

Drought Control Regulation of the People's Republic of China

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Order of the State Council of the People's Republic of China (No.552)

The Drought Control Regulation of the People's Republic of China, which was adopted at the 49th executive meeting of the State Council on February 11, 2009, is hereby promulgated, and shall come into force on the date of promulgation.

Premier Wen Jiabao
February 26, 2009

Drought Control Regulation of the People's Republic of China

Chapter I General Provisions

Article 1 To prevent and relieve drought disasters and the losses caused by them, guarantee domestic water, coordinate the use of water for production and ecology and promote the comprehensive, coordinated and sustainable development of economy and society, this Regulation is formulated according to the Water Law of the People's Republic of China.

Article 2 This Regulation shall apply to activities for preventing and relieving drought disasters within the People's Republic of China.

For the purpose of this Regulation, the term "drought disasters" refer to events that the reduction of precipitation and insufficient supply of water from water projects cause water shortage and damage to livelihood, production and ecology.

Article 3 Drought control shall follow the principles of "for the people, giving priority to prevention, combining prevention with control, adjusting measures to local conditions, taking all factors into consideration and submitting partial and local interests to the interests of the whole".

Article 4 The people's governments at or above the county level shall bring the drought control work into the national economic and social development planning at the same level with the necessary expenses being covered by the fiscal budget at the same level so as to ensure the normal proceeding of the drought control work.

Article 5 The responsibility system of administrative chiefs of the people's governments at all levels

shall apply to the drought control work. The drought control work shall be subject to unified command and departmental cooperation with the competent authorities at all levels bearing corresponding responsibilities.

Article 6 The State Flood Control and Drought Relief Headquarters (SFDH) shall be responsible for organizing and leading the drought control work of the whole nation.

The water administrative department under the State Council shall be responsible for guiding, supervising and administering the drought control work of the whole nation and undertake the specific work of the SFDH. Other member entities of the SFDH shall take charge of the relevant drought control work according to their respective functions.

Article 7 The flood control and drought relief institution of any important river or lake determined by the state shall be composed of the people's government of the province, autonomous region or centrally governed municipality concerned and the river basin management institution of the river or lake to be responsible for coordinating the drought control work within its jurisdiction. The river basin management institution shall undertake the specific work of the flood control and drought relief institution of the river or lake.

Article 8 The flood control and drought relief institution of a people's government at or above the county level shall be responsible for organizing and directing the drought control work of this administrative region under the leadership of the flood control and drought relief institution at the higher level and the people's government at the same level.

The water administrative department of a local people's government at or above the county level shall be responsible for guiding, supervising and administering the drought control work of this administrative region and undertake the specific work of the flood control and drought relief institution of the people's government at the same level. The other member entities of the flood control and drought relief institution of the people's government at or above the county level shall take charge of the relevant drought control work according to their respective functions.

Article 9 The people's government at or above the county level shall strengthen the water conservancy infrastructural construction and better the drought control engineering system so as to improve the flood control and disaster relief capability.

Article 10 The people's governments at all levels and the relevant departments shall conduct drought control publicity and education activities, improve the public awareness of drought control and disaster relief, encourage and support all kinds of scientific and technological researches on drought control and the promotion and application of the achievements thereof.

Article 11 All entities and individual shall be obliged to protect drought control facilities and participate in drought control activities.

Article 12 Entities and individuals that make extraordinary contributions to drought control shall be commended and rewarded according to the relevant state provisions.

Chapter II Drought Disaster Prevention

Article 13 The water administrative department of a local people's government at or above the county level shall make the drought control planning of the administrative region together with the relevant departments at the same level, put it into force upon the approval of the people's government at the same level, and send a copy thereof to the water administrative department of the people's government at the next higher level.

Article 14 Making the drought control planning requires taking into consideration the national economic and social development level, situations about the comprehensive development and utilization of water resources, drought rules and features, water resources that can be supplied, drought control capability and water demands for domestic uses by urban and rural residents, for industrial and agricultural production and for ecological uses.

The drought control planning shall be consistent with the water resource development and utilization planning and other relevant planning.

The drought control planning at lower levels shall be in line with that at higher levels.

