

【Title】 Water Law of the People's Republic of China (2002 Revision)[已被修订]
【法规标题】 中华人民共和国水法(2002 修订) [Revised]

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中华人民共和国主席令
(第 74 号)

Order of the President of the People's Republic of China (No.74)
The [Water Law of the People's Republic of China](#) was modified and adopted at the 29th Meeting of the Standing Committee of the Ninth National People's Congress on August 29, 2002; the modified [Water Law of the People's Republic of China](#) is hereby promulgated and shall come into force as of October 1, 2002.

President of the People's Republic of China: Jiang Zemin
August 29, 2002

[Water Law of the People's Republic of China](#)

(Adopted at the 29th Meeting of the Standing Committee of the Ninth National People's Congress)

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《[中华人民共和国水法](#)》已由中华人民共和国第九届全国人民代表大会常务委员会第二十九次会议于 2 0 0 2 年 8 月 2 9 日修订通过，现将修订后的《[中华人民共和国水法](#)》公布，自 2 0 0 2 年 1 0 月 1 日起施行。

中华人民共和国主席 江泽民

2 0 0 2 年 8 月 2 9 日

[中华人民](#)
[共和国水法](#)

(2 0 0 2 年 8 月
2 9 日第九届全国
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Chapter 1 General Rules

Article 1 This Law is formulated for the rational development, utilization, preservation, and protection of water, for the prevention and control of water disasters, and for the sustainable utilization of water resources in order to meet the needs of national economic and social development.

Article 2 This Law must be observed in the development, utilization, preservation, protection, and management of water resources and in the prevention and control of water disasters within the territory of the People's Republic of China.

The "water resources" referred to in this Law include surface water and groundwater.

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

Article 4 The development, utilization, preservation, and protection of water resources and the prevention and control of water disasters shall be carried out through comprehensive planning, with all factors taken into consideration. The planning shall seek both a temporary solution and a permanent cure, with emphasis on multipurpose use and achieving maximum benefits to take advantage of the multiple functions of water resources and harmonize water use in production and the environment.

Article 5 The people's governments at and above the county level shall strengthen the construction of infrastructures for water conservation that shall be included in plans for national economic and social development.

Article 6 The state shall encourage entities and individuals to develop and utilize water resources according to law, and to protect their legal rights and interests. The entities and individuals developing and utilizing water resources shall bear an obligation to protect water resources according to law.

Article 7 The state shall apply the systems of water licensing and paid use of water resources according to law, excepting collective economic organizations and their members' use of the water in the ponds and reservoirs owned by those organizations. The department of water

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第一章

总则

總第一条 为了合理开发、利用、节约和保护水资源，防治水害，实现水资源的可持续利用，适应国民经济和社会发展的需要，制定本法。

總第二条 在中华人民共和国领域内开发、利用、节约、保护、管理水资源，防治水害，适用本法。

本法所称水资源，包括地表水和地下水。

總第三条 水资源属于国家所有。水资源的所有权由国务院代表国家行使。农村集体经济组织的水塘和由农村集体经济组织修建管理的水库中的水，归各该农村集体经济组织使用。

總第四条 开发、利用、节约、保护水资源和防治水害，应当全面规划、统筹兼顾、标本兼治、综合利用、讲求效益，发挥水资源的多种功能，协调好生活、生产经营和生态环境用水。

總第五条 县级以上人民政府应当加强水利基础设施建设，并将其纳入本级国民经济和社会发展规划。

總第六条 国家鼓励单位和个人依法开发、利用水资源，并保护其合法权益。开发、利用水资源的单位和个人有依法保护水资源的义务。

總第七条 国家对水资源依法实行取水许可制度和有偿使用制度。但是，农村集体经济组织及其成员使用本集体经济组织的水塘、水库中的水的除外。国

administration under the State Council shall be responsible for organizing the water license system implementation as well as the nationwide paid use of water resource system.

Article 8 The state shall require strict economy in the use of water, vigorously promote measures for water saving, spread new technology and techniques to conserve water, develop the water-conservation industry and agriculture and service industry, and establish a water-conservation society.

The people's governments at various levels shall take measures to improve the management of water preservation, establish the development and distribution of water-conservation technology, and foster and develop water-preservation industries.

Entities and individuals shall bear an obligation to save water.

Article 9 The state shall protect water resources and adopt effective measures to preserve vegetation, plant trees, grow grass, conserve water sources, prevent and control soil erosion and water pollution, and improve the ecological environment.

Article 10 The state shall encourage and support the research, distribution, and application of advanced technology for the development, utilization, preservation, protection, and management of water resources and the prevention and control of water disasters.

Article 11 The people's governments shall award the entities and individuals that have made outstanding achievements in the development, utilization, preservation, protection and management of water resources and in the prevention and control of water disasters, etc.

Article 12 The state shall, with respect to water resources, adopt a system that organizes the administration by watersheds as well as by administrative areas.

The department of water administration under the State Council shall be in charge of the unified administration and supervision of water resources of the nation.

The watershed authorities, set up by the department of water administration under the State Council, at the important rivers and lakes (as determined by the state) (hereinafter referred to as the watershed authorities) shall, within their respective jurisdictions, exercise the water resource administration and supervision provided for by laws and regulations and authorized by the department of water administration under the State Council.

The departments of water administration in the local people's governments at and above the county level shall, according to the prescribed limit of authorities, be in charge of the unified administration

务院水行政主管部门负责全国取水许可制度和水资源有偿使用制度的组织实施。

第八条 国家厉行节约用水，大力推行节约用水措施，推广节约用水新技术、新工艺，发展节水型工业、农业和服务业，建立节水型社会。

各级人民政府应当采取措施，加强对节约用水的管理，建立节约用水技术开发推广体系，培育和发展节约用水产业。

单位和个人有节约用水的义务。

第九条 国家保护水资源，采取有效措施，保护植被，植树种草，涵养水源，防治水土流失和水体污染，改善生态环境。

第十条 国家鼓励和支持开发、利用、节约、保护、管理水资源和防治水害的先进科学技术的研究、推广和应用。

第十一条 在开发、利用、节约、保护、管理水资源和防治水害等方面成绩显著的单位和个人，由人民政府给予奖励。

第十二条 国家对水资源实行流域管理与行政区域管理相结合的管理体制。

国务院水行政主管部门负责全国水资源的统一管理和监督工作。

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（以下简称流域管理机构），在所管辖的范围内行使法律、行政法规规定的和国务院水行政主管部门授予的水资源管理和监督职责。

县级以上地方人民政府水行政主管部门按照规定的权限，负责本行政区域内水资源的统一管理和监督工作。

and supervision of water resources within their respective administrative areas.

Article 13 The relevant departments under the State Council shall be in charge of the relevant work for the development, utilization, preservation and protection of water resources.

The relevant departments of the local people's governments at and above the county level shall, according to the division of duties, be in charge of the relevant work to develop, utilize, preserve, and protect water resources.

Chapter 2 Planning of Water Resources

Article 14 The state shall formulate the strategic plan for water resources of the whole country.

The development, utilization, preservation and protection of water resources, and the prevention and control of water disasters, shall be planned in a unified way on the basis of watersheds or regions. Plans are divided into watershed plans and region plans. Watershed plans include comprehensive watershed plans and special watershed plans; region plans include comprehensive region plans and special region plans.

The "comprehensive plans," as used in the preceding paragraph, shall refer to the overall arrangements, formulated according to the needs of economic and social development and the present situation of the development and utilization of water resources, for the development, utilization, preservation and protection of water resources, as well as for the prevention and control of water disasters. The "special plans," as used in the preceding paragraph, shall refer to plans for prevention of floods, the control of water-logging, irrigation, navigation, water supply, hydro-electric power generation, bamboo or log rafting, fishery, water resource protection, water and soil conservation, prevention and control of sand disasters, and water preservation, etc.

Article 15 The region plan within a watershed shall be subject to the watershed plan, and the special plan shall be subject to the comprehensive plan.

The comprehensive watershed plan and comprehensive region plan, as well as the special plan closely related to land utilization, shall be coordinated with the plan for national economic and social development, the overall plan for land utilization, the overall urban plan, and the plan for environment protection, and shall take account of the needs of the areas and industries.

