

【Title】 Administrative Regulation on the Prevention and Control of Pollution Damages to the Marine Environment by Coastal Engineering Construction Projects of the People's Republic of China (2007 Amendment)[现行有效]

【法规标题】 中华人民共和国防治海岸工程建设项目污染损害海洋环境管理条例(2007 修改)
[Effective]

Date issued: 09-25-2007
Effective date: 08-01-1990
Issuing authority: State Council
Area of law: Environmental Protection

发布日期: 2007-09-25
生效日期: 1990-08-01
发布部门: 国务院
类别: 环境保护

Administrative Regulation on the Prevention and Control of Pollution Damages to the Marine Environment by Coastal Engineering Construction Projects of the People's Republic of China
(Promulgated by Order 62 of the State Council of the People's Republic of China on June 25, 1990; and amended according to the Decision of the State Council on Amending the Administrative Regulation on the Prevention and Control of Pollution Damages to the Marine Environment by Coastal Engineering Construction Projects of the People's Republic of China on September 25, 2007)

中华人民共和国防治海岸工程建设项目
污染损害海洋环境管理条例
(1990 年 6 月 25 日中华人民共和国国务院令 第 62 号公布 根据 2007 年 9 月 25 日《国务院关于修改〈中华人民共和国防治海岸工程建设项目污染损害海洋环境管理条例〉的决定》修订)

Article 1 To strengthen the environmental protection administration of coastal engineering construction projects, strictly control new pollutions, and protect and improve the marine environment, this Regulation has been made in accordance with [the Marine Environment Protection Law of the People's Republic of China](#).

第一条 为加强海岸工程建设项目的
环境保护管理, 严格控制新的污染,
保护和改善海洋环境, 根据《[中华人民共和国海洋环境保护法](#)》, 制定本条例。

Article 2 The coastal engineering construction projects as mentioned in this Regulation shall refer to the engineering construction projects of new construction, reconstruction or expansion, located at or adjacent to the coast, with the body engineering works on the side of the coastline toward the continent, having an impact on the marine environment, including:

1. Harbor, pier, navigation route and coastal airport engineering projects;
2. Shipyards (building or repairing ships);
3. Coastal thermal, nuclear and wind power plants;
4. Coastal material storage facility engineering projects;
5. Coastal mine, chemical, light industry, metallurgical and other industrial engineering projects;
6. Marine discharge engineering projects for handling and treating solid waste, sewage and other pollutants;
7. Large-scale coastal farms;
8. Coast protection engineering works, sand and gravel plants and water conservancy facilities at estuaries;

第二条 本条例所称海岸工程建设项目, 是指位于海岸或者与海岸连接, 工程主体位于海岸线向陆一侧, 对海洋环境产生影响的新建、改建、扩建工程项目。具体包括:

- (一) 港口、码头、航道、滨海机场工程项目;
- (二) 造船厂、修船厂;
- (三) 滨海火电站、核电站、风电站;
- (四) 滨海物资存储设施工程项目;
- (五) 滨海矿山、化工、轻工、冶金等工业工程项目;
- (六) 固体废弃物、污水等污染物处理处置排海工程项目;

9. Coastal oil exploration and exploitation engineering projects; and
10. Other coastal engineering projects as set forth by the competent environmental protection authority of the State Council in conjunction with the competent oceanic authority of the state.

Article 3 This Regulation shall apply to all entities and individuals that construct the coastal engineering construction projects within the territory of the People's Republic of China.

[The Administrative Regulation on the Prevention of Environmental Pollution by Ship Breaking](#) shall apply to the environmental protection administration of ship breaking yard construction projects.

Article 4 The construction of a coastal engineering construction project shall be in conformity with the requirements of the regional environmental protection planning in the economic zone where it is located.

Article 5 The competent environmental protection authority of the State Council shall be in charge of the national work on the environmental protection of coastal engineering construction projects.

The competent environmental protection authority of a coastal local people's government at or above the county level shall be in charge of the work on the environmental protection of coastal engineering construction projects within its administrative region.

Article 6 A coastal engineering construction project of new construction, reconstruction or expansion shall comply with the provisions of the state on the environmental protection administration of construction projects.

Article 7 At the stage of feasibility study, the construction entity of a coastal engineering construction project shall prepare an environmental impact report (form), and submit it to the competent environmental protection authority for examination and approval after being examined preliminarily by the relevant authority, according to the laws and regulations on environmental protection.

