

【Title】 Flood Control Law of the People's Republic of China[已被修订]
【法规标题】 中华人民共和国防洪法 [Revised]

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ORDER OF THE PRESIDENT OF THE PEOPLE'S REPUBLIC OF CHINA
(No. 88)

The Flood Control Law of the People's Republic of China, adopted at the 27th Meeting of the Standing Committee of the Eighth National People's Congress of the People's Republic of China on August 29, 1997, is hereby promulgated and shall enter into force as of January 1, 1998.
Jiang Zemin
President of the People's Republic of China
August 29, 1997

FLOOD CONTROL LAW OF THE PEOPLE'S REPUBLIC OF CHINA
(Adopted at the 27th Meeting of the Standing Committee of the Eighth National People's Congress on August 29, 1997)

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CHAPTER I GENERAL PROVISIONS

Article 1 This Law is enacted for the purpose of controlling floods,

中华人民共和国主席令
(第八十八号)

《中华人民共和国防洪法》已由中华人民共和国第八届全国人民代表大会常务委员会第二十七次会议于1997年8月29日通过，现予公布，自1998年1月1日起施行。
中华人民共和国主席 江泽民
1997年8月29日

中华人民共和国防洪法
(1997年8月29日第八届全国人民代表大会常务委员会第二十七次会议通过)

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第一章 总则

第一条 为了防治洪水，防御、减轻洪涝

guarding against and mitigating damage done by floods and water-logging, preserving the safety of people's lives and property, and ensuring the socialist modernization drive.

Article 2 In flood control the principles of comprehensive planning, overall consideration, prevention first, all-purpose harnessing, and the interests of the part being subordinate to the interests of the whole shall be followed.

Article 3 The construction of projects and facilities for flood control shall be incorporated into the national economic and social development plans. The funds for flood control shall be raised in accordance with the principle of combining government investment with rational contributions by beneficiaries.

Article 4 Water resources shall be developed, utilized and protected in conformity with the overall arrangement for flood control and in adherence to the principle of deriving benefits being combined with eliminating damage.

Rivers and lakes shall be harnessed and projects and facilities for flood control shall be built in conformity with the comprehensive plans for river basins and in combination with the all-purpose development of the water resources in the river basins.

For the purposes of this Law, comprehensive plans mean the comprehensive plans for the development and utilization of water resources and for controlling floods.

Article 5 Flood control shall be carried out under unified planning and implementation at different levels on the basis of river basins or administrative regions and under a system whereby the management of river basins shall be combined with the management of administrative regions.

Article 6 Every unit and individual has the obligation to protect the projects and facilities for flood control and join, in accordance with law, in efforts to control and fight floods.

Article 7 The people's governments at various levels shall strengthen the unified leadership over flood control, organize relevant departments and units, mobilize the general public, rely on the achievements in science and technology, harness rivers and lakes in a planned way, adopt measures to reinforce the projects and facilities for flood control, consolidate and increase the flood control capacity.

The people's governments at various levels shall organize relevant departments and units and mobilize the general public to achieve successes in flood control and flood fighting and to make good arrangement for rehabilitation and relief after flood and water-logging

灾害, 维护人民的生命和财产安全, 保障社会主义现代化建设顺利进行, 制定本法。

第二条 防洪工作实行全面规划、统筹兼顾、预防为主、综合治理、局部利益服从全局利益的原则。

第三条 防洪工程设施建设, 应当纳入国民经济和社会发展规划。防洪费用按照政府投入同受益者合理承担相结合的原则筹集。

第四条 开发利用和保护水资源, 应当服从防洪总体安排, 实行兴利与除害相结合的原则。

江河、湖泊治理以及防洪工程设施建设, 应当符合流域综合规划, 与流域水资源的综合开发相结合。

本法所称综合规划是指开发利用水资源和防治水害的综合规划。

第五条 防洪工作按照流域或者区域实行统一规划、分级实施和流域管理与行政区域管理相结合的制度。

第六条 任何单位和个人都有保护防洪工程设施和依法参加防汛抗洪的义务。

第七条 各级人民政府应当加强对防洪工作的统一领导, 组织有关部门、单位, 动员社会力量, 依靠科技进步, 有计划地进行江河、湖泊治理, 采取措施加强防洪工程设施建设, 巩固、提高防洪能力。

各级人民政府应当组织有关部门、单位, 动员社会力量, 做好防汛抗洪和洪涝灾害后的恢复与救济工作。

各级人民政府应当对蓄滞洪区予以扶

disaster.

The people's governments at various levels shall give support and help to the flood storage and detention basins, giving them compensation or relief in accordance with the regulations of the State, after flood storage and detention.

Article 8 Under the direction of the State Council, the water administration department under the State Council shall be in charge of the day-to-day work in the way of organizing and coordinating efforts for exercising supervision over and giving guidance to flood control throughout the country. The river basin authorities set up for the major rivers and lakes, designated as such by the State, by the water administration department under the State Council shall, within the areas under their jurisdiction, exercise the functions and duties of coordinating the efforts for, exercising supervision over and administration of, flood control as provided for by laws and administrative rules and regulations and authorized by water administration department under the State Council.

The construction administration department under the State Council and other departments concerned shall, under the direction of the State Council, be in charge of the relevant work for flood control in conformity with their respective functions and duties.

The water administration departments of the local people's governments at or above the county level shall be in charge of the day-to-day work in the way of organizing and coordinating efforts for exercising supervision over and giving guidance to flood control within their administrative regions. The construction administration departments of the local people's governments at or above the county level and other departments concerned shall, under the direction of the people's governments at the corresponding levels, be in charge of the relevant work for flood control in conformity with their respective functions and duties.

CHAPTER II PLANS FOR FLOOD CONTROL

Article 9 Plans for flood control mean the overall plans formulated for controlling flood and water-logging disasters in a given river basin, river section or region, including flood control plans for basins of the major rivers and lakes designated as such by the State, for other rivers, river sections and lakes and for regions.

A flood control plan shall be subordinate to the comprehensive plan for the given river basin or region. A flood control plan for a region shall be subordinate to the flood control plan for the given river basin.

A flood control plan shall provide the basis for the harnessing of rivers and lakes and for the building of projects and facilities for flood control.

Article 10 Flood control plans for the major rivers and lakes designated as such by the State shall be formulated, on the basis of the comprehensive

持; 蓄滞洪后, 应当依照国家规定予以补偿或者救助。

第八条 国务院水行政主管部门在国务院的领导下, 负责全国防洪的组织、协调、监督、指导等日常工作。国务院水行政主管部门在国家确定的重要江河、湖泊设立的流域管理机构, 在所管辖的范围内行使法律、行政法规规定和国务院水行政主管部门授权的防洪协调和监督管理职责。

国务院建设行政主管部门和其他有关部门在国务院的领导下, 按照各自的职责, 负责有关的防洪工作。

县级以上地方人民政府水行政主管部门在本级人民政府的领导下, 负责本行政区域内防洪的组织、协调、监督、指导等日常工作。县级以上地方人民政府建设行政主管部门和其他有关部门在本级人民政府的领导下, 按照各自的职责, 负责有关的防洪工作。

第二章 防洪规划

第九条 防洪规划是指为防治某一流域、河段或者区域的洪涝灾害而制定的总体部署, 包括国家确定的重要江河、湖泊的流域防洪规划, 其他江河、河段、湖泊的防洪规划以及区域防洪规划。

防洪规划应当服从所在流域、区域的综合规划; 区域防洪规划应当服从所在流域的流域防洪规划。

防洪规划是江河、湖泊治理和防洪工程设施建设的基本依据。

第十条 国家确定的重要江河、湖泊的防洪规划, 由国务院水行政主管部门依据

plans for the basins of these rivers and lakes, by the water administration department under the State Council in conjunction with the relevant departments and the people's governments of the relevant provinces, autonomous regions or municipalities directly under the Central Government, and shall be submitted to the State Council for approval. The flood control plans for other rivers, river sections and lakes or for regions shall be formulated separately on the basis of the comprehensive plans for river basins or for regions by the water administration departments of the local people's governments at or above the county level in conjunction with the relevant departments and authorities of the relevant regions, and shall be submitted to the people's governments at the corresponding levels for approval and to the water administration departments of the people's governments at the next higher level for the record. Flood control plans for rivers, river sections or lakes covering different provinces, autonomous regions or municipalities directly under the Central Government shall be drawn up by the river basin authorities concerned in conjunction with the water administration departments and the competent departments concerned of the people's governments of the provinces, autonomous regions or municipalities directly under the Central Government where the rivers, river sections or lakes are located. These plans shall, after examination and comment made respectively by the people's governments of the relevant provinces, autonomous regions or municipalities directly under the Central Government, be submitted to the water administration department under the State Council for approval. An urban flood control plan shall be made by the water administration department, the construction administration department and other departments concerned under the mobilization of the municipal people's government, on the basis of the flood control plan for the river basin and the regional flood control plan of the people's government at the next higher level. Such plan, after being approved through the procedure for examination and approval prescribed by the State Council, shall be incorporated into the overall plan for the city. Any modification to the flood control plan shall be submitted for approval to the organ that originally approved the plan.

