of property or any other benefit from any other person/persons by exploiting its/his/her office, or commits dereliction of duty by issuing a permit to or writing review and consent comments with signature for any unit or individual that is not legally qualified, failing to distribute water in accordance with the water allocation plan, failing to collect water resource fee in accordance with relevant state provisions, failing to carry out its/his/her supervision duties, or failing to investigate and prosecute any illegal activity discovered, which has serious consequences and constitutes a crime, investigations shall be made into the criminal responsibility of the in-charge person who is held responsible and any other person/persons who is/are held directly responsible in</p>	<p>- offenses of officials          - remedial actions</p>

	<p>accordance with the relevant provisions of the criminal law. If the case is not enough for criminal punishment, administrative sanctions shall be taken.</p>	
<p>第四十五条 违反本法规定，有下列行为之一的，由县级以上地方人民政府水行政主管部门或者有关主管部门责令其停止违法行为，限期清除障碍或者采取其他补救措施，可以并处罚款；对有关责任人员可以由其所在单位或者上级主管机关给予行政处分：</p> <p>（一）在江河、湖泊、水库、渠道内弃置、堆放阻碍行洪、航运的物体的，种植阻碍行洪的林木和高秆作物的，在航道内弃置沉船、设置碍航渔具、种植水生植物的；</p> <p>（二）未经批准在河床、河滩内修建建筑物的；</p> <p>（三）未经批准或者不按照批准的范围和作业方式，在河道、航道内开采砂石、砂金的；</p> <p>（四）违反本法第二十七条的规定，围垦湖泊、河流的。</p> <p><b>Article 45:</b> Whoever commits any of the following acts in violation of this law shall be ordered by the water administrative departments or other concerned competent departments of the local people's governments at or above the county level, to stop the illegal acts, clear away the obstacles or to take other remedial measures within a stipulated time limit, and may be concurrently fined; the persons who are responsible may be subjected to administrative punishments made by the unit they belong to or by higher authorities.</p> <p>(1) In any river, lake, reservoir and canal: discarding or piling objects impedimental to flood passage and navigation, or planting trees and growing crops of long stalk variety impedimental to flood passage; and in any navigation channel: abandoning sunken vessels, laying fishing implements impedimental to navigation, and cultivating aquatic plants;</p> <p>(2) Building structures within river channel or on river beaches without approval;</p> <p>(3) Mining sand and gravel or placer gold in river channel or navigation channel without approval or not in accordance with the approved scope and operation procedures.</p> <p>(4) Reclaiming parts of lakes or river beaches for farmland in violation of the provisions of Article 27 of this law.</p>	<p><b>第六十五条</b> 在河道管理范围内建设妨碍行洪的建筑物、构筑物，或者从事影响河势稳定、危害河岸堤防安全和其他妨碍河道行洪的活动的，由县级以上人民政府水行政主管部门或者流域管理机构依据职权，责令停止违法行为，限期拆除违法建筑物、构筑物，恢复原状；逾期不拆除、不恢复原状的，强行拆除，所需费用由违法单位或者个人负担，并处一万元以上十万元以下的罚款。</p> <p>未经水行政主管部门或者流域管理机构同意，擅自修建水工程，或者建设桥梁、码头和其他拦河、跨河、临河建筑物、构筑物，铺设跨河管道、电缆，且防洪法未作规定的，由县级以上人民政府水行政主管部门或者流域管理机构依据职权，责令停止违法行为，限期补办有关手续；逾期不补办或者补办未被批准的，责令限期拆除违法建筑物、构筑物；逾期不拆除的，强行拆除，所需费用由违法单位或者个人负担，并处一万元以上十万元以下的罚款。</p> <p>虽经水行政主管部门或者流域管理机构同意，但未按照要求修建前款所列工程设施的，由县级以上人民政府水行政主管部门或者流域管理机构依据职权，责令限期改正，按照情节轻重，处一万元以上十万元以下的罚款。</p> <p><b>Article 65.</b> In the case of construction of a building or structure impedimental to flood passage, or any activity affecting river momentum stability, endangering the safety of a river bank or levee, or impeding flood passage within a river channel management area, the department of water administration of a people's government at or above the county level or the basin management agency shall, in accordance with its functions and powers, order to stop such illegal acts and demolish the illegally constructed building or structure and restore the original conditions within a prescribed time. In the case of failure to demolish the building or structure or to restore the original conditions within the prescribed time, demolition shall be forced at the expense of the lawbreaking unit or individual, on whom a fine of between 10,000 RMB (Yuan) and</p>	<p>- unauthorized construction - penalties</p>

