

(unofficial translation)

**Water Law of the People's
Republic of China**

**Decree No.74 of the President of the People's
Republic of China**

**The Water Law of the People's Republic of China,
adopted at the 29th Meeting of the Standing Committee of
the Ninth National People's Congress of the People's Re-
public of China on August 29, 2002, is hereby promulgat-
ed and shall go into effect as of October 1, 2002.**

**Jiang Zemin
President of the People's Republic of China
August 29, 2002**

Water Law of the People's Republic of China

(Adopted at the ²⁴th Meeting of the Standing Committee of the Sixth National People's Congress on January 21, 1988; revised at the ²⁹th Meeting of the Standing Committee of the Ninth National People's Congress on August 29, 2002)

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Chapter I

General Provisions

Article 1 This Law is enacted for the purposes of rationally developing, utilizing, conserving and protecting water resources, preventing and controlling water disasters, bringing about sustainable utilization of water resources, and meeting the need of national economic and social development.

Article 2 This Law is applicable to development, utilization, conservation, protection and management of water resources and to prevention and control of water disasters within the territory of the People's Republic of China.

The water resources referred to in this Law include surface water and groundwater.

Article 3 Water resources are owned by the State. The State Council, on behalf of the State, exercises the right of ownership of water resources. The water of ponds belonging to rural economic collectives and the water of reservoirs built and managed by such collectives shall be used by the collectives respectively.

Article 4 In developing, utilizing, conserving and protecting water resources and preventing and controlling water disasters, emphasis shall be placed on overall planning and all-round consideration, on both the root cause and symptoms, and on multipurpose use, efficiency, and the multiple function of water resources, and attention shall be paid to coordinated use of water in people's daily lives, in production and operation and in ecological environment.

Article 5 People's governments at or above the county level

shall pay special attention to construction of water conservancy infrastructures, and incorporate it into their plans of national economic and social development.

Article 6 The State encourages units and individuals to develop and use water resources in accordance with law, and protects their legitimate rights and interests. Any unit or individual that develops and uses water resources has the obligation of protecting water resources in accordance with law.

Article 7 For water resources, the State applies, in accordance with law, the system of licensing for water-taking and the system of compensation for use of water, except for water of the ponds and reservoirs belonging to rural economic collectives that is used by such collectives and their members. The administrative department for water resources under the State Council is responsible for making arrangements for implementing the system of licensing for water-taking and the system of compensation for use of water throughout the country.

Article 8 The State encourages strict economy on the use of water, greatly promotes water-conserving measures, spreads the use of new technologies and techniques for water-conserving, develops water-conserving industries, agriculture and services, and builds a water-conserving community.

People's governments at all levels shall adopt measures to improve management of water conservation, establish a system for developing and promoting the use of water-conserving technologies, and foster and develop water-conserving industries.

All units and individuals shall have the obligation of economizing on water.

Article 9 For the purpose of protecting water resources, the State adopts such effective measures as protection of vegetation, planting of trees and grass, conservation of water sources, prevention and control of soil erosion and water-body pollution, and improvement of ecological environment.

Article 10 The State encourages and supports research, extension and application of advanced science and technology in development, utilization, conservation, protection and management of water resources, and in prevention and control of water disasters.

Article 11 Units and individuals that have made outstanding achievements in development, utilization, conservation, prevention or management of water resources, or in prevention and control of water disasters shall be rewarded by people's governments.

Article 12 For water resources the State applies the system under which management of river basins is combined with management of administrative regions.

The administrative department for water resources under the State Council is responsible for unified management of and supervision over water resources throughout the country.

The institutions for river basin management (hereinafter referred to as river basin authorities, in short), set up by the administrative department for water resources under the State Council for the key rivers and lakes defined as such by the State, shall perform the duties of water resources management and supervision, within the limits of their jurisdiction, specified by laws and administrative regulations and assigned to them by the said department.

The administrative departments for water resources under the local people's governments at or above the county level shall, within

the limits of their specified powers, be responsible for unified management of and supervision over the water resources.

Article 13 The relevant departments under the State Council shall, in conformity with the division of their duties, be responsible for work relating to the development, utilization, conservation and protection of water resources.

The relevant departments under the local people's governments at or above the county level shall, in conformity with the division of their duties, be responsible for the development, utilization, conservation and protection of water resources within their administrative regions.

Chapter II

Planning for Water Resources

Article 14 The State formulates strategic plans for water resources across the land.

Unified plans shall, on the basis of river basins and regions, be made for the development, utilization, conservation and protection of water resources and for prevention and control of water disasters. The plans shall be divided into river basin plans and regional plans. The river basin plans shall include comprehensive river basin plans and special river basin plans; the regional plans shall include comprehensive regional plans and special regional plans.