Article 11 Flood control plans shall be made in adherence to the principles of ensuring safety of the vital places while taking into account the other places in general, combining flood control with drought fighting and engineering measures with non-engineering measures, giving full consideration to the regular pattern of flood and water-logging, the relationship between the upper and lower reaches and the left and right banks of rivers and the requirements of the national economy for flood control, and making these plans consistent with the national land plans and the overall plans for land use.

In flood control plans the objects to be protected, the objectives and tasks

该江河、湖泊的流域综合规划，会同有关部门和有关省、自治区、直辖市人民政府编制，报国务院批准。

其他江河、河段、湖泊的防洪规划或者区域防洪规划，由县级以上地方人民政府水行政主管部门分别依据流域综合规划、区域综合规划，会同有关部门和有关地区编制，报本级人民政府批准，并报上一级人民政府水行政主管部门备案；跨省、自治区、直辖市的江河、河段、湖泊的防洪规划由有关流域管理机构会同江河、河段、湖泊所在地的省、自治区、直辖市人民政府水行政主管部门、有关主管部门拟定，分别经有关省、自治区、直辖市人民政府审查提出意见后，报国务院水行政主管部门批准。

城市防洪规划，由城市人民政府组织水行政主管部门、建设行政主管部门和其他有关部门依据流域防洪规划、上一级人民政府区域防洪规划编制，按照国务院规定的审批程序批准后纳入城市总体规划。

修改防洪规划，应当报经原批准机关批准。

第十一条 编制防洪规划，应当遵循确保重点、兼顾一般，以及防汛和抗旱相结合、工程措施和非工程措施相结合的原则，充分考虑洪涝规律和上下游、左右岸的关系以及国民经济对防洪的要求，并与国土规划和土地利用总体规划相协调。

防洪规划应当确定防护对象、治理目标和任务、防洪措施和实施方案，划定洪泛区、蓄滞洪区和防洪保护区的范围，

of harnessing, flood control measures and implementation programs shall be defined, the areas of flood basins, of flood storage and detention basins and the areas to be protected against floods shall be delimited, and the principles for the use of flood storage and detention basins shall be laid down.

Article 12 The local people's governments at or above the county level of coastal areas under the threat of storm tides shall include storm tide control in their flood control plans, build a strong system of projects for protection against storm tides, including sea-dikes (seawalls), tide-block sluices and shelter forests along the coast, and see to it that design and construction of buildings and structures meet the needs for protection against storm tides.

Article 13 The local people's governments at or above the county level of the areas where mountain torrents may cause landslide, collapse and mud-rock flow and of the areas where mountain torrents frequently occur shall mobilize the geology and mining administration departments, water administration departments and other departments concerned to make an overall investigation of the hidden dangers of landslide, collapse and mud-rock flow, delimit the key areas for prevention and control and take measures to prevent and control them.

Urban, rural, and other residential areas, and factories, mines and main lines of railways and highways shall be located away from the threat of mountain torrents. Protective measures shall be taken for those already built in areas under such threat.

Article 14 The local people's governments of such areas liable to water-logging as flatlands, low-lying lands, low-lying areas in river embankment network, valleys and basins shall formulate plans for the drainage and control of water-logging, mobilize the departments and units concerned to take appropriate measures to keep water-logging under control, to improve the drainage system, to develop different kinds and varieties of waterlogging-tolerant crops and to take all-purpose measures to control flood, water-logging, drought and saline-alkali.

The people's governments of cities shall redouble their efforts to build and manage the pipe networks and pump stations for drainage of flooded districts.

Article 15 The water administration department under the State Council shall formulate, in conjunction with the relevant departments and people's governments of relevant provinces, autonomous regions or municipalities directly under the Central Government, plans for harnessing the estuaries of the Yangtze, Yellow, Pearl, Liaohe and Huaihe rivers.

Land from the estuaries of the rivers mentioned above shall be reclaimed in compliance with the plans for harnessing these estuaries.

规定蓄滞洪区的使用原则。

第十二条 受风暴潮威胁的沿海地区的县级以上地方人民政府，应当把防御风暴潮纳入本地区的防洪规划，加强海堤（海塘）、挡潮闸和沿海防护林等防御风暴潮工程体系建设，监督建筑物、构筑物的设计和施工符合防御风暴潮的需要。

第十三条 山洪可能诱发山体滑坡、崩塌和泥石流的地区以及其他山洪多发地区的县级以上地方人民政府，应当组织负责地质矿产管理工作的部门、水行政主管部门和其他有关部门对山体滑坡、崩塌和泥石流隐患进行全面调查，划定重点防治区，采取防治措施。

城市、村镇和其他居民点以及工厂、矿山、铁路和公路干线的布局，应当避开山洪威胁；已经建在受山洪威胁的地方的，应当采取防御措施。

第十四条 平原、洼地、水网圩区、山谷、盆地等易涝地区的有关地方人民政府，应当制定除涝治涝规划，组织有关部门、单位采取相应的治理措施，完善排水系统，发展耐涝农作物种类和品种，开展洪涝、干旱、盐碱综合治理。城市人民政府应当加强对城区排涝管网、泵站的建设和管理。

第十五条 国务院水行政主管部门应当会同有关部门和省、自治区、直辖市人民政府制定长江、黄河、珠江、辽河、淮河、海河入海河口的整治规划。

在前款入海河口围海造地，应当符合河口整治规划。

Article 16 The land set aside for river regulation in flood control plans and the land within the areas for dikes to be constructed according to the plans may be delimited as planned reserves, after examination and verification conducted by the land administration departments and the water administration departments in conjunction with the authorities of relevant regions and after approval given by the people's governments at or above the county level in line with the limits of authority as prescribed by the State Council. Where the land within the reserves is involved in other projects, the relevant land administration department and water administration department, when examining the matter, shall consult the departments concerned.

The planned reserves shall be made known to the general public once they are delimited as such in accordance with the provisions of the preceding paragraph.

No industrial or mining engineering facilities which are irrelevant to flood control may be built in the planned reserves mentioned in the preceding paragraph. However, in special cases where industrial or mining projects of the State really need to be built in the land within such planned reserves, an application for approval shall be submitted in accordance with the procedure for capital construction as prescribed by the State and the water administration department concerned shall be consulted.

The land within the area for expanding or constructing man-made flood discharge channels set aside in the flood control plans, after examination and verification conducted by the land administration departments and water administration departments of the people's governments at or above the provincial level in conjunction with the departments concerned and the authorities of relevant regions and after approval given by the said governments in line with the limits of authority as prescribed by the State Council, may be delimited as planned reserves to which the provisions of the preceding paragraph shall apply.

Article 17 Flood control projects and other water projects and hydropower stations to be built across rivers and lakes shall be constructed in compliance with the requirements of flood control plans. Sufficient storage capacity shall be reserved in reservoirs in accordance with the requirements of flood control plans.

When the feasibility study report for the construction of a flood control project or any other water project or hydropower station mentioned in the preceding paragraph is submitted for approval in compliance with the procedure for capital construction as prescribed by the State, a written consent signed by the water administration department concerned to show that the plan for the project meets the requirements of the flood control plan shall be attached to it.