	<p>100,000 RMB (Yuan) shall be imposed.</p> <p>In the case of construction, without consent of the department of water administration or basin management agency, of a water project, bridge, dock, or any other building or structure that bars, crosses or sits beside a river, or installation of a pipeline or electric power cable that crosses a river, concerning which there are no relevant provisions in the flood control law, the department of water administration of a people's government at or above the county level or the basin management agency shall, in accordance with its functions and powers, order to stop such illegal acts and go through the overdue formalities within a prescribed time. In the case of failure to go through the overdue formalities or failure to be approved in going through the overdue formalities within the prescribed time, demolition of the illegally constructed building or structure within a prescribed time shall be ordered. In the case of failure to demolish the illegally constructed building or structure within the prescribed time, the demolition shall be forced at the expense of the lawbreaking unit or individual, on whom a fine of between 10,000 RMB (Yuan) and 100,000 RMB (Yuan) shall be imposed.</p> <p>In the case of failure to meet the requirements in constructing the works mentioned in the proceeding paragraph in spite of consent of the department of water administration or the basin management agency, the department of water administration of a people's government at or above the county level or the basin management agency shall, in accordance with its functions and powers, order to rectify it within a prescribed time, plus a fine of between 10,000 RMB (Yuan) and 100,000 RMB (Yuan) depending on the seriousness of the case.</p>	
<p>第四十六条 违反本法规定，有下列行为之一的，由县级以上地方人民政府水行政主管部门或者[有关主管部门责令其停止违法行为，采取补救措施，可以[并处罚款；对有关责任人员可以由其所在单位或者上级主管机关给予行政处分；构成犯罪的，依照刑法规定追究刑事责任：</p> <p>（一）擅自修建水工程或者整治河道、航道的；</p> <p>（二）违反本法第四十二条的规定，擅自向下游增大排泄</p>	<p>第六十六条 有下列行为之一，且防洪法未作规定的，由县级以上人民政府水行政主管部门或者流域管理机构依据职权，责令停止违法行为，限期清除障碍或者采取其他补救措施，处一万元以上五万元以下的罚款：</p> <p>（一）在江河、湖泊、水库、运河、渠道内弃置、堆放阻碍行洪的物体和种植阻碍行洪的林木及高秆作物的；</p> <p>（二）围湖造地或者未经批准围垦河道的。</p>	

<p>洪涝流量或者阻碍上游洪涝下泄的。</p> <p><b>Article 46:</b> Whoever commits any of the following acts in violation of this law shall be ordered by the water administrative departments or other concerned competent departments of the local people's governments at or above the county level to stop the illegal acts, take remedial measures and [may be concurrently fined]; the persons who are responsible may be subjected to administrative punishments made by the unit they belong to or by higher authorities, and shall be investigated for criminal responsibilities in accordance with the Criminal Law, in case when a crime has been committed:</p> <p>(1) Constructing water projects or regulating rivers and navigation waterways without authorization;</p> <p>(2) Violating provisions of Article 42 of this law in the absence of authorization, increasing discharge of flood or drainage of excess water to downstream, or impeding discharge of flood or drainage of excess water from upstream.</p>	<p><b>Article 66.</b> In any of the following cases, concerning which there are no relevant provisions in the flood control law, the department of water administration of a people's government at or above the county level or the basin management agency shall, in accordance with its functions and powers, order to stop the illegal act/acts and remove the obstacle/obstacles or take other remedial measures within a prescribed time, plus a fine of between 10,000 RMB (Yuan) and 500,000 RMB (Yuan) shall be imposed.</p> <p>(1) Discarding or piling any object/objects impedimental to flood passage or growing trees or long stalk crops impedimental to flood passage in a river, lake, reservoir or canal;</p> <p>(2) Making a polder from a lake or making a polder from a river channel without ratification.</p>	<p>- unauthorized activities - penalties</p>