Article 15 The drought control planning shall primarily cover the building of a drought control organizational system, the building of water sources for drought emergencies, the building of facilities for drought emergencies, the reserve of materials and equipment for drought control, the building of drought control service organizations, the building of the drought monitoring network and the safeguard measures.

Article 16 The people's governments at or above the county level shall strengthen the farmland water conservancy infrastructure construction and the construction of drinking water projects in rural areas, and organize the construction of drought emergency projects, the supporting facilities and the water-saving projects so as to improve the water supply capacity for drought control and the utilization efficiency of water resources.

The water administrative departments of the people's governments at or above the county level shall do a good job in managing and maintaining the farmland water conservancy infrastructure and the drinking water projects in rural areas so as to guarantee the normal operation thereof.

The local people's governments of places with drought or water shortage problems and the relevant collective economic organizations shall build mid- and small-size projects for impounding, diverting and drawing water as well as rainwater reserve and utilization projects according to the local

conditions.

Article 17 The state encourages and supports the research & development and use of drought-resistant and water-saving machines and equipment, promotes farmland water-saving techniques, supports the building of drought-resistant facilities in areas planting drought-resistant crops and encourages the development of drought-resistant crops and water-saving agriculture.

The state encourages, guides and supports social organizations and individuals in building and operating drought control facilities and protects their legitimate rights and interests.

Article 18 The local people's governments at or above the county level shall do a good job in safeguarding the emergency water sources for supplying domestic water to urban and rural residents in the case of drought.

Article 19 The local people's governments at or above the county level at places where drought disasters frequently occur shall reserve necessary drought control materials and strengthen routine administration according to their drought control needs.

Article 20 The people's governments at or above the county level shall, according to the bearing capacity of water resources and water environment, adjust and optimize the economic structure and industrial layout and reasonably allocate water resources.

Article 21 The people's governments at all levels shall give publicity to and provide education about water saving, advocate water saving measures and promote new water saving technologies and techniques so as to build a water saving society.

Article 22 The water administrative departments of the people's governments at or above the county level shall do a good job in the allocation, transfer and protection of water resources and organize the building of drought emergency water source projects and rainwater harvesting facilities.

The water administrative departments of the people's governments at or above the county level and other relevant departments shall provide information about water regime, rain regime and soil moisture status to the flood control and drought relief institutions of the people's governments.

Article 23 The meteorological departments at all levels shall strengthen the scientific and technological research on meteorology, improve the weather monitoring and forecasting capacity, and timely provide meteorological drought information and other drought-related meteorological information to the flood control and drought relief institutions of the people's governments.

Article 24 The agricultural departments of the people's governments at or above the county level shall do a good job in the reserve and management of drought control materials for agricultural uses, guide the adjustment of agricultural planting structure in drought-affected areas, cultivate and

promote the application of drought-resistant varieties, and timely provide agricultural drought information to the flood control and drought relief institutions of the people's governments.

Article 25 The water supply departments shall organize the relevant entities to strengthen the building and maintenance of the water supply pipeline network, improve the water supply ability, safeguard the supply of water for the domestic uses of residents, and timely provide information on the supply and use of water to the flood control and drought relief institutions of the people's governments.

Article 26 The people's governments at or above the county level shall organize the relevant departments to sufficiently utilize the current resources and build a sound drought monitoring network so as to strengthen the monitoring over drought disasters.

The flood control and drought relief institutions of the people's governments at or above the county level shall improve the drought control information system, realize information sharing among their member entities and provide basis for giving commands and making decisions on drought control.

Article 27 The SFDH shall organize its member entities to make a national flood control and drought relief plan, and put it into force upon the approval of the State Council.

The flood control and drought relief institutions of the local people's governments at or above the county level shall organize their respective member entities to make the drought control plans, and put them into force upon the examination and approval of the flood control and drought relief institutions of the people's governments at the next higher level and the approval of the people's governments at the same level.

For an approved drought control plan, the relevant departments and entities must implement it. To amend a drought control plan, it is required to get the approval of the original approval organ according the original approval procedure.

Article 28 A drought control plan shall describe the executing body of the plan, the functions of the relevant departments, drought warnings, drought levels and the corresponding emergency measures, the plan for transferring water resources for drought emergencies, safeguard measures, etc.