Article 16 In order to draw up a plan, a comprehensive scientific survey and an investigation and assessment of water resources must be undertaken by the department of water administration of the people's

總第十三条 国务院有关部门按照职责分工,负责水资源开发、利用、节约和保护的有关工作。

县级以上地方人民政府有关部门按照职责分工,负责本行政区域内水资源开发、利用、节约和保护的有关工作。

總第二章 水资源规划

總第十四条 国家制定全国水资源战略规划。

开发、利用、节约、保护水资源和防治水害,应当按照流域、区域统一制定规划。规划分为流域规划和区域规划。流域规划包括流域综合规划和流域专业规划;区域规划包括区域综合规划和区域专业规划。

前款所称综合规划,是指根据经济社会发展需要和水资源开发利用现状编制的开发、利用、节约、保护水资源和防治水害的总体部署。前款所称专业规划,是指防洪、治涝、灌溉、航运、供水、水力发电、竹木流放、渔业、水资源保护、水土保持、防沙治沙、节约用水等规划。

總第十五条 流域范围内的区域规划应当服从流域规划,专业规划应当服从综合规划。

流域综合规划和区域综合规划以及与土地利用关系密切的专业规划,应当与国民经济和社会发展规划以及土地利用总体规划、城市总体规划和环境保护规划相协调,兼顾各地区、各行业的需要。

總第十六条 制定规划,必须进行水资源综合科学考察和调查评价。水资源综合科学考察和调查评价,由县级以上

government at or above the county level jointly with the relevant department at the corresponding level.

The people's government at or above the county level shall improve the construction of the information system on hydrologic and water resources. The department of water administration of the people's governments at or above the county level and the watershed authorities shall strengthen the dynamic monitoring of water resources.

The basic hydrologic materials shall be publicized pursuant to the relevant provisions of the state.

Article 17 The comprehensive watershed plans for important rivers and lakes determined by the state shall be formulated by the department of water administration under the State Council. This will be in conjunction with the relevant departments under the State Council and the people's governments of the relevant provinces, autonomous regions, and municipalities directly under the Central Government, and shall be submitted to the State Council for approval. The comprehensive watershed plans and comprehensive region plans for other rivers and lakes running across provinces, autonomous regions and municipalities directly under the Central Government shall be formulated by the relevant watershed authorities in conjunction with the departments of water administration and the relevant departments of the people's governments of the provinces, autonomous regions and municipalities directly under the Central Government where the rivers and lakes are located. After the relevant people's governments examine those plans and give their opinions, the plans shall be submitted to the department of water administration under the State Council for examination, which shall, after seeking opinions from the relevant departments under the State Council, submit the plans to the State Council or the department authorized thereby for approval.

The comprehensive watershed plans and comprehensive region plans for rivers and lakes other than those described in the preceding paragraph shall be formulated by the departments of water administration of the local people's governments at and above the county level, jointly with the relevant departments at the corresponding level and the relevant local people's governments, and shall be submitted to the corresponding people's governments or the departments authorized thereby for approval, as well as to the departments of water administration at the next higher level for record.

The special plans shall be formulated by the relevant departments of the people's governments at and above the county level, and shall be submitted to the corresponding people's governments for approval after those departments seek opinions from other relevant departments at the corresponding level. Among these special plans, the formulation and approval of plans on the prevention of floods, and water and soil

administration shall be formulated jointly with the relevant departments of the people's governments at or above the county level, jointly with the relevant departments at the corresponding level and the relevant local people's governments, and shall be submitted to the corresponding people's governments or the departments authorized thereby for approval, as well as to the departments of water administration at the next higher level for record.

县级以上人民政府应当加强水文、水资源信息系统建设。县级以上人民政府水行政主管部门和流域管理机构应当加强对水资源的动态监测。

基本水文资料应当按照国家有关规定予以公开。

第十七条 国家确定的重要江河、湖泊的流域综合规划，由国务院水行政主管部门会同国务院有关部门和有关省、自治区、直辖市人民政府编制，报国务院批准。跨省、自治区、直辖市的其他江河、湖泊的流域综合规划和区域综合规划，由有关流域管理机构会同江河、湖泊所在地的省、自治区、直辖市人民政府水行政主管部门和有关部门编制，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审核；国务院水行政主管部门征求国务院有关部门意见后，报国务院或者其授权的部门批准。

前款规定以外的其他江河、湖泊的流域综合规划和区域综合规划，由县级以上地方人民政府水行政主管部门会同同级有关部门和有关地方人民政府编制，报本级人民政府或者其授权的部门批准，并报上一级水行政主管部门备案。

专业规划由县级以上人民政府有关部门编制，征求同级其他有关部门意见后，报本级人民政府批准。其中，防洪规划、水土保持规划的编制、批准，依照[防洪法](#)、[水土保持法](#)的有关规定执行。

conservation plans, shall be carried out according to the relevant provisions of the [Law on Prevention of Floods](#) and the [Law on Water and Soil Conservation](#).

Article 18 A plan shall be strictly carried out once it has been approved. When modifying the approved plan is necessary, the modification must be approved by the original approving department in accordance with the procedures for plan formulation.

Article 19 Construction of a water project must be in conformity with the comprehensive watershed plan. With respect to the water projects constructed on the important rivers and lakes (as determined by the state) and the rivers and lakes running across provinces, autonomous regions, and municipalities directly under the Central Government, before the project feasibility reports are submitted for approval the relevant watershed authorities shall examine and give opinions on whether the construction of the water project is in conformity with the comprehensive watershed plan. With respect to the construction of water projects on other rivers and lakes, before the project feasibility reports are submitted for approval, the water administration departments of the local people's governments at or above the county level shall, according to the limit of their authorities, examine and give opinions on whether the construction of water projects conforms to the comprehensive watershed plans. Where the construction of a water project involves prevention of floods, the relevant provisions of the [Law on Prevention of Floods](#) shall be observed; where other regions and industries are involved, the construction entity shall seek opinions from the relevant regions and departments in advance.

Chapter 3 Development and Utilization of Water Resources

Article 20 The development and utilization of water resources shall follow the principle of promoting benefits while eliminating disasters. It shall take into consideration the interests of upstream and downstream areas, of the left and right banks, and of all regions concerned to take advantage of the comprehensive benefits of water resources; it shall also conform to the overall arrangement for the prevention of flood.

Article 21 The development and utilization of water resources shall first satisfy the needs of the urban and rural inhabitants in their domestic use of water and give overall consideration to the agricultural, industrial and ecological need for water as well as to the needs of navigation. In dry and semi-dry areas, the development and utilization of water resources shall take into full consideration the ecological environment's need for water.

總第十八条 规划一经批准，必须严格执行。

经批准的规划需要修改时，必须按照规划编制程序经原批准机关批准。

總第十九条 建设水工程，必须符合流域综合规划。在国家确定的重要江河、湖泊和跨省、自治区、直辖市的江河、湖泊上建设水工程，其工程可行性研究报告报请批准前，有关流域管理机构应当对水工程的建设是否符合流域综合规划进行审查并签署意见；在其他江河、湖泊上建设水工程，其工程可行性研究报告报请批准前，县级以上地方人民政府水行政主管部门应当按照管理权限对水工程的建设是否符合流域综合规划进行审查并签署意见。水工程建设涉及防洪的，依照[防洪法](#)的有关规定执行；涉及其他地区和行业的，建设单位应当事先征求有关地区和部门的意见。

總

第三章 水资源开发利用

總第二十条 开发、利用水资源，应当坚持兴利与除害相结合，兼顾上下游、左右岸和有关地区之间的利益，充分发挥水资源的综合效益，并服从防洪的总体安排。

總第二十一条 开发、利用水资源，应当首先满足城乡居民生活用水，并兼顾农业、工业、生态环境用水以及航运等需要。

在干旱和半干旱地区开发、利用水资源，应当充分考虑生态环境用水需要。

Article 22 In case of inter-watershed diversion, an overall plan and a scientific justification must be conducted and consideration given to the demand for water in the watershed which supplies the water and in the watershed which receives it, while avoiding damages to the ecological environment.

Article 23 The local people's governments at various levels shall, in light of the actual situations of water resources of their respective regions, rationally organize the development and comprehensive utilization of water resources according to the principles of unified management and development of surface water and groundwater. It will open up the source while regulating the flow with priority given to regulation as well as disposition and reuse of the sewage.