Before approving an environmental impact report on a coastal engineering construction project, the competent environmental protection authority shall hear the opinions of the competent authorities for marine affairs and fisheries and military authority for environmental protection. No reclamation of land from the sea shall be allowed at the areas of a natural harbor of a navigation value, the major breeding bases and farms, and the natural spawning, breeding and feeding grounds and major migrating channels of fishes, shrimps, crabs, shellfishes and algae on

(七) 滨海大型养殖场;

(八) 海岸防护工程、砂石场和入海河口处的水利设施;

(九) 滨海石油勘探开发工程项目;

(十) 国务院环境保护主管部门会同国家海洋主管部门规定的其他海岸工程项目。

第三条 本条例适用于在中华人民共和国境内兴建海岸工程建设项目的一切单位和个人。

拆船厂建设项目的环境保护管理,依照《[防止拆船污染环境管理条例](#)》执行。

第四条 建设海岸工程建设项目,应当符合所在经济区的区域环境保护规划的要求。

第五条 国务院环境保护主管部门,主管全国海岸工程建设项目的环境保护工作。

沿海县级以上地方人民政府环境保护主管部门,主管本行政区域内的海岸工程建设项目的环境保护工作。

第六条 新建、改建、扩建海岸工程建设项目,应当遵守国家有关建设项目环境保护管理的规定。

第七条 海岸工程建设项目的建设单位,应当在可行性研究阶段,编制环境影响报告书(表),按照环境保护法律法规的规定,经有关部门预审后,报环境保护主管部门审批。

环境保护主管部门在批准海岸工程建设项目的环境影响报告书之前,应当征求海事、渔业主管部门和军队环境保护部门的意见。

禁止在天然港湾有航运价值的区域、重要苗种基地和养殖场所及水面、滩涂中的鱼、虾、蟹、贝、藻类的自然产卵场、繁殖场、索饵场及重要的洄游通道围海造地。

both sea surface and beach.

Article 8 Compiled according to the relevant provisions, the contents of an environment protection report on a coastal engineering construction project shall also include:

1. Environmental conditions of the locality and sea area nearby;
2. Possible impact on the marine environment during and after construction;
3. Demonstration conclusions of the marine environmental protection measures and technologies and economic feasibility; and
4. Conclusion of the marine environmental impact assessment of a construction project.

The environmental impact form of a coastal engineering construction project shall be filled out by analogy to the preceding paragraph.

Article 9 It shall be prohibited to construct a Chinese-foreign equity joint venture enterprise, Chinese-foreign contractual joint venture enterprise or foreign-funded enterprise that transfers pollution to the sea area or coast of the People's Republic of China; and corresponding measures for the prevention and control of pollution shall be in place for the technologies and equipment imported for a coastal engineering construction project, so as to prevent the transfer of pollution.

Article 10 No coastal engineering construction projects that pollute the environment or ruin the sights shall be constructed in a special marine protection area, marine natural reserve, coastal tourist attraction, salt field reserve, marine bathing beach, major fishery area and other areas that require special protection; and no coastal engineering construction projects that are constructed outside the above areas shall impair the environmental quality of the above areas, except as otherwise provided for by a law or administrative regulation.

Article 11 An entity that conducts the environmental impact assessment of a coastal engineering construction project shall legally acquire the Certificate of Qualification for Environmental Impact Assessment of Construction Project, and conduct the assessment within the extent set forth in this Certificate.

Article 12 When a coastal engineering construction project is completed for inspection and acceptance, the construction project may be formally put into production or service only after the environmental protection facility of the construction project has been inspected and qualified by the competent environment protection authority.

Article 13 According to the project administrative powers, the competent

第八条 海岸工程建设项目环境影响报告书的内容，除按有关规定编制外，还应当包括：

（一）所在地及其附近海域的环境状况；

（二）建设过程中和建成后可能对海洋环境造成的影响；

（三）海洋环境保护措施及其技术、经济可行性论证结论；

（四）建设项目海洋环境影响评价结论。

海岸工程建设项目环境影响报告表，应当参照前款规定填报。

第九条 禁止兴建向中华人民共和国海域及海岸转嫁污染的中外合资经营企业、中外合作经营企业和外资企业；海岸工程建设项目引进技术和设备，应当有相应的防治污染措施，防止转嫁污染。

第十条 在海洋特别保护区、海上自然保护区、海滨风景游览区、盐场保护区、海水浴场、重要渔业水域和其他需要特殊保护的区域内不得建设污染环境、破坏景观的海岸工程建设项目；在其区域外建设海岸工程建设项目的，不得损害上述区域的环境质量。法律法规另有规定的除外。

第十一条 承担海岸工程建设项目环境影响评价的单位，应当依法取得《建设项目环境影响评价资质证书》，按照证书中规定的范围承担评价任务。

第十二条 海岸工程建设项目竣工验收时，建设项目的环境保护设施，应当经环境保护主管部门验收合格后，该建设项目方可正式投入生产或者使用。

第十三条 县级以上人民政府环境

environmental protection authority of the people's government at or above the county level may conduct the on-site inspection of a coastal engineering construction project in conjunction with the relevant authorities, the inspected shall provide true information and materials, and the inspector shall be responsible for keeping the technical know-how and trade secret of the inspected, except as otherwise provided for by a law or administrative regulation.