The comprehensive plans mentioned in the preceding paragraph are general outline drawn, in light of the need of economic and social development and the present conditions of Water resources development and utilization, for the development, utilization, conservation

and protection of water resources and for prevention and control of water disasters. The special plans mentioned in the preceding paragraph are plans for flood control, waterlogging prevention, irrigation, navigation, water supply, hydropower generation, bamboo and log rafting, fishery, water resources protection, water and soil conservation, prevention and control of sedimentation, conservation of water, etc.

Article 15 The plan for a region within a river basin shall be subordinated to the plan for the river basin, and the special plan shall be subordinated to the comprehensive plan.

Comprehensive river basin plans and comprehensive regional plans as well as the special plans closely related to land use shall be coordinated with the plans for national economic and social development, the general plans for land use and general urban plans and plans for environmental protection, and at the same time the needs of various regions and industries shall be taken into consideration.

Article 16 Comprehensive scientific survey, investigation and assessment of water resources shall be conducted before a plan is formulated. Such survey, investigation and assessment shall be arranged by the administrative department for water resources under the people's government at or above the county level, in conjunction with the relevant departments at the same level.

People's governments at or above the county level shall pay special attention to establishment of an information system for hydrology and water resources. The administrative departments for water resources under such governments and the river basin authorities shall pay special attention to dynamic monitoring of water resources.

The basic hydrological data shall be made public in accordance with the relevant regulations of the State.

Article 17 The comprehensive river basin plans for key rivers and lakes defined as such by the State shall be worked out by the administrative department for water resources under the State Council, in conjunction with the relevant departments under the State Council and the relevant people's governments of provinces, autonomous regions or municipalities directly under the Central Government, and they shall be submitted to the State Council for approval. The comprehensive river basin plans and comprehensive regional plans for other rivers and lakes that run or straddle across provinces, autonomous regions or municipalities directly under the Central Government shall be worked out by the relevant river basin authorities, in conjunction with the administrative departments for water resources and the relevant departments under the people's governments of the provinces, autonomous regions or municipalities directly under the Central Government where the rivers run across or the lakes are located, and these plans shall be examined and commented by the relevant people's governments of the provinces, autonomous regions or municipalities directly under the Central Government, before they are submitted to the administrative department for water resources under the State Council for examination and verification; the administrative department for water resources under the State Council shall consult the relevant departments under the State Council before submitting the plans to the State Council, or the department authorized by it, for approval.

The comprehensive river basin plans and comprehensive regional plans for rivers and lakes other than the one specified in the pre-

ceding paragraph shall be worked out by the administrative departments for water resources under the local people's governments at or above the county level, in conjunction with the relevant departments at the same level and local people's governments concerned, and they shall be submitted to the people's governments at the same level, or the departments authorized by the governments, for approval, before they are submitted to the administrative departments for water resources at the next higher level for the record.

Special plans shall be worked out by the relevant departments under the people's governments at or above the county level, and they shall be submitted to the said people's governments for approval after the other relevant departments at the same level are consulted. With respect to plans for flood control and water and soil conservation, they shall be made and approved in accordance with the relevant provisions in the Flood Control Law and the Law on Water and Soil Conservation respectively.

Article 18 Once a plan is approved, it shall be implemented to the better.

Wherever the approved plan needs to be amended, the amended plan shall, according to the procedure for the formulation of plans, be subject to approval by the original authority that gives approval to the plan.

Article 19 Waterworks shall be built in conformity with the comprehensive river basin plans. For construction of any waterwork on the key river and lake defined as such by the State or on the river or lake that runs or straddles across provinces, autonomous regions or municipalities under the Central Government, the relevant river basin authority shall, before the feasibility study report on the wa-

terwork is submitted for approval, examine whether the waterwork conforms to the comprehensive river basin plan, write down their comments and sign. For construction of waterworks on other rivers and lakes, the administrative departments for water resources of the local people's governments at or above the county level shall, before the feasibility study reports of the waterworks are submitted for approval and within the limits of their administrative powers, examine whether the waterworks conform to the comprehensive river basin plans, write down their comments and sign. Where a waterwork is related to flood control, it shall be constructed in accordance the relevant provisions in the Flood Control Law; if it is related to other regions or industries, the unit that launches the waterwork shall solicit comments from the relevant regions and departments in advance.

Chapter III

Water Resources Development and Utilization

Article 20 In developing and utilizing water resources, the principles of combining promotion of what is beneficial with elimination of what is harmful, taking into account the interests of the regions in both the upper and lower reaches and on both the right and left banks of a river and the interests among the relevant regions, giving full play to the overall benefits of water resources, and subordinating to the overall arrangements for flood control shall be adhered to.

Article 21 In developing and utilizing water resources, attention shall first be paid to satisfying the urban inhabitants' need of

water in their daily lives, while taking into consideration the need of water in agriculture, industry and ecological environment, and the need of navigation, etc.

In developing and utilizing water resources in arid and semi-arid areas, full consideration shall be given to the need of water in ecological environment.

Article 22 For diversion of water across river basins, all-round planning and scientific demonstration shall be needed, overall consideration shall be given to the need of water by both the river basins where water is diverted from and the river basins where water is diverted to, and damages to ecological environment shall be prevented.