The formulation of national economic and social development plans and overall urban plans, and the layout of major construction projects, shall be compatible with the conditions of the local water resources and the requirements of flood prevention, and scientific justification shall be undertaken. In areas where the water sources are insufficient, the scale of the urban area and the development of industrial, agricultural and service undertakings that use a large amount of water shall be restricted.

Article 24 In areas short of water resources, the state shall encourage the collection, development and utilization of rain and minor salt water and the utilization and desalination of seawater.

Article 25 The local people's governments at various levels shall improve the leadership over the work of irrigation, draining saturated fields, and water and soil conservation, thus promoting the development of agriculture production. In areas where brackishness or saturation is likely to take place, the governments shall take actions to control and lower the level of groundwater.

Where a rural collective economic organization or its members invest to construct water project facilities on the collective land owned by the organization or land contracted by a member, the water project facilities and the water stored in them shall be managed and rationally used according to the principle that "the party that invests in and constructs the facilities shall be the one to manage and benefit from such facilities."

The construction of a water reservoir by a rural collective economic organization shall be subject to the approval of the department of water administration of the local peoples' government at or above the county level.

Article 26 The state shall encourage the development and utilization of hydraulic power potential. On rivers with hydraulic power potential, multipurpose cascade development shall be effected in a planned way. In the development of hydropower stations, the ecological environment

總第二十二條 跨流域調水，應當進行全面規劃和科學論證，統籌兼顧調出和調入流域的用水需要，防止對生態環境造成破壞。

總第二十三條 地方各級人民政府應當結合本地區水資源的實際情況，按照地表水與地下水統一調度開發、開源與節流相結合、節流優先和污水處理再利用的原則，合理組織開發、綜合利用水資源。

國民經濟和社會發展規劃以及城市總體規劃的編制、重大建設項目的布局，應當與當地水資源條件和防洪要求相適應，並進行科學論證；在水資源不足的地區，應當對城市規模和建設耗水量大的工業、農業和服務業項目加以限制。

總第二十四條 在水資源短缺的地區，國家鼓勵對雨水和微咸水的收集、開發、利用和對海水的利用、淡化。

總第二十五條 地方各級人民政府應當加強對灌溉、排澇、水土保持工作的領導，促進農業生產發展；在容易發生鹽碱化和漬害的地區，應當採取措施，控制和降低地下水的水平。

農村集體經濟組織或者其成員依法在本集體經濟組織所有的集體土地或者承包土地上投資興建水工程設施的，按照誰投資建設誰管理和誰受益的原則，對水工程設施及其蓄水進行管理和合理使用。

農村集體經濟組織修建水庫應當經縣級以上地方人民政府水行政主管部門批准。

總第二十六條 國家鼓勵開發、利用水能資源。在水能豐富的河流，應當有計劃地進行多目標梯級開發。

建設水力發電站，應當保護生態環

shall be protected and the needs for flood control, water supply, irrigation, navigation, bamboo and log rafting, fishery, etc. shall be taken into account.

Article 27 The state shall encourage the development of water transport resources. When permanent dams and sluice-gates are built on rivers which are migrating channels for aquatic creatures, or are navigable or suitable for bamboo and log rafting, the construction entity must simultaneously build facilities for the passage of fish and ships and for bamboo and log rafting or, after approval by a department authorized by the State Council, take other remedial measures. The construction entity must also make adequate arrangements for the protection of aquatic creatures, navigation, and bamboo and log rafting during the construction period and the initial water-filling period, and bear the expenses incurred thereby.

Where a non-navigable river or man-made waterway becomes navigable after a dam or sluice-gate is built, the construction entity shall simultaneously build facilities for the passage of ships or reserve sites for such facilities.

Article 28 No entity or individual shall, while channeling, storing, or discharging water, infringe upon public interests or the lawful rights and interests of other people.

Article 29 The state shall apply the policies of resettlement of inhabitants for development purposes to the resettlement of inhabitants in construction of water projects, and shall appropriately arrange the production and lives of the resettled inhabitants and protect their lawful rights and interests according to the principles of providing compensation and subsidy in the early stage and support in the latter stage.

The resettlement of inhabitants shall be conducted at the same pace as that of the project construction.

The construction entity shall, according to the environment capacity of the area of resettlement and the principle of sustainable development, formulate a plan for inhabitant resettlement in accordance with local conditions, and the relevant local people's government shall organize the implementation of the plan after it has been approved according to the law. The expenses incurred in the resettlement of inhabitants shall be included in the investment plan for project construction.

Chapter 4 Protection of Water Resources, Water Areas and Water Projects

Article 30 In the formulation of a plan for development and utilization of water resources, and in the management of water resources, the water administration department of the people's government at or above the

境，兼顾防洪、供水、灌溉、航运、竹木流放和渔业等方面的需要。

總第二十七條 國家鼓勵開發、利用水運資源。在水生生物洄游通道、通航或者竹木流放的河流上修建永久性攔河閘壩，建設單位應當同時修建過魚、過船、過木設施，或者經國務院授權的部門批准採取其他補救措施，並妥善安排施工和蓄水期間的水生生物保護、航运和竹木流放，所需費用由建設單位承擔。

在不通航的河流或者人工水道上修建閘壩後可以通航的，閘壩建設單位應當同時修建過船設施或者預留過船設施位置。

總第二十八條 任何單位和個人引水、截（蓄）水、排水，不得損害公共利益和他人的合法權益。

總第二十九條 國家對水工程建設移民實行開發性移民的方針，按照前期補償、補助與後期扶持相結合的原則，妥善安排移民的生產和生活，保護移民的合法權益。

移民安置應當與工程建設同步進行。建設單位應當根據安置地區的環境容量和可持續發展的原則，因地制宜，編制移民安置規劃，經依法批准後，由有關地方人民政府組織實施。所需移民經費列入工程建設投資計劃。

總 第四章 水資源、水域和水工程的保護

總第三十條 縣級以上人民政府水行政主管部門、流域管理機構以及其他有關部門在制定水資源開發、利用規劃和

county level, the watershed authorities, and other relevant departments shall attend to maintenance of the rational volume of flow of the rivers and the rational water level of the lakes, reservoirs, and groundwater as well as the maintenance of the natural purifying capacity of the water.

Article 31 The approved plan shall be observed in the development, utilization, preservation, and protection of water resources and the prevention and cure of water disasters. If anyone causes the decline of functions of the rivers and lakes, over-collection of groundwater, or subsidence of ground or water pollution in violation of the plan, he or she shall bear the responsibility for treatment.

Where mining or the construction of other underground projects results in a lowering of the groundwater level, the depletion of groundwater or the subsidence of the ground because of water drainage, the mining entity or the construction entity shall take remedial measures. Where losses are caused to the livelihood and production of entities or individuals, such losses shall be compensated.

Article 32 The water administration department under the State Council shall, in conjunction with the environmental protection department, the relevant departments under the State Council, and the people's governments of the relevant provinces, autonomous regions and municipalities directly under the Central Government, delimit the water functional regions of the important rivers and lakes determined by the state according to the comprehensive watershed plans, water resource protection plans and economic and social development requirements, and report to the State Council for approval. The water functional regions of other rivers and lakes running across provinces, autonomous regions and municipalities directly under the Central Government shall be delimited by the water administration departments, the environmental protection departments, and other relevant departments of the people's governments of the provinces, autonomous regions and municipalities directly under the Central Government where those rivers and lakes are located. The regions shall, after the relevant people's governments examine and give their opinions, be examined by the water administration department under the State Council jointly with the environmental protection department under the State Council. The opinions shall be submitted to the State Council or the departments authorized thereby for approval.