CHAPTER III CONTROL AND PROTECTION

第十六条 防洪规划确定的河道整治计划用地和规划建设的堤防用地范围内的土地，经土地管理部门和水行政主管部门会同有关地区核定，报经县级以上人民政府按照国务院规定的权限批准后，可以划定为规划保留区；该规划保留区范围内的土地涉及其他项目用地的，有关土地管理部门和水行政主管部门核定时，应当征求有关部门的意见。

规划保留区依照前款规定划定后，应当公告。

前款规划保留区内不得建设与防洪无关的工矿工程设施；在特殊情况下，国家工矿建设项目确需占用前款规划保留区内的土地的，应当按照国家规定的基本建设程序报请批准，并征求有关水行政主管部门的意见。

防洪规划确定的扩大或者开辟的人工排洪道用地范围内的土地，经省级以上人民政府土地管理部门和水行政主管部门会同有关部门、有关地区核定，报省级以上人民政府按照国务院规定的权限批准后，可以划定为规划保留区，适用前款规定。

第十七条 在江河、湖泊上建设防洪工程和其他水工程、水电站等，应当符合防洪规划的要求；水库应当按照防洪规划的要求留足防洪库容。

前款规定的防洪工程和其他水工程、水电站的可行性研究报告按照国家规定的基本建设程序报请批准时，应当附具有关水行政主管部门签署的符合防洪规划要求的规划同意书。

第三章 治理与防护

Article 18 River floods shall be controlled both by storing and discharging them, by bringing into full play the flood passage capacity of river channels and the functions of reservoirs, low-lying land and lakes to regulate and store floods, effectively protecting the river channels, and adopting suitable measures to desilt and dredge at regular intervals so as to ensure smooth passage of floods.

River floods shall be controlled with the aim of protecting and enlarging the vegetation including trees and grass in river basins, conserving water and maintaining effective comprehensive control of water and soil conservation in river basins.

Article 19 When river channels are regulated and projects for controlling and guiding river flow and for protecting dikes and banks are constructed, consideration shall be given to the relationship between the upper and lower reaches and between left and right banks, the planned river-flow guiding line shall be followed, and the direction of river flow may not be changed without authorization.

The planned river-flow guiding lines for major rivers designated as such by the State shall be charted by the river basin authorities and submitted to the water administration department under the State Council for approval.

The planned river-flow guiding lines for other rivers and river sections shall be charted by the water administration departments of the local people's governments at or above the county level and submitted to the said governments at the corresponding levels for approval. The planned river-flow guiding lines for rivers and river sections covering different provinces, autonomous regions or municipalities directly under the Central Government and the ones for river channels bordering on different provinces, autonomous regions or municipalities directly under the central Government shall be charted by the water administration departments of the people's governments of the relevant provinces, autonomous regions or municipalities directly under the Central Government, under the mobilization of the relevant river basin authorities, and submitted to the water administration department under the State Council for approval after they are examined and commented on by the people's governments of the relevant provinces, autonomous regions or municipalities directly under the Central Government.

Article 20 Where the regulation of river channels and lakes involves navigation channels, the needs of navigation shall be taken into consideration and the communications administration department shall be consulted in advance. The regulation of navigation channels shall meet the safety requirements of flood control for rivers and lakes and the water administration department shall be consulted in advance.

Where river channels in which bamboo and log are rafted and fishery is developed are regulated, the needs of rafting bamboo and log and

第十八条 防治江河洪水，应当蓄泄兼施，充分发挥河道行洪能力和水库、洼淀、湖泊调蓄洪水的功能，加强河道防护，因地制宜地采取定期清淤疏浚等措施，保持行洪畅通。

防治江河洪水，应当保护、扩大流域林草植被，涵养水源，加强流域水土保持综合治理。

第十九条 整治河道和修建控制引导河水流向、保护堤岸等工程，应当兼顾上下游、左右岸的关系，按照规划治导线实施，不得任意改变河水流向。

国家确定的重要江河的规划治导线由流域管理机构拟定，报国务院水行政主管部门批准。

其他江河、河段的规划治导线由县级以上地方人民政府水行政主管部门拟定，报本级人民政府批准；跨省、自治区、直辖市的江河、河段和省、自治区、直辖市之间的省界河道的规划治导线由有关流域管理机构组织江河、河段所在地的省、自治区、直辖市人民政府水行政主管部门拟定，经有关省、自治区、直辖市人民政府审查提出意见后，报国务院水行政主管部门批准。

第二十条 整治河道、湖泊，涉及航道的，应当兼顾航运需要，并事先征求交通主管部门的意见。整治航道，应当符合江河、湖泊防洪安全要求，并事先征求水行政主管部门的意见。

在竹木流放的河流和渔业水域整治河道的，应当兼顾竹木水运和渔业发展的需要，并事先征求林业、渔业行政主管部门

developing fishery shall be taken into consideration and the forestry administration departments and fishery administration departments shall be consulted in advance. Bamboo and log rafting in river channels may not threaten the safety of projects and facilities for flood passage and control.

Article 21 River channels and lakes shall be managed in adherence to the principle of unified administration being combined with administration at different levels for each river system, with stress on protection to ensure that the rivers and lakes are unblocked.

The main river sections of the major rivers and lakes designated as such by the State, the important river sections and lakes covering different provinces, autonomous regions or municipalities directly under the Central Government, rivers and lakes bordering on provinces, autonomous regions or municipalities directly under the Central Government and rivers and lakes as national boundaries (frontiers) shall be managed in accordance with law by the river basin authorities and the water administration departments of the people's governments of the provinces, autonomous regions or municipalities directly under the Central Government, where such rivers and lakes are located, in conformity with the delimitation made by the water administration department under the State Council. Other rivers and lakes shall be managed in accordance with law by the water administration departments of the local people's governments at or above county level in conformity with the delimitation made by the water administration department under the State Council or of the organs authorized by the said department.

The range of management of river channels and lakes that are protected by dikes covers the water area, sandbar, shallows and flood passage area between the dikes of two banks, the dikes and the land for dike protection. The range of management of river channels and lakes under no protection of dikes covers the water area, sandbar, shallows and flood passage area inundated by the highest flood level on records or the designed flood level.

The range of management of river channels and lakes directly under river basin authorities shall be delimited by river basin authorities in conjunction with the local people's governments at or above the county level in accordance with the provisions of the preceding paragraph. The range of management of other river channels and lakes shall be delimited by the relevant local people's governments at or above the county level in accordance with the provisions of the preceding paragraph.

Article 22 The use of land and shorelines that come within the range of management of river channels and lakes shall meet the requirements of flood passage and water delivery.

Construction of buildings and structures blocking flood passage, dumping of rubbish or dregs and activities adversely affecting the stability of river

的意见。在河道中流放竹木，不得影响行洪和防洪工程设施的安全。

第二十一条 河道、湖泊管理实行按水系统一管理和分级管理相结合的原则，加强防护，确保畅通。

国家确定的重要江河、湖泊的主要河段，跨省、自治区、直辖市的重要河段、湖泊，省、自治区、直辖市之间的省界河道、湖泊以及国（边）界河道、湖泊，由流域管理机构和江河、湖泊所在地的省、自治区、直辖市人民政府水行政主管部门按照国务院水行政主管部门的划定依法实施管理。其他河道、湖泊，由县级以上地方人民政府水行政主管部门按照国务院水行政主管部门或者国务院水行政主管部门授权的机构的划定依法实施管理。

有堤防的河道、湖泊，其管理范围为两岸堤防之间的水域、沙洲、滩地、行洪区和堤防及护堤地；无堤防的河道、湖泊，其管理范围为历史最高洪水位或者设计洪水位之间的水域、沙洲、滩地和行洪区。

流域管理机构直接管理的河道、湖泊管理范围，由流域管理机构会同有关县级以上地方人民政府依照前款规定界定；其他河道、湖泊管理范围，由有关县级以上地方人民政府依照前款规定界定。

第二十二条 河道、湖泊管理范围内的土地和岸线的利用，应当符合行洪、输水的要求。

禁止在河道、湖泊管理范围内建设妨碍行洪的建筑物、构筑物，倾倒垃圾、渣

regime or threatening the safety of river banks or dikes or other activities impeding flood passage within the range of management of river channels and lakes are prohibited.

No trees or long-stalk crops that block flood passage may be planted in river channels for flood passage.

