Water Law of the PRC

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Contents

Table of Contents 1

Chapter I — General Provisions 1

Chapter II — Water Resources Planning 2

Chapter III — Development and Utilization 3

Chapter IV — Protection 3

Chapter V — Allocation and Conservation 3

Chapter VI — Dispute Resolution and Law Enforcement 4

Chapter VII — Legal Liability 4

Chapter VIII — Supplementary Provisions 5

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Table of Contents

- Chapter I — General Provisions
- Chapter II — Water Resources Planning
- Chapter III — Development and Utilization
- Chapter IV — Protection
- Chapter V — Allocation and Conservation
- Chapter VI — Dispute Resolution and Law Enforcement
- Chapter VII — Legal Liability
- Chapter VIII — Supplementary Provisions

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.

Article 2 — This Law shall apply to the development, utilization, conservation, protection, and management of water resources, as well as the prevention and control of water disasters, within the territory of the

People's Republic of China.

For the purposes of this Law, water resources include 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 built and managed by such organizations shall be used by the respective organizations.

Article 4 — In the development, utilization, conservation, and protection of water resources, and in the prevention and control of water disasters, the principles of comprehensive planning, overall consideration, and giving priority to both surface and groundwater sources shall be followed, and the ecological environment shall be protected to achieve comprehensive benefits.

Article 5 — The state shall encourage and support the development of science and technology for water resources, and shall promote the use of advanced technologies in the development, utilization, conservation, protection, and management of water resources.

Article 6 — The state shall establish a system of paid use of water resources and shall implement water withdrawal licensing and paid use systems, unless otherwise provided by law for water used for household purposes and for scattered livestock and poultry breeding, among other purposes.

Article 7 — The state shall implement a system of water conservation in the whole society, vigorously promote water conservation measures, popularize new water-saving technologies and processes, develop water-saving industries, agriculture, and services, and establish a water-saving society.

Article 8 — The state shall protect water resources and adopt effective measures to conserve vegetation, plant trees and grass, conserve water sources, prevent and control soil erosion and water pollution, and improve the ecological environment.

Article 9 — The state shall implement a management system for water resources that combines watershed management with administrative region management.

The water administrative department under the State Council shall be responsible for the unified management and supervision of water resources nationwide.

Water administrative departments of local people's governments at or above the county level shall, in accordance with the prescribed authority, be responsible for the unified management and supervision of water resources within their respective administrative regions.

Chapter II — Water Resources Planning

Article 10 — The development, utilization, conservation, and protection of water resources, and the prevention and control of water disasters, shall be carried out in accordance with the water resources plans formulated in accordance with the law.

Water resources plans include watershed plans and regional plans. Watershed plans include comprehensive watershed plans and specialized watershed plans; regional plans include comprehensive regional plans and specialized regional plans.

Article 11 — Comprehensive watershed plans and comprehensive regional plans for major rivers and lakes designated by the state shall be formulated by the water administrative department under the State Council jointly with the relevant departments of the State Council and the relevant provincial people's governments, and shall be submitted to the State Council or its authorized department for approval.

Article 12 — A water resources plan shall be a fundamental basis for the development, utilization, conservation, and protection of water resources, and for the prevention and control of water disasters. No

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unit or individual may violate the approved water resources plan.

Chapter III — Development and Utilization

Article 13 — The development and utilization of water resources shall first meet the needs of urban and rural residents' domestic water use, and shall take into account the needs of agriculture, industry, and the ecological environment.

Article 14 — In the development and utilization of water resources, the prevention and control of waterlogging, water-logging, and soil salinization shall be carried out simultaneously.

Article 15 — Regional plans for the development and utilization of water resources and the prevention and control of water disasters shall be subject to the comprehensive plans for the relevant river basins.

Article 16 — The state shall encourage the development and utilization of hydropower resources. In building hydroelectric power stations, the needs of flood control, water supply, irrigation, navigation, and other aspects shall be protected.

Article 17 — The state shall encourage the development and utilization of water transport resources. In the planning and design of permanent barrages and other water-blocking projects, navigation passage facilities shall be constructed simultaneously.

Chapter IV — Protection

Article 18 — The state shall implement a system of water function zoning.