According to the area of drought-affected farmland and crops, the drought extent and the population with drinking water difficulties caused by drought, drought disasters can be classified into light droughts, relatively serious droughts, serious droughts and particularly serious droughts.

Article 29 The people's governments at the county level and the people's governments of villages and towns shall strengthen the building of drought control service organizations based on the needs of the drought control work. The local people's governments at or above the county level shall provide more support for drought control service organizations.

The state encourages social organizations and individuals to set up drought control service organizations.

Article 30 The people's governments at all levels shall strengthen supervision and inspection on the implementation of the drought control responsibility system, the making of drought control plans, the building and maintenance of drought control facilities and the reserve of drought control materials, and, when finding out any problem, immediately solve it or ask the liable department or entity to solve it within a given time limit.

Article 31 Water project management entities shall regularly examine and maintain the drought control facilities that fall within their scope of functions and duties.

Article 32 It is prohibited to illegally divert or intercept water or seize, damage or pollute water resources.

It is prohibited to damage, seize or destroy drought control facilities.

Chapter III Drought Control and Disaster Relief

Article 33 In the case of a drought disaster, the concerned flood control and drought relief institution of the people's government at or above the county level shall initiate the drought control plan and organize the drought control and disaster relief work within the power limit prescribed in the drought control plan.

Article 34 In the case of a light drought or a relatively serious drought, the concerned flood control and drought relief institution of the people's government at or above the county level shall take the following measures according to the drought control plan:

1. using emergency water sources, or constructing wells or digging springs for emergency purposes;
2. setting up temporary pump stations, excavating canals for water conveyance or temporarily intercepting water from rivers and canals;
3. using epigenetic water, brackish water, sea water and other non-conventional water, or making artificial rainfall; and
4. delivering water to areas lacking drinking water for people and livestock.

Where any of the above-mentioned measures involves any other administrative region, it is required to report to the flood control and drought relief institution of the common people's government at the next higher level or the flood control and drought relief institution of the river basin concerned for approval. Where any other department is involved, it is required to notify the department beforehand. After a drought ends, it is required to immediately remove the temporary facilities for drawing and intercepting water and notify the relevant departments.

Article 35 In the case of a serious drought or a particularly serious drought, the SFDH shall initiate the national flood control and drought relief plan, and all member entities thereof shall do their work according to the division of work prescribed by the flood control and drought relief plan.

The flood control and drought relief institution of the local people's government at or above the county level at the place where a serious drought or a particularly serious drought occurs can, in addition to the measures prescribed in Article 34 of this Regulation, take the following measures:

1. reducing the water supply indicators;
2. restricting or suspending the use of water in industries with large consumption of water;
3. restricting or suspending the discharge of industrial waste water;
4. reducing the scope of agricultural water supply or reducing the quantity of agricultural water supply; and
5. supplying water for the domestic use of urban residents in specified hours or quantities.

Article 36 Where a drought occurs, the concerned people's government at or above the county level shall, according to the principles of unified arrangement, guaranteeing the water supply for key areas and taking into consideration the water supply for general areas, arrange water resources, give priority to safeguarding the domestic water of rural and urban residents, and reasonably allocate water used for production and ecology.

Article 37 In the case of a drought disaster, the flood control and drought relief institution of the concerned people's government at or above the county level or the flood control and drought relief institution of the river basin concerned can, according to the approved drought control plan, make an executive plan for emergency water transfer and arrange the quantity of water reserved in the reservoirs, hydraulic power plants, dams and lakes within its jurisdiction in a unified way. The local people's governments, entities and individuals concerned must obey the unified control and command and strictly execute the instructions given.

Article 38 In the case of a drought disaster, the flood control and drought relief institution of the local people's government at or above the county level shall timely organize drought control service organizations to solve the drinking water difficulties of the people and livestock in rural areas and provide technical consultations and other services for drought control.

Article 39 In the case of drought disasters, the meteorological departments at all levels shall do a good job in monitoring and forecasting weather and make artificial rainfalls when necessary.