<p>第四十七条 违反本法规定，有下列行为之一的，由县级以上地方人民政府水行政主管部门或者[有关主管部门]责令其停止违法行为，赔偿损失，采取补救措施，可以并处罚款；应当给予治安管理处罚的，依照治安管理处罚条例的规定处罚；构成犯罪的，依照刑法规定追究刑事责任：</p> <p>(一) 毁坏水工程及堤防、护岸等有关设施，毁坏防汛设施、水文监测设施、水文地质监测设施和导航、助航设施的；</p> <p>(二) 在水工程保护范围内进行爆破、打井、采石、取土等危害水工程安全的活动的。</p> <p><b>Article 47:</b> Whoever commits any of the following acts in violation of this law shall be ordered by the water administrative departments or [other concerned competent departments] of the local people's governments at or above the county level to stop the illegal acts, compensate for the losses incurred, take remedial measures, and may be concurrently fined; in case when public security administrative punishment is merited, the punishment shall be given in accordance with the Regulations on Administrative Penalties for Public Security; in case when a crime has been committed, it shall be investigated for criminal responsibilities in accordance with the Criminal Law.</p> <p>(1) Damaging or destructing water projects and related facilities such as dikes, bank revetments, etc., damaging or destructing flood prevention facilities, hydrologic monitoring</p>	<p><b>第六十七条</b> 在饮用水水源保护区内设置排污口的，由县级以上地方人民政府责令限期拆除、恢复原状；逾期不拆除、不恢复原状的，强行拆除、恢复原状，并处五万元以上十万元以下的罚款。</p> <p>未经水行政主管部门或者流域管理机构审查同意，擅自在江河、湖泊新建、改建或者扩大排污口的，由县级以上人民政府水行政主管部门或者流域管理机构依据职权，责令停止违法行为，限期恢复原状，处五万元以上十万元以下的罚款。</p> <p><b>Article 67.</b> In the case of building a sewage outfall in a protected area of drinking water source, the local people's government at or above the county level shall order to demolish it and restore the original conditions within a prescribed time. In the case of failure to demolish or restore the original conditions within the prescribed time, the demolition or restoration shall be forced, plus a fine of between 50,000 RMB (Yuan) and 100,000 RMB (Yuan).</p> <p>In the case of building, rebuilding or enlarging a sewage outfall in a river or lake without examination and consent of the department of water administration or the basin management agency, the department of water administration of a people's government at or above the county level or the basin</p>	<p>- sewage contamination of drinking water source, violation, - penalties</p> <p>- unauthorized sewage discharge into river, - penalties</p>



<p>facilities, hydro-geologic monitoring facilities, navigation aids and navigation facilities;</p> <p>(2) Conducting acts endangering the safety of water projects, such as blasting, well sinking, rock quarrying, earth borrowing, etc., within their safeguard zone.</p>	<p>management agency shall, in accordance with its functions and powers, order to stop the illegal acts and restore the original conditions within a prescribed time, plus a fine of between 50,000 RMB (Yuan) and 100,000 RMB (Yuan).</p>	
<p>第四十八条 当事人对行政处罚决定不服的,可以在接到处罚通知之日起十五日内,向作出处罚决定的机关的上一级机关申请复议;对复议决定不服的,可以在接到复议决定之日起十五日内,向人民法院起诉。当事人也可以在接到处罚通知之日起十五日内,直接向人民法院起诉。当事人逾期不申请复议或者不向人民法院起诉又不履行处罚决定的,由作出处罚决定的机关申请人民法院强制执行。对治安管理处罚不服的,依照治安管理处罚条例的规定办理。</p> <p><b>Article 48:</b> If the party involved does not accept the decision on administrative punishment, a request for reconsideration may be submitted within fifteen days of the day on which notification of the punishment is received, to the corresponding authority at the next higher level of the authority that made the decision of the punishment.</p> <p>If the party does not accept the decision made after such reconsideration, a suit may be filed in people's court within fifteen days of the day on which the decision of reconsideration is made. The party may also directly file a suit in a people's court within fifteen days of the day on which notification of punishment is received. If the said party neither files a request for reconsideration nor files a suit in a people's court, nor complies with the punishment within the time limit, the authority that made the decision of punishment shall apply to the people's court for compulsory execution.</p> <p>If the said party does not accept the public security administrative punishment, the case shall be handled according to the Regulations on Administrative Penalties for Public Security.</p>	<p>第六十八条 生产、销售或者在生产经营中使用国家明令淘汰的落后的、耗水量高的工艺、设备和产品的,由县级以上地方人民政府经济综合主管部门责令停止生产、销售或者使用,处二万元以上十万元以下的罚款。</p> <p><b>Article 68.</b> In the case of producing, selling or using, in production and business operation activities, backward and high water-consuming technology, equipment or products that the state has explicitly ordered to abandon, the comprehensive economic department of a local government at or above the county level shall order to stop the production, sale or use, plus a fine of between 20,000 RMB (Yuan) and 100,000 RMB (Yuan).</p>	<p>- violation of producing non-efficient products listed, - penalties</p>