The speed of boats and ships shall be limited within the river sections where navigation may threaten the safety of the dikes. The signs of speed limit shall be set up by the communications administration department after consulting the water administration department.

Article 23 Reclamation of land from lakes is prohibited. Where such land is already reclaimed, it shall be brought under control in conformity with the standards set by the State for flood control and changed to lake again in accordance with plans.

Reclamation of land from river channels is prohibited. Where such reclamation is really necessary, scientific demonstration shall be made and the matter shall be submitted to the people's government at or above the provincial level for approval after the water administration department confirms that flood passage and water delivery are not impeded by reclaiming.

Article 24 The local people's government shall make plans to have the residents move out of the river channels for flood passage.

Article 25 The river channel or lake administration authorities shall arrange for the planting and tending of trees along the protection dikes or banks of the river or lake. No trees along the protection dikes or banks may be felled without authorization. Anyone who wishes to fell trees along the protection dikes or banks shall first obtain consent of the river channel or lake authorities and go through the formalities for a felling permit in accordance with law and fulfill the quotas for replanting the trees.

Article 26 With regard to the bridges, approach roads, wharves and other cross-river projects and facilities that cause serious water choking or blocking, the water administration departments concerned may, on the basis of the standards for flood control, submit a proposal requesting the people's governments at or above the county level to order, in line with the limits of authority as prescribed by the State Council, the construction units to improve or demolish them within a time limit.

Article 27 If any unit wishes to construct such projects and facilities as bridges, wharves, roads, ferries, pipelines, cables, drawing water projects and drainage works which cross over or go through rivers, or cross dikes or border on rivers, shall see to it that they conform to the standards for flood control, shoreline plans, the requirements for navigation and other

土, 从事影响河势稳定、危害河岸堤防安全和其他妨碍河道行洪的活动。

禁止在行洪河道内种植阻碍行洪的林木和高秆作物。

在船舶航行可能危及堤岸安全的河段, 应当限定航速。限定航速的标志, 由交通主管部门与水行政主管部门商定后设置。

第二十三条 禁止围湖造地。已经围垦的, 应当按照国家规定的防洪标准进行治理, 有计划地退地还湖。

禁止围垦河道。确需围垦的, 应当进行科学论证, 经水行政主管部门确认不妨碍行洪、输水后, 报省级以上人民政府批准。

第二十四条 对居住在行洪河道内的居民, 当地人民政府应当有计划地组织外迁。

第二十五条 护堤护岸的林木, 由河道、湖泊管理机构组织营造和管理。护堤护岸林木, 不得任意砍伐。采伐护堤护岸林木的, 须经河道、湖泊管理机构同意后, 依法办理采伐许可手续, 并完成规定的更新补种任务。

第二十六条 对壅水、阻水严重的桥梁、引道、码头和其他跨河工程设施, 根据防洪标准, 有关水行政主管部门可以报请县级以上人民政府按照国务院规定的权限责令建设单位限期改建或者拆除。

第二十七条 建设跨河、穿河、穿堤、临河的桥梁、码头、道路、渡口、管道、缆线、取水、排水等工程设施, 应当符合防洪标准、岸线规划、航运要求和其他技术要求, 不得危害堤防安全, 影响

technical requirements and that they shall not threaten the safety of the dikes, adversely affect the stability of the river regime or impede the smooth passage of floods. Before it submits its feasibility report for approval in compliance with the procedure for capital construction prescribed by the State, its construction programme for the projects attached to the said report shall be subject to the examination and consent by the water administration department concerned in accordance with the standards for flood control mentioned above.

If construction of the projects and facilities mentioned in the preceding paragraph needs to occupy the land within the range of management of river channels or lakes, to cross over the space above them or to cross through riverbeds, the construction unit shall apply to the water administration department concerned for examination of and approval for the positions and limits of the said projects and facilities before it may, in accordance with law, go through the formalities for starting construction. It shall carry out construction in the positions and within the limits approved by the water administration department.

Article 28 The water administration department shall have the right, in accordance with law, to inspect the projects and facilities being constructed according to the provisions of this Law, within the range of management of rivers and lakes; the unit under inspection shall provide the water administration department with relevant truthful materials and data.

When construction of the projects and facilities mentioned in the preceding paragraph is completed, there shall be members of the water administration departments participating in the checking for acceptance.

CHAPTER IV MANAGEMENT OF FLOOD CONTROL ZONES AND OF PROJECTS AND FACILITIES FOR FLOOD CONTROL

Article 29 Flood control zones refer to the areas that may be inundated by floods, namely, the flood basins, the flood storage and detention basins, and the areas protected against floods.

The flood basins are areas that are subjected to inundation and are not yet protected by any projects or facilities.

The flood storage and detention basins are the low-lying lands and lakes beyond the back scarps of the dikes, including the flood diversion outfalls, used for temporary storage of floods.

The areas protected against floods are areas protected by projects and facilities for flood control in conformity with standards for flood control.

The areas of the flood basins, the flood storage and detention basins and the areas protected against floods shall be delimited in plans for flood control or the programmes for protection against floods and shall be made known to the general public after they are submitted to the people's governments at or above the provincial level and approved in line with the

河势稳定、妨碍行洪畅通；其可行性研究报告按照国家规定的基本建设程序报请批准前，其中的工程建设方案应当经有关水行政主管部门根据前述防洪要求审查同意。

前款工程设施需要占用河道、湖泊管理范围内土地，跨越河道、湖泊空间或者穿越河床的，建设单位应当经有关水行政主管部门对该工程设施建设的位置和界限审查批准后，方可依法办理开工手续；安排施工时，应当按照水行政主管部门审查批准的位置和界限进行。

第二十八条 对于河道、湖泊管理范围内依照本法规定建设的工程设施，水行政主管部门有权依法检查；水行政主管部门检查时，被检查者应当如实提供有关的情况和资料。

前款规定的工程设施竣工验收时，应当有水行政主管部门参加。

第四章 防洪区和防洪工程设施的管理

第二十九条 防洪区是指洪水泛滥可能淹没的地区，分为洪泛区、蓄滞洪区和防洪保护区。

洪泛区是指尚无工程设施保护的洪水泛滥所及的地区。

蓄滞洪区是指包括分洪口在内的河堤背水面以外临时贮存洪水的低洼地区及湖泊等。

防洪保护区是指在防洪标准内受防洪工程设施保护的地区。

洪泛区、蓄滞洪区和防洪保护区的范围，在防洪规划或者防御洪水方案中划定，并报请省级以上人民政府按照国务院规定的权限批准后予以公告。

limits of authority prescribed by the State Council.

Article 30 The people's governments at various levels shall, according to the plans for flood control, discriminatingly control the use of the land in the different basins or areas within the flood control zones.

Article 31 The local people's governments at various levels shall, strengthen leadership over the work regarding the safety in the flood control zones, mobilize the departments and units concerned to conduct education among the units and residents in the flood control zones in the importance of flood control, disseminate the knowledge of flood control and enhance their awareness of the danger of inundation; they shall set up and improve, in accordance with plans for flood control and programmes for protection against floods, the flood control system and the systems of hydrology, meteorology, telecommunications, pre-warning and the monitoring of flood and water-logging disasters, so as to increase their ability in protecting against floods; and they shall mobilize the units and residents in the flood control zones to take an active part in the effort to control floods and adopt the measures suitable to local conditions to control and ward off floods.

Article 32 The people's governments of the provinces, autonomous regions or municipalities directly under the Central Government, where flood basins or flood storage and detention basins are located, shall mobilize the local authorities and departments concerned to formulate, according to the requirements of plans for flood control, programmes for the safety in flood basins, to control the population growth in flood storage and detention basins, to get the residents living in the frequently used flood storage and detention basins to move out according to plans, and to take other necessary safety control measures.

The authorities of regions and units that benefit directly from the flood storage and detention basins shall have the obligation to make compensation and provide relief for these basins according to the regulations of the State. The State Council and the people's governments of the provinces, autonomous regions or municipalities directly under the Central Government concerned shall set up the system for giving support, making compensation and providing relief with regard to the flood storage and detention basins.

The State Council and the people's governments of the provinces, autonomous regions or municipalities directly under the Central Government concerned may formulate measures for the safety in the flood basins and flood storage and detention basins and for support, compensation and relief for flood storage and detention basins.