Article 40 In the case of drought disasters, the health departments of the people's governments at or above the county level shall do a good job in disease prevention and control, medical care and rescue, health supervision and health law enforcement, and monitor and test the sanitary situations of drinking water sources so as to ensure the sanitation and safety of drinking water and prevent the drought disaster from causing any big infectious disease or epidemic situation.

Article 41 In the case of drought disasters, the civil affairs departments of the people's governments at or above the county level shall do a good job in relieving drought disasters and properly make arrangements for the basic livelihood of the people of disaster-hit areas.

Article 42 The village or township people's governments, sub-district offices, villagers' committees and residents' committees at places where drought disasters occur shall organize their forces to publicize water saving and drought control knowledge to villagers and residents so as to provide assistance for implementing drought control measures.

Article 43 In the case of a drought disaster, the enterprises or public institutions of water supply shall strengthen the management and maintenance of water supply facilities, water source facilities and drought control facilities and use emergency water supply as required so as to ensure water supply in urban and rural areas.

Article 44 Entities and individuals in areas where drought disasters occur shall voluntarily save water, obey the decisions made by the local people's governments, provide assistance for the implementation of the drought control measures taken by the local people's governments and actively participate in drought control and disaster relief activities.

Article 45 Where a particularly serious drought seriously endangers the supply of water for the domestic uses or production of urban and rural residents and may affect social stability, the flood control and drought relief institution of the people's government of the province, autonomous region or centrally governed municipality concerned can, upon the approval of the people's government at the same level, declare a drought emergency in the relevant administration regions within its jurisdiction and report the situation to the SFDH in time.

After a particularly serious drought is relieved, the flood control and drought relief institution of the people's government of the province, autonomous region or centrally governed municipality concerned shall declare the end of drought emergency and report the situation to the SFDH in time.

Article 46 During a drought emergency, the flood control and drought relief institution of the local people's government concerned shall mobilize all relevant entities and individuals within its administrative region to participate in the drought control work. All entities and individuals must obey commands and undertake the drought control tasks assigned by the flood control and drought relief institution of the local people's government.

Article 47 During a drought emergency, the flood control and drought relief institution of the local people's government concerned shall, when the drought control work so requires, have the power to requisition materials, equipment and means of conveyance within its jurisdiction.

Article 48 The flood control and drought relief institution of a local people's government at or above the county level shall organize the relevant departments to check and collect statistical data about the

drought regime, drought disaster and drought control within their respective jurisdictions according to the requirements of the statistical statements of drought disasters, and report such data to the flood control and drought relief institution of the people's government at the next higher level and the people's government at the same level.

Article 49 The state shall set up a system for releasing drought control information in a unified way.

Drought information shall be examined and released by the flood control and drought relief institutions of the people's governments at or above the county level in a unified way; drought disasters shall be examined and announced by the water administrative departments of the people's governments at or above the county level together with the civil affairs departments at the same level; agricultural disaster situations shall be released by the agricultural departments of the people's governments at or above the county level; and the meteorological information related to drought control shall be released by the meteorological authorities.

Newspaper, broadcasting, TV, internet and other media shall timely publish or broadcast drought control information and express the name of the institution releasing information and the time when the information is released.

Article 50 The people's governments at all levels shall set up an investment mechanism which meets the economic and social development level and the drought control and disaster relief requirements, improve the mechanism and arrange adequate funds in the fiscal budget at the same level to guarantee the investment in drought control and disaster relief.

Article 51 Any water dispute which occurs due to drought control shall be handled according to the Water Law of the People's Republic of China.

Chapter IV Post-disaster Recovery

Article 52 After a drought is relieved, the people's governments at all levels and the competent departments shall help the affected people resume production and save themselves after disaster.

Article 53 After a drought is relieved, the water administrative department of the concerned people's government at or above the county level shall inspect and assess the hydro projects and timely organize forces to repair those damaged by the drought disaster. Other competent departments of the people's government at or above the county level shall put the hydro projects damaged by the drought disaster into the top agenda of the annual repair plan.

Article 54 After a drought is relieved, the flood control and drought relief institution of the concerned people's government at or above the county level shall immediately return the materials, equipment and means of conveyance which are requisitioned for drought emergency and make compensations according to the relevant provisions.