<p>第四十九条 盗窃或者抢夺防汛物资、水工程器材的,贪污或者挪用国家救灾、抢险、防汛、移民安置款物的,依照刑法规定追究刑事责任。</p> <p><b>Article 49:</b> Whoever steals or forcibly seizes the supplies for flood prevention or materials and equipments for water projects, and whoever embezzles or misappropriates state funds and supplies allocated for disaster relief, emergency fighting, flood prevention and relocation settlement, shall be investigated for</p>	<p>第六十九条 有下列行为之一的,由县级以上人民政府水行政主管部门或者流域管理机构依据职权,责令停止违法行为,限期采取补救措施,处二万元以上十万元以下的罚款;情节严重的,吊销其取水许可证:</p> <p>(一) 未经批准擅自取水的;</p> <p>(二) 未依照批准的取水许可规定条件取水的。</p> <p><b>Article 69.</b> In any of the following cases, the department of</p>	

<p>criminal responsibilities in accordance with Criminal Law.</p>	<p>water administration of a people’s government at or above the county level or the basin management agency shall, in accordance with its functions and powers, order to stop the illegal act/acts and take remedial measures within a prescribed time, plus a fine of between 20,000 RMB (Yuan) and 100,000 RMB (Yuan). In a serious case, the water withdrawal permit shall be revoked.</p> <p>(1) withdrawing water without ratification;</p> <p>(2) withdrawing water without conforming to the rules and conditions set in the approved water withdrawal permit.</p>	<p><b>- withdrawal and use of water without permit, or use inconsistent with permit are illegal acts,</b>  <b>- remedies and penalties</b></p>
<p>第五十条 水行政主管部门或者其他主管部门以及水工程管理单位的工作人员玩忽职守、滥用职权、徇私舞弊的，由其所在单位或者上级主管机关给予行政处分；对公共财产、国家和人民利益造成重大损失的，依照刑法规定追究刑事责任。</p> <p><b>Article 50:</b> Any functionary of a water administrative department or other competent department and water management unit, who neglects his duty, abuses his power, plays favoritism and commits irregularities, shall be given administrative punishment by the unit he belongs to or by higher authorities; whoever causes heavy losses to public properties or to interests of the State and the people shall be investigated for criminal responsibilities in accordance with the Criminal Law.</p>	<p>第七十条 拒不缴纳、拖延缴纳或者拖欠水资源费的，由县级以上人民政府水行政主管部门或者流域管理机构依据职权，责令限期缴纳；逾期不缴纳的，从滞纳之日起按日加收滞纳金部分千分之二滞纳金，并处应缴或者补缴水资源费一倍以上五倍以下的罚款。</p> <p><b>Article 70.</b> In the case of refusing or delaying to pay or being in arrears with the payment of water resource fee, the department of water administration of a people’s government at or above the county level or the basin management agency shall, in accordance with its functions and powers, order to pay it within a prescribed period In the case of failure to pay it within the prescribed time, an arrear charge calculated starting from the day of delay on the daily basis of 2% of the belated payment shall be imposed, plus a fine of between one time and five times the amount of the water resource fee that is owed or should be paid.</p>	<p><b>- violation in paying water resources fee,</b>  <b>- penalties</b></p>
	<p>第七十一条 建设项目的节水设施没有建成或者没有达到国家规定的要求，擅自投入使用的，由县级以上人民政府有关部门或者流域管理机构依据职权，责令停止使用，限期改正，处五万元以上十万元以下的罚款。</p> <p><b>Article 71.</b> In the case that water-saving facilities of a construction project are put in use in uncompleted conditions or without meeting the requirements set by the state, the concerned department of a people’s government at or above the county level or the basin management agency shall, in accordance with its functions and powers, order to stop the use and rectify it within a prescribed time, plus a fine of between</p>	<p><b>- violation of construction and use of water saving facilities,</b>  <b>- penalties</b></p>

