Law of the PRC on Water Resources

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Adopted at the 24th Session of the Standing Committee of the 6th National People's Congress on January 21, 1988;
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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, achieving sustainable utilization of water resources, and meeting the needs of national economic and social development.

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Article 2 — This Law shall apply to the development, utilization, conservation, protection, and management of water resources and the prevention and control of water disasters within the territory of the People's Republic of China. For the purposes of this Law, the term "water resources" includes surface water and groundwater.

Article 3 — Water resources shall be owned by the State. The State Council shall exercise the right of ownership of water resources on behalf of the State. The water in the ponds of rural collective economic organizations and the water in reservoirs constructed and managed by rural collective economic organizations shall be used by those organizations.

Article 4 — The State shall encourage the development, utilization, conservation, and protection of water resources and the prevention and control of water disasters in accordance with the law. Entities and individuals that develop and utilize water resources shall have the obligation to protect water resources in accordance with the law.

Chapter II — Water Resource Planning

Article 5 — The development, utilization, conservation, and protection of water resources and the prevention and control of water disasters shall be planned in a unified manner on the basis of drainage basins or regions. Drainage basin plans include comprehensive drainage basin plans and specialized drainage basin plans; regional plans include comprehensive regional plans and specialized regional plans.

Article 6 — The State shall formulate a national water resource strategic plan. The comprehensive plans and specialized plans for major rivers and lakes designated by the State shall be formulated by the administrative department of water resources under the State Council in conjunction with the relevant departments under the State Council and the people's governments of the relevant provinces, autonomous regions, and municipalities directly under the Central Government, and shall be submitted to the State Council for approval.

Chapter III — Development and Utilization of Water Resources

Article 7 — The development and utilization of water resources shall first meet the needs of urban and rural residents for domestic water, and shall take into account the needs of agriculture, industry, and the ecological environment for water. The development and utilization of water resources shall be subject to unified management and dispatch, and the principle of giving priority to surface water shall be implemented.

Article 8 — The State shall implement a system of water abstraction licensing and a system of paid use of water resources. However, exceptions shall be made for small amounts of water abstracted for domestic use by rural collective economic organizations and their members from ponds and reservoirs. The measures for the implementation of the water abstraction licensing system and the measures for the collection of water resource fees shall be formulated by the State Council.

Article 9 — Any entity or individual that abstracts water directly from a river, lake, or underground shall, in accordance with the provisions of the State water abstraction licensing system and the system of paid use of water resources, apply for a water abstraction permit from the administrative department of water resources or the river basin authority, pay water resource fees, and obtain the right to abstract water.

Chapter IV — Protection of Water Resources and Water Areas

Article 10 — The administrative department of water resources under the State Council shall, in conjunction with the relevant departments under the State Council, delimit drinking water source protection areas and shall strengthen the management and protection of water quality in drinking water sources. It is prohibited to set up sewage outfalls in drinking water source protection areas.

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Article 11 — The exploitation of groundwater shall be restricted. The administrative departments of water resources of the local people's governments at or above the county level shall, in conjunction with the relevant departments, delimit areas where groundwater is over-exploited, and in areas where the level of exploitation is serious, shall delimit areas where groundwater extraction is prohibited or restricted, and shall report to the people's government at the corresponding level for approval and make a public announcement.

Article 12 — It is prohibited to reclaim land from lakes. It is prohibited to occupy river courses without authorization. Where it is absolutely necessary to occupy water areas or river courses for construction projects to cross rivers, lakes, or channels, the project owner shall, in accordance with the provisions, submit an application to the relevant administrative department of water resources for a review of the flood control impact.

Chapter V — Allocation and Economical Use of Water Resources

Article 13 — The State Council and the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall, in accordance with the principle of controlling total water use and managing water use quotas, formulate water allocation plans for major rivers and lakes and regions, and implement unified management and dispatch of water resources.

Article 14 — People's governments at or above the county level shall incorporate water conservation into national economic and social development plans, develop water-saving agriculture, industry, and cities, and build a water-saving society. The State shall gradually eliminate backward, high-water-consuming processes, equipment, and products. The catalogue shall be formulated by the relevant departments under the State Council.

Chapter VI — Resolution of Water Disputes

Article 15 — Where a water dispute arises between different administrative regions, it shall be resolved through negotiation. Where negotiation fails, the dispute shall be ruled on by the people's government at the next higher level, and the relevant parties must implement the ruling. Pending the resolution of a water dispute, no party shall unilaterally change the existing water regime.

Article 16 — Where a water dispute arises between entities, between individuals, or between entities and individuals, it shall be resolved through negotiation. Where the parties are unwilling to negotiate or negotiation fails, they may apply to the local people's government at or above the county level or its authorized department for mediation, or they may directly file a civil lawsuit with the people's court.

Chapter VII — Legal Liability

Article 17 — Where an entity or individual abstracts water without obtaining a water abstraction permit, the administrative department of water resources shall order it to cease the illegal act and to take remedial measures within a specified time limit, and shall impose a fine of not less than 20,000 yuan but not more than 100,000 yuan; where the circumstances are serious, the water abstraction facilities may be sealed up or distrained.

Article 18 — Where an entity or individual reclaims land from lakes or occupies river courses without authorization, the administrative department of water resources shall order it to cease the illegal act, restore the original condition within a specified time limit, and impose a fine of not less than 10,000 yuan but not more than 50,000 yuan; where the circumstances are serious, a fine of not less than 50,000 yuan but not more than 100,000 yuan shall be imposed.

Article 19 — Where anyone, in violation of the provisions of this Law, sets up a sewage outfall in a drinking water source protection area, the local people's government at or above the county level shall order it to be dismantled or closed within a specified time limit, and shall order the restoration of the original condition; a

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fine of not less than 50,000 yuan but not more than 100,000 yuan shall be imposed.

Chapter VIII — Supplementary Provisions

Article 20 — This Law shall come into force on September 1, 2016.

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