Article 33 For the construction of projects, not for the purpose of flood control, within the flood basins or flood storage and detention basins, an

第三十条 各级人民政府应当按照防洪规划对防洪区内的土地利用实行分区管理。

第三十一条 地方各级人民政府应当加强对防洪区安全建设工作的领导，组织有关部门、单位对防洪区内的单位和居民进行防洪教育，普及防洪知识，提高水患意识；按照防洪规划和防御洪水方案建立并完善防洪体系和水文、气象、通信、预警以及洪涝灾害监测系统，提高防御洪水能力；组织防洪区内的单位和居民积极参加防洪工作，因地制宜地采取防洪避洪措施。

第三十二条 洪泛区、蓄滞洪区所在地的省、自治区、直辖市人民政府应当组织有关地区和部门，按照防洪规划的要求，制定洪泛区、蓄滞洪区安全建设计划，控制蓄滞洪区人口增长，对居住在经常使用的蓄滞洪区的居民，有计划地组织外迁，并采取其他必要的安全保护措施。

因蓄滞洪区而直接受益的地区和单位，应当对蓄滞洪区承担国家规定的补偿、救助义务。国务院和有关的省、自治区、直辖市人民政府应当建立对蓄滞洪区的扶持和补偿、救助制度。

国务院和有关的省、自治区、直辖市人民政府可以制定洪泛区、蓄滞洪区安全建设管理办法以及对蓄滞洪区的扶持和补偿、救助办法。

第三十三条 在洪泛区、蓄滞洪区内建设非防洪建设项目，应当就洪水对建设项

assessment of the potential effect of floods on the construction projects and the potential effect of the construction projects on flood control shall be made, a report on the assessment of flood effect shall be prepared, and measures against such effect shall be proposed. When the feasibility study report on a construction project is submitted for approval according to the procedure for capital construction prescribed by the State, it shall be attached with the report on the assessment of flood effect examined and approved by the relevant water administration department.

The report on the assessment of flood effect on oil fields, railways, highways, mines, power plants, telecommunications equipment and pipelines to be constructed in the flood storage and detention basins shall include programmes prepared by the construction unit itself for controlling or warding off floods. When a construction project is put into production or use, its projects and facilities for flood control shall be checked for acceptance by the water administration department.

The flat-roof structure shall be adopted for the houses built in flood storage and detention basins.

Article 34 Large and medium-sized cities, important main lines of railways and highways, and large key enterprises shall be listed as the focal points of flood control and their safety shall be ensured.

The cities, economic development zones, industrial and mining areas, and important agricultural bases of the State that are vulnerable to floods shall enjoy special protection and necessary projects and facilities for flood control shall be constructed there.

In urban construction, no river channels, ditches, river forks, water storage lakes, ponds, depressions or shallow lakes may be blocked or filled up and no dikes for flood control may be leveled without authorization. Where it is definitely necessary to do so, the matter shall be submitted to the water administration department for examination and consent and to the municipal people's government for approval.

Article 35 The area of management and protection for the projects and facilities for flood control owned by the State shall be delimited, in accordance with the approved design and State regulations, by the people's governments at or above the county level before such projects and facilities are completed and accepted.

The area of protection for projects and facilities for flood control owned by the collective shall be delimited in accordance with the regulations of the people's governments of provinces, autonomous regions or municipalities directly under the Central Government.

Within the area of protection for projects and facilities for flood control, activities that jeopardise the safety of projects and facilities for flood control such as exploding, well-digging, quarrying and earth-borrowing are prohibited.

目可能产生的影响和建设项目对防洪可能产生的影响作出评价, 编制洪水影响评价报告, 提出防御措施。建设项目可行性研究报告按照国家规定的基本建设程序报请批准时, 应当附具有关水行政主管部门审查批准的洪水影响评价报告。

在蓄滞洪区内建设的油田、铁路、公路、矿山、电厂、电信设施和管道, 其洪水影响评价报告应当包括建设单位自行安排的防洪避洪方案。建设项目投入生产或者使用时, 其防洪工程设施应当经水行政主管部门验收。

在蓄滞洪区内建造房屋应当采用平顶式结构。

第三十四条 大中城市, 重要的铁路、公路干线, 大型骨干企业, 应当列为防洪重点, 确保安全。

受洪水威胁的城市、经济开发区、工矿区和国家重要的农业生产基地等, 应当重点保护, 建设必要的防洪工程设施。城市建设不得擅自填堵原有河道沟叉、贮水湖塘洼淀和废除原有防洪围堤; 确需填堵或者废除的, 应当经水行政主管部门审查同意, 并报城市人民政府批准。

第三十五条 属于国家所有的防洪工程设施, 应当按照经批准的设计, 在竣工验收前由县级以上人民政府按照国家规定, 划定管理和保护范围。

属于集体所有的防洪工程设施, 应当按照省、自治区、直辖市人民政府的规定, 划定保护范围。

在防洪工程设施保护范围内, 禁止进行爆破、打井、采石、取土等危害防洪工程设施安全的活动。

Article 36 The people's governments at various levels shall mobilize the departments concerned to strengthen regular inspection of and supervision over reservoirs and dams. For the dangerous dams that fail to meet the designed standards for flood control or the requirements for fortification against earthquake or that have serious defects in quality, the dam administration department shall mobilize the units concerned to take measures to reinforce the dams and to remove the danger or rebuild the dams within a time limit, and the people's governments concerned shall give priority to allocation of the funds needed. For the reservoir where the dam may possibly break down, plans for emergency repair and for temporary evacuation of the residents shall be made in advance. The people's governments at various levels and the competent departments concerned shall strengthen supervision over tailing dams and take measures to prevent them from being broken down by floods.

Article 37 No units or individuals may undermine, occupy, or damage such flood control projects as dams of reservoirs, dikes, sluices, revetments, pumping stations, and drainage canal systems, hydrologic and telecommunications facilities, and the equipment and materials prepared for flood control.

CHAPTER V FLOOD CONTROL AND FLOOD FIGHTING

Article 38 Flood control and flood fighting shall be carried out under the system whereby the administrative chief of the people's government at any level assumes full responsibility under unified command and departments at various levels shall assume their respective responsibilities.

Article 39 The State Council shall set up the National Flood Control Headquarters, which shall be responsible for guiding and organizing flood control and flood fighting throughout the country, and the office of the National Flood Control Headquarters shall be set up in the water administration department under the State council. For the major rivers and lakes designated as such by the State, flood control headquarters consisting of leading members of the people's governments of the relevant provinces, autonomous regions or municipalities directly under the Central Government and of the river basin authorities of the said rivers and lakes may be set up in order to direct flood control and flood fighting within the area under their jurisdiction, and their offices shall be set up in the river basin authorities. The local people's government at or above the county level which is assigned with the tasks of flood control and flood fighting shall set up its flood control headquarters consisting of leading members of the departments concerned, of the troops stationed there and of the local arm-the-people department in order to direct flood control and flood

第三十六条 各级人民政府应当组织有关部门加强对水库大坝的定期检查和监督管理。对未达到设计洪水标准、抗震设防要求或者有严重质量缺陷的险坝，大坝主管部门应当组织有关单位采取除险加固措施，限期消除危险或者重建，有关人民政府应当优先安排所需资金。对可能出现垮坝的水库，应当事先制定应急抢险和居民临时撤离方案。各级人民政府和有关主管部门应当加强对尾矿坝的监督管理，采取措施，避免因洪水导致垮坝。

第三十七条 任何单位和个人不得破坏、侵占、毁损水库大坝、堤防、水闸、护岸、抽水站、排水渠系等防洪工程和水文、通信设施以及防汛备用的器材、物料等。

第五章 防汛抗洪

第三十八条 防汛抗洪工作实行各级人民政府行政首长负责制，统一指挥、分级分部门负责。

第三十九条 国务院设立国家防汛指挥机构，负责领导、组织全国的防汛抗洪工作，其办事机构设在国务院水行政主管部门。

在国家确定的重要江河、湖泊可以设立由有关省、自治区、直辖市人民政府和该江河、湖泊的流域管理机构负责人等组成的防汛指挥机构，指挥所管辖范围内的防汛抗洪工作，其办事机构设在流域管理机构。

有防汛抗洪任务的县级以上地方人民政府设立由有关部门、当地驻军、人民武装部负责人等组成的防汛指挥机构，在上级防汛指挥机构和本级人民政府的领导下，指挥本地区的防汛抗洪工作，其办事机构设在同级水行政主管部门；必要时，经城市人民政府决定，防汛指挥

fighting in the area, under the guidance of the flood control headquarters at higher levels and the people's government at the corresponding level, and the office of the headquarters shall be set up in the water administration department at the corresponding level. When necessary, upon decision by the municipal people's government, the flood control headquarters may also set up an urban area office in the construction administration department, which shall be in charge of the routine work for flood control and flood fighting, within the urban area, under the unified guidance of the flood control headquarters.