Article 23 Local people's governments at all levels shall make rational arrangements for development and multipurpose use of water resources in light of the actual conditions of the local water resources on the principle of unified control over development of surface water and groundwater, combination of the tapping of new resources with water conservation, giving priority to water conservation, and recycling sewage water.

Plans for national economic and social development and general urban plans shall be formulated and major construction projects shall geographically be distributed in such a way as to suit the local conditions of water resources and the need of flood control, and scientific demonstration shall be needed. In areas with insufficient water resources, limitations shall be set on the scale of cities and on construction of industrial, agricultural and service projects that consume large amounts of water.

Article 24 In respect of areas that are short of water resour-

es, the State encourages the collection, development and utilization of rainwater and slightly salty water, as well as the exploitation and desalination of seawater.

Article 25 Local people's governments at various levels shall provide better guidance in respect of irrigation, draining of waterlogged fields, and water and soil conservation, in order to promote the development of agricultural production. In areas that are prone to salinization and floodwater hazards, measures shall be taken to control or lower the groundwater level.

Where rural economic collectives or their members, in accordance with law, invest in construction of waterworks on land owned by the collectives or on land contracted, they shall, on the principle of "those who invest in construction shall manage and receive the benefits", manage and make rational use of the waterworks and the water stored.

Construction of reservoirs by rural economic collectives shall be subject to approval by the administrative departments for water resources under the people's governments at or above the county level.

Article 26 The State encourages the development and utilization of hydroenergy resources. On river rich in hydroenergy multipurpose and cascade development shall be promoted in a planned manner.

In construction of hydropower stations, attention shall be paid to protection of the ecological environment, and consideration shall, at the same time, be given to the needs of flood control, water supply, irrigation, navigation, bamboo and log rafting, fishery, etc.

Article 27 The State encourages the development and utilization of water transport resources. When having permanent dams or

sluice gates built across the migration routes of aquatic life or across rivers for navigation or bamboo and log rafting, the units that launch such projects shall have facilities for the passage of fish and ships or for bamboo and log rafting built simultaneously, or take other remedial measures upon approval by the departments authorized by the State Council and, in addition, they shall make proper arrangements for protection of aquatic life, for navigation, and for bamboo and log rafting during the period of construction and water-storing and bear all the expenses incurred thereby.

Where a non-navigable river or man-made waterway becomes navigable after a dam or sluice-gate is built across it, the unit that launches the project shall simultaneously have facilities built for the passage of ships or sites reserved for such facilities.

Article 28 No unit or individual may divert, intercept (store) or drain off water at the expense of public interests or another person's legitimate rights and interests.

Article 29 The State applies a development-oriented policy with regard to construction of waterworks that involves relocation of people and, on the principle of combining compensation or subsidies given in the early stage with assistance given in the later stage, makes proper arrangements for production and daily lives of the relocated people and protects their legitimate rights and interests.

Arrangements for relocated people shall be made simultaneously with the construction of the projects. The unit launching the construction project shall, on the basis of the ambient capacity of the places where people are to be located and the principle of sustainable development, work out a plan for arrangements to be made for such people in light of the local conditions, which, upon approval in ac-

cordance with law, shall be implemented through arrangement by the local people's government concerned. Funds needed for relocation of people shall be included in the investment plan for construction of the project.

Chapter IV

Protection of Water Resources, Water Areas and Waterworks

Article 30 When working out plans for development and utilization of water resources and for distribution of water resources, the administrative departments for water resources under the people's governments at or above the county level, the river basin authorities and the other departments concerned shall pay attention to maintaining a proper flow of rivers and keeping the lakes, reservoirs and groundwater at a proper water level in order to maintain the natural purification capability of the water body.

Article 31 Any unit or individual engaged in activities concerning water, such as development, utilization, conservation and protection of water resources and prevention and control of water disasters, shall follow the approved plans. Where a unit or individual that acts against the plans and thus causes the lowering of the use functions of the rivers or lakes, overexploitation of groundwater, sinking of land surface or pollution of water bodies shall bear the responsibility of bringing such phenomenon under control.

Where dredging or draining of water, necessitated by mining construction of underground project, results in the lowering of groundwater level, drying up of water sources or subsidence of

ground. the unit that launches the mining or the construction project shall take remedial measures, and where losses are caused to other people's lives and production, it shall compensate for the losses in accordance with law.

Article 32 The administrative department for water resources under the State Council shall, in conjunction with the administrative department for environmental protection and the relevant department under the State Council and the relevant people's governments of provinces, autonomous regions or municipalities directly under the Central Government and in line with the comprehensive river basin plans, water resources protection plans and the need of economic and social development, divide water function zones along key rivers and lakes defined as such by the State, which shall be submitted to the State Council for approval. Such zones along other rivers and lakes across provinces, autonomous regions or municipalities directly under the Central Government shall be divided by the relevant river basin authorities, in conjunction with the administrative departments for water resources, for environmental protection and other departments concerned under the people's governments of the provinces, autonomous regions or municipalities directly under the Central Government where rivers and lakes are located, which shall be examined by, and on which comments shall be solicited respectively from, the relevant people's governments of provinces, autonomous regions or municipalities directly under the Central Government, before they are further examined by the administrative department for water resources under the State Council in conjunction with the administrative department for environmental protection under the State Council, and then they shall be submitted to the State Council or the dep-

artment authorized by it for approval.

