Waterway Law of the PRC

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of regulating and strengthening the planning, construction, maintenance, and protection of waterways, ensuring the safety and smooth passage of waterways, and promoting the development of waterborne transportation.

Article 2 — This Law shall apply to the planning, construction, maintenance, protection, and the supervision and administration thereof of waterways and navigation-related facilities within the territory of the People's Republic of China.

"Waterways" as used in this Law means the water areas and passages for ships and rafts to navigate within the water areas under the jurisdiction of the People's Republic of China, including inland waterways and

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coastal waterways.

Article 3 — The State shall implement a system of classified management of waterways based on their levels. Waterways shall be classified into Class I, II, III, IV, V, VI, and VII waterways and waterways below Class VII based on their navigation standards.

Article 4 — The transport department under the State Council shall be responsible for the administration of waterways nationwide and shall, in accordance with the provisions of this Law and the State Council, administer major waterways of national importance. The transport departments of the local people's governments at or above the county level shall administer waterways within their respective administrative areas in accordance with the provisions of this Law and the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government.

Article 5 — The development of waterways shall follow the principles of overall planning, adapting measures to local conditions, comprehensive utilization, and balancing the relationships among waterway development with flood control, water supply, water resources, hydropower, fishery, and ecological environmental protection.

Article 6 — The State shall encourage and support the research, development, and application of advanced science and technology in the planning, construction, maintenance, and protection of waterways, and shall enhance the level of waterway management modernization.

Chapter II — Waterway Planning

Article 7 — Waterway planning shall be divided into national waterway planning, basin waterway planning, regional waterway planning, and waterway planning of provinces, autonomous regions, and municipalities directly under the Central Government.

Waterway planning shall include navigation standards, waterway layout planning, waterway construction planning, and other content.

Article 8 — Waterway planning shall comply with the requirements of the overall land use planning, urban and rural planning, and comprehensive water resources planning, and shall be coordinated with flood control planning, water supply planning, hydropower development planning, fishery development planning, and other relevant plans.

Article 9 — National waterway planning shall be prepared by the transport department under the State Council in conjunction with the relevant departments and shall be implemented upon approval by the State Council. Basin waterway planning and regional waterway planning shall be prepared by the transport department under the State Council in conjunction with the relevant departments. Waterway planning of provinces, autonomous regions, and municipalities directly under the Central Government shall be formulated by the local transport departments and implemented upon approval by the people's governments at the corresponding levels.

Article 10 — Waterway planning shall delineate the scope of waterway protection. The scope of waterway protection shall be determined by the waterway planning authority based on the navigation needs and the characteristics of the waterways.

Article 11 — Approved waterway planning shall be implemented strictly and shall not be modified without authorization. Where modification is necessary, the modification shall be submitted to the original approving authority for approval.

Chapter III — Waterway Construction

Article 12 — Waterway construction shall comply with waterway planning and shall comply with the provisions of laws and administrative regulations on the administration of construction projects. Waterway

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construction projects shall be subject to environmental impact assessment in accordance with the law.

Article 13 — The design and construction of waterway construction projects shall comply with the relevant State standards and technical specifications for waterway construction. Entities engaged in the survey, design, construction, and supervision of waterway construction projects shall possess the corresponding qualifications in accordance with the law.

Article 14 — The construction of waterway projects shall be conducted in accordance with the basic construction procedures prescribed by the State. Waterway construction projects shall implement the project legal person responsibility system, tendering and bidding system, project supervision system, and contract management system.

Article 15 — Waterway construction shall take into account the construction of necessary navigation support facilities, and shall be coordinated with water conservancy, hydropower, municipal, fishery, and other construction projects.

Article 16 — After the completion of a waterway construction project, acceptance inspection shall be conducted in accordance with the relevant regulations of the State. The completed waterway facilities may be put into use only after passing the acceptance inspection.

Article 17 — When a construction project related to a waterway is built, rebuilt, or expanded, the construction project owner shall conduct an assessment of the impact of the construction project on the navigation conditions of the waterway and shall take corresponding protective measures in accordance with the law.

Chapter IV — Waterway Maintenance and Protection

Article 18 — Waterway management authorities shall, in accordance with the waterway maintenance technical specifications, strengthen the maintenance of waterways, ensure that the waterways are in a good technical condition, and safeguard the safety and smooth passage of waterways.

Article 19 — Waterway management authorities shall, in accordance with the provisions of the State Council, promptly announce to the public information on changes in waterway conditions such as waterway scales, navigation standards, and navigation support facilities, as well as any obstruction to navigation or interruption of waterways.

