Flood Control Law of the PRC

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of preventing and controlling floods, providing for flood control work, and safeguarding the safety of people's lives and property and the smooth progress of the socialist modernization drive.

Article 2 — Flood control work shall follow the principles of comprehensive planning, overall consideration, giving priority to prevention, combining prevention with control, and comprehensive management.

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Article 3 — The investment in flood control projects and facilities shall be incorporated into the national economic and social development plans.

Funding for flood control shall be raised in accordance with the principle of combining government investment with reasonable contributions from beneficiaries.

Article 4 — The development, utilization, and protection of water resources shall be subject to the overall flood control plans and shall follow the principle of subordinating local interests to overall interests.

Flood control work shall be carried out in accordance with watershed or regional unified plans. The principles of subordinating local interests to overall interests shall be followed.

Article 5 — Flood control work shall be carried out under the system of responsibility of the heads of the people's governments at all levels, with uniform command and responsibility at each level.

Article 6 — Any entity or individual shall have the obligation to protect flood control projects and facilities and to participate in flood fighting and relief efforts in accordance with the law.

Article 7 — The water administrative department under the State Council shall be responsible for the nationwide flood control organization, coordination, supervision, guidance, and other day-to-day work. The water administrative departments of local people's governments at or above the county level shall be responsible for flood control work within their respective administrative regions.

Article 8 — The State Council shall establish a state flood control and drought relief command structure, which shall be responsible for leading and organizing the nationwide flood control and drought relief work. Local people's governments at or above the county level shall establish flood control and drought relief command structures.

Chapter II — Flood Control Planning

Article 9 — Flood control plans shall be basic foundations for flood control work. Flood control plans involving river basins shall be subject to the comprehensive plans for the relevant river basins.

Article 10 — The state shall determine flood control standards for major rivers and lakes. The flood control standards for other rivers and lakes shall be determined by the relevant water administrative departments.

Article 11 — The construction of flood control projects shall be carried out in accordance with the approved flood control plans. No unit or individual may alter the flood control plans without authorization.

Article 12 — The flood control plans for rivers and lakes that span provincial boundaries shall be formulated by the relevant watershed management agencies jointly with the relevant provincial water administrative departments and submitted for approval in accordance with the prescribed procedures.

Article 13 — Flood control plans shall, in light of the characteristics of floods, determine key flood control areas and formulate flood control measures, including the construction of flood control projects and flood detention and storage areas.

Chapter III — Management and Protection

Article 14 — The state shall protect flood control facilities in accordance with the law. No unit or individual may damage, occupy, or destroy flood control facilities such as dikes, revetments, floodgates, and drainage works.

Article 15 — Trees and grass shall be planted on dikes and revetments and in the areas of dike protection to provide protection. No unit or individual may fell, destroy, or remove such protective vegetation without authorization.

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Article 16 — The management authorities for rivers and lakes shall strengthen the management and protection of rivers and lakes, and shall prohibit acts that obstruct the passage of floods.

Article 17 — In areas under river and lake management, the construction of structures that obstruct the passage of floods, the dumping of waste and debris, and the planting of tall crops that obstruct the passage of floods shall be prohibited.

Article 18 — The construction of bridges, wharves, and other structures that span, cross, or border rivers, or that occupy river courses, shall comply with the flood control standards and the relevant requirements for river channel management.

Article 19 — The construction of projects that impede the passage of floods within river channels shall be subject to the examination and approval of the water administrative department. No unit or individual may construct such projects without approval.

Chapter IV — Flood Control Areas and Flood Control Projects

Article 20 — The state shall delineate flood control areas, which include areas where floods may occur, flood detention and storage areas, and flood protection areas.

Article 21 — People's governments at all levels shall strengthen the construction of flood control projects in flood control areas and improve their flood control capabilities.

Article 22 — For flood detention and storage areas, the state shall implement safety construction plans and control population growth. Enterprises and public institutions located in flood detention and storage areas shall prepare emergency plans for flood avoidance and evacuation.

Article 23 — The construction of flood control projects shall be subject to the relevant technical standards and quality requirements prescribed by the state.

Article 24 — Flood control projects shall be maintained and managed by specialized management agencies. No entity or individual may destroy or occupy flood control projects.

Chapter V — Flood Fighting and Relief

Article 25 — During the flood season, the flood control and drought relief command structures at all levels shall implement a 24-hour duty system and monitor changes in flood conditions and work conditions.

Article 26 — During the flood season, water administrative departments, meteorological departments, and hydrological departments shall strengthen monitoring and forecasting of rainfall, water conditions, and flood situations, and shall promptly report to the flood control and drought relief command structures.

Article 27 — When a flood occurs, the flood control and drought relief command structure shall, in accordance with the approved flood control plans and the actual situation, take flood fighting measures.

Article 28 — Under emergency flood fighting circumstances, the flood control and drought relief command structure shall have the authority to requisition materials, equipment, means of transport, and labor within its jurisdiction.

Article 29 — After a flood disaster occurs, the relevant people's government shall organize relevant departments and entities to do a good job of providing living supplies, health and epidemic prevention, disaster relief materials, public security, restoration of damaged facilities, and other relief work.

Article 30 — The state shall encourage and support scientific and technological research on flood control and flood fighting, and shall popularize and apply advanced flood control and flood fighting technologies.

Chapter VI — Safeguard Measures

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Article 31 — People's governments at all levels shall incorporate funding for flood control into their fiscal budgets. The state shall establish a flood control fund, which shall be used for the construction, maintenance, and management of flood control projects and for flood fighting and relief efforts.

Article 32 — Beneficiaries of flood control projects shall bear reasonable costs for the construction and maintenance of flood control projects in accordance with the provisions of the state.

Article 33 — The state shall, in accordance with the provisions, provide compensation and assistance to flood detention and storage areas and to entities and individuals suffering losses as a result of flood detention and storage.

Article 34 — Flood control materials and equipment shall be subject to a management system that combines reserve storage with commercial storage. The flood control command structure shall reserve a certain quantity of flood control materials.

Chapter VII — Legal Liability

Article 35 — Where a person, in violation of the provisions of this Law, destroys or occupies flood control facilities without authorization, the water administrative department shall order the person to cease the illegal act, take remedial measures, and may impose a fine of not more than RMB 50,000. Where damage is caused, the person shall bear civil liability in accordance with the law.

Article 36 — Where a person, in violation of the provisions of this Law, constructs a project that obstructs the passage of floods within a river channel without approval, the water administrative department shall order the person to cease the illegal act, demolish the illegal structure, and restore the site to its original condition. If the person fails to do so within the time limit, compulsory demolition shall be carried out, and a fine of not less than RMB 10,000 but not more than RMB 100,000 shall be imposed.

Article 37 — Where a person, in violation of the provisions of this Law, dumps waste or debris in rivers, lakes, or reservoirs, the water administrative department shall order the person to cease the illegal act, remove the obstruction, and may impose a fine of not more than RMB 50,000.

Article 38 — Where a staff member of a flood control command structure, a water administrative department, or another relevant department neglects his or her duties, abuses his or her powers, or engages in malpractice for personal gain, causing significant losses, the person shall be subject to sanctions in accordance with the law. Where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Chapter VIII — Supplementary Provisions

Article 39 — The prevention and control of mountain torrents and mudslides shall be governed by the provisions of this Law and other relevant laws and regulations.

Article 40 — This Law shall come into effect as of January 1, 1998.

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