Water function zones along rivers and lakes other than the ones specified in the preceding paragraph shall be divided by the administrative departments for water resources under the local people's governments at or above the county level, in conjunction with the administrative departments for environmental protection and the departments concerned under the people's governments at the same level, and shall be submitted to the people's governments at the same level or the departments they authorized for approval, and to the administrative departments for water resources and for environmental protection under the people's governments at the next higher level for the record.

The administrative department for water resources under the people's government at and above the county level or the river basin authorities shall, on the basis of the water quality required by a water function zone and the natural purification on capacity of the water bodies of the zone, check and define the pollution-receiving capacity of the water areas there and make proposals to the administrative department for environmental protection on limitation of the total amount of pollution discharged to the said areas.

The administrative department for water resources under the local people's governments at and above the county level or the river basin authorities shall monitor the quality of water in water function zones and, when discovering that the total amount of major pollutants discharged exceeds the control norm or water quality in water function zones falls short of the standard required by the use function of the water areas, promptly report the matter to the people's government concerned for taking control measures and report to the ad-

ministrative department for environmental protection in a circular.

Article 33 The State establishes a protection system for zones of drinking water sources. The people's governments of provinces, autonomous regions or municipalities directly under the Central Government shall define the drying-up of the water sources and pollution of the water bodies, for the purpose of ensuring town and country residents' safety in respect of drinking water.

Article 34 Construction of any outlet for sewage discharge in the protection zones of drinking water sources is prohibited.

Construction, reconstruction or expansion of a sewage discharge outlet along rivers or lakes shall be subject to permission by the administrative department for water resources or the river basin authority that has jurisdiction over the matter, and the administrative department for environmental protection shall be responsible for examination of the written report on the impact of the construction project on the environment before giving approval.

Article 35 Where a construction project occupies water sources for agricultural irrigation or irrigation and drainage facilities, or has an adverse effect on the original water for irrigation and sources for water supply, the unit that launches the project shall take the necessary remedial measures. Where losses are caused, it shall compensate for the losses in according with law.

Article 36 In areas where groundwater is overexploited, the local people's governments at or above the county level shall take measures to keep exploitation of groundwater under strict control. In areas where groundwater was overexploited to a serious extent, certain areas may, upon approval of the people's governments of provinces, autonomous regions or municipalities directly under the

Central Government, be defined as areas where exploitation of groundwater is prohibited or restricted. Exploitation of groundwater in coastal areas shall undergo scientific demonstration, and measures shall be taken to prevent sinking of land surface and encroachment by seawater.

Article 37 No one may throw away or pile up objects or plant forest trees or high stalk crops in river, lakes, reservoirs, canals or channels, which block the passage of flood water.

No one may, in areas under river course control, put up buildings or structures that block the passage of flood water, or engage in activities that adversely affect the stability of the river condition or endanger the safety of the river embankment or other activities that block the passage of flood water through the river course.

Article 38 In an area under river course control, construction of a bridge, wharf or other building or structure that blocks, spans or borders on a river, or laying of pipes or cables across a river, shall meet the flood control standard and other relevant technical requirements specified by the State, and the plans made for construction of the project shall, in accordance with the relevant provisions in the Flood Control Law, be submitted to administrative department for water resources for examination and approval.

Where for the construction of a project mentioned in the preceding paragraph it is necessary to expand, rebuild, dismantle or damage the existing waterworks, the unit launching the construction project shall bear the expenses incurred by the expansion and rebuilding or compensate for the losses incurred, except where the existing works are unauthorized.

Article 39 The State applies a licensing system for sand quar-

rying in river courses. Measures for implementing the licensing system for sand quarrying in river courses shall be formulated by the State Council.

Where sand quarrying in areas under river course control that may adversely affect the stability of the river condition or endanger safety of the dykes, the administrative departments for water resources under the relevant people's government at or above the county level shall delimit no-quarry areas or fix no-quarry periods, which they shall make known to the general public.

Article 40 Reclaiming parts of a lake for use as farmland is prohibited.

The parts already reclaimed shall be restored as parts of the lake in a planned way according to the flood control standard formulated by the State.

Reclaiming parts of a river course for use as farmland is prohibited. Where it is really necessary to do that, the matter shall be subject to scientific demonstration and to permission by the administrative department for water resources under the people's government of a province, autonomous region or municipality directly under the Central Government or by the administrative department for water resources under the State Council, before it is submitted to the people's government at the corresponding level for approval.

