

Measures for the Implementation of Water Administrative Licensing

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The Measures for the Implementation of Water Administrative Licensing, which were deliberated and adopted at the executive meeting of the Ministry of Water Resources on June 22, 2005, are hereby promulgated and shall come into effect as of the date of promulgation.

Minister Wang Shucheng
July 8, 2005

Measures for the Implementation of Water Administrative Licensing

Chapter I General Provisions

Article 1 These Measures are formulated according to the Administrative License Law of the People's Republic of China, the Water Law of the People's Republic of China, the Flood Control Law of the People's Republic of China, the Law of the People's Republic of China on Water and Soil Conservancy and other laws and regulations for the purpose of regulating the water administrative licensing, protecting the lawful rights and interests of citizens, legal persons and other organizations, maintaining public interests and the social order, safeguarding and supervising the effective water-related administration by the executive organs of water administrative licensing.

Article 2 The "water administrative licensing" as mentioned in these Measures refers to an act by which the executive organ of water administrative licensing permits a citizen, legal person or other organization to engage in special water-related activities after examining the application filed thereby.

The "executive organ of water administrative licensing" as mentioned in these Measures refers to the water administrative department of the people's government at or above the county level or the river basin administrative organ empowered by any law or regulation or any other organization that exercises the power of water administrative licensing.

Article 3 These Measures shall be applicable to the establishment, implementation, supervision and inspection of water administrative licensing.

The examination and approval of personnel matters, finance, foreign affairs and other matters of subordinate water administrative departments by the water administrative departments at higher levels or the examination and approval of personnel matters, finance, foreign affairs and other matters of the public institutions directly managed by the water administrative departments is not a matter of water administrative licensing and shall not be governed by these Measures.

Article 4 The water administrative licensing shall be granted in accordance with the power, scope, conditions, procedures and time limits as prescribed by the relevant laws, regulations and these Measures.

Article 5 The principles of openness, fairness and impartiality shall be abided by for the implementation of water administrative licensing system.

An executive organ of water administrative licensing shall publish the power, scope, conditions, procedures and time limits of water administrative licensing, as well as the process for granting

water administrative licenses and the contents of decisions on water administrative licenses involved, but with the exception of state secrets, business secrets or personnel privacy. An executive organ of water administrative licensing shall establish verification, withdrawal, hearing and scientific decision making systems and safeguard the fairness and equity in the granting of water administrative licenses. Those applicants who meet the legal conditions and standards are entitled to the equal right to obtain a water administrative license and no administrative organ may discriminate against any of them.

Article 6 The principles of facilitating people and high efficiency shall be followed for the implementation of the water administrative licensing system.

An executive organ of water administrative licensing shall simplify the links for handling matters, take measures that facilitate people, enhance the efficiency for handling matters and provide quality services.

Article 7 In order to implement the water administrative licensing system, the convenience shall be provided for citizens, legal persons or other organizations to make statements, defend themselves, obtain compensations and apply for administrative reconsideration.

Any citizen, legal person or other organization is entitled to put forward opinions, suggestions, complaints, criticism, tip-offs or accusations with regard to the implementation of water administrative licensing system to the relevant executive organ of water administrative licensing or any other organ, and the executive organ of water administrative licensing shall seriously conduct examination and make voluntary corrections when finding any mistake relating to the water administrative licensing.

Article 8 An executive organ of water administrative licensing shall, when implementing water administrative licensing system, be voluntarily subject to the supervision of the people's government at or above the county level and the water administrative department at a higher level as well as the supervision from the general public.

An executive organ of water administrative licensing shall effectively supervise the activities of the citizens, legal persons or other organizations on carrying out the water administrative licensing matters.

Chapter II Establishment of Water Administrative Licensing

Article 9 Within the scope of water administrative licensing matters as established by the laws, regulations or decisions of the State Council, the water administrative department under the State Council may formulate rules so as to specifically prescribe the procedures, conditions, time limits and the catalogue of materials that shall be submitted for granting the water administrative license. An executive organ of water administrative licensing may, in accordance with the laws, regulations, decisions of the State Council or the relevant rules, specify those specific issues in the implementation of the water administrative licensing system in the form of normative documents. Specific prescriptions in the rules or normative documents concerning the granting of an administrative license as prescribed in a superordinate law may not additionally establish a water administrative license or other conditions in violation of the superordinate law.