Article 20 — The waterway maintenance funds of public waterways shall be guaranteed by the government through the fiscal budget in accordance with the provisions on the division of administrative powers. The waterway maintenance funds of specialized waterways shall be provided by the entities that construct or operate the specialized waterways.

Article 21 — It shall be prohibited to engage in the following activities within the scope of waterway protection:

(1) cultivating plants, setting up cages or net-fishing gear, or breeding aquatic products;

(2) dumping or stacking sand, stone, soil, or other materials;

(3) sand mining, earth borrowing, quarrying, or water fetching; and

(4) other activities that affect the safe and smooth passage of waterways or endanger waterway facilities.

Article 22 — It shall be prohibited to damage waterway facilities such as navigation marks, waterway revetments, waterway regulation structures, and waterway service facilities. It shall be prohibited to plant plants or construct buildings or structures that affect the normal functioning of navigation marks within the navigation mark protection zone.

Article 23 — Where the construction of any building or structure, or the erection of any facility, within the scope of waterway protection or the navigation mark protection zone may affect the safe and smooth

passage of waterways or the functioning of navigation marks, the construction entity shall report to the waterway management authority in advance, and the waterway management authority shall verify the matter and provide its opinion.

Article 24 — When building a bridge, an overhead cable, a pipeline crossing a waterway, a sluice, a dam, or other structures across, over, or through a waterway, the builder shall comply with the navigation standards and technical specifications prescribed by the State for waterways, and shall set up and maintain navigation marks and other facilities in accordance with the requirements of the waterway management authority.

Article 25 — Entities engaged in waterway regulation, dredging, and other activities shall comply with the provisions on waterway safety and environmental protection, and shall not affect the safe and smooth passage of waterways and the normal functioning of navigation support facilities.

Chapter V — Supervision and Administration

Article 26 — Waterway management authorities shall exercise supervision and administration over waterways in accordance with the law, strengthen the inspection and protection of waterways, promptly investigate and handle acts that damage waterways and navigation support facilities, and ensure the safe and smooth passage of waterways.

Article 27 — When performing their duties of supervision and inspection in accordance with the law, the staff members of waterway management authorities shall produce their law enforcement credentials. The entities and individuals under inspection shall cooperate and shall not refuse or obstruct such inspection.

Article 28 — Waterway management authorities shall strengthen the establishment of waterway informatization and improve the efficiency of waterway management.

Article 29 — Any entity or individual shall have the right to report any act that damages waterways or navigation-related facilities to the waterway management authority. The waterway management authority shall handle such reports in a timely manner.

Chapter VI — Legal Liability

Article 30 — Where any entity or individual engages in any activity prohibited within the scope of waterway protection in violation of the provisions of Article 21 of this Law, the waterway management authority shall order it to make corrections and impose a fine of not more than RMB 50,000 on the entity or not more than RMB 2,000 on the individual. Where the act causes any loss to the waterway or navigation-related facilities, the entity or individual shall be liable for compensation in accordance with the law.

Article 31 — Where any entity or individual damages waterway facilities in violation of the provisions of Article 22 of this Law, the waterway management authority shall order it to make corrections, and impose a fine of not more than RMB 50,000 on the entity or not more than RMB 2,000 on the individual. Where the act causes any loss to the waterway facilities, the entity or individual shall be liable for compensation in accordance with the law.

Article 32 — Where any entity, in violation of the provisions of this Law, constructs a building or structure, or erects a facility, that affects the safe and smooth passage of waterways or the normal functioning of navigation support facilities without obtaining the opinion of the waterway management authority, the waterway management authority shall order it to make corrections and may impose a fine of not less than RMB 20,000 but not more than RMB 200,000.

Article 33 — Where any entity, in violation of the provisions of this Law, fails to construct bridges, overhead cables, pipelines, sluices, dams, or other structures across, over, or through waterways in accordance with the navigation standards and technical specifications for waterways, the waterway management authority shall order it to make corrections and may impose a fine of not less than RMB 20,000 but not more than

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RMB 200,000.

Article 34 — Where any staff member of a waterway management authority neglects his or her duties, abuses his or her power, or engages in malpractice for personal gain, he or she shall be subject to disciplinary sanctions in accordance with the law. Where the act constitutes a crime, criminal liability shall be pursued in accordance with the law.

Chapter VII — Supplementary Provisions

Article 35 — The navigation of military vessels, official vessels of the State, and fishing vessels in waterways shall be subject to the relevant provisions of laws and administrative regulations on the management of such vessels, while the safety and smooth passage of waterways shall not be affected.

Article 36 — The transport department under the State Council and the transport departments of the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government may formulate specific implementing rules in accordance with this Law.

Article 37 — This Law shall come into force on March 1, 2015.

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