Article 41 All units and individuals have the obligation of protecting waterworks, none of them may occupy or damage dykes, bank revetments, flood control facilities or equipment for hydrologic monitoring or hydro-geological monitoring.

Article 42 Local people's governments at or above the county level shall take measures for safeguarding the waterworks within

their administrative areas, especially the safety of dams and dykes, and eliminate dangers within a given time limit. The administrative department for water recourses shall strengthen supervision over the safety of waterworks.

Article 43 The State protects waterworks. The scope of management and protection of the waterworks owned by the State shall be defined according to the regulations of the State Council.

The scope of management and protection of the waterworks under the control of the administrative department for water recourses under the State Council or the river basin authority, through consultation with the people's government of the relevant province, autonomous region, or municipality directly under the Central Government.

The scope and duty of protection for waterworks other than the ones mentioned in the preceding paragraph shall be defined in accordance with the regulations of the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government.

Within the scope of protection for waterworks, activities such as blasting, well digging, quarrying and earth digging that may adversely affect the operation or endanger the safety of waterworks are prohibited.

Chapter V

Allocation and Economical Use of Water Resources

Article 44 The administrative department for development and planning and the administrative department for water recourses

under the State Council are responsibility for macro-allocation of the water resources nationwide. The medium and long-term plans of water supply and demand for the whole country or such plans that cover more than one province, autonomous region and municipality directly under the Central Government shall be drawn up by the administrative department for water resources under the State Council, in conjunction with the departments concerned, and shall be implemented after examination and approval by the administrative department for development and planning under the State Council. The local medium and long-term plans for water supply and demand shall, on the basis of the medium and long-term plans for water supply and demand at the next higher level and in light of the actual local conditions, be drawn up by the administrative departments for water resources under the local people's governments at or above the county level, in conjunction with the departments concerned at the same level, and the plans shall be implemented after examination and approval by the administrative departments for development and planning under the people's governments at the same level.

The medium and long-term plans for supply and demand of water shall be drawn up on the basis of the current supply and demand of water, plans for national economic and social development, river basin plans and regional plans and on the principle of coordinated supply and demand of water resources, comprehensive balancing of all interests, protection of ecology, strictly practicing of economy and rational development of water resources.

Article 45 For regulating runoff and storing water, and for allocating the volume of water, a river basin shall be made a unit in formulating water allocation plans in accordance with the river basin

plans and the medium and long-term plans of water supply and demand.

Water allocation plans and preliminary plans for water distribution under drought and emergency conditions that cover more than one province, autonomous region or municipality directly under the Central Government shall be worked out by the river basin authorities through consultation with the relevant people's governments of provinces, autonomous regions or municipalities directly under the Central Government, which shall be implemented upon approval by the State Council or the department authorized by the State Council. Other water allocation plans and preliminary plans for water distribution under drought and emergency conditions that cover more than one administrative region shall be worked out by the same administrative department for water resources under the people's government at the next higher level through consultation with the relevant local people's governments, which shall be implemented upon approval by the people's governments which the administrative regions belong to respectively.

Water allocation plans and the preliminary plans for water distribution under drought and emergency conditions shall be executed by the local people's governments concerned.

Projects for development and utilization of water resources to be constructed across rivers bordering on different administrative regions shall conform to the approved water allocation plans for the river basins in question and shall be submitted by the relevant local people's governments at or above the county level to the same administrative department for water resources under the people's government at the next higher level or the relevant river basin authority

for approval.

Article 46 The administrative departments for water resources under the local people's governments at or above the county level or the river basin authorities shall, on the basis of the approved water allocation plans and the predicted annual volume of in-coming water, work out annual water allocation plans and distribution plans for unified distribution of the volume of water, and the local people's governments concerned shall follow them.

Annual water allocation plans for the key rivers and lakes defined as such by the State shall be incorporated into the annual plans for national economic and social development.

Article 47 The State applies a system for the use of water under which control over the total volume is combined with control over the quotas.

The administrative departments for the relevant trades under the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall set quotas for water use by different trades in their administrative regions, which shall be submitted to the administrative departments for water resources and the administrative departments for quality supervision and inspection at the same level for examination and permission, before the quotas are made known to the public by the people's governments of the provinces, autonomous regions and municipalities directly under the Central Government, and are submitted to the administrative department for water resources under the State Council and the administrative department for quality supervision and inspection under the State Council for the record.

The administrative departments for development and planning

under the local people's governments at or above the county level shall, in conjunction with the administrative departments for water resources at the same level and on the basis of the quotas for water use, the economic and technical conditions and the volume of water available for use in their administrative regions as is determined in the water allocation plans, work out their annual plans for water use, in order to exercise control over the total volume of water to be used in their administrative regions annually.

Article 48 Any unit or individual that takes water and uses water resources directly from a river or lake or from the underground shall, in accordance with the regulations of the licensing system of the State for water-taking and the system for compensated use of water resources, apply to the administrative department for water resources or the river basin authority for a water-taking license and pay water resources fees, in order to acquire the right to take water, except where only a small amount of water is taken for domestic use or for drinking by poultry and livestock reared outdoors or in pens.