	<p>50,000 RMB (Yuan) and 100,000 RMB (Yuan).</p> <p>第七十二条 有下列行为之一，构成犯罪的，依照刑法的有关规定追究刑事责任；尚不够刑事处罚，且防洪法未作规定的，由县级以上地方人民政府水行政主管部门或者流域管理机构依据职权，责令停止违法行为，采取补救措施，处一万元以上五万元以下的罚款；违反治安管理处罚条例的，由公安机关依法给予治安管理处罚；给他人造成损失的，依法承担赔偿责任：</p> <p>（一）侵占、毁坏水工程及堤防、护岸等有关设施，毁坏防汛、水文监测、水文地质监测设施的；</p> <p>（二）在水工程保护范围内，从事影响水工程运行和危害水工程安全的爆破、打井、采石、取土等活动的。</p> <p><b>Article 72.</b> In any of the following cases that constitute a crime, investigations shall be made into the criminal responsibility in accordance with the relevant provisions of the Criminal Law. If the case is not serious enough for criminal punishment and there is no provision concerning it in the flood control law, the department of water administration of a local people's government at or above the county level or the basin management agency, in accordance with its functions and powers, shall order to stop the illegal act and take remedial measures, plus a fine of between 10,000 RMB (Yuan) and 50,000 RMB (Yuan). In the case of violation of the Public Security Administration Punishment Act, the public security organ shall mete out public security administration penalty in accordance with the law. In the case of any loss incurred to anybody, the violator shall be responsible for the compensation in accordance with the law:</p> <p>(1) Occupying or damaging a water project and levee, bank-protection, or other facilities, or damaging flood control, hydrological monitoring or hydro-geological monitoring facilities;</p> <p>(2) Engaging in explosions, well digging, rock mining or earth taking within the framework of water project protection that adversely affect project operations and endangering project safety.</p> <p>第七十三条 侵占、盗窃或者抢夺防汛物资，防洪排涝、农</p>	<p>- acts that constitute a crime listed, - penalties</p>
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	<p>田水利、水文监测和测量以及其他水工程设备和器材，贪污或者挪用国家救灾、抢险、防汛、移民安置和补偿及其他水利建设款物，构成犯罪的，依照刑法的有关规定追究刑事责任。</p> <p><b>Article 73.</b> In the case of occupying, stealing and/or plundering flood-control materials and/or other water equipment and/or facilities for flood control and water-logged area drainage, on-farm water utilization, hydrological monitoring and measurement, and so on, and/or embezzling or appropriating funds and/or materials that the government allocates for disaster relief, rescue, flood control, resettlement and its compensation and/or other water works construction, which constitutes a crime, investigations shall be made into the criminal responsibility in accordance with relevant provisions of the Criminal Law.</p>	<p>- acts constituting a crime, - punishment as a crime</p>
	<p>第七十四条 在水事纠纷发生及其处理过程中煽动闹事、结伙斗殴、抢夺或者损坏公私财物、非法限制他人人身自由，构成犯罪的，依照刑法的有关规定追究刑事责任；尚不够刑事处罚的，由公安机关依法给予治安管理处罚。</p> <p><b>Article 74.</b> In case that anyone, when a water dispute takes place or while it is being handled, stirs up trouble, makes gang fights or plunders or damages public or private property or illegally restricts the personal freedom of another person/other persons, which constitutes a crime, investigations shall be made into criminal responsibility in accordance with relevant provisions of Criminal Law. If the case is not serious enough for criminal penalties, the public security organ shall mete out public security control penalty in accordance with the law.</p>	<p>- interference with resolution of disputes, - remedies</p>
	<p>第七十五条 不同行政区域之间发生水事纠纷，有下列行为之一的，对负有责任的主管人员和其他直接责任人员依法给予行政处分：</p> <p>(一) 拒不执行水量分配方案和水量调度预案的；</p> <p>(二) 拒不服从水量统一调度的；</p> <p>(三) 拒不执行上一级人民政府的裁决的；</p> <p>(四) 在水事纠纷解决前，未经各方达成协议或者上一级人民政府批准，单方面违反本法规定改变水的现状的。</p>	

	<p><b>Article 75.</b> In any of the following cases when a water dispute takes place between different administrative areas, administrative sanctions shall be taken against the in-charge person who is held responsible and any other person/persons who is/are held directly responsible in accordance with the law:  <b>(1.)</b> Refusing to implement the water allocation plan or the contingency plan of water allotment;  <b>(2.)</b> Refusing to conform to unified water allotment;  <b>(3.)</b> Refusing to conform to the decision on a dispute made by the people’s government at a higher level;  <b>(4.)