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# 中华人民共和国海域使用管理法

# Law of the People's Republic of China on the Administration of Sea Area Use

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《中华人民共和国海域使用管理法》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二十四次会议于2001年10月27日通过，现予公布，自2002年1月1日起施行。

The Law of the People's Republic of China on the Administration of Sea Areas has been adopted at the 24th Meeting of the Standing Committee of the Ninth National People's Congress on October 27, 2001 and is hereby promulgated for implementation as of January 1, 2002.

中华人民共和国主席 江泽民

President of the PRC: Jiang Zemin

二００一年十月二十七日

27 October 2001

中华人民共和国海域使用管理法

Law of the People's Republic of China on the Administration of Sea Area Use

(2001年10月27日第九届全国人民代表大会常务委员会第二十四次会议通过)

(Adopted at the 24th Meeting of the Standing Committee of the Ninth National People's Congress on October 27, 2001)

目录

Contents

　　第一章 总 则

Chapter 1 General Provisions

　　第二章 海洋功能区划

Chapter 2 Marine Function Zoning

　　第三章 海域使用的申请与审批

Chapter III Application for, Examination and Approval of the Use of Sea Areas

　　第四章 海域使用权

Chapter 4 The Right to Use Sea Areas

　　第五章 海域使用金

Chapter 5 Fees for the Use of Sea Areas

　　第六章 监督检查

Chapter 6 Supervision and Inspection

　　第七章 法律责任

Chapter 7 Legal Liabilities

　　第八章 附 则

Chapter 8 Supplementary Provisions

第一章 总则

Chapter 1 General Provisions

第一条   为了加强海域使用管理，维护国家海域所有权和海域使用权人的合法权益，促进海域的合理开发和可持续利用，制定本法。

Article 1 This Law is enacted for the purpose of strengthening the administration of the use of sea areas, safeguarding State ownership of the sea areas and the lawful rights and interests of the sea area users, promoting rational development and sustainable utilization of the sea areas.

第二条   本法所称海域，是指中华人民共和国内水、领海的水面、水体、海床和底土。

Article 2 For the purpose of this Law, the sea areas refer to the inland waters, the surface, water volume, seabed and subsoil of the territorial seas.

本法所称内水，是指中华人民共和国领海基线向陆地一侧至海岸线的海域。

The inland waters in this Law refer to the sea areas extending from the landward side of the territorial seas of the People's Republic of China to the coastline.

在中华人民共和国内水、领海持续使用特定海域三个月以上的排他性用海活动，适用本法。

This Law shall be applicable to any exclusive activities relating to the continuous use of a specific sea area over three months within the inland waters or territorial seas of the People's Republic of China.

第三条   海域属于国家所有，国务院代表国家行使海域所有权。任何单位或者个人不得侵占、买卖或者以其他形式非法转让海域。

Article 3 The sea areas are owned by the State, and the State Council exercises the right of ownership in the sea areas on behalf of the State. No entity or individual may seize, buy or sell the sea areas or illegally transfer them in other ways.

单位和个人使用海域，必须依法取得海域使用权。

Any entity or individual that intends to use the sea areas is required to obtain the right to their use in accordance with law.

第四条   国家实行海洋功能区划制度。海域使用必须符合海洋功能区划。

Article 4 The State applies the system for marine function zoning. The use of sea areas shall be in conformity with the marine function zoning.

国家严格管理填海、围海等改变海域自然属性的用海活动。

The State exercises strict control over the activities relating to the use of the sea areas that alter their natural attributes, such as reclamation from or enclosing them.

第五条   国家建立海域使用管理信息系统，对海域使用状况实施监视、监测。

Article 5 The State establishes an information system for the administration of the use of sea areas in order to oversee and monitor the use of the sea areas.

第六条   国家建立海域使用权登记制度，依法登记的海域使用权受法律保护。

Article 6 The State establishes a registration system for the right to the use of sea areas. Such right shall, once registered in accordance with law, be protected by law.

国家建立海域使用统计制度，定期发布海域使用统计资料。

The State establishes a statistics system for the use of the sea areas and periodically issues the statistics of such.

第七条   国务院海洋行政主管部门负责全国海域使用的监督管理。沿海县级以上地方人民政府海洋行政主管部门根据授权，负责本行政区毗邻海域使用的监督管理。

Article 7 The department in charge of marine administration under the State Council shall be responsible for supervision over the use of the sea areas nationwide. The departments in charge of marine administration under the local people's governments at or above the county level shall, as authorized, be responsible for supervision over the use of the sea areas adjacent to their administrative regions respectively.