Article 55 After a drought is relieved, the flood control and drought relief institution of the concerned people's government at or above the county level shall timely organize the relevant departments to analyze and evaluate the impact of the drought disaster, the losses caused and the effects of the drought control work, and the departments and entities concerned shall cooperate with them and report the relevant situations to the flood control and drought relief institution of the people's government at the same level on their own initiative, and may not make any false report or hide the truth in making reports.

The flood control and drought relief institution of a people's government at or above the county level may commission the analysis and evaluation work to an entity with the professional qualification for disaster evaluation.

Article 56 Drought control expenses and materials must be used for designated purposes only. No entity or individual may withhold, embezzle, appropriate or secretly share them.

The public finance departments and audit departments at all levels shall strengthen the supervision, inspection and auditing of drought control expenses and materials.

Article 57 The state encourages the establishment and promotion of the drought disaster insurance system in drought susceptible areas.

Chapter V Legal Responsibility

Article 58 Where any individual or entity, in violation of this Regulation, commits any of the following acts, the entity where the individual works or the higher-level competent authority or supervisory organ shall order him/it to correct, impose sanctions on the directly responsible person in charge and other directly liable persons and, if any crime is constituted, subject the liable party to criminal responsibility:

1. refusing to undertake the drought control and disaster relief tasks;
2. releasing drought control information to the public without approval;
3. falsely reporting or hiding the truth in reporting drought regime or disaster situations;
4. refusing to implement any drought control plan, water transfer plan for drought emergencies or executive plan for emergency water transfer;
5. refusing to remove the temporary facilities for drawing and intercepting water after a drought ends; or
6. other acts of abusing power, engaging in malpractice for personal gain or neglecting duties.

Article 59 Where any individual or entity withholds, embezzles, misappropriates or secretly shares drought control funds, he/it shall be punished according to the provisions on penalties and sanctions for illegal fiscal acts and other relevant laws and administrative regulations and, if any crime is constituted, be subject to criminal responsibility.

Article 60 Where the management entity of a water reservoir project, a hydraulic power plant project or a barrage project or the operator of any other engineering facilities refuses to obey the unified control and command, the competent water administrative department of the people's government at or above the county level or the river basin management institution concerned shall order it to correct, give it a warning and, if it refuses to correct, enforce it compulsorily and impose a fine of 10,000 yuan up to 50,000 yuan.

Article 61 Where any individual or entity, in violation of this Regulation, seizes or damages any water source or drought control facility, the competent water administrative department of the people's government at or above the county level or the river basin management institution concerned shall order him/it to stop the illegal act and take remedy measures, impose a fine of 10,000 yuan up to 50,000 yuan, subject the liable party to civil responsibility if any losses are caused, punish him/it according to the Law of the People's Republic of China on Public Security Administration Punishments if it constitutes an act in violation of the public security administration, and subject the liable party to criminal responsibility if any crime is constituted.

Article 62 Where any individual or entity, in violation of this Regulation, scrambles for water, illegally diverts or intercepts water or plunders drought control materials, the competent water administrative department of the people's government at or above the county level or the river basin management institution concerned shall order him/it to stop the illegal act, give him/it a warning, punish him/it according to the Law of the People's Republic of China on Public Security Administration Punishments if it constitutes an act in violation of the public security administration, and subject the liable party to criminal responsibility if any crime is constituted.

Article 63 Where any individual or entity, in violation of this Regulation, impedes or threatens any staff of a flood control and drought relief institution, water administrative department or river basin management institution in their performing duties, the competent water administrative department of the people's government at or above the county level or the river basin management institution concerned shall order him/it to stop the illegal act, give him/it a warning, punish him/it according to the Law of the People's Republic of China on Public Security Administration Punishments if it constitutes an act in violation of the public security administration, and subject the liable party to criminal responsibility if any crime is constituted.

Chapter VI Supplementary Provisions

Article 64 Where the People's Liberation Army of China and the Chinese People's Armed Police Forces participate in drought control and disaster relief, the Regulation on the Army's Participation in Emergency Rescue and Disaster Relief shall analogically apply.

Article 65 This Regulation shall come into force on the date of promulgation.