</b> Before a water dispute is resolved unilaterally changing the water conditions, in violation of the provisions of this law, without an agreement reached by all the parties concerned or approval of the people’s government at a higher level.)</p> <p>第七十六条 引水、截（蓄）水、排水，损害公共利益或者他人合法权益的，依法承担民事责任。</p> <p><b>Article 76.</b> Anyone who diverts, retains or discharges water to the detriment of public interests or other’s/others’ legitimate rights and interests shall bear civil responsibility in accordance with the law.</p> <p>第七十七条 对违反本法第三十九条有关河道采砂许可制度规定的行政处罚，由国务院规定。</p> <p><b>Article 77.</b> The State Council shall enact administrative sanctions on the violation of the provisions of Article 39 of this law concerning permit system of sand extraction in river channel.</p>	<p>- interference with resolution of disputes between administrative areas by officials,</p> <p>- civil liability for use, storage, discharge of water detrimental to public and rights of others</p> <p>- SC to issue administrative sanctions for violation of Art. 39 of this law</p>
<p>第八章 附 则  <b>CHAPTER VII</b>  <b>Supplementary Provisions</b></p>	<p>第八章 附 则  <b>CHAPTER VIII</b>  <b>SUPPLEMENTARY PROVISIONS</b></p>	
<p>第五十一条 中华人民共和国缔结或者参加的，与国际或者国境边界河流、湖泊有关的国际条约、协定，同中华人民共和国法律有不同规定的，适用国际条约、协定的规定。但是，中华人民共和国声明保留的条款除外。</p> <p><b>Article 51:</b> Where an international treaty or agreement</p>	<p>第七十八条 中华人民共和国缔结或者参加的与国际或者国境边界河流、湖泊有关的国际条约、协定与中华人民共和国法律有不同规定的，适用国际条约、协定的规定。但是，中华人民共和国声明保留的条款除外。</p> <p><b>Article 78.</b> Where any international treaty or agreement</p>	<p>- water law must conform to</p>

<p>which is relevant to international and border rivers or lakes, and to which the People's Republic of China is a party or a signatory, has provided differently from the law of the People's Republic of China, the provisions of the international treaty or agreement shall prevail, with the exception of those clauses on which the People's Republic of China has declared reservation.</p>	<p>relating to international or border rivers or lakes, concluded or acceded to by the People's Republic of China, contains provisions differing from those in the laws of the People's Republic of China, the provisions of the international treaty or agreement shall apply, unless the provisions are ones on which the People's Republic of China has made reservations.</p>	<p><b>international agreements</b></p>
<p>第五十二条 国务院可以依据本法制定实施条例。省、自治区、直辖市人民代表大会常务委员会可以依据本法，制定实施办法。 <b>Article 52:</b> The State Council may, in accordance with this law, formulate rules for its implementation.—The standing committees of the people's congresses of provinces, autonomous regions and municipalities directly under the Central Government may, in accordance with this law, formulate measures for its implementation.</p>	<p>第七十九条 本法所称水工程，是指在江河、湖泊和地下水来源上开发、利用、控制、调配和保护水资源的各类工程。 <b>Article 79.</b> The "water project" referred to in this Law includes various projects for the development, utilization, control, allocation and protection of water resources in the rivers, lakes and groundwater sources.</p> <p>第八十条 海水的开发、利用、保护和管理，依照有关法律的规定执行。 <b>Article 80.</b> The development, utilization, protection and management of seawater shall be exercised in accordance with the provisions of relevant laws.</p> <p>第八十一条 从事防洪活动，依照防洪法的规定执行。水污染防治，依照水污染防治法的规定执行。 <b>Article 81.</b> The undertakings for prevention of floods shall be exercised in accordance with the provisions of the Law of Prevention of Floods. The protection and control of water pollution shall be exercised in accordance with the provisions of the Law of Prevention and Control of Water Pollution.</p>	<p><b>-definition of "water project"</b></p> <p><b>- seawater not included under this water law</b></p> <p><b>- flood prevention according to Flood Law; - water pollution prevention and control under Water Pollution Law</b></p>
<p>第五十三条 本法自一九八八年七月一日起施行。 <b>Article 53:</b> This law shall come into force as of July 1, 1988.</p>	<p>第八十二条 本法自2002年10月1日起施行。 (新华社北京8月29日电) 2002年8月29日新华社 <b>Article 82.</b> This Law shall come into force as of October 1, 2002.</p>	<p><b>- effective date of law</b></p>