渔业行政主管部门依照《中华人民共和国渔业法》，对海洋渔业实施监督管理。

The department in charge of marine administration shall, in accordance with the Fisheries Law of the People's Republic of China, conduct supervision over marine fishery.

海事管理机构依照《中华人民共和国海上交通安全法》，对海上交通安全实施监督管理。

The maritime administration authority shall exercise supervision over maritime traffic safety in accordance with the Maritime Traffic Safety Law of the People's Republic of China.

第八条   任何单位和个人都有遵守海域使用管理法律、法规的义务，并有权对违反海域使用管理法律、法规的行为提出检举和控告。

Article 8 All entities and individuals are obligated to abide by the laws and regulations on the administration of the use of the sea areas and have the right to report violations of such laws and regulations and bring complaints about them.

第九条   在保护和合理利用海域以及进行有关的科学研究等方面成绩显著的单位和个人，由人民政府给予奖励。

Article 9 People's governments shall reward the entities and individuals that have achieved outstanding successes in protecting and rationally utilizing the sea areas and in scientific research in this field.

第二章 海洋功能区划

Chapter 2 Marine Function Zoning

第十条   国务院海洋行政主管部门会同国务院有关部门和沿海省、自治区、直辖市人民政府，编制全国海洋功能区划。

Article 10 The department in charge of marine administration under the State Council shall, in conjunction with the departments concerned and the people's governments of coastal provinces, autonomous regions, and municipalities directly under the Central Government work out marine function zoning plans.

沿海县级以上地方人民政府海洋行政主管部门会同本级人民政府有关部门，依据上一级海洋功能区划，编制地方海洋功能区划。

The departments in charge of marine administration under the coastal local people's governments at or above the county level shall, in conjunction with the departments concerned of the people's governments at the same level, work out the local marine function zoning plans on the basis of such plans worked out at the next higher level.

第十一条   海洋功能区划按照下列原则编制：

Article 11 Marine function zoning plans shall be worked out on the following principles:

(一)按照海域的区位、自然资源和自然环境等自然属性，科学确定海域功能；

1. scientifically defining the functions of the sea areas in light of such natural attributes as their geographical location, natural resources and natural environment;

(二)根据经济和社会发展的需要，统筹安排各有关行业用海；

2. making overall arrangements for the use of sea areas among various related sectors according to the needs of economic and social development;

(三)保护和改善生态环境，保障海域可持续利用，促进海洋经济的发展；

3. protecting and improving the ecological environment, ensuring the sustainable utilization of sea areas and promoting the development of the marine economy;

(四)保障海上交通安全；

(IV) safeguarding maritime traffic safety; and

(五)保障国防安全，保证军事用海需要。

5. safeguarding the security of national defense and guaranteeing the needs in the military use of the sea areas.

第十二条   海洋功能区划实行分级审批。

Article 12 Marine function zoning plans shall be subject to examination and approval at different levels.

全国海洋功能区划，报国务院批准。

The national marine function zoning plan shall be submitted to the State Council for approval.

沿海省、自治区、直辖市海洋功能区划，经该省、自治区、直辖市人民政府审核同意后，报国务院批准。

The marine function zoning plan of a coastal province, autonomous region or municipality directly under the Central Government shall, after examination and consent by the people's government of the said province, autonomous region or municipality, be submitted to the State Council for approval.

沿海市、县海洋功能区划，经该市、县人民政府审核同意后，报所在的省、自治区、直辖市人民政府批准，报国务院海洋行政主管部门备案。

The marine function zoning plan of a coastal city or county shall, after examination and consent by the people's government of the said city or county, be submitted for approval to the people's government of the province, autonomous region or municipality directly under the Central Government where the city or county is located, and reported to the department in charge of marine administration under the State Council for the record.

第十三条   海洋功能区划的修改，由原编制机关会同同级有关部门提出修改方案，报原批准机关批准；未经批准，不得改变海洋功能区划确定的海域功能。

Article 13 With regard to alteration of a marine function zoning, a proposal for alteration shall be put forward by the department that works out the plan for the zoning, in conjunction with the departments concerned at the same level, for approval by the original approving department. In the absence of such approval, no functions of the sea areas defined by the marine function zoning may be altered.