Article 10 Where the water administrative department of the local people's government at or above the county level or the river basin administrative organ finds it necessary to additionally establish a water administrative license that will be uniformly granted across the country or finds the water administrative license established by any law, regulation or decision of the State Council unnecessary or improper and required to be altered or abolished, it may put forward opinions and suggestions to the water administrative department under the State Council.

Where the water administrative department under the State Council finds it necessary to additionally establish a water administrative license or finds the water administrative license established by any law, regulation or decision of the State Council unnecessary or improper and required to be altered or abolished, it may put forward legislation proposals to the State Council.

Article 11 Where a water administrative license is to be established by means of drafting a law, regulation or rule of the people's government of a province, autonomous region or municipality directly under the Central Government, the water administrative department responsible for the drafting shall consult the opinions through hearings or demonstrations, etc., and shall make extensive appraisal of the necessity and feasibility to establish the aforesaid water administrative license as well as the potential effects on the economy and society, and shall give explanations to the law (regulation or rule) making organ about the appraisal opinions and the conditions on opinions heard and adopted.

The executive organ of water administrative licensing shall timely appraise the granting of water administrative licenses and the necessity for their existence, and shall report the relevant appraisal opinions to the organ that established the aforesaid water administrative licenses.

The administrative measures for the appraisal of water administrative licenses shall be separately formulated by the water administrative department under the State Council.

Chapter III Executive Organs for Water Administrative Licensing

Article 12 A water administrative license shall be granted by the water administrative department of the local people's government at or above the county level within the scope of its statutory functions.

The river basin administrative organs for important rivers or lakes as determined by the water administrative department under the State Council or the organizations empowered by other laws or regulations can grant water administrative licenses within the scope of power authorized by laws or regulations and in their own names.

No internal office of the executive organ of water administrative licensing may grant the water administrative licensing in its own name.

Article 13 An executive organ of water administrative licensing may, within the scope of its statutory functions, authorize the water administrative organ of the people's government at or above the county level or any other administrative organ to grant water administrative licenses in accordance with the laws, regulations or rules. The authorizing organ shall make public the authorized organ and the particulars concerning the authorized granting of water administrative licenses.

The authorizing organ shall be responsible for supervising the granting of water administrative licenses by the authorized organ, and shall bear the legal liabilities for the consequences thereof. The authorized organ shall, within the authorized scope, grant water administrative licenses in the name of the authorizing organ, and may not authorize any other organization or individual to grant any water administrative license.

Article 14 Where it is necessary to handle the water administrative licensing through several internal offices of the executive organ of water administrative licensing, this executive organ shall determine one office to accept all the applications for water administrative licensing and serve all the decisions on water administrative licensing or establish one special water administrative licensing office to implement the water administrative licensing matters in a concentrated manner.

Article 15 The legal affairs office of the executive organ of water administrative licensing is responsible for the centralized administration of water administrative licenses, unless it is otherwise prescribed by the executive organ of water administrative licensing.

Article 16 The legal affairs office of the executive organ of water administrative licensing or any other administrative department in charge of the centralized administration of water administrative licenses shall undertake the following matters:

- (1)organizing to formulate the water administrative licensing system;
- (2)examining the draft of laws, regulations, rules and normative documents involving water administrative licensing;

- (3)examining and appraising the establishment of a water administrative licensing system;
- (4)guiding, coordinating, supervising and checking the granting of water administrative licensing;
- (5)undertaking the cases of administrative reconsideration or responding to administrative suits relating to the water administrative licensing; and
- (6)other work relating to the centralized administration of water administrative licenses as prescribed by laws, regulations or rules or assigned by the executive organ of water administrative licensing.