Specific measures for implementing the licensing system for water-taking and for collecting fees for management of water resources shall be formulated by the State Council.

Article 49 The use of water shall be measured and water shall be used in accordance with the approved plan for water use.

For the use of water, the system shall be applied under which a fee shall be charged on the basis of the amount of water used and a progressive higher price shall be charged for the amount that exceeds the quota.

Article 50 People's governments at all levels shall promote water-conserving irrigation methods and water-conserving technolo-

gies, and shall take necessary measures to prevent seepage in agricultural projects for storing and transmitting water, in order to increase the efficiency of water use in agriculture.

Article 51 For use of water in industry, advanced technology, techniques and equipment shall be applied to increase the frequency of the use of circulated water and the ratio of the use of recycled water.

The State gradually eliminates the techniques, equipment and products that are outdated and are of high water-consumption. The specific list for them shall be compiled and published by the department for comprehensive administration of the economy under the State Council, in conjunction with the administrative department for water resources and the relevant departments under the State Council. Manufacturers, sellers and users in the process of production and operation shall, within a specified time limit, desist from manufacturing, selling or using the techniques, equipment and products included in the list.

Article 52 Urban people's governments shall take effective measures, as are suited to local conditions, to promote the use of water-conserving household utensils, lower the leakage rate of the urban water supply network and increase the efficiency of domestic water use; they shall pay attention to centralized treatment of sewage water in cities and encourage the use of recycled water, in order to increase the utilization ratio of recycled sewage water.

Article 53 For construction, expansion or reconstruction of a project, plans for water-conserving measures shall be worked out to build water-conserving facilities in support of the project. The water-conserving facilities shall be designed, constructed and put into

operation simultaneously with the principal part of the project.

Water-supply enterprises and units that build their own water-supply facilities shall pay special attention to maintenance of the facilities to reduce water loss.

Article 54 People's governments at all levels shall take effective measures to improve the conditions of drinking water for town and country residents.

Article 55 Where water is supplied by waterworks, the user shall, in accordance with the regulations of the State, pay charges to the water-supply unit. The price of water supply shall be fixed in accordance with the principle of compensating for the cost, gaining reasonable benefits, paying good money for good quality and fair sharing of the cost. The specific measures shall be formulated by the administrative departments for pricing under the people's governments at or above the provincial level, in conjunction with the administrative departments for water resources or administrative departments for water supply at the same level, within the limits of their powers.

Chapter VI

Resolution of Water Disputes and Supervision over and Inspection of Law-enforcement

Article 56 Where a dispute over water arises between different administrative regions, it shall be resolved through consultation. If consultation is unsuccessful, it shall be subject to ruling by the people's government at the next higher level, which the parties concerned shall strictly abide by. Pending settlement of the dispute,

none of the parties may, in the absence of an agreement reached between the parties or approval granted by the same people's government at the next higher level, build any projects for draining, blocking, taking or intercepting (storing) water or unilaterally alter the existing water regime within a certain area on each side of the common boundary of the administrative regions.

Article 57 Disputes over water that arise between units or individuals or between units and individuals shall be resolved through consultation. Where the parties are not willing to have them resolved through consultation or where consultation is unsuccessful, they may apply to the local people's governments at or above the county level or the departments authorized by them for conciliation, or institute a civil action directly in the people's court. Where conciliation by a local people's government at or above the county level or the department authorized by it is unsuccessful, the parties may institute a civil action in the people's court.

Pending settlement of the dispute over water, none of the parties may unilaterally alter the existing water regime.

Article 58 When dealing with a dispute over water, the local people's government at or above the county level or the department authorized by it shall have the power to take temporary measures for settlement, which all the sides concerned or the parties shall abide by.

Article 59 The administrative departments for water resources under the people's governments at or above the county level and the river basin authorities shall exercise strict supervision over and inspection of violation of this Law and conduct investigation into and deal with them in accordance with law.

Supervisors and inspectors for the administration of water resources shall be devoted to their duties and impartial in enforcing laws.

Article 60 When performing their duties of supervision and inspection as stipulated in this Law, the administrative departments for water resources under the people's governments at or above the county level, river basin authorities and supervisors and inspectors therefrom shall have the power to take the following measures:

(1) requesting the units under inspection to provide the relevant documents, certificates and materials;

(2) requesting the unit under inspection to make explanations to the questions related to implementation of this Law;

(3) entering into the production sites of the unit under inspection for investigation; and

(4) instructing the unit under inspection to desist from violating this Law and to fulfill their statutory obligations.

Article 61 The units or individuals concerned shall cooperate with the supervision and inspection carried out by the supervisors and inspectors for administration of water resources, and none of them may refuse to do so or impede the said supervisors and inspectors in performing their duties in accordance with law.

Article 62 When performing their duties, the supervisors and inspectors for administration of water resources shall show their law-enforcement papers to the units or individuals under inspection.