The water functional regions of the rivers and lakes other than those prescribed in the preceding paragraph shall be delimited by the water administration departments of the local people's governments at or above the county level jointly with the environmental protection departments and the relevant departments of the people's governments at the corresponding level. The examination results shall be submitted to the people's governments at the corresponding level or departments

调度水资源时, 应当注意维持江河的合理流量和湖泊、水库以及地下水的合理水位, 维护水体的自然净化能力。

總第三十一条 从事水资源开发、利用、节约、保护和防治水害等水事活动, 应当遵守经批准的规划; 因违反规划造成江河和湖泊水域使用功能降低、地下水超采、地面沉降、水体污染的, 应当承担治理责任。

开采矿藏或者建设地下工程, 因疏干排水导致地下水水位下降、水源枯竭或者地面塌陷, 采矿单位或者建设单位应当采取补救措施; 对他人生活和生产造成损失的, 依法给予补偿。

總第三十二条 国务院水行政主管部门会同国务院环境保护行政主管部门、有关部门和有关省、自治区、直辖市人民政府, 按照流域综合规划、水资源保护规划和经济社会发展要求, 拟定国家确定的重要江河、湖泊的水功能区划, 报国务院批准。跨省、自治区、直辖市的其他江河、湖泊的水功能区划, 由有关流域管理机构会同江河、湖泊所在地的省、自治区、直辖市人民政府水行政主管部门、环境保护行政主管部门和其他有关部门拟定, 分别经有关省、自治区、直辖市人民政府审查提出意见后, 由国务院水行政主管部门会同国务院环境保护行政主管部门审核, 报国务院或者其授权的部门批准。

前款规定以外的其他江河、湖泊的水功能区划, 由县级以上地方人民政府水行政主管部门会同同级人民政府环境保护行政主管部门和有关部门拟定, 报同级人民政府或者其授权的部门批准, 并报上一级水行政主管部门和环境保护行政主管部门备案。

县级以上人民政府水行政主管部门或者流域管理机构应当按照水功能区对水质的要求和水体的自然净化能力, 核定该水域的纳污能力, 向环境保护行政主管部门提出该水域的限制排污总量意

authorized thereby for approval, and to the water administration departments and environmental protection departments at the next higher level for record.

The people's government water administration departments at and above the county level, or the watershed authorities, shall, according to the water functional regions' requirements for water quality and the natural purifying capacity of the water, determine the pollutant-carrying capacity of those water areas, and present opinions to the departments of environmental protection on the limitation of total pollutants discharge for those water areas.

The people's governments water administration departments at and above the county level, or the watershed authorities, shall monitor the water quality of the water functional regions. Where they find the total discharge of major pollutants exceeds the limitation or the water quality of the water functional regions fails to meet the requirements of the functions of the water areas, they shall promptly report to the relevant people's governments for treatment as well as notifying the environmental protection departments.

Article 33 The state shall establish the system of protection of drinking water resources. The people's governments of the provinces, autonomous regions and municipalities directly under the Central Government shall set the drinking water resource conservation districts and take necessary measures to prevent the water sources from drying up or being polluted, thus guaranteeing the safety of drinking water for urban and rural residents.

Article 34 It is prohibited to set up outlets for discharging sewage into the drinking water resource conservation districts.

The establishment, modification or expansion of outlets for discharging sewage on rivers and lakes shall be subject to the consent of the water administration departments or watershed authorities with the jurisdiction, and the environmental protection departments shall be responsible for the examination and approval of the environmental impact reports of those construction projects.

Article 35 When any construction project occupies the water source for agricultural irrigation, the irrigation facilities, or drainage projects, or has adverse impact on the original water source for irrigation, the construction entity shall take the relevant remedial measures and shall compensate for the loss if there is any.

Article 36 In areas where groundwater has been over-collected, the local people's governments at or above the county level shall impose strict control on the collection of groundwater. In the areas where groundwater has been seriously over-collected, the prohibition districts or limitation of

见。

县级以上地方人民政府水行政主管部门和流域管理机构应当对水功能区的水质状况进行监测,发现重点污染物排放总量超过控制指标的,或者水功能区的水质未达到水域使用功能对水质的要求的,应当及时报告有关人民政府采取治理措施,并向环境保护行政主管部门通报。

總第三十三條 國家建立飲用水水源保護區制度。省、自治區、直轄市人民政府應當劃定飲用水水源保護區,並採取措施,防止水源枯竭和水體污染,保證城鄉居民飲用水安全。

總第三十四條 禁止在飲用水水源保護區內設置排污口。

在江河、湖泊新建、改建或者擴大排污口,應當經過有管轄權的水行政主管部門或者流域管理機構同意,由環境保護行政主管部門負責對該建設項目的環境影響報告書進行審批。

總第三十五條 從事工程建設,占用農業灌溉水源、灌排工程設施,或者對原有灌溉用水、供水水源有不利影響的,建設單位應當採取相應的補救措施;造成損失的,依法給予補償。

總第三十六條 在地下水超采地區,县级以上地方人民政府应当採取措施,嚴格控制開采地下水。在地下水嚴重超采地區,經省、自治區、直轄市人民政

groundwater collection may be delimited upon the approval of the people's governments of the provinces, autonomous regions and municipalities directly under the Central Government.

For collection of groundwater in coastal areas, scientific justifications shall be undertaken, and measures shall be taken to prevent ground subsidence and sea invasion.

Article 37 It is prohibited to abandon or pile in any river, lake, reservoir, or canal objects that block the passage of floodwater. Planting trees or growing crops of a long-stalk variety that may block the passage of floodwater is also prohibited.

It is prohibited, within the range of riverway administration, to construct any building or structure that blocks the passage of flood water or to conduct any activity that affects the river flow, impairs the safety of river banks and dikes, or hampers the passage of flood water.

Article 38 The construction of bridges, wharfs and other buildings and structures that block, cross, or border the river, and the laying of pipes or cables that cross the river within the range of riverway administration shall meet the standards for prevention of flood and other related technical requirements set by the state. The plans for a construction project shall be submitted to the water administration departments for examination and approval in accordance with the relevant provisions of the [law on flood prevention](#).

Where the building of any of the structures or facilities referred to in the preceding paragraph requires extension, modification, removal, or destruction of the original water structures or facilities, the entity constructing the new project shall bear the expenses for extension or modification and the expenses for the compensation of losses, unless the original structures or facilities were built in violation of the law.

Article 39 The state shall apply a license system for sand quarrying. The sand quarrying license implementation measures in the riverway shall be provided by the state.

Where any sand quarrying within the range of riverway administration affects the river flow or endangers the safety of dikes, the people's government water administration department at the county level or above shall delimit the prohibition districts and prescribe the prohibition period, which shall be publicly announced.

Article 40 It shall be prohibited to reclaim parts of a lake for use as farmland. Those already reclaimed shall be restored to the lake according to the state-prescribed flood prevention standards.

It shall be prohibited to reclaim parts of a riverway for use as farmland.

Where the reclaiming is indeed necessary, it shall be scientifically justified. Reclamation shall, with the consent of the water administration

府批准，可以划定地下水禁止开采或者限制开采区。在沿海地区开采地下水，应当经过科学论证，并采取措施，防止地面沉降和海水入侵。

總第三十七條 禁止在江河、湖泊、水库、运河、渠道内弃置、堆放阻碍行洪的物体和种植阻碍行洪的林木及高秆作物。

禁止在河道管理范围内建设妨碍行洪的建筑物、构筑物以及从事影响河势稳定、危害河岸堤防安全和其他妨碍河道行洪的活动。

總第三十八條 在河道管理范围内建设桥梁、码头和其他拦河、跨河、临河建筑物、构筑物，铺设跨河管道、电缆，应当符合国家规定的防洪标准和其他有关的技术要求，工程建设方案应当依照[防洪法](#)的有关规定报经有关水行政主管部门审查同意。

因建设前款工程设施，需要扩建、改建、拆除或者损坏原有水工程设施的，建设单位应当负担扩建、改建的费用和损失补偿。但是，原有工程设施属于违法工程的除外。

總第三十九條 国家实行河道采砂许可制度。河道采砂许可制度实施办法，由国务院规定。

在河道管理范围内采砂，影响河势稳定或者危及堤防安全的，有关县级以上人民政府水行政主管部门应当划定禁采区和规定禁采期，并予以公告。

總第四十條 禁止围湖造地。已经围垦的，应当按照国家规定的防洪标准有计划地退地还湖。

禁止围垦河道。确需围垦的，应当经过科学论证，经省、自治区、直辖市人民政府水行政主管部门或者国务院水

department of the people's government of the province, autonomous region or municipality directly under the Central Government or the water administration department under the State Council, be submitted to the people's government at the corresponding level for approval.