Article 40 The local people's government at or above the county level which is assigned with the tasks of flood control and flood fighting shall draw up flood control programmes (including measures for a catastrophic flood) on the basis of the comprehensive plan for the river basin, the actual conditions of the projects for flood control and the standards for flood control prescribed by the State.

The flood control programmes for the Yangtze, Yellow, Huaihe and Haihe rivers shall be formulated by the National Flood Control Headquarters and submitted to the State Council for approval; the flood control programmes for other rivers covering different provinces, autonomous regions or municipalities directly under the Central Government shall be formulated by river basin authorities concerned in conjunction with the people's governments of relevant provinces, autonomous regions or municipalities directly under the Central Government and submitted to the State Council or the department authorized by the State Council for approval. Once the flood control programmes are approved, the local people's governments concerned must execute them.

The flood control headquarters at various levels, and the departments and units shouldering the tasks of flood control and flood fighting must make preparations for flood control and flood fighting in accordance with the flood control programmes.

Article 41 The flood control headquarters of the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall, on the basis of the flood pattern, specify the starting and ending dates of a flood season.

When the water condition of a river or lake is close to the guaranteed water level or the safe flow or the water level of a reservoir is close to the designed flood level or, when a flood control project or facility is found to be in a critically dangerous condition, the flood control headquarters of the people's government at or above the county level concerned may declare the start of an urgent flood control period.

Article 42 Flood control headquarters shall order the removal, within a time limit, of the obstacles to flood passage within the areas of river channels or lakes in accordance with the principle of whoever puts the

机构也可以在建设行政主管部门设城市市区办事机构, 在防汛指挥机构的统一领导下, 负责城市市区的防汛抗洪日常工作。

第四十条 有防汛抗洪任务的县级以上地方人民政府根据流域综合规划、防洪工程实际状况和国家规定的防洪标准, 制定防御洪水方案(包括对特大洪水的处置措施)。

长江、黄河、淮河、海河的防御洪水方案, 由国家防汛指挥机构制定, 报国务院批准; 跨省、自治区、直辖市的其他江河的防御洪水方案, 由有关流域管理机构会同有关省、自治区、直辖市人民政府制定, 报国务院或者国务院授权的有关部门批准。防御洪水方案经批准后, 有关地方人民政府必须执行。

各级防汛指挥机构和承担防汛抗洪任务的部门和单位, 必须根据防御洪水方案做好防汛抗洪准备工作。

第四十一条 省、自治区、直辖市人民政府防汛指挥机构根据当地的洪水规律, 规定汛期起止日期。

当江河、湖泊的水情接近保证水位或者安全流量, 水库水位接近设计洪水位, 或者防洪工程设施发生重大险情时, 有关县级以上人民政府防汛指挥机构可以宣布进入紧急防汛期。

第四十二条 对河道、湖泊范围内阻碍行洪的障碍物, 按照谁设障、谁清除的原则, 由防汛指挥机构责令限期清除; 逾

obstacles removes them. If the person fails to remove the obstacles at the expiration of the time limit, the flood control headquarters shall have them removed, and the expenses thus incurred shall be born by the person who puts the obstacles.

During an urgent flood control period, the National Flood Control Headquarters or the flood control headquarters of the provinces, autonomous regions or municipalities directly under the Central Government or of the river basins it authorized shall have the power to take emergency measures with respect to the bridges, approach roads, wharves and other cross-river projects that have caused serious water choking or blocking.

Article 43 During a flood season, the meteorological, hydrological and marine departments concerned shall fulfill their respective duties by promptly providing the relevant flood control headquarters with real-time information on weather and hydrology and windstorm tide forecasts; departments of telecommunications shall give priority to providing services for flood control and flood fighting; and departments of transport, electric power, and goods and materials and other departments concerned shall give priority to providing services for flood control and flood fighting.

The Chinese People's Liberation Army, the Chinese People's Armed Police Force and the people's militia shall perform the tasks of fighting floods and dealing with emergencies as assigned by the State.

Article 44 During a flood season, the reservoirs, sluice gates and other water projects and facilities shall be used under the control and supervision of the flood control headquarters concerned.

During a flood season, water in any reservoir may not, without authorization, be stored above the limits of flood-season water level; the flood-control storage capacity above the limits of flood-season water level shall be used under the control and supervision of the flood control headquarters concerned.

During an ice flood season, the amount of water to be discharged from reservoirs of the upper reaches of the rivers that give rise to ice floods shall be subject to consent and supervision of the relevant flood control headquarters concerned.

Article 45 During an urgent flood control period, flood control headquarters shall have the power to requisition, according to the needs of flood control and flood fighting and within the area under their jurisdiction, materials, equipment, means of transport and manpower and to decide to borrow earth, occupy land, fell trees, remove obstacles that block water flow and to take other necessary emergency measures; when necessary, public security organs, departments of communications and other departments concerned may, in accordance with decisions of flood

期不清除的, 由防汛指挥机构组织强行清除, 所需费用由设障者承担。

在紧急防汛期, 国家防汛指挥机构或者其授权的流域、省、自治区、直辖市防汛指挥机构有权对壅水、阻水严重的桥梁、引道、码头和其他跨河工程设施作出紧急处置。

第四十三条 在汛期, 气象、水文、海洋等有关部门应当按照各自的职责, 及时向有关防汛指挥机构提供天气、水文等实时信息和风暴潮预报; 电信部门应当优先提供防汛抗洪通信的服务; 运输、电力、物资材料供应等有关部门应当优先为防汛抗洪服务。

中国人民解放军、中国人民武装警察部队和民兵应当执行国家赋予的抗洪抢险任务。

第四十四条 在汛期, 水库、闸坝和其他水工程设施的运用, 必须服从有关的防汛指挥机构的调度指挥和监督。

在汛期, 水库不得擅自在水库限制水位以上蓄水, 其汛期限制水位以上的防洪库容的运用, 必须服从防汛指挥机构的调度指挥和监督。

在凌汛期, 有防凌汛任务的江河的上游水库的下泄水量必须征得有关的防汛指挥机构的同意, 并接受其监督。

第四十五条 在紧急防汛期, 防汛指挥机构根据防汛抗洪的需要, 有权在其管辖范围内调用物资、设备、交通运输工具和人力, 决定采取取土占地、砍伐林木、清除阻水障碍物和其他必要的紧急措施; 必要时, 公安、交通等有关部门按照防汛指挥机构的决定, 依法实施陆地和水面交通管制。

control headquarters, enforce traffic control on land and water.

The materials, equipment, means of transport, etc. requisitioned according to the provisions in the preceding paragraph shall be returned without delay after the flood season ends; for those that are damaged or unreturnable, appropriate compensation shall be made or, the matter shall be dealt with otherwise, in accordance with the regulations of the State Council. Where earth has been borrowed or trees have been felled, the formalities shall, in accordance with law, be completed afterwards with the departments concerned after the flood season ends; the local people's governments concerned shall see to it that the land from which earth has been borrowed is reclaimed and that new trees are planted where trees have been felled.

Article 46 When the water level or flow of rivers or lakes has reached the standard for flood diversion as set by the State so that flood storage and detention basins need be used, the State Council, the National Flood Control Headquarters, the river basin flood control headquarters, the people's governments of provinces, autonomous regions or municipalities directly under the Central Government, and the flood control headquarters of the provinces, autonomous regions or municipalities directly under the Central Government may decide to use them in accordance with the conditions for their use and the procedure for approval as stipulated in the flood control programmes that are lawfully approved. No units or individuals may impede or delay the use of the flood storage and detention basins; in case it happens, the local people's governments at or above the county level concerned shall enforce the use.