Article 63 Where people's governments at or above the county level or the administrative departments for water resources at a higher level discover violations of law or negligence of duty committed by the administrative department for water resources at the same

level or a lower level in supervision and inspection, they shall order the latter to rectify within a time limit.

Chapter VII

Legal Liabilities

Article 64 Where administrative departments for water resources or other departments concerned, or units for control of waterworks, or their staff members, taking advantage of their positions, accept another person's money or things of value or other benefits, or neglect their duties, or issue licenses or sign permission after examination to units or individuals that do not meet the statutory requirements, or fail to allocate water in accordance with the water allocation plans, or fail to collect water resources fees in accordance with the relevant regulations of the State, or fail to perform their duty of supervision, or fail to investigate into and deal with violations of law discovered, which thus leads to serious consequences and constitutes a crime, the persons directly in charge and the other persons directly responsible shall be investigated for criminal responsibility in accordance with the relevant provisions in the Criminal Law; if the violation is not serious enough to constitute a crime, they shall be given administrative sanctions in accordance with law.

Article 65 Where a unit or individual, in areas under river course control, puts up buildings or structures that block the passage of flood water, or engages in activities that adversely affect the stability of the river condition or safety of the river embankment or other activities that block the passage of flood water through the river course, the administrative department for water resources under the

people's government at or above the county level or the river basin authority shall, within the limits of their powers, instruct it/him to desist from the violation, dismantle the unlawful buildings or structures within a time limit and restore the original state. If the unit or individual fails to dismantle the buildings or structures and restore the original state at the expiration of the time limit, such dismantling shall be enforced, and the unit or individual in question shall bear the expenses incurred and shall, in addition, be fined not less than RMB 10,000 yuan but not more than 100,000 yuan.

Where a unit or individual, without permission by the administrative departments for water resources or the river basin authority, constructs other building or structure that blocks, spans or borders on a river, or lays pipes or cables across a river, for which no provisions are stipulated in the Flood Control Law, the administrative department for water resources under the people's government at or above the county level or the river basin authority shall, within the limits of its powers, instruct it/him to desist from the violation and to go through the necessary formalities within a time limit. If the unit or individual fails to go through the formalities at the expiration of the time limit or obtains no approval, it/he shall be instructed to dismantle the unlawful building or structure within a time limit; if the building or structure is not dismantled at the expiration of the time limit, dismantling shall be enforced, and the unit or individual that violates the law shall bear the expenses incurred and shall, in addition, be fined not less than 10,000 yuan but not more than 100,000 yuan.

Where a unit or individual, in spite of the fact that it/he has obtained permission of the administrative department for water re-

sources or the river basin authority, fails to build the project mentioned in the preceding paragraph according to requirements, the administrative department for water resources under the people's government at or above the county level or the river basin authority shall, within the limits of its powers, instruct it/him to rectify within a time limit and, depending on the seriousness of the circumstances, impose a fine of not less than 10,000 yuan but not more than 100,000 yuan.

Article 66 Where a unit or individual commits one of the following facts, for which no provisions are stipulated in the Flood Control Law, the administrative department for water resources under the people's government at or above the county level or the river basin authority shall, within the limits of its powers, instruct it/him to desist from the violation, clear away the obstructions or take other remedial measures within a time limit, and impose a fine not less than 10,000 yuan but not more than 50,000 yuan:

(1) throwing away or piling up objects, or planting forest trees or high stalk crops in rivers, lakes, reservoirs, canals or channels, which block the passage of flood water; or

(2) enclosing parts of a lake for reclamation or enclosing river courses for reclamation without permission.

Article 67 Where a unit or individual constructs an outlet for sewage discharge in a protection zone of drinking water sources, the local people's government at or above the county level shall instruct it/him to remove the outlet and restore the original state within a time limit; if it/he fails to comply at the expiration of the time limit, removal of the outlet and restoration to the original state shall be enforced, and the unit or individual shall be fined not less than 50,

000 yuan but not more than 100,000 yuan.

Where a unit or individual, without examination and permission by the administrative department for water resources or the river basin authority, constructs, reconstructs or expands an outlet for sewage discharge, the administrative department for water resources under the people's government at or above the county level or the river basin authority shall, within the limits of its powers, instruct it/him to desist from the violation and to restore the original state within a time limit, and shall impose a fine not less than 50,000 yuan but not more than 100,000 yuan.

Article 68 Where a unit or individual manufactures or sells outdated or high water-consuming techniques, equipment and products or uses them in the process of production and operation, the department for comprehensive administration of the economy under the local people's government at or above the county level shall instruct it/him to desist from manufacturing, selling or using them and shall impose a fine not less than 20,000 yuan but not more than 100,000 yuan.