Chapter IV Application and Acceptance of Water Administrative Licensing

Article 17 Where a citizen, legal person or any organization needs to obtain a water administrative license for carrying out specific water affairs, he/it shall file an application directly with the executive organ of water administrative licensing that has the power to grant water administrative licenses, but with the exception of the circumstances as prescribed in Paragraph 2 of Article 33 of these Measures.

Article 18 The application for a water administrative license may be filed by an applicant at the office place of the executive organ of water administrative licensing, or may be filed in written form or by letter, telegraph, telex, fax, electronic data interchange or email, etc.. In case the application for water administrative licensing is filed by way of telegraph, telex, fax, electronic data interchange or email, etc., the applicant shall provide the materials that can prove the effectiveness of his/its application documents within three days as of the day when the application is filed; if he/it fails to do so within the time limit, it will be regarded as having given up the aforesaid application.

Article 19 Where a standard text is required for applying for a water administrative license, the executive organ of water administrative licensing shall provide it to the applicants. The standard text shall not contain any content that has no direct relationship with the water licensing matters applied for.

Article 20 An applicant may entrust an agent to file an application for a water administrative license unless it shall be filed by the applicant himself at the office place of the executive organ of water administrative licensing according to the provisions of any law, regulation or rule.

Where the applicant entrusts an agent to file an application for a water administrative license, he/it shall produce a power of attorney. If the entrusting party is a natural person, he shall sign on the power of attorney; if the entrusting party is a legal person or any other organization, the legal representative or person-in-charge thereof shall affix his own signature and the seal of the organization onto the power of attorney. The power of attorney shall specify the following matters:

- (1)the basic information of the entrusting party and the agent;
- (2)such entrustment matters as filing as an agent an application for a water administrative license, delivering the relevant materials, accepting legal documents and consultations, as well as the limit of right of representation; and
- (3)the starting date and the termination of the entrustment.

Article 21 An executive organ of water administrative licensing shall display the matters, basis, conditions, quantity, procedures, time limits, the catalogue of all the materials that shall be submitted, model text of the application form and the power of attorney and the explanations for filling in forms as provided for in the laws, regulations or rules at its office place.

An executive organ of water administrative licensing shall gradually promote the electronic government administration and make public the matters as listed in the preceding Paragraph on the website and provide necessary convenience for applicants to file applications for water administrative licensing by means of data messages and consult the handling of and results of the water administrative licensing, etc..

An executive organ of water administrative licensing shall explain the contents in the announcement in light of the request of any applicant.

Article 22 An applicant shall faithfully submit the application form, the relevant credentials and other relevant materials according to the laws, regulations or rules, and shall be responsible for the authenticity of the contents of the application materials. The executive organ of water administrative licensing shall not require the applicant to submit any technical material or any other material that is irrelevant to the water administrative licensing matter he applies for.

Article 23 Upon receipt of an application for water administrative licensing, the executive organ of water administrative licensing shall examine the following matters:

- (1) Whether it is necessary to obtain the water administrative license for the matter applied for;
- (2) Whether the matter applied for falls within the scope of its functions;
- (3) Whether the applicant has any circumstance under which the application for water administrative licensing may not be filed; and
- (4) Whether the application materials are complete and meet the statutory forms.

Article 24 After examining an application for water administrative licensing, the executive organ of water administrative licensing shall handle it respectively according to the following circumstances:

- (1) A Notice on Refusing to Accept the Application for Water Administrative Licensing shall be promptly made and the refusal shall be notified to the applicant if there is no need to obtain a water administrative license for the matter applied for;
- (2) A Decision on Refusing to Accept the Application for Water Administrative Licensing shall be promptly made if the matter applied for does not fall within the scope of its functions or the application for water administrative licensing can not be filed according to law. In case the matter applied for does not fall within the scope of its functions, the applicant shall be notified to file the application with the competent administrative organ;
- (3) The applicant shall be allowed to make corrections on the spot if there is a material mistake in terms of wording, calculating or bookbinding of application materials, however, the applicant shall affix his/its signature or seal to confirm the correction;
- (4) A Notice on Supplementing and Correcting the Application for Water Administrative Licensing shall be produced on the spot or within five days and the applicant shall be notified of all contents that need to be supplemented and corrected once and for all if the application materials are not complete or do not meet the statutory forms; if the notification does not be given within the time limit, the day when the application materials are accepted shall be regarded as the day of acceptance; or
- (5) A Notice on Accepting the Application for Water Administrative Licensing shall be produced if the matter applied for falls within the scope of its functions, the application materials are complete and meet the statutory forms, or the applicant has supplemented and corrected the application materials in light of the requirements.

