

**DECREE OF THE PRESIDENT OF THE
PEOPLE'S REPUBLIC OF CHINA
ORDER NO. 61**

**“Water Law of the People’s Republic of China”
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**Li Xiannian
President of the People’s Republic of China
January, 21, 1988**

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Chapter I

General Provisions

Article 1: 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.

Article 2: For the purpose of this law, “water resources” means 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 sea water shall be stipulated separately.

Article 3: 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.

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.

Article 4: 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.

Article 5: 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.

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.

Article 7: The State shall exercise planned 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.

Article 8: 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.

Article 9: 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 the unified administration of water resources throughout the entire country.

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 the State Council and in coordination with the department of water administration under the State Council.

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.

Chapter II

Development and Utilization

Article 10: For the development and utilization of water resources, comprehensive scientific investigation, survey and assessment must be undertaken. 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.

Article 11: In the development and utilization of water resources 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 speciality plans.

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.

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.

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.

Article 12: No unit nor individual, while diverting, storing or draining water, shall infringe upon public interests and lawful rights and interests of others.

Article 13: 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 and right bank as well as all involved regions, so as to fully realize the comprehensive benefits of water resources.

Article 14: 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.

Article 15: 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.

In areas deficient of water, irrigation methods saving water shall be adopted.

In areas prone to salinization-alkalization and water-logging, measures shall be taken to control and lower groundwater table.

Article 16: The State shall encourage the development and utilization of hydropower potential. On rivers rich in hydropower potential, multiple-purpose cascade development in planned way shall be practised.

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.

Article 17: 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.

In case a nonnavigable stream or man-made waterway becomes navigable after a dam or sluice gate structure is built, the construction unit shall simultaneously build shippassage 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.

For any existing dam or sluice gate structure which hinders navigation, the corresponding 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.

Article 18: 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.

Article 19: 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.

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.

Article 20: 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.

Article 21: For any interbasin 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.

Article 22: 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.

Article 23: 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.

Chapter III

Protection of Water, Water Bodies and Water Projects

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.

In any navigation channel, the following activities are prohibited: abandoning sunken vessels, laying fishing implements impedimental to navigation, and cultivating aquatic plants.

Building structures within river channel or on river beaches is prohibited without approval from relevant competent departments.

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.

Article 25: When drawing groundwater, unified planning must be conducted based upon the findings from survey and 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.

Article 26: 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.

Article 27: 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.

Article 28: 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 nor individual shall encroach upon or damage these facilities.

Article 29: 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.

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, municipality directly under the Central Government.

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.

Chapter IV

Management of Water Use

Article 30: 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.

Article 31: 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.

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 people's government at the corresponding level.

Article 32: 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.

The steps to be taken, scope and implementation measures for the water-drawing permit system shall be stipulated by the State Council.

Article 33: 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.

Article 34: Those who use water provided by water-supply project, shall pay water charge to the supplying unit in accordance with stipulations.

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.

Article 35: 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. 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.

Article 36: 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 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.

Pending the resolution of the water dispute, no party shall alter the existing water regime one-sidedly.

Article 37: 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.

Chapter V

Flood Control and Flood Fighting

Article 38: 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.

Article 39: Flood control and flood fighting work shall be put under the unified direction of the flood control headquarters under the people's governments or above the county level.

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.

Article 40: Flood defense plans shall be formulated, and standards and measures for flood control shall be determined by people's governments at or above the county level, based upon river basin plans and following the principle of ensuring the keys while taking the generals into account. Flood defense plans for major rivers of the entire country shall be formulated by the National Flood

Control Headquarter and submitted to the State Council for approval.

After the flood defense plan has been approved or formulated, the concerned local people's governments must implement it.

Article 41: In floodways, flood channels, flood detention basins and flood storage basins, all land utilization and developments must meet flood control requirements.

Article 42: 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.

Article 43: 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.

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, production, rehabilitation, compensation for losses, etc., for the inhabitants in the flood detention basin and the flood storage basin within their jurisdiction.

Chapter VI

Legal Liability

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.

Article 45: 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.

(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;

(2) Building structures within river channel or on river beaches without approval;

(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.

(4) Reclaiming parts of lakes or river beaches for farmland in violation of the provisions of Article 27 of this law.

Article 46: 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:

- (1) Constructing water projects or regulating rivers and navigation waterways without authorization;
- (2) Violating the 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.

Article 47: 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.

- (1) Damaging or destructing water projects and related facilities such as dikes, bank revetments, etc., damaging or destructing flood prevention facilities,

hydrologic monitoring facilities, hydrogeologic monitoring facilities, navigation aids and navigation facilities;

(2) Conducting acts endangering the safety of water projects, such as blasting, well sinking, rock quarrying, earth borrowing, etc., within their safeguard zone.

Article 48: 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. 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.

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.

Article 49: 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 criminal responsibilities in accordance with Criminal Law.

Article 50: Any functionary of a water administrative department or other competent department and water management unit, who neglects his duty, abuses his power, plays favouritism 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.

Chapter VII

Supplementary Provisions

Article 51: Where an international treaty or agreement 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.

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

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

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