Article 69 Where a unit or individual commits one of the following facts, the administrative department for water resources under the people's government at or above the county level or the river basin authority shall, within the limits of its powers, instruct it/him to desist from the violation and to take remedial measures within a time limit, and shall impose a fine not less than 20,000 yuan but not more than 50,000 yuan; if the circumstances are serious, its/his water-taking license shall be revoked:

- (1) taking water without permission; or
- (2) failing to take water in accordance with the approved

requirements specified in the water-taking license.

Article 70 Where a unit or individual refuses to pay, delays payment of, or is in arrears with water resources fees, the administrative department for water resources under the people's government at or above the county level or the river basin authority shall, within the limits of its powers, instruct it/him to make the payment within a time limit; if it/he fails to comply at the expiration of the time limit, it/he shall pay a surcharge for the overdue payment at a daily rate of 0.2 percent of the total amount, counting from the date of delay, and shall, in addition, be fined not less than the amount but not more than five times the amount of the water resources fees payable or payable retroactively.

Article 71 Where a unit or individual, without permission, puts to use water-conserving facilities of a project, the construction of which is not completed or which, although completed, do not measure up to the requirements specified by the State, the relevant department under the people's government at or above the county level or the river basin authority shall, within the limits of its powers, instruct it/him to desist from using them and to rectify within a time limit, and shall impose a fine not less than 50,000 yuan but not more than 100,000 yuan.

Article 72 Where a unit or individual commits one of the following acts, which constitutes a crime, it/he shall be investigated for criminal responsibility in accordance with the relevant provisions of the Criminal Law; if it is not serious enough to constitute a crime and no provisions governing it are stipulated in the Flood Control Law, the administrative department for water resources under the local people's government at or above the county level or the river

basin authority shall, within the limits of its powers, instruct it/him to desist from the violation and take remedial measures, and shall impose a fine not less than 10,000 yuan but not more than 50,000 yuan; if the unit or individual violates the Regulations on Punishment for Security Administration, the public security organ shall, in accordance with law, mete out punishment to it/him for security administration; if losses are caused to another person, it/he shall bear the liability to pay compensation:

(1) occupying or damaging waterworks or dykes, bank revetments or other relevant facilities, or damaging facilities or equipment for flood control or hydrological or hydro-geological monitoring; or

(2) within the area of protection for waterworks, engaging in activities that adversely affect the operation or endanger the safety of waterworks, such as blasting, well digging, quarrying and earth digging.

Article 73 Anyone who takes illegal possession of, steals or forcibly seizes supplies for flood prevention, equipment or apparatus for flood control, drainage of waterlogged fields, farmland irrigation and hydrological monitoring and measuring or for other waterworks, or anyone who embezzles or misappropriates State funds earmarked for relief of disasters, for use in emergencies, for flood control, for arrangements and compensation to be made for relocated people and for construction of other waterworks, which constitutes a crime, shall be investigated for criminal responsibility in accordance with the relevant provisions of the Criminal Law.

Article 74 Anyone who, in the course of a dispute over water and of its handling, stirs up unrest, engages in gang fighting, forcibly seizes or damages public or private property, or illegally restricts

other people's freedom of the person, which constitutes a crime, shall be investigated for criminal responsibility in accordance with the relevant provisions of the Criminal Law; if the violation is not serious enough for criminal punishment, the public security organ shall, in accordance with law, mete out punishment to him for security administration. Article 75 Where, when a dispute over water arises between different administrative regions, a unit commits one of the following acts, the persons directly in charge and the other persons directly responsible shall be given administrative sanctions in accordance with law:

(1) refusing to carry out water allocation plans or preliminary plans for water distribution;

(2) refusing to comply with the unified distribution of the volume of water;

(3) refusing to abide by the ruling made by the people's government at the next higher level; or

(4) pending settlement of the dispute over water, in the absence of an agreement reached between the parties or approval granted by the people's government at the next higher level, unilaterally altering the water regime in violation of the provisions of this Law.

Article 76 Any unit or individual that diverts, intercepts, or drains off water at the expense of public interests or another person's legitimate rights and interests shall bear civil liability in accordance with law.

Article 77 Administrative penalties to be imposed on violation of the licensing system for sand quarrying in river courses, as prescribed in Article 39 of this Law, shall be drawn up by the State Council.

Chapter VIII

Supplementary Provisions

Article 78 Where any international treaty or agreement relating to international or border rivers or lakes, concluded or acceded to by the People's Republic of China, contains provisions differing from those in the laws of the People's Republic of China, the provisions of the international treaty or agreement shall apply, unless the provisions are ones on which the People's Republic of China has declared reservation.

Article 79 The waterworks referred to in this Law mean the various kinds of works on rivers, lakes and underground water sources for development, utilization, control, allocation and distribution, and protection of water resources.

Article 80 Seawater shall be developed, utilized, protected and managed in accordance with the provisions in relevant laws.

Article 81 Activities for flood control shall be conducted in accordance with the provisions in the Flood Control Law.

Water pollution shall be prevented and controlled in accordance with the provisions in the Law on Prevention and Control of Water Pollution.

Article 82 This Law shall go into effect as of October 1, 2002.