The Notice on Accepting the Application for Water Administrative Licensing, the Notice on Refusing to accept the Application for Water Administrative Licensing or the Notice on Supplementing and Correcting the Application for Water Administrative Licensing produced by the executive organ of water administrative licensing shall bear its own special seal and indicate the date thereon.

Article 25 The water administrative department of the people's government at or above the provincial level may, in accordance with the features of the water administrative license, prescribe a certain period for the centralized acceptance of applications for water administrative licensing within its own administrative area, and make public the period for acceptance.

A river basin administrative organ may grant a license by reference to the preceding Paragraph.

Article 26 A river basin administrative organ may, in accordance with the specific conditions of the water administrative licensing and the requirements for facilitating people, entrust its subordinate administrative organs or local water administrative departments to accept applications for water administrative licensing as an agent, and make it public.

Chapter V Examination, Decision, Alteration and Extension of Water Administrative Licenses

Article 27 An executive organ of water administrative licensing shall, after accepting an application for water administrative licensing, conduct the examination, in general, which shall be conducted in written form.

Unless a decision on water administrative licensing can be made on the spot, two or more functionaries shall be assigned if the verification of material contents of application materials is required in accordance with the statutory conditions and procedures. Where it is necessary to conduct on-the-spot inspection or investigation and inquiry of the relevant personnel on the spot during the verification course, the notes shall be made and be signed by both the verifying party and the verified party; where the verified party refuses to bear his signature on the notes, it shall be indicated in the transcripts.

Article 28 When an executive organ of water administrative licensing examines an application for water administrative licensing and finds that the water administrative licensing matter directly concerns the great interests of any other person, it shall notify the applicant and the interested party of it. Where, a Notice on Making Statements and Defenses for Water Administrative Licensing shall be directly sent to the applicant and any interested party that can be identified; and where there are several interested parties that are uncertain, they shall be notified by a public announcement.

The notice or the announcement shall specify a proper term for the applicant and the interested party to make a statement and defend themselves as well as the relevant conditions concerning the water administrative license, but with the exception of those items involving state secrets, business secrets or personnel privacy. Where the applicant or the interested party requires to make a statement or defend himself, the statements and defenses shall be heard and the transcripts thereof shall be made. If the facts and reasons that are put forward by the applicant and the interested party are established upon examination, they shall be adopted.

Article 29 For any matter that shall be subject to hearings as prescribed by any law, regulation or rule for the implementation of the water administrative licensing system, or any other major water administrative licensing matter involving public interests that need to be heard as believed by the executive organ of water administrative licensing, the executive organ of water administrative licensing shall make a notice to the general public and hold a hearing.

In case the water administrative license directly involves any relationship of great interests between the applicant and any other person, the executive organ of water administrative licensing shall, before making a decision on water administrative licensing, give a Notice on the Hearing for Water Administrative Licensing and notify the applicant and the interested parties of their rights to request for the hearing.

The specific provisions on the hearing for water administrative licenses shall be formulated by the water administrative department under the State Council.

Article 30 In case any functionary who handles the water administrative licensing matters is a close relative of the applicant or any interested party, or has any other relationship with the applicant or the interested party, which may influence affect the equity, he shall voluntarily apply for the withdrawal.

If the applicant believes that any functionary who handles the water administrative licensing matters is an interested party to the water administrative licensing matter or a close relative of the interested party, or has any other relationship with the interested party, which may affect the equity, he shall be entitled to apply for his withdrawal.