Article 47 In the wake of a disaster of flood or water-logging, the people's governments concerned shall mobilize the departments and units concerned to ensure the supply of the daily necessities, sanitation and epidemic prevention, the supply of goods and materials for disaster relief, maintenance of public order, resumption of school classes and production, rehabilitation of homes, success in other relief work and repair of each and every project or facility damaged by flood in the area under their jurisdiction. Repair of the projects and facilities for flood control damaged by flood shall be placed on top of the annual construction plans of the departments concerned.

The State shall encourage and support the development of flood insurance.

CHAPTER VI ENSURING MEASURES

Article 48 The people's governments at various levels shall take measures to increase their overall investment in flood control.

Article 49 Investments needed for the harnessing of rivers and lakes and

依照前款规定调用的物资、设备、交通运输工具等，在汛期结束后应当及时归还；造成损坏或者无法归还的，按照国务院有关规定给予适当补偿或者作其他处理。取土占地、砍伐林木的，在汛期结束后依法向有关部门补办手续；有关地方人民政府对取土后的土地组织复垦，对砍伐的林木组织补种。

第四十六条 江河、湖泊水位或者流量达到国家规定的分洪标准，需要启用蓄滞洪区时，国务院，国家防汛指挥机构，流域防汛指挥机构，省、自治区、直辖市人民政府，省、自治区、直辖市防汛指挥机构，按照依法经批准的防御洪水方案中规定的启用条件和批准程序，决定启用蓄滞洪区。依法启用蓄滞洪区，任何单位和个人不得阻拦、拖延；遇到阻拦、拖延时，由有关县级以上地方人民政府强制实施。

第四十七条 发生洪涝灾害后，有关人民政府应当组织有关部门、单位做好灾区的生活供给、卫生防疫、救灾物资供应、治安管理、学校复课、恢复生产和重建家园等救灾工作以及所管辖地区的各项水毁工程设施修复工作。水毁防洪工程设施的修复，应当优先列入有关部门的年度建设计划。
国家鼓励、扶持开展洪水保险。

第六章 保障措施

第四十八条 各级人民政府应当采取措施，提高防洪投入的总体水平。

第四十九条 江河、湖泊的治理和防洪工

for the construction and maintenance of projects and facilities for flood control shall be made by the Central Government and the local governments at different levels in adherence to the principle of the unity of administrative power and financial power. The investments needed for the construction and maintenance of urban projects and facilities for flood control shall be made by the municipal people's governments. Enterprises and institutions of oil, pipelines, railways, highways, mines, electric power, telecommunications, etc., which are situated in areas vulnerable to floods, shall raise funds themselves to construct flood control projects necessary for their own protection.

Article 50 The Central Government shall allocate funds for fighting floods, dealing with emergencies and repairing flood control projects damaged by floods when dams on the major rivers and lakes designated as such by the State are hit by catastrophic floods or waterlogging. The people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall, in their financial budgets include funds for fighting floods, dealing with emergencies and repairing flood control projects damaged by floods when the areas within their administrative regions are hit by catastrophic floods or waterlogging.

Article 51 The State shall establish funds for water conservancy, to be used for the maintenance and construction of flood control projects and water conservancy projects. Specific measures shall be formulated by the State Council.

In order to reinforce the construction of projects and facilities for flood control within their administrative regions to increase flood control capacity, the provinces, autonomous regions and municipalities directly under the Central Government, which are vulnerable to floods, may, in accordance with the relevant regulations of the State Council, formulate regulations for the collection of fees in the areas under protection against floods for construction and maintenance of river channel projects.

Article 52 The local people's governments at various levels that are assigned with the task of flood control shall, in accordance with the relevant regulations of the State Council, arrange a certain proportion of rural compulsory labour and accumulation labour for the construction and maintenance of flood control projects and facilities.

Article 53 No units or individuals may withhold or misappropriate funds or materials to be used for flood control and disaster relief. Audit institutions of the people's governments at various levels shall strictly audit and oversee the use of the funds for flood control and disaster relief.

CHAPTER VII LEGAL LIABILITY

程设施的建设和维护所需投资,按照事权和财权相统一的原则,分级负责,由中央和地方财政承担。城市防洪工程设施的建设和维护所需投资,由城市人民政府承担。

受洪水威胁地区的油田、管道、铁路、公路、矿山、电力、电信等企业、事业单位应当自筹资金,兴建必要的防洪自保工程。

第五十条 中央财政应当安排资金,用于国家确定的重要江河、湖泊的堤坝遭受特大洪涝灾害时的抗洪抢险和水毁防洪工程修复。省、自治区、直辖市人民政府应当在本级财政预算中安排资金,用于本行政区域内遭受特大洪涝灾害地区的抗洪抢险和水毁防洪工程修复。

第五十一条 国家设立水利建设基金,用于防洪工程和水利工程的维护和建设。具体办法由国务院规定。

受洪水威胁的省、自治区、直辖市为加强本行政区域内防洪工程设施建设,提高防御洪水能力,按照国务院的有关规定,可以规定在防洪保护区范围内征收河道工程修建维护管理费。

第五十二条 有防洪任务的地方各级人民政府应当根据国务院的有关规定,安排一定比例的农村义务工和劳动积累工,用于防洪工程设施的建设和维护。

第五十三条 任何单位和个人不得截留、挪用防洪、救灾资金和物资。各级人民政府审计机关应当加强对防洪、救灾资金使用情况的审计监督。

第七章 法律责任

Article 54 Anyone who, in violation of the provisions of Article 17 of this Law, conducts a flood control project or any other water project or hydropower station across rivers or lakes without the written consent signed by the water administration department for the plan thereof shall be ordered to discontinue the illegal act and to complete the formalities for obtaining the written consent for the plan; any project that is built at variance with the requirements of the written consent and seriously affects flood control shall be ordered to be demolished within a time limit; with regard to any project that fails to meet the requirements of the written consent and adversely affects flood control, but that is still remediable, remedial measures shall be ordered to be taken within a time limit and a fine of not less than 10,000 yuan but not more than 100,000 yuan may be imposed.

Article 55 Anyone who, in violation of the provisions of Article 19 of this Law, fails to regulate the river channels or construct projects for controlling and guiding river flow and for protecting dikes and banks in conformity with the planned river-flow guiding line and therefore adversely affects flood control shall be ordered to discontinue the illegal act and to restore the place to its original state or to adopt other remedial measures and may be fined not less than 10,000 yuan but not more than 100,000 yuan.

Article 56 Anyone who commits any of the following acts in violation of the provisions of paragraphs 2 and 3 of Article 22 of this Law shall be ordered to discontinue the illegal act, remove the obstacles or to take other remedial measures and may be fined not more than 50,000 yuan:

- (1) to construct any buildings or structures within the range of management of river channels or lakes that block flood passage;
- (2) in the administrative zone of any river or lake, to dump rubbish or dregs or engage in any activities that adversely affect the stability of the river regime and threaten the safety of river banks or dikes or any other activities impeding flood passage within the range of management of river channels or lakes; or
- (3) to plant trees or grow long-stalk crops that block flood passage in flood-relief channels.

Article 57 Anyone who, in violation of the provisions of paragraph 2, Article 15 or of Article 23 of this law, reclaims land from the sea, any lakes or river channels shall be ordered to discontinue the illegal act, restore the place to its original state or take other remedial measures and may be fined not more than 50,000 yuan; if the violator neither restores the place to its original state nor takes any other remedial measures, he shall bear the costs incurred for the restoration done or the remedial measures taken by others.