Article 41 Entities and individuals shall bear the obligation of protecting water projects, and may not seize or destroy project facilities such as dikes, bank revetments, flood prevention facilities, hydrologic monitoring facilities, or hydrogeologic monitoring facilities.

Article 42 The local people's governments at and above the county level shall take measures to guarantee the safety of the water projects within their respective administrative areas, especially the dams and dikes, and to eliminate dangerous conditions within the prescribed period. The departments of water administration shall strengthen the supervision and administration of the safety of water projects.

Article 43 The state shall protect water projects. For the water projects owned by the state, the scope of project administration and protection shall be delimited according to the provisions of the State Council. For water projects managed by the water administration department under the State Council or the watershed authorities, the scope of project administration and protection shall be delimited by the water administration department or the watershed authorities through consultation with the relevant people's governments of the provinces, autonomous regions, and municipalities directly under the Central Government.

For water projects other than those prescribed in the preceding paragraph, the scope of project protection and the duties of protection shall be delimited according to the provisions of the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government.

Within the scope of water project protection, it shall be prohibited to conduct activities, such as blasting, sinking a well, rock quarrying or earth collection, that affect the function or endanger the safety of water projects.

Chapter 5 Allocation and Economic Use of Water Resources

Article 44 The development planning departments and the water administration department under the State Council shall be in charge of the macro-allocation of the water resources of the nation. The middle- and long-term plans for the supply and demand of water for the country and for regions covering different provinces, autonomous regions, and municipalities directly under the Central Government shall be formulated jointly by the State Council water administration department and other

行政主管部门同意后，报本级人民政府批准。

總第四十一條 单位和个人有保护水工程的义务，不得侵占、毁坏堤防、护岸、防汛、水文监测、水文地质监测等工程设施。

總第四十二條 县级以上地方人民政府应当采取措施，保障本行政区域内水工程，特别是水坝和堤防的安全，限期消除险情。水行政主管部门应当加强对水工程安全的监督管理。

總第四十三條 国家对水工程实施保护。国家所有的水工程应当按照国务院的规定划定工程管理和保护范围。

国务院水行政主管部门或者流域管理机构管理的水工程，由主管部门或者流域管理机构商有关省、自治区、直辖市人民政府划定工程管理和保护范围。

前款规定以外的其他水工程，应当按照省、自治区、直辖市人民政府的规定，划定工程保护范围和保护职责。

在水工程保护范围内，禁止从事影响水工程运行和危害水工程安全的爆破、打井、采石、取土等活动。

總

第五章 水资源配置和节约使用

總第四十四條 国务院发展计划主管部门和国务院水行政主管部门负责全国水资源的宏观调配。全国的和跨省、自治区、直辖市的水中长期供求规划，由国务院水行政主管部门会同有关部门制订，经国务院发展计划主管部门审查批准后执行。地方的水中长期供求规划，

relevant State Council departments, and be submitted to the development planning State Council department for approval before execution. Local middle- and long-term plans for the supply and demand of water will be based on the middle- and long-term plan for the supply and demand of water made by the water administration department of the people's government at the next higher level and the actual local conditions. It will be formulated by the water administration department jointly with the other relevant departments of the local people's government at or above the county level, and shall be submitted to the development planning department of the people's government at the corresponding level for approval before execution.

The middle-and long-term plan for the supply and demand of water shall be formulated on the basis of the present water supply and demand situation, the plan for national economic and social development, the watershed plan, and the regional plan, according to the principles of coordination of the supply and demand of water resources, comprehensive balance, protection of the ecology, strict economic use, and rational opening of resources.

Article 45 For the regulation and storage of the runoff and the water allocation, the plans for water allocation shall be formulated on a watershed basis in accordance with the watershed plan and the middle-and long-term plan for the supply and demand of water

A water allocation plan covering different provinces, autonomous regions and municipalities directly under the Central Government or a water diversion sketch under urgent drought conditions shall be formulated by the watershed authorities through consultation with the relevant people's governments of the provinces, autonomous regions and municipalities directly under the Central Government and be submitted to the State Council or the department authorized thereby for approval before execution. Other water allocation plans covering different administration areas and water diversion sketches under urgent drought conditions shall be formulated by the water administration department at the joint next higher level through consultation with the relevant local people's governments, then to be submitted to the people's governments at the corresponding level for approval before execution.

The relevant local people's governments must execute the approved plans for water allocation and water diversion sketches.

The construction of water resource development or utilization projects on the border rivers between different administration areas shall be in conformity with the approved water allocation plans, and shall be submitted by the relevant local people's governments at or above the county level to the water administration department of the people's government at their joint next higher level or the relevant watershed authorities for approval.

由县级以上地方人民政府水行政主管部门会同同级有关部门依据上一级水中长期供求规划和本地区的实际情况制订，经本级人民政府发展计划主管部门审查批准后执行。

水中长期供求规划应当依据水的供求现状、国民经济和社会发展规划、流域规划、区域规划，按照水资源供需协调、综合平衡、保护生态、厉行节约、合理开源的原则制定。

總第四十五條 調蓄徑流和分配水量，應當依據流域規劃和水中長期供求規劃，以流域為單元制定水量分配方案。

跨省、自治區、直轄市的水量分配方案和旱情緊急情況下的水量調度預案，由流域管理機構商有關省、自治區、直轄市人民政府制訂，報國務院或者其授權的部門批准後執行。其他跨行政區域的水量分配方案和旱情緊急情況下的水量調度預案，由共同的上一級人民政府水行政主管部門商有關地方人民政府制訂，報本級人民政府批准後執行。

水量分配方案和旱情緊急情況下的水量調度預案經批准後，有關地方人民政府必須執行。

在不同行政區域之間的邊界河流上建設水資源開發、利用項目，應當符合該流域經批准的水量分配方案，由有關縣級以上地方人民政府報共同的上一級人民政府水行政主管部門或者有關流域管理機構批准。

Article 46 The water administration departments of the local people's governments at or above the county level or the watershed authorities shall, according to the approved water allocation plans and the annual forecast of the amount of incoming water, formulate the annual water allocation and diversion plans and implement the unified water diversion, with which the relevant people's governments must comply. The annual water allocation plans for important rivers and lakes as determined by the state shall be included in the annual national state economic and social development plan.

Article 47 The state shall apply a system that combines the control of total amount and that is managed on a quota basis.

The relevant industrial departments of the provinces, autonomous regions and municipalities directly under the Central Government shall set the quota for industry water use within their respective administrative areas and submit the quota to the water administration and quality supervision and inspection departments at the corresponding level for examination and approval. The approved quota shall be promulgated by the people's governments of the provinces, autonomous regions and municipalities directly under the Central Government and be submitted to the water administration and quality supervision and inspection departments under the State Council for record.

The development planning department of the local people's government at or above the county level shall, jointly with the water administration department at the corresponding level, formulate the annual plan for water use on the basis of the water available for their respective administration areas as determined by the quota for water use, the economic and technical conditions, and the plans for allocation of water. The plan shall control the total amount of the water used annually within their respective administrative areas.

Article 48 The entities and individuals that collect water resources directly from rivers, lakes, or underground shall, in accordance with the provisions of the water collection license system and the system of paid use of state water resources, apply to the water administration departments or watershed authorities for a water collection license, pay the water resource fees and thus obtain the right to collect water. However, collection of a small amount of water for household use, raising livestock in pens, etc. shall be excepted.

The State Council shall provide the specific measures for implementation of the water collection license system and the levying of water resource fees.

Article 49 The water used shall be measured, and the water shall be used according to the approved plans.