Article 14 Where a facility for the discharge of wastewater into a sea area is set up, the self-purification capacity of sea water shall be reasonably utilized, and the location of the outfall shall be properly selected. Where the discharge manner of blind drainage or conduit is adopted, the location of the outfall shall be under the low tide line.

Article 15 In the construction of a harbor or pier, the pollution prevention facilities that are appropriate for its handling capacity and goods types shall be set up.

A harbor, pier for oil or pier for hazardous chemicals shall have emergency response equipment and instruments for major pollution damage accidents.

Where an existing harbor or pier fails to satisfy the requirements in the preceding two paragraphs, the competent environmental protection authority in conjunction with the competent harbor and pier authorities shall order it to set up or have the same above within a time limit.

Article 16 In the construction of a coastal shipyard (building or repairing ships), the facilities for receiving and treating residual and waste oil that are appropriate for its nature and scale shall be set up, including facilities for receiving and treating oil wastewater, for screening, receiving and dissolving oil, for receiving and treating industrial wastewater, for receiving and treating industrial and ship waste, etc.

Article 17 The construction of a coastal nuclear power plant or any other nuclear facility shall be strictly in conformity with the relevant state provisions and standards for the nuclear environment protection and radioactive control.

Article 18 In the construction of a coastal oil depot, the facilities for receiving and treating oil wastewater, for collecting and treating wastewater from depot ground scrub and for accidental emergency response shall be set up; the oil pipeline and storage facilities shall be in conformity with the state provisions on anti-seepage and anti-erosion.

Article 19 In the construction of a coastal mine or in the process of exploitation, mineral separation, transportation, storage, smelting or disposal of tailings, the measures for preventing pollution damages to the

保护主管部门，按照项目管理权限，可以会同有关部门对海岸工程建设项目进行现场检查，被检查者应当如实反映情况、提供资料。检查者有责任为被检查者保守技术秘密和业务秘密。法律法规另有规定的除外。

第十四条 设置向海域排放废水设施的，应当合理利用海水自净能力，选择好排污口的位置。采用暗沟或者管道方式排放的，出水管口位置应当在低潮线以下。

第十五条 建设港口、码头，应当设置与其吞吐能力和货物种类相适应的防污设施。

港口、油码头、化学危险品码头，应当配备海上重大污染损害事故应急设备和器材。

现有港口、码头未达到前两款规定要求的，由环境保护主管部门会同港口、码头主管部门责令其限期设置或者配备。

第十六条 建设岸边造船厂、修船厂，应当设置与其性质、规模相适应的残油、废油接收处理设施，含油废水接收处理设施，拦油、收油、消油设施，工业废水接收处理设施，工业和船舶垃圾接收处理设施等。

第十七条 建设滨海核电站和其他核设施，应当严格遵守国家有关核环境保护和放射防护的规定及标准。

第十八条 建设岸边油库，应当设置含油废水接收处理设施，库场地面冲刷废水的集接、处理设施和事故应急设施；输油管线和储油设施应当符合国家关于防渗漏、防腐蚀的规定。

第十九条 建设滨海矿山，在开采、选矿、运输、贮存、冶炼和尾矿处理等过程中，应当按照有关规定采取防

marine environment shall be taken according to the relevant provisions.

Article 20 In the construction of a coastal refuse dump or industrial refuse landfill, the preventive dyke and bottom impermeable layer shall be built, and the systems of seepage collection, export and disposal and explosion-proof devices for flammable gas shall be set up.

Article 21 In the repair or construction of a coast protection engineering work or the construction of a water conservancy facility, navigation route or integrated control work at the estuary, the measures for preventing damages to the environment and aquatic product resources shall be taken.

Article 22 In the construction of a coastal engineering construction project, it shall be prohibited to change or ruin the living environment of key wild animals and plants under the state and local protection. It shall be prohibited to construct a coastal engineering construction project that is likely to pollute or ruin the living environment of key wild animals and plants under protection; where the construction is really necessary, the consent of the competent administrative authority for wild animals and plants shall be acquired, and the construction entity shall be responsible for organize and take such measures as non-local breeding to ensure the continuity of species.

Where the construction of gates or dams at the migrating channels of fishes, shrimps, crabs and shellfishes has a serious effect on the fishery resources, the construction entity shall build fish passage facilities or take other remedial measures.