If any interested party believes that any functionary who handles the water administrative licensing matters is a close relative of the applicant, or has any other relationship with the applicant, which may affect the equity, he shall be entitled to apply for his withdrawal.

The withdrawal of any functionary who handles the water administrative licensing matters shall be determined by the person-in-charge of the office that undertakes the water administrative licensing of the executive organ of water administrative licensing. The withdrawal of the person-in-charge of the office that undertakes the water administrative licensing shall be determined by the person-in-

charge of the executive organ of water administrative licensing.

Article 31 An executive organ of water administrative licensing may, in accordance with the laws, regulations and rules and the requirements for water administrative licensing, conduct an expertise appraisal or technical evaluation for the water administrative licensing matters, and take the appraisal and evaluation opinions as the reference and basis for making a decision on water administrative licensing.

An executive organ of water administrative licensing may, in accordance with the laws, regulations and rules and the requirements for water administrative licensing, solicit the opinions of the relevant water administrative department or other administrative departments.

Article 32 Except that a decision on water administrative licensing is made on the spot, the executive organ of water administrative licensing shall, after examining the application for water administrative licensing, make any of the following decisions on water administrative licensing within the statutory term and in accordance with the procedures as prescribed in laws, regulations, rules or these Measures:

(1) If the application for water administrative licensing complies with the conditions and standards as prescribed in laws, regulations and rules, a written decision on approving the application for water administrative licensing and a Decision on Approving the application for Water Administrative Licensing shall be made and be publicized at a public site or on a designated newspaper or website, and the general public shall be entitled to consult it; or

(2) If the application for water administrative licensing does not comply with the conditions or standards as prescribed in laws, regulations or rules, a written decision on disapproving the application for water administrative licensing and a Letter of Decision on Disapproving the Application for Water Administrative Licensing shall be made, the reasons shall be explained, and the applicant shall be informed of the right to apply for an administrative reconsideration or file an administrative lawsuit, the reviewing organ, the case-accepting court and time limits, etc..

Article 33 Except for the decision on water administrative licensing that can be made on the spot, an executive organ of water administrative licensing shall make a decision on water administrative licensing within 20 days from the day when it accepts the application for water administrative licensing. If the decision can not be made within 20 days because the water administrative licensing matter is significant or complex or because of other justifiable reasons, the time limit may be extended for another 10 days upon approval of the person-in-charge of the executive organ, and a Notice on Extending the Time Limit for Water Administrative Licensing shall be made, and the applicant shall be informed of the reasons for the extension.

The water administrative licensing that shall be subject to the examination of the executive organ of water administrative licensing at a lower level according to laws, regulations or rules before being reported to the executive organ of water administrative licensing at a higher level, the executive organ of water administrative licensing at the lower level shall accept and examine it according to the present Measures, and shall, within 20 days as of the day of acceptance, report the examination opinions and all the application materials directly to the executive organ of water administrative licensing at the higher level for examination and decision. The executive organ of water administrative licensing at the higher level may not request the applicant to provide application materials again and shall make a decision on water administrative licensing within 20 days as of the day when it receives the preliminary examination opinions and all the application materials as submitted by the executive organ of water administrative licensing at the lower level.

Where the time limit for granting a water administrative license is otherwise prescribed by the provisions of any law or regulation, such provisions shall prevail.

Article 34 An applicant may, before the executive organ of water administrative licensing makes a decision on water administrative licensing, apply for withdrawing the application for water administrative licensing in written form.

Article 35 In case the executive organ of water administrative licensing makes a decision on approving the application for water administrative licensing and needs to issue a credential or certificate of water administrative licensing, which shall be issued and served to the applicant within 10 days from the day when the decision on water administrative licensing is made.

Article 36 Where a hearing, bid invitation, auction, inspection, testing, appraisal, evaluation or expert evaluation is required for the executive organ of water administrative licensing to make a decision on approving the application for water administrative licensing, the required time shall not be included within the time limits as specified in these Measures, but a Notice on Exclusion of Time for Water Administrative Licensing shall be made and the applicant shall be notified of the required time in written form.