The measurement charging and progressive payment systems for the part

總第四十六條 县级以上地方人民政府水行政主管部门或者流域管理机构应当根据批准的水量分配方案和年度预测来水量，制定年度水量分配方案和调度计划，实施水量统一调度；有关地方人民政府必须服从。

国家确定的重要江河、湖泊的年度水量分配方案，应当纳入国家的国民经济和社会发展年度计划。

總第四十七條 国家对用水实行总量控制和定额管理相结合的制度。

省、自治区、直辖市人民政府相关行业主管部门应当制订本行政区域内行业用水定额，报同级水行政主管部门和质量监督检验行政主管部门审核同意后，由省、自治区、直辖市人民政府公布，并报国务院水行政主管部门和国务院质量监督检验行政主管部门备案。

县级以上地方人民政府发展计划主管部门会同同级水行政主管部门，根据用水定额、经济技术条件以及水量分配方案确定的可供本行政区域使用的水量，制定年度用水计划，对本行政区域内的年度用水实行总量控制。

總第四十八條 直接从江河、湖泊或者地下取用资源的单位和个人，应当按照国家取水许可制度和水资源有偿使用制度的规定，向水行政主管部门或者流域管理机构申请领取取水许可证，并缴纳水资源费，取得取水权。但是，家庭生活和零星散养、圈养畜禽饮用等少量取水的除外。

实施取水许可制度和征收管理水资源费的具体办法，由国务院规定。

總第四十九條 用水应当计量，并按照批准的用水计划用水。

用水实行计量收费和超定额累进加

in excess of quota shall be adopted for water use.

Article 50 The people's governments at various levels shall promote the water-saving irrigation mode and water-saving technology, and shall take necessary measures against leakage in water storage projects and agricultural transmission to enhance the efficiency of agricultural water use.

Article 51 Advanced technology, techniques, and equipment shall be adopted in industrial water use to increase the water circulation and enhance the reusability of water.

The state shall gradually eliminate the backward techniques, equipments and products that consume a large amount of water, and a specific list shall be formulated and promulgated by the general economic administration department under the State Council jointly with the water administration and other relevant departments under the State Council. The producers, sellers, or users in production and operation shall, within a specific time limit, stop the production, sale and use of the techniques, equipment and products that have been included in the list.

Article 52 The people's government of urban areas shall take effective measures in light of the local conditions to promote water-saving household water appliances, to reduce the leakage and loss in urban water supply pipes and to improve the efficiency of daily water use. It shall strengthen the concentrated disposition of urban sewage to encourage the use of recycling water and to enhance the utilization of recycling sewage.

Article 53 Any project of new construction, expansion or modification shall have the plans for water-saving measures and shall be accompanied by the construction of water-saving facilities. The water-saving facilities shall be designed, constructed and put into use at the same time as that of the principal project.

The water supply enterprises and the entities with self-constructed water supply facilities shall strengthen the maintenance and management of water supply facilities and reduce the leakage and loss of water.

Article 54 The people's governments at various levels shall take active measures to improve the conditions of drinking water for urban and rural residents.

Article 55 Those using the water supplied by water projects shall pay water fees to the water supply entities according to the provisions of the state. The water price shall be fixed according to the principles of compensation for cost, reasonable profits, high quality and favorable price, and fair burden. The specific measures shall be formulated by the

价制度。

總第五十條 各级人民政府应当推行节水灌溉方式和节水技术，对农业蓄水、输水工程采取必要的防渗漏措施，提高农业用水效率。

總第五十一條 工业用水应当采用先进技术、工艺和设备，增加循环用水次数，提高水的重复利用率。

国家逐步淘汰落后的、耗水量高的工艺、设备和产品，具体名录由国务院经济综合主管部门会同国务院水行政主管部门和有关部门制定并公布。生产者、销售者或者生产经营中的使用者应当在规定的时间内停止生产、销售或者使用列入名录的工艺、设备和产品。

總第五十二條 城市人民政府应当因地制宜采取有效措施，推广节水型生活用水器具，降低城市供水管网漏失率，提高生活用水效率；加强城市污水集中处理，鼓励使用再生水，提高污水再生利用率。

總第五十三條 新建、扩建、改建建设项目，应当制订节水措施方案，配套建设节水设施。节水设施应当与主体工程同时设计、同时施工、同时投产。

供水企业和自建供水设施的单位应当加强供水设施的维护管理，减少水的漏失。

總第五十四條 各级人民政府应当积极采取措施，改善城乡居民的饮用水条件。

總第五十五條 使用水工程供应的水，应当按照国家规定向供水单位缴纳水费。供水价格应当按照补偿成本、合理收益、优质优价、公平负担的原则确定。具体办法由省级以上人民政府价格

price departments of the people's governments at or above the provincial level jointly with the water administration department at the corresponding level, or with other departments in charge of water supply according to their respective powers.

Chapter 6 Settlement of Disputes over Water and Supervision and Inspection of Law Enforcement

Article 56 Any dispute concerning water arising between different administrative areas shall be handled through consultation. Where the consultation fails, the dispute shall be ruled on by the people's government at the next higher level, and the parties concerned must execute the ruling. Pending a settlement of the dispute, no party may construct any water project to drain, block, collect, or dam (store) water within a certain area on either side of the common boundary of the administrative areas, and no party may unilaterally alter the existing water regime, unless an agreement is reached between the parties concerned or an approval is granted by the people's government at the next higher level.

Article 57 Any dispute concerning water between units, between individuals or between units and individuals shall be resolved through consultation. Where a party is unwilling to have the dispute resolved through consultation, or the consultation fails, he may request the people's government at or above the county level or the competent department authorized by such a government to mediate the dispute, or may directly institute civil proceedings in the people's court. Where the mediation by the government or department fails, the parties may institute civil proceedings in the people's court. Pending a settlement of the dispute,, no party may alter the existing water regime unilaterally.

Article 58 When handling any dispute concerning water, the people's government at or above the county level, or the competent department authorized by such a government, shall have the power to take temporary measures with which the parties must comply.

Article 59 The water administration departments of the people's governments at and above the county level and the watershed authorities shall strengthen the supervision and administration of the acts violating this Law and punish such acts according to law. The functionaries of water supervision and inspection shall be devoted to their duties and enforce the law impartially.

Article 60 The water administration departments of the people's governments at and above the county level and the watershed authorities,

主管部门会同同级水行政主管部门或者其他供水行政主管部门依据职权制定。

總

第六章 水事纠纷处理与执法监督检查

總第五十六条 不同行政区域之间发生水事纠纷的，应当协商处理；协商不成的，由上一级人民政府裁决，有关各方必须遵照执行。在水事纠纷解决前，未经各方达成协议或者共同的上一级人民政府批准，在行政区域交界线两侧一定范围内，任何一方不得修建排水、阻水、取水和截（蓄）水工程，不得单方面改变水的现状。

總第五十七条 单位之间、个人之间、单位与个人之间发生的水事纠纷，应当协商解决；当事人不愿协商或者协商不成的，可以申请县级以上地方人民政府或者其授权的部门调解，也可以直接向人民法院提起民事诉讼。县级以上地方人民政府或者其授权的部门调解不成的，当事人可以向人民法院提起民事诉讼。

在水事纠纷解决前，当事人不得单方面改变现状。

總第五十八条 县级以上人民政府或者其授权的部门在处理水事纠纷时，有权采取临时处置措施，有关各方或者当事人必须服从。

總第五十九条 县级以上人民政府水行政主管部门和流域管理机构应当对违反本法的行为加强监督检查并依法进行查处。

水政监督检查人员应当忠于职守，秉公执法。

總第六十条 县级以上人民政府水行政主管部门、流域管理机构及其水政监

as well as the functionaries of water supervision and inspection, shall have the right to take the following measures when performing the duties of supervision and inspection prescribed by this Law:

- 1) To demand the entity under inspection to provide the relevant documents, licenses and materials;
- 2) To demand the entity under inspection to make explanations with respect to the issues related to the enforcement of this Law;
- 3) To enter the production sites of the entities under inspection to make investigation;
- 4) To order the entity under inspection to stop the acts that violate this Law and to perform the legal obligations.

Article 61 The relevant entities or individuals shall cooperate with the functionaries of water supervision and inspection, and may not hinder the functionaries in the performance of their duties according to law.

Article 62 The functionary of water supervision and inspection shall, when performing his duties of supervision and inspection, show his certificates of law enforcement to the entities or individuals under inspection.

Article 63 If the people's government at or above the county level or the water administration department at the next higher level finds the department of water administration at the corresponding level or at the next lower level has violated the law or neglected the duties in the supervision and inspection, the wrongful department shall be ordered to correct its acts within a specific time limit.