Article 23 Where a collective-owned entity or individual constructs a breeding project, which is not a basic construction project, within a public-owned water area or sea beach, the construction shall be made within the area as planned by the local people's government at or above the county level.

The occasional sand and gravel extraction by a collective-owned entity or individual for profits shall be made within the area as specified by the local people's government at or above the county level.

Article 24 In an area where mangroves or coral reefs grow, it shall be prohibited to construct a coastal engineering construction project that ruins the ecosystem of mangroves or coral reefs.

Article 25 In the construction of a coastal engineering construction project, the abnormal erosion of coast shall be prevented.

It shall be prohibited to engage in the explosion, sand and gravel extraction, taking of soil or any other activity that endangers the safety of a coast protection facility within the protective bounds of the coast

止污染损害海洋环境的措施。

第二十条 建设滨海垃圾场或者工业废渣填埋场，应当建造防护堤坝和场底封闭层，设置渗液收集、导出、处理系统和可燃性气体防爆装置。

第二十一条 修筑海岸防护工程，在入海河口处兴建水利设施、航道或者综合整治工程，应当采取措施，不得损害生态环境及水产资源。

第二十二条 兴建海岸工程建设项目，不得改变、破坏国家和地方重点保护的野生动植物的生存环境。不得兴建可能导致重点保护的野生动植物生存环境污染和破坏的海岸工程建设项目；确需兴建的，应当征得野生动植物行政主管部门同意，并由建设单位负责组织采取易地繁育等措施，保证物种延续。

在鱼、虾、蟹、贝类的洄游通道建闸、筑坝，对渔业资源有严重影响的，建设单位应当建造过鱼设施或者采取其他补救措施。

第二十三条 集体所有制单位或者个人在全民所有的水域、海涂，建设构不成基本建设项目的养殖工程的，应当在县级以上地方人民政府规划的区域内进行。

集体所有制单位或者个人零星经营性采挖砂石，应当在县级以上地方人民政府指定的区域内采挖。

第二十四条 禁止在红树林和珊瑚礁生长的地区，建设毁坏红树林和珊瑚礁生态系统的海岸工程建设项目。

第二十五条 兴建海岸工程建设项目，应当防止导致海岸非正常侵蚀。

禁止在海岸保护设施管理部门规定的海岸保护设施的保护范围内从事爆破、采挖砂石、取土等危害海岸保护设

protection facility as provided for by the administrative authority for coast protection facilities. Without the approval of the relevant competent authority empowered by the State Council, it shall be prohibited to occupy or dismantle a coast protection facility.

Article 26 Where a coastal engineering construction project is constructed without an examined and approved environmental impact report (form), a penalty shall be imposed according to [Article 80 of the Marine Environment Protection Law of the People's Republic of China](#).

Article 27 Where the on-site inspection by the competent environmental protection authority is refused or obstructed, or any falsehood is made at the time of inspection, the competent environmental protection authority of the people's government at or above the county level shall impose a penalty according to [Article 75 of the Marine Environment Protection Law of the People's Republic of China](#).

Article 28 Where a coastal engineering construction project is put into production or service when its environmental protection facility is still under construction or fails to satisfy the prescribed requirements, a penalty shall be imposed according to [Article 81 of the Marine Environment Protection Law of the People's Republic of China](#).

Article 29 Where any working staff member of the competent environmental protection authority abuses powers, commits dereliction of duty or practices favoritism for personal gains, the employing authority or competent superior authority shall impose an administrative discipline on such a member; where a crime is constituted, such a member shall be pursued for criminal liability.

Article 30 This Regulation shall be effective as of August 1, 1990.

施安全的活动。非经国务院授权的有关主管部门批准，不得占用或者拆除海岸保护设施。

第二十六条 未持有经审核和批准的环境影响报告书（表），兴建海岸工程建设项目，依照《[中华人民共和国海洋环境保护法](#)》[第八十条](#)的规定予以处罚。

第二十七条 拒绝、阻挠环境保护主管部门进行现场检查，或者在被检查时弄虚作假的，由县级以上人民政府环境保护主管部门依照《[中华人民共和国海洋环境保护法](#)》[第七十五条](#)的规定予以处罚。

第二十八条 海岸工程建设项目的环境保护设施未建成或者未达到规定要求，该项目即投入生产、使用的，依照《[中华人民共和国海洋环境保护法](#)》[八十一条](#)的规定予以处罚。

第二十九条 环境保护主管部门工作人员滥用职权、玩忽职守、徇私舞弊的，由其所在单位或者上级主管机关给予行政处分；构成犯罪的，依法追究刑事责任。

第三十条 本条例自 1990 年 8 月 1 日起施行。