Article 37 In case there is no geographical restriction on the scope of application of a water administrative license, the water administrative license obtained by the applicant shall be effective across the country; if there is any geographical restriction on the scope of application of a water administrative license, it shall be specified on the Decision on Approval of the Water Administrative Licensing or the credential or certificate of water administrative licensing. In case the water administrative license shall be granted within a time limit, the valid term shall be indicated on the Decision on Approval of the Water Administrative Licensing or the credential or certificate of water administrative licensing.

Article 38 An executive organ of water administrative licensing shall, in accordance with the relevant provisions in the Civil Procedure Law, serve the legal documents, credentials and certificates of water administrative licensing.

Article 39 Where any alteration occurs to the name, domicile or legal representative (person-in-charge) after the licensee obtains the water administrative license and it is required to alter the water administrative licensing matter, the licensee shall file an application for alteration to the executive organ of water administrative licensing that made the decision on water administrative licensing, and submit relevant credentials.

The executive organ of water administrative licensing shall examine the application for alteration and make a decision within ten days upon receipt of the application for alteration. Where the statutory conditions and standards are met, the alteration shall be approved, a Decision on Approving the Alteration of Water Administrative License shall be made, and the alteration formalities shall be handled according to law; where the alteration of the relevant matter will cause the licensee no longer meet the conditions and standards as prescribed by laws, regulations or rules for approving the water administrative licensing, the executive organ of water administrative licensing may not approve the alteration and shall make a Decision on Disapproving the Alteration of Water Administrative License.

No water administrative license obtained according to law may be transferred unless it is otherwise prescribed by any law or regulation.

Article 40 Where a licensee needs to extend the valid period of the water administrative license he has obtained according to law, he shall, 30 days before the expiry of the valid period of the water administrative license, file an application to the executive organ of water administrative licensing that made the decision on water administrative licensing. However if it is otherwise prescribed by the provisions of any law, regulation or rule, such provisions shall prevail.

The executive organ of water administrative licensing shall, after examining the application for extension, make a decision. If the conditions for obtaining the water administrative license still can be met, the extension shall be approved and a Decision on Approving Extension of Water Administrative License shall be made; if the conditions for obtaining the water administrative licensing can not be met yet, the extension shall not be approved and a Decision on Disapproving the Extension of Water Administrative License shall be made.

The decisions as specified in the preceding Paragraph shall be made prior to the expiry of the valid

term of the water administrative license; if the decision fails to be made within the time limit, it shall be deemed as having approved the extension.

Article 41 No executive organ of water administrative licensing may illegally alter any water administrative license that has become effective.

Where any law, regulation or rule for implementing the water administrative licensing system is amended or abolished, or any major change has occurred to the objective conditions for granting the water administrative licenses, and for the sake of public interests, the executive organ of water administrative licensing may alter or withdraw the water administrative licensing that has become effective. Any property loss incurred therefrom to any citizen, legal person or any other organization shall be compensated according to law.

Chapter VI Fees for Water Administrative Licensing

Article 42 No executive organ of water administrative licensing may charge any fee for granting any water administrative license or supervising and checking the water administrative licensing matter. However, if there are other provisions in any law or administrative regulation, such provisions shall prevail.

No executive organ of water administrative licensing may charge any fee for providing the standard text of any application form for water administrative licensing.

The expenditure for implementing the water administrative licensing system by an executive organ of water administrative licensing shall be listed into its annual budget, and be subject to the budgetary management.

Article 43 In case the executive organ of water administrative licensing collects fees according to laws or administrative regulations when granting any water administrative license, it shall collect the fees according to the legal items and rates as publicized. All the fees collected shall be turned into the state treasury and may not be withheld or appropriated in any form, or be divided privately or be privately divided in any disguised form.

Chapter VII Supervision and Inspection of Water Administrative Licensing

Article 44 An upper-level water administrative department shall, by means of inspecting the law enforcement, handling tip-offs, imposing liabilities or superintending individual cases, strengthen its supervision and check over the executive organs of water administrative licensing at lower levels in their implementation of the water administrative licensing system, and correct the illegal acts, if any, found in the implementation of the water administrative licensing system in a timely manner.