Chapter 7 Legal Responsibilities

Article 64 If any water administration department, or other relevant department, or the water project administration entity and the working staff thereof take advantage of their authorities to accept others' money and property or other benefits, or neglect their duties to issue licenses or sign opinions of approval to the entities or individuals that do not meet the legal conditions, or have not allocated the water according to the plans for water allocation, have not collected water resource fees according to the relevant provisions of the state, have not performed their supervision duties, or have not punished the violations of the law, which acts result in serious consequences or constitute crimes, any responsible personnel shall be investigated for criminal charges according to the relevant provisions of the [Criminal Law](#). Where the offense is not serious for criminal punishment, administrative sanctions shall be given according to law.

监督检查人员履行本法规定的监督检查职责时，有权采取下列措施：

（一）要求被检查单位提供有关文件、证照、资料；

（二）要求被检查单位就执行本法的有关问题作出说明；

（三）进入被检查单位的生产场所进行调查；

（四）责令被检查单位停止违反本法的行为，履行法定义务。

總第六十一條 有关单位或者个人对水政监督检查人员的监督检查工作应当给予配合，不得拒绝或者阻碍水政监督检查人员依法执行职务。

總第六十二條 水政监督检查人员在履行监督检查职责时，应当向被检查单位或者个人出示执法证件。

總第六十三條 县级以上人民政府或者上级水行政主管部门发现本级或者下级水行政主管部门在监督检查工作中有违法或者失职行为的，应当责令其限期改正。

總

第七章

法律责任

總第六十四條 水行政主管部门或者其他有关部门以及水工程管理机构及其工作人员，利用职务上的便利收取他人财物、其他好处或者玩忽职守，对不符合法定条件的单位或者个人核发许可证、签署审查同意意见，不按照水量分配方案分配水量，不按照国家有关规定收取水资源费，不履行监督职责，或者发现违法行为不予查处，造成严重后果，构成犯罪的，对负有责任的主管人员和其他直接责任人员依照[刑法](#)的有关规定追究刑事责任；尚不够刑事处罚的，依法给予行政处分。

Article 65 Whoever constructs any building or structure that blocks the passage of flood water within the scope of riverway administration, or engages in any activity that affects the river flow, endangers the safety of banks and dikes, or any other activity that blocks the passage of flood water in a riverway, shall be ordered by the water administration department of the people's government at or above the county level or the watershed authorities, according to their powers, to stop the illegal act, to demolish the illegal building or structure, and to restore the site to its original state. If the offender fails to demolish the building and restore the site to its original state within the specific time limit, demolition shall be enforced with the law-breaking entity or individual bearing the expenses incurred thereby, and a fine of at least 10,000 yuan but no more than 100,000 yuan shall be imposed concurrently.

Whoever, without the consent of the department of water administration or watershed authorities, constructs any water project, bridge, wharf, or other building or structure that dams, crosses or borders a river, or lays pipes or cables that cross a river shall be, in absence of corresponding provisions in the [Law on Prevention of Floods](#), ordered by the water administration department of the people's government at or above the county level or the watershed authorities to stop the illegal acts and to process the relevant paperwork within a specific time limit. If the paperwork has not been made up or no approval has been obtained within the time limit, the illegal building or structure shall be demolished within a specific time limit. If the building or structure has not been demolished within the time limit, demolition shall be enforced with the law-breaking entity or individual bearing the expenses incurred thereby, and a fine of at least 10,000 yuan but no more than 100,000 yuan shall be imposed concurrently.

Though the consent of the department of water administration or the watershed authorities may have been obtained, whoever fails to construct the projects listed in the preceding paragraph according to the requirements shall be ordered by the department of water administration of the people's government at or above the county level or the watershed authorities, according to their powers, to correct its acts within a specific time limit, and be subject to a fine of at least 10,000 yuan but no more than 100,000 yuan regarding the gravity of the circumstances.

Article 66 Whosoever, in violation of this Law commits any of the following acts, shall be ordered, in absence of corresponding provisions in the [Law on Prevention of Floods](#), by the water administration department of the relevant local people's government at or above the county level or the watershed authorities to stop his illegal act and clear away the obstacles or take other remedial measures within the specified time limit, and may be subject to a fine of at least 10,000 yuan but no more than 100,000 yuan;

總第六十五條 在河道管理範圍內建設妨礙行洪的建築物、構築物，或者從事影響河勢穩定、危害河岸堤防安全和其他妨礙河道行洪的活動的，由縣級以上人民政府水行政主管部門或者流域管理機構依據職權，責令停止違法行為，限期拆除違法建築物、構築物，恢復原狀；逾期不拆除、不恢復原狀的，強行拆除，所需費用由違法單位或者個人負擔，並處一萬元以上十萬元以下的罰款。

未經水行政主管部門或者流域管理機構同意，擅自修建水工程，或者建設橋梁、碼頭和其他攔河、跨河、臨河建築物、構築物，鋪設跨河管道、電纜，且[防洪法](#)未作規定的，由縣級以上人民政府水行政主管部門或者流域管理機構依據職權，責令停止違法行為，限期补办有关手续；逾期不补办或者补办未被批准的，責令限期拆除違法建築物、構築物；逾期不拆除的，強行拆除，所需費用由違法單位或者個人負擔，並處一萬元以上十萬元以下的罰款。

雖經水行政主管部門或者流域管理機構同意，但未按照要求修建前款所列工程設施的，由縣級以上人民政府水行政主管部門或者流域管理機構依據職權，責令限期改正，按照情節輕重，處一萬元以上十萬元以下的罰款。

總第六十六條 有下列行為之一，且[防洪法](#)未作規定的，由縣級以上人民政府水行政主管部門或者流域管理機構依據職權，責令停止違法行為，限期清除障礙或者採取其他補救措施，處一萬元以上五萬元以下的罰款：

（一）在江河、湖泊、水庫、運河、渠道內棄置、堆放阻碍行洪的物体

- 1) Abandoning or piling objects that obstruct the passage of flood, or planting trees and growing crops of a long-stalk variety which obstruct the passage of flood in any river, lake, reservoir or canal;
- 2) Reclaiming parts of any lake for use as farmland or reclaiming parts of any river channel for use as farmland without approval.

Article 67 Whosoever sets up outlets for discharging sewage in any drinking water source conservation district shall be ordered by the people's government at or above the county level to demolish those outlets and to restore the site to its original state within a specified time limit. If the offender fails to do so within the time limit, demolition shall be enforced to restore the original state, and a fine of at least 50,000 yuan but no more than 100,000 yuan shall be imposed concurrently.

Whosoever, without the examination and consent of the department of water administration or the watershed authorities, constructs new outlets for discharging sewage or modifies or expands the existing outlets, shall be ordered by the water administration department of the people's government at or above the county level or the watershed authorities to stop the illegal act and to restore the site to its original state within a specified time limit, and be subject to a fine of at least 50,000 yuan but no more than 100,000 yuan concurrently.

Article 68 Whosoever produces, sells, or uses in production and operation those backward techniques, equipment and products that consume a large amount of water that are expressly forbidden by the state shall be ordered by the general economic administration department of the people's government at or above the country level to stop the production, sale, or use, and be subject to a fine of at least 20,000 yuan but no more than 100,000 yuan.

Article 69 Whosoever commits any of the following acts shall be ordered by the water administration department of the people's government at or above the county level or the watershed authorities, according to their powers, to stop his illegal acts and to take remedial measures within the specific time limit, and be subject to a fine of at least 20,000 yuan but no more than 100,000 yuan. Where the circumstances are serious, the offender's water license shall be revoked.

- 1) Collecting water without approval;
- 2) Failing to collect water according to conditions prescribed by the approved water license.