第五十四条 违反本法第十七条规定，未经水行政主管部门签署规划同意书，擅自在江河、湖泊上建设防洪工程和其他水工程、水电站的，责令停止违法行为，补办规划同意书手续；违反规划同意书的要求，严重影响防洪的，责令限期拆除；违反规划同意书的要求，影响防洪但尚可采取补救措施的，责令限期采取补救措施，可以处一万元以上十万元以下的罚款。

第五十五条 违反本法第十九条规定，未按照规划治导线整治河道和修建控制引导河水流向、保护堤岸等工程，影响防洪的，责令停止违法行为，恢复原状或者采取其他补救措施，可以处一万元以上十万元以下的罚款。

第五十六条 违反本法第二十二条第二款、第三款规定，有下列行为之一的，责令停止违法行为，排除阻碍或者采取其他补救措施，可以处五万元以下的罚款：

- （一）在河道、湖泊管理范围内建设妨碍行洪的建筑物、构筑物的；
- （二）在河道、湖泊管理范围内倾倒垃圾、渣土，从事影响河势稳定、危害河岸堤防安全和其他妨碍河道行洪的活动；
- （三）在行洪河道内种植阻碍行洪的林木和高秆作物的。

第五十七条 违反本法第十五条第二款、第二十三条规定，围海造地、围湖造地、围垦河道的，责令停止违法行为，恢复原状或者采取其他补救措施，可以处五万元以下的罚款；既不恢复原状也不采取其他补救措施的，代为恢复原状或者采取其他补救措施，所需费用由违法者承担。

Article 58 Anyone who, in violation of the provisions of Article 27 of this Law, constructs any projects or facilities within the range of management of river channels or lakes without the examination and consent of his construction programmes by the water administration department, or at variance with the positions and limits examined and approved by the water administration department, shall be ordered to discontinue the illegal act and to complete the formalities for the examination and consent or for examination and approval; if any projects or facilities seriously affect flood control, their demolition shall be ordered to be done within a time limit or they shall be demolished by compulsion if the time limit expires and the costs thus incurred shall be borne by the construction unit; if any projects or facilities adversely affect flood passage but are still remediable, the violator shall be ordered to take remedial measures within a time limit and may be fined not less than 10,000 yuan but not more than 100,000 yuan.

Article 59 Anyone who, in violation of the provisions of paragraph 1 of Article 33 of this Law, constructs a project, not for the purpose of flood control, in a flood basin or flood storage and detention basin without preparing a report on the assessment of flood effect, shall be ordered to make amends within a time limit; if he fails to do so, he shall be fined not more than 50,000 yuan.

Anyone who, in violation of the provisions of paragraph 2 of Article 33 of this Law, puts a construction project into production or use before the project or facility for flood control is checked for acceptance shall be ordered to discontinue the production or use and have the project or facility checked for acceptance within a time limit and may be fined not more than 50,000 yuan.

Article 60 Anyone who, in violation of the provisions of Article 34 of this Law, blocks or fills up any existing river channels, ditches, river forks or any water storage lakes, ponds, depressions or shallow lakes, or levels any existing flood control dikes for the sake of urban construction without authorization shall be ordered by the municipal people's government to discontinue the illegal act and restore the place to its original state or take other remedial measures.

Article 61 Anyone who, in violation of the provisions of this Law, undermines, occupies or damages any flood control projects such as dikes, sluices, revetments, pumping stations and drainage canal systems, or hydrologic or telecommunications facilities, or the equipment and materials prepared for flood control shall be ordered to discontinue the illegal act and take remedial measures and may be fined not more than 50,000 yuan; if any damage is caused, he shall bear civil liability in accordance with law; if he need be punished for public security, penalties shall be meted out in accordance with the [Regulations on Administrative](#)

第五十八条 违反本法第二十七条规定，未经水行政主管部门对其工程建设方案审查同意或者未按照有关水行政主管部门审查批准的位置、界限，在河道、湖泊管理范围内从事工程设施建设活动的，责令停止违法行为，补办审查同意或者审查批准手续；工程设施建设严重影响防洪的，责令限期拆除，逾期不拆除的，强行拆除，所需费用由建设单位承担；影响行洪但尚可采取补救措施的，责令限期采取补救措施，可以处一万元以上十万元以下的罚款。

第五十九条 违反本法第三十三条第一款规定，在洪泛区、蓄滞洪区内建设非防洪建设项目，未编制洪水影响评价报告的，责令限期改正；逾期不改正的，处五万元以下的罚款。

违反本法第三十三条第二款规定，防洪工程设施未经验收，即将建设项目投入生产或者使用的，责令停止生产或者使用，限期验收防洪工程设施，可以处五万元以下的罚款。

第六十条 违反本法第三十四条规定，因城市建设擅自填堵原有河道沟叉、贮水湖塘洼淀和废除原有防洪围堤的，城市人民政府应当责令停止违法行为，限期恢复原状或者采取其他补救措施。

第六十一条 违反本法规定，破坏、侵占、毁损堤防、水闸、护岸、抽水站、排水渠系等防洪工程和水文、通信设施以及防汛备用的器材、物料的，责令停止违法行为，采取补救措施，可以处五万元以下的罚款；造成损坏的，依法承担民事责任；应当给予治安管理处罚的，依照[治安管理处罚条例](#)的规定处罚；构成犯罪的，依法追究刑事责任。

Penalties for Public Security; if the violation constitutes a crime, he shall be investigated for criminal responsibility in accordance with law.

Article 62 Anyone who hinders or intimidates any members of flood control headquarters, water administration departments or river basin authorities when they perform their duties, if his act constitutes a crime, shall be investigated for criminal responsibility in accordance with law; if his act is not serious enough to constitute a crime but penalties need be imposed for public security, he shall be punished in accordance with the Regulations on Administrative Penalties for Public Security.

Article 63 Anyone who withholds or misappropriates funds or materials for flood control or disaster relief, if his act constitutes a crime, shall be investigated for criminal responsibility in accordance with law; if his act is not serious enough to constitute a crime, he shall be given administrative sanctions.

Article 64 Except for the provisions of Article 60 of this Law, the administrative penalties and administrative measures stipulated in this Chapter shall be determined by the water administration departments of the people's governments at or above the county level or by the river basin authorities in accordance with the limits of authority prescribed by the water administration department under the State Council. However, the administrative penalties for public security stipulated in Articles 61 and 62 of this Law shall be determined by the organs specified in the provisions of the Regulations on Administrative Penalties for Public Security.

Article 65 Any functionary of a State organ, who commits any of the following acts, if his act constitutes a crime, shall be investigated for criminal responsibility in accordance with law; if his act is not serious enough to constitute a crime, he shall be given administrative sanctions:

- (1) to seriously impair flood control in violation of the provisions of Article 17, Article 19, paragraphs 2 and 3 of Article 22, Article 27 or Article 34 of this Law;
- (2) to abuse his power, neglect his duty, conduct malpractice for selfish ends so as to cause heavy losses to the work of flood control and flood fighting;
- (3) to refuse to implement programmes for protection against floods or to execute instructions for controlling flood and dealing with emergencies, or the programmes and measures for flood storage and detention, or such dispatch plans as dispatch and operation programmes for a flood season; or
- (4) to cause or aggravate losses to the neighbouring areas or other units during a flood disaster by violating the provisions of this Law.

第六十二条 阻碍、威胁防汛指挥机构、水行政主管部门或者流域管理机构的工作人员依法执行职务，构成犯罪的，依法追究刑事责任；尚不构成犯罪，应当给予治安管理处罚的，依照治安管理处罚条例的规定处罚。

第六十三条 截留、挪用防洪、救灾资金和物资，构成犯罪的，依法追究刑事责任；尚不构成犯罪的，给予行政处分。

第六十四条 除本法第六十条的规定外，本章规定的行政处罚和行政措施，由县级以上人民政府水行政主管部门决定，或者由流域管理机构按照国务院水行政主管部门规定的权限决定。但是，本法第六十一条、第六十二条规定的治安管理处罚的决定机关，按照治安管理处罚条例的规定执行。

第六十五条 国家工作人员，有下列行为之一，构成犯罪的，依法追究刑事责任；尚不构成犯罪的，给予行政处分：

- （一）违反本法第十七条、第十九条、第二十二条第二款、第二十二条第三款、第二十七条或者第三十四条规定，严重影响防洪的；
- （二）滥用职权，玩忽职守，徇私舞弊，致使防汛抗洪工作遭受重大损失的；
- （三）拒不执行防御洪水方案、防汛抢险指令或者蓄滞洪方案、措施、汛期调度运用计划等防汛调度方案的；
- （四）违反本法规定，导致或者加重毗邻地区或者其他单位洪灾损失的。

CHAPTER VIII SUPPLEMENTARY PROVISIONS

第八章 附则

Article 66 This Law shall come into force as of January 1, 1998.

第六十六条 本法自1998年1月1日起施行。

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