Law of the People’s Republic of China on Soil and Water Conservation

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of preventing and controlling soil erosion, protecting and rationally utilizing soil and water resources, mitigating disasters such as floods, droughts and sandstorms, improving the ecological environment, and promoting sustainable economic and social development.

Article 2 — This Law shall apply to the prevention and control of soil erosion and related activities within the territory of the People’s Republic of China.

Article 3 — The work of soil and water conservation shall follow the principles of giving priority to prevention, emphasizing protection, combining prevention with control, adopting measures tailored to local conditions, providing comprehensive management, and stressing actual benefits.

Article 4 — People’s governments at or above the county level shall strengthen leadership over soil and water conservation work, incorporate soil and water conservation into their national economic and social development plans, and ensure funding for soil and water conservation.

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Article 5 — The water administration department under the State Council shall be responsible for the supervision and administration of soil and water conservation nationwide. The water administration departments of local people's governments at or above the county level shall be responsible for soil and water conservation within their respective administrative regions.

Article 6 — All entities and individuals shall have the obligation to protect soil and water resources and prevent soil erosion. Any entity or individual shall have the right to report acts causing soil erosion.

Article 7 — The State shall encourage and support scientific research on soil and water conservation, promote advanced technologies for soil and water conservation, and train scientific and technological talents for soil and water conservation.

Article 8 — People's governments at all levels shall strengthen publicity and education on soil and water conservation and raise public awareness of soil and water conservation.

Article 9 — Entities and individuals that have made outstanding contributions to soil and water conservation shall be commended and rewarded by the people's governments.

Chapter II — Planning

Article 10 — The water administration departments of people's governments at or above the county level shall, in conjunction with relevant departments, formulate soil and water conservation plans based on soil erosion survey results and regional development needs.

Article 11 — Soil and water conservation plans shall be coordinated with land space plans, ecological and environmental protection plans, and river basin comprehensive plans.

Article 12 — The water administration department shall organize the implementation of soil and water conservation plans after they are approved. The adjustment of approved soil and water conservation plans shall be subject to the approval of the original approving authority.

Article 13 — The State shall conduct regular surveys of soil erosion conditions. The water administration department under the State Council shall organize a nationwide survey of soil erosion conditions and release survey results to the public.

Article 14 — People's governments at or above the county level shall delineate and publicly announce key prevention and control zones for soil erosion based on the soil erosion survey results.

Chapter III — Prevention

Article 15 — Local people's governments at all levels shall, based on the actual local conditions, organize efforts to plant trees, grasses, and conserve vegetation, expand the coverage of forests and grasses, and prevent soil erosion.

Article 16 — The felling of forests and trees shall be conducted in a rational manner, and a logging plan shall be formulated to prevent soil erosion caused by logging.

Article 17 — It is prohibited to reclaim land on slopes of twenty-five degrees or above for planting crops. Areas already reclaimed shall be gradually returned to forest or grassland.

Article 18 — The reclamation of barren hills, slopes, and ditches shall be prohibited in areas where soil erosion is likely to occur.

Article 19 — Where a construction project may cause soil erosion, a soil and water conservation plan shall be prepared, and soil and water conservation measures shall be implemented simultaneously with the main project.

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Article 20 — Where a construction project requires excavation, filling, or earth borrowing, occupation of land shall be minimized, and topsoil shall be stripped and preserved for later use.

Article 21 — The disposal of spoil, waste rock, tailings, and other waste materials from production and construction projects shall occupy as little land as possible and shall not be placed in rivers, lakes, reservoirs, or irrigation channels without authorization.

Article 22 — Soil and water conservation facilities for production and construction projects must be designed, constructed, and put into operation simultaneously with the main project.

Article 23 — Entities and individuals engaged in mining, quarrying, sand excavation, and other activities in mountainous, hilly, and windy-sandy areas shall adopt measures to prevent soil erosion.

Article 24 — In areas prone to soil erosion, production and construction activities that may cause soil erosion shall be restricted or prohibited.

Chapter IV — Control

Article 25 — Local people's governments at or above the county level shall organize the control of soil erosion in small watersheds as a unit, combining engineering, biological, and agricultural measures.

Article 26 — The control of soil erosion on barren hills, barren slopes, and barren ditches shall be carried out in accordance with the soil and water conservation plan, and the land use methods shall be tailored to local conditions.

Article 27 — Enterprises, institutions, and individuals are encouraged to invest in the control of soil erosion. The lawful rights and interests of investors shall be protected in accordance with law.