Article 70 Whoever refuses to pay, delays in, or defaults on the payment of water resource fees shall be ordered by the water administration department of the people's government at or above the county level or the watershed authorities, according to their powers, to make the payment within a specific time limit. If no payment is made within the time limit, an

和种植阻碍行洪的林木及高秆作物的;

(二) 围湖造地或者未经批准围垦河道的。

總第六十七條 在飲用水水源保護區內設置排污口的，由縣級以上地方人民政府責令限期拆除、恢復原狀；逾期不拆除、不恢復原狀的，強行拆除、恢復原狀，並處五萬元以上十萬元以下的罰款。

未經水行政主管部門或者流域管理機構審查同意，擅自在江河、湖泊新建、改建或者擴大排污口的，由縣級以上人民政府水行政主管部門或者流域管理機構依據職權，責令停止違法行為，限期恢復原狀，處五萬元以上十萬元以下的罰款。

總第六十八條 生產、銷售或者在生產經營中使用國家明令淘汰的落後的、耗水量高的工藝、設備和產品的，由縣級以上地方人民政府經濟綜合主管部門責令停止生產、銷售或者使用，處二萬元以上十萬元以下的罰款。

總第六十九條 有下列行為之一的，由縣級以上人民政府水行政主管部門或者流域管理機構依據職權，責令停止違法行為，限期採取補救措施，處二萬元以上十萬元以下的罰款；情節嚴重的，吊銷其取水許可證：

(一) 未經批准擅自取水的；

(二) 未依照批准的取水許可規定條件取水的。

總第七十條 拒不繳納、拖延繳納或者拖欠水資源費的，由縣級以上人民政府水行政主管部門或者流域管理機構依據職權，責令限期繳納；逾期不繳納的，從滯納之日起按日加收滯納部分千

overdue fine of 2% of the defaulted part per day from the day on which the payment is defaulted shall be imposed, and a fine of at least 1 time but no more than 5 times of the water resource fee payable shall be repaid.

Article 71 Whosoever, without approval, puts into use the water conservation facilities of construction projects that have not been finished or that do not meet the requirements prescribed by the state, shall be ordered by the water administration department of the people's government at or above the county level or the watershed authorities, according to their authority, to stop the use and correct the act, and he shall be subject to a fine of at least 50,000 yuan but no more than 100,000 yuan.

Article 72 Whosoever commits any of the following acts and constitutes a crime shall be prosecuted for criminal responsibilities according to the relevant provisions of the [criminal law](#). Where the offense is not grave enough for criminal punishment and there are no corresponding provisions in the [Law on Prevention of Floods](#), the offender shall be ordered by the water administration department of the people's government at or above the county level or the watershed authorities, according to their power, to stop the illegal act and to take remedial measures. He will also be subject to a fine of at least 10,000 yuan but no more than 50,000 yuan. Those violating the [regulations on public security management](#) shall be given administrative punishment concerning public security by the public security organs. Those causing losses to others shall be liable for the compensation. The aforementioned acts are:

- 1) Seizing or damaging any water project or related facility such as dikes or bank revetments, or damaging any facility for flood prevention, hydrologic monitoring, or hydrogeologic monitoring;
- 2) Carrying out, within the protection zone for a water project, any act of blasting, sinking a well, quarrying rock, or collecting earth, that affects the function of the water project and endangers the safety of the project.

Article 73 Whosoever seizes, steals, or forcibly seizes the supplies for flood prevention or materials and equipment for flood prevention, drainage of waterlogging, farmland irrigation, hydrologic monitoring and measurement, or for the building of other water projects, or whosoever embezzles or misappropriates state funds and materials that were intended for the relief of disasters, for use in flood emergencies, for flood prevention or for resettlement of inhabitants and compensation, or for other water projects, shall be prosecuted for criminal responsibility in accordance with the [Criminal Law](#).

Article 74 Whosoever, in case of a dispute concerning water and the handling procedures, instigates trouble, fights in gangs, forcibly seizes or

分之二的滞纳金，并处应缴或者补缴水资源费一倍以上五倍以下的罚款。

總第七十一條 建設項目的節水設施沒有建成或者沒有達到國家規定的要求，擅自投入使用的，由縣級以上人民政府有關部門或者流域管理機構依據職權，責令停止使用，限期改正，處五萬元以上十萬元以下的罰款。

總第七十二條 有下列行為之一，構成犯罪的，依照[刑法](#)的有關規定追究刑事責任；尚不夠刑事處罰，且[防洪法](#)未作規定的，由縣級以上地方人民政府水行政主管部門或者流域管理機構依據職權，責令停止違法行為，採取補救措施，處一萬元以上五萬元以下的罰款；違反[治安管理處罰條例](#)的，由公安機關依法給予治安管理處罰；給他人造成損失的，依法承擔賠償責任：

（一）侵占、毀壞水工程及堤防、護岸等有關設施，毀壞防汛、水文監測、水文地質監測設施的；

（二）在水工程保護範圍內，從事影響水工程運行和危害水工程安全的爆破、打井、采石、取土等活動的。

總第七十三條 侵占、盜竊或者搶奪防汛物資，防洪排澇、農田水利、水文監測和測量以及其他水工程設備和器材，貪污或者挪用國家救災、搶險、防汛、移民安置和補償及其他水利建設款物，構成犯罪的，依照[刑法](#)的有關規定追究刑事責任。

總第七十四條 在水事糾紛發生及其處理過程中煽動鬧事、結伙鬥毆、搶奪

damages public or private property, or illegally restricts the personal freedom of others and constitutes a crime, shall be prosecuted for criminal responsibilities in accordance with the relevant provisions of the [Criminal Law](#). Where the offense is not grave enough for criminal punishment, the offender shall be given administrative punishment concerning public security by the public security organs.

Article 75 In case of any dispute arising between different administrative areas, if any of the following acts has been committed, the responsible personnel shall be subject to administrative sanctions:

- 1) Refusing to execute the water allocation plan and the water diversion sketch;
- 2) Refusing to comply with the unified diversion of water;
- 3) Refusing to execute the ruling of the people's government at the next higher level;
- 4) Pending the settlement of the dispute concerning water, unilaterally altering the existing water regime in violation of this Law before an agreement is reached by the parties concerned or the approval by the people's government at the next higher level.

Article 76 Whoever diverts, intercepts (stores), or drains water and thus damages the public interests or the legal rights and interests of others shall bear civil liabilities according to law.

Article 77 The administrative punishment for violation of the provisions of Article 39 of this Law on the license for sand quarrying in riverway shall be provided for by the State Council.

Chapter 8 Supplementary Rules

Article 78 Where any international treaty or agreement relating to international or border rivers or lakes, concluded or acceded to by the People's Republic of China, contains provisions differing from those in the laws of the People's Republic of China, the provisions of the international treaty or agreement shall apply, unless the provisions are ones on which the People's Republic of China has made reservations.

Article 79 The "water projects" as referred to in this Law shall refer to the various kinds of projects that develop, utilize, control, arrange, and protect water resources from the rivers, lakes and groundwater sources.

Article 80 The development, utilization, protection, and management of seawater shall follow the provisions of the relevant laws.

Article 81 The activities of flood prevention shall follow the provisions of the [Law on Prevention of Floods](#).

或者损坏公私财物、非法限制他人人身自由，构成犯罪的，依照[刑法](#)的有关规定追究刑事责任；尚不够刑事处罚的，由公安机关依法给予治安管理处罚。

總第七十五條 不同行政區域之間發生水事糾紛，有下列行為之一的，對負有責任的主管人員和其他直接責任人員依法給予行政處分：

（一）拒不執行水量分配方案和水量調度預案的；

（二）拒不服從水量統一調度的；

（三）拒不執行上一級人民政府的裁決的；

（四）在水事糾紛解決前，未經各方達成協議或者上一級人民政府批准，單方面違反本法規定改變水的現狀的。

總第七十六條 引水、截（蓄）水、排水，損害公共利益或者他人合法權益的，依法承擔民事責任。

總第七十七條 對違反本法第三十九條有關河道采砂許可制度規定的行政處罰，由國務院規定。

總

第八章 附則

總第七十八條 中華人民共和國締結或者參加的與國際或者國境邊界河流、湖泊有關的國際條約、協定與中華人民共和國法律有不同規定的，適用國際條約、協定的規定。但是，中華人民共和國聲明保留的條款除外。

總第七十九條 本法所稱水工程，是指在江河、湖泊和地下水源上開發、利用、控制、調配和保護水資源的各類工程。

總第八十條 海水的開發、利用、保護和管理，依照有關法律的規定執行。

總第八十一條 從事防洪活動，依照[防洪法](#)的規定執行。

水污染防治，依照[水污染防治法](#)的规定执行。

Article 82 This Law shall come into force on October 1, 2002.

總第八十二條 本法自 2 0 0 2 年 1 0 月 1 日起施行。

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