Article 45 An executive organ of water administrative licensing shall establish and perfect its supervision system, and perform its duty of supervision and check over the water administrative licensing matters conducted by citizens, legal persons or other organizations in light of the limit of administrative power and division of functions.

The water administrative department of the people's government of a province, autonomous region or municipality directly under the Central Government shall clarify the specific supervision and inspection functions of the water administrative departments within its own jurisdiction, and the river basin administrative organ shall clarify the specific supervision and inspection functions of its subordinate administrative departments.

Article 46 As a general rule, the supervision and inspection shall be conducted by examining and verifying the relevant materials that can reflect the licensee's conditions on carrying out the water administrative licensing matters or by making on-the-spot inspections of the production and business places of a licensee in accordance with the requirements for supervision and inspection. The relevant materials may be consulted or submitted by the licensee as required when conducting the examination, and the licensee shall provide the relevant information and materials according to the facts.

An executive organ of water administrative licensing shall, when implementing the supervision and

inspection, record down the information relating to supervision and inspection and the handling results, which shall be put on file after being signed by the supervision and inspection personnel, and can be consulted by the general public.

Article 47 No executive organ of water administrative licensing may, when implementing supervision and inspection, impede the ordinary production and business activities of any licensee, or seek for or accept the property of the licensee, or ask for other interests, and shall keep confidential the state secrets, business secrets and personnel privacy involved.

Article 48 In case any licensee illegally conducts a water administrative licensing matter outside the jurisdiction of the executive organ of water administrative licensing that made the decision on water administrative licensing, the executive organ of water administrative licensing at the locality of the occurrence of the illegal act can deal with it in light of the jurisdiction and send a copy of the illegal facts of the licensee and the handling result to the executive organ of water administrative licensing that made the decision on water administrative licensing within five days.

Article 49 Any citizen, legal person or other organization shall have the right to report to the executive organ of water administrative licensing when finding any illegal activity relating to the water administrative licensing matter, and the executive organ of water administrative licensing shall verify and handle it in time.

Article 50 If it is under any of the following circumstances, the executive organ of water administrative licensing that made the decision on water administrative licensing or its next higher water administrative department may, according to the request of an interested party or upon the strength of its power, withdraw the water administrative licensing:

- (1) Any functionary of the executive organ of water administrative licensing makes a decision on water administrative licensing by misusing his authorities or abusing his duties;
- (2) Making a decision on approval of a water administrative licensing by overstepping his/its legal power;
- (3) Making a decision on approval of a water administrative licensing in violation of the legal procedures;
- (4) Granting a water administrative licensing to an applicant who is not qualified to file an application or who does not comply with the legal conditions; or
- (5) Any other circumstance under which the water administrative license shall be revoked according to law.

In case any licensee obtains a water administrative license by cheating, bribery or any other improper means, the water administrative license shall be revoked.

In case the water administrative license shall be revoked according to the provisions of the preceding two Paragraphs, but the revoke may cause great damages to public interests, the administrative license shall not be revoked.

Where the water administrative license is revoked according to Paragraph 1 of this Article, and the lawful rights and interests of the licensee are damaged as a result, the compensation shall be given according to law. Where the water administrative license is revoked according to Paragraph 2 of this Article, the interests obtained by the licensee from the water administrative license may not be protected.

Article 51 If it is under any of the following circumstances, the executive organ of water administrative licensing shall handle the relevant formalities on writing off the relevant water administrative license:

- (1) The valid period of water administrative license has expired but the extension has not been applied for or not been approved;
- (2) The citizen dies or loses the capability to act in the case of the water administrative license that endows the citizen with a special qualification;
- (3) The legal person or other organization terminates according to law;

- (4)The water administrative license is revoked or withdrawn according to law, or the credential or certificate of water administrative licensing is revoked according to law;
- (5)The water administrative licensing matter cannot be implemented due to the force majeure; or
- (6)Any other circumstance as prescribed by any law or regulation under which the water administrative license shall be revoked.