The water administrative department under the State Council shall, jointly with the relevant departments of the State Council and the relevant provincial people's governments, demarcate water function zones for major rivers and lakes, and shall submit such demarcation to the State Council for approval.

Article 19 — People's governments at or above the county level shall strengthen the protection of drinking water sources and take measures to prevent the depletion and pollution of water sources.

Article 20 — The extraction of groundwater shall be restricted. Where groundwater has been over-extracted, the relevant people's government shall delineate areas where extraction is prohibited or restricted and take measures to prevent the further depletion of groundwater.

Article 21 — In building underground works or mining mineral resources, entities and individuals shall take protective measures to prevent damage to groundwater resources.

Chapter V — Allocation and Conservation

Article 22 — The state shall implement water withdrawal licensing and paid use systems. However, water used for household purposes and for scattered livestock and poultry breeding, among other purposes with small amounts of water, shall not require a water withdrawal license.

Article 23 — Entities and individuals that withdraw water directly from rivers, lakes, or groundwater shall, in accordance with the provisions of the state's water withdrawal licensing system and paid use system, apply for a water withdrawal license from the water administrative department or watershed management agency and pay water resource fees to obtain the right to withdraw water.

Article 24 — The state shall implement a system of total water use control and quota management.

The relevant departments of people's governments at or above the county level shall, in accordance with the total water use control indicators for their respective administrative regions, formulate annual water use plans and implement total water use control for their respective administrative regions.

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Article 25 — Industrial water use shall adopt advanced technology, processes, and equipment to increase the recycling rate of water.

The state shall promote water-saving irrigation methods and water-saving technologies, and shall popularize the application of water-saving measures in agricultural production.

Article 26 — Urban areas shall promote the use of water-saving appliances and equipment in an active and planned manner, improve urban water supply networks, strengthen the centralized treatment of urban sewage, and encourage the use of reclaimed water.

Chapter VI — Dispute Resolution and Law Enforcement

Article 27 — Disputes over water resources between different administrative regions shall be resolved through consultation. Where consultation fails, the dispute shall be resolved by the people's government at the next higher level. Before the dispute is resolved, no party may alter the existing water regime within the scope of the dispute.

Article 28 — Disputes between entities or individuals over water resources shall be resolved through consultation. Where consultation fails or the parties fail to agree on consultation, the parties may apply to the local people's government at or above the county level or its authorized department for mediation, or may directly institute litigation with the people's court.

Article 29 — Water administrative departments of people's governments at or above the county level and watershed management agencies shall strengthen supervision and inspection of acts in violation of this Law and shall investigate and deal with such acts in accordance with the law.

Chapter VII — Legal Liability

Article 30 — Where a person withdraws water without a water withdrawal license, the water administrative department shall order the person to cease the illegal act, take remedial measures, and impose a fine of not less than RMB 20,000 but not more than RMB 100,000. Where the circumstances are serious, the person's water withdrawal license shall be revoked.

Article 31 — Where a person fails to install a water metering facility, or where a water metering facility is unqualified or does not function properly, the water administrative department shall order the person to install or replace the facility within a prescribed time limit. If the person fails to do so within the time limit, a fine of not less than RMB 5,000 but not more than RMB 20,000 shall be imposed.

Article 32 — Where a person constructs a water-blocking project or other project that impedes flood passage without approval, the water administrative department shall order the person to cease the illegal act, demolish the illegal structure within a prescribed time limit, 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 33 — Where a water administrative department or other relevant department has one of the following circumstances, the people's government at the same level shall order the department to make corrections within a prescribed time limit. The directly responsible person in charge and other directly responsible persons shall be subject to sanctions in accordance with the law:

(1) failing to formulate water resources plans or failing to implement water resources plans in accordance with the provisions;

(2) failing to implement the total water use control system or quota management system in accordance with the provisions;

(3) failing to investigate and deal with illegal acts in a timely manner;

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(4) other circumstances of failing to perform duties in accordance with the law.

Chapter VIII — Supplementary Provisions

Article 34 — The prevention and control of water pollution shall be governed by the provisions of the Law of the People's Republic of China on the Prevention and Control of Water Pollution.

Article 35 — Where matters relating to sea water are involved, the provisions of the Marine Environment Protection Law of the People's Republic of China shall apply.

Article 36 — This Law shall come into effect as of July 1, 1988.

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