Article 28 — The control of soil erosion on cultivated land on slopes shall adopt measures such as terracing and water and soil conservation tillage.

Article 29 — The State shall strengthen the construction of silt arresters and other erosion control projects on the Loess Plateau and in other areas with severe soil erosion.

Article 30 — People's governments at or above the county level shall incorporate the control of soil erosion on sloping farmland into agricultural development plans and organize the implementation.

Article 31 — The State encourages and supports the use of new technologies, new processes, and new materials for soil and water conservation.

Article 32 — The construction of silt arresters and other erosion control infrastructure shall be incorporated into water conservancy construction plans.

Article 33 — Soil and water conservation facilities constructed by the State or collectively shall be managed and maintained in accordance with relevant State regulations.

Chapter V — Monitoring and Supervision

Article 34 — The water administration departments under the State Council and at the provincial level shall establish a soil and water conservation monitoring network to monitor soil erosion.

Article 35 — The water administration departments of people's governments at or above the county level shall conduct dynamic monitoring of soil erosion in key prevention and control zones and key projects.

Article 36 — The water administration departments of people's governments at or above the county level shall supervise and inspect soil erosion prevention and control in production and construction projects.

Article 37 — Relevant entities and individuals shall cooperate with the supervision and inspection conducted by water administration departments and shall not refuse or obstruct such inspection.

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Article 38 — Water administration departments shall release soil and water conservation monitoring information to the public on a regular basis.

Chapter VI — Legal Liability

Article 39 — Where a water administration department or other relevant department fails to perform its soil and water conservation duties in accordance with law, the directly responsible persons shall be subject to sanctions.

Article 40 — Where a production or construction project proceeds without a soil and water conservation plan or without filing the plan, the water administration department shall order cessation of the illegal act and impose a fine.

Article 41 — Where a production or construction project fails to implement soil and water conservation measures in accordance with the approved soil and water conservation plan, the water administration department shall order correction and may impose a fine.

Article 42 — Where soil and water conservation facilities are not inspected and accepted or fail the inspection and acceptance, the production or construction project shall not be put into operation.

Article 43 — Where spoil, waste rock, tailings, or other waste materials are disposed of without authorization in rivers, lakes, or reservoirs, the water administration department shall order clearance and may impose a fine.

Article 44 — Where land is reclaimed on slopes of twenty-five degrees or above, the water administration department shall order cessation of the illegal act and restoration to the original condition within a prescribed time limit.

Article 45 — Where soil erosion is caused by logging without adopting soil and water conservation measures, the water administration department shall order correction and may impose a fine.

Article 46 — Where mining, quarrying, sand excavation, and other activities in areas prone to soil erosion fail to adopt soil and water conservation measures, the water administration department shall order correction and may impose a fine.

Article 47 — Where soil and water conservation fees are not paid as required, the water administration department shall order payment within a specified time limit and may impose a fine for late payment.

Article 48 — Where soil erosion is caused in violation of this Law, the entity or individual causing the erosion shall be responsible for control. Where control is not carried out, the water administration department may arrange for control on behalf of the liable party, and the costs shall be borne by the liable party.

Article 49 — Where a production or construction project causes soil erosion and damage to others, the project entity shall bear civil liability for compensation.

Article 50 — Where a water administration department or other relevant department and its staff members commit any of the following acts, administrative sanctions shall be imposed: (1) illegally approving a soil and water conservation plan; (2) illegally collecting soil and water conservation fees; (3) failing to investigate and punish illegal acts.

Article 51 — Where a violation of this Law constitutes a violation of public security administration, penalties shall be imposed by the public security authority in accordance with law.

Article 52 — Where soil erosion causes damage to the ecological environment, the entity responsible shall bear ecological and environmental damage compensation liability in accordance with law.

Article 53 — Where a violation of this Law constitutes a crime, criminal liability shall be pursued in accordance with law.

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Article 54 — Where two or more production or construction projects jointly cause soil erosion, they shall bear joint and several liability.

Chapter VII — Supplementary Provisions

Article 55 — Local people's governments at or above the county level may, based on the actual local conditions, determine key prevention and control zones for soil erosion within their respective administrative regions.

Article 56 — The soil and water conservation fees collected shall be used exclusively for soil and water conservation and shall not be diverted to other uses.

Article 57 — This Law shall come into force as of June 29, 1991. The revised version shall come into force as of March 1, 2011.

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