Chapter VIII Legal Liabilities

Article 52 In case the water administrative department of the local people's government at or above the county level establishes a water administrative license by violating Article 17 of the Administrative License Law, the relevant organ shall order it to make corrections within a time limit or revoke the said license according to law.

In case a river basin administrative organ commits the act as prescribed by the preceding Paragraph, the water administrative department under the State Council shall deal with it according to the preceding Paragraph.

Article 53 In case any executive organ of water administrative licensing or any of its functionaries grants the water administrative licensing against laws, it/he shall be punished according to Article 72, 73, 74, 75 or 77 of the Administrative License Law.

Article 54 In case any executive organ of water administrative licensing or any of its functionaries grants any water administrative license against laws, and causes damage to the lawful rights and interests of any party involved, it/he shall make the compensation according to the state compensation law.

Where any executive organ of water administrative licensing has assumed the compensation liability due to its illegal implementation of the water administrative licensing system, it can order the directly liable person in-charge and any other directly liable person with intent or gross negligence to bear part or all of the compensatory expenses.

Article 55 In case an applicant for water administrative licensing applies for a water administrative license by disguising the relevant conditions or providing any false materials, the executive organ of water administrative licensing shall not accept it or disapprove the application for water administrative licensing, and shall give a warning to it. In case the application for water administrative licensing directly relates to the safety of flood control, the safety of water conservancy project, the safety of hydro-ecological environment or the safety of people's lives and properties, the applicant may not file another application for the said water administrative license within one year.

Article 56 In case a licensee obtains the water administrative license by cheating, bribery or any other unjustifiable means, the executive organ of water administrative licensing shall revoke it and give a warning to the licensee except that the revocation will cause great damage to public interests. In case the licensee engages in non-business activities, he may be fined not more than 1000 yuan; in case the licensee engages in business activities and has any illegal gains, a fine of less than three times the illegal gains may be given but with the maximum of 30000 yuan; if there is no illegal gains, a fine of less than 10000 yuan may be given, unless it is otherwise by any law or regulation. In case the water administrative license obtained directly relates to the safety of flood control, the safety of water conservancy project, the safety of hydro-ecological environment or the safety of people's lives and properties, the applicant may not file another application for the said water administrative license within three years; if a crime is constituted, he/it shall be subject to criminal liabilities.

Article 57 In case a licensee commits any of acts as prescribed in Article 80 of the Administrative License Law, the executive organ of water administrative licensing shall, in light of the severity of the circumstances, give a warning or lower its qualification grade of water administrative licensing. In case the licensee engages in non-business activities, he may be fined with not more than 1000

yuan; in case the licensee engages in business activities and has any illegal gains, a fine of less than three times the illegal gains may be given but with the maximum of 30000 yuan; if there is no illegal gains, a fine of less than 10000 yuan may be given, unless it is otherwise by any law or regulation. If a crime is constituted, he/it shall be subject to criminal liabilities.

Article 58 In case any citizen, legal person or other organization that illegally engages, without water administrative licensing, in any activity for which the water administrative license shall be obtained, the executive organ of water administrative licensing shall order him/it to suspend the illegal act and give it a warning. In case the licensee engages in non-business activities, he may be fined not more than 1000 yuan; in case the licensee engages in business activities and has any illegal gains, a fine of less than three times the illegal gains may be given but with the maximum of 30000 yuan; if there is no illegal gains, a fine of less than 10000 yuan may be given, unless it is otherwise by any law or regulation. If a crime is constituted, he/it shall be subject to criminal liabilities.

Chapter IX Supplementary Provisions

Article 59 The time limits for the executive organ of water administrative licensing to implement the water administrative licensing system as prescribed by the present Measures shall be computed by the workday, excluding legal festivals or holidays.

Article 60 The model texts of legal documents for water administrative licensing shall be separately formulated by the water administrative department under the State Council.

Article 61 The power to interpret the present Measures shall remain with the water administrative department under the State Council.

Article 62 The present Measures shall come into as of the date of promulgation.