经国务院批准，因公共利益、国防安全或者进行大型能源、交通等基础设施建设，需要改变海洋功能区划的，根据国务院的批准文件修改海洋功能区划。

Where marine function zoning that needs to be altered for public interests, security of national defense or construction of large-scale energy, traffic or other infrastructures shall be subject to approval by the State Council, and the alteration shall be made according to the documents of approval issued by the State Council.

第十四条   海洋功能区划经批准后，应当向社会公布；但是，涉及国家秘密的部分除外。

Article 14 A marine function zoning plan shall, upon approval, be made known to the public except for the parts relating to State secrets.

第十五条   养殖、盐业、交通、旅游等行业规划涉及海域使用的，应当符合海洋功能区划。

Article 15 Plans for trades such as aquaculture, salt industry, communications and tourism that involve the use of sea areas shall be made in conformity with the marine function zoning.

沿海土地利用总体规划、城市规划、港口规划涉及海域使用的，应当与海洋功能区划相衔接。

The overall plan for the utilization of coastal land, urban planning and port planning that involve the use of sea areas shall be dovetailed with the marine function zoning.

第三章 海域使用的申请与审批

Chapter III Application for, Examination and Approval of the Use of Sea Areas

第十六条   单位和个人可以向县级以上人民政府海洋行政主管部门申请使用海域。

Article 16 Any entity or individual may apply to the department in charge of marine administration under the people's government at or above the county level for the use of sea areas.

申请使用海域的，申请人应当提交下列书面材料：

When applying for using sea areas, the applicant shall submit the following written materials:

(一)海域使用申请书；

1. An application for using sea areas;

(二)海域使用论证材料；

(II) materials demonstrating the use of sea areas;

(三)相关的资信证明材料；

(III) relevant credit certification materials; and

(四)法律、法规规定的其他书面材料。

(IV) Other written materials stipulated by laws and regulations.

第十七条   县级以上人民政府海洋行政主管部门依据海洋功能区划，对海域使用申请进行审核，并依照本法和省、自治区、直辖市人民政府的规定，报有批准权的人民政府批准。

Article 17 The department in charge of marine administration under the people's government at or above the county level shall, on the basis of the marine function zoning, examine applications for the use of sea areas, and shall, in accordance with the provisions of this Law and the regulations of the people's government of the province, autonomous region, or municipality directly under the Central Government, submit the applications for approval to the people's government invested with the approval authority.

海洋行政主管部门审核海域使用申请，应当征求同级有关部门的意见。

When examining applications for the use of sea areas, the department in charge of marine administration shall solicit opinions from the departments concerned at the same level.

第十八条   下列项目用海，应当报国务院审批：

Article 18 The use of sea for the following projects shall be subject to examination and approval by the State Council:

(一)填海五十公顷以上的项目用海；

1. a project that involves filling of more than 50 ha. of a sea area;

(二)围海一百公顷以上的项目用海；

2. a project that involves enclosure of more than 100 ha. of a sea area;

(三)不改变海域自然属性的用海七百公顷以上的项目用海；

3. a project that involves the use of more than 700 ha. of a sea area without altering the natural attributes of the areas;

(四)国家重大建设项目用海；

(IV) major national construction projects; and

(五)国务院规定的其他项目用海。

5. other projects specified by the State Council.

前款规定以外的项目用海的审批权限，由国务院授权省、自治区、直辖市人民政府规定。

The authority for examination and approval of the use of sea areas for projects other than the ones specified in the preceding paragraph shall, with the authorization of the State Council, be defined by the people's governments of provinces, autonomous regions and municipalities directly under the Central Government.

第四章 海域使用权

Chapter 4 The Right to Use Sea Areas

第十九条   海域使用申请经依法批准后，国务院批准用海的，由国务院海洋行政主管部门登记造册，向海域使用申请人颁发海域使用权证书；地方人民政府批准用海的，由地方人民政府登记造册，向海域使用申请人颁发海域使用权证书。海域使用申请人自领取海域使用权证书之日起，取得海域使用权。

Article 19 Where the use of a sea area is approved by the State Council after the application for its use is approved in accordance with law, it shall be registered with the department in charge of marine administration under the State Council, which shall issue to the applicant the certificate of the right to the use of sea areas; where the use of a sea area is approved by a local people's government, it shall be registered with the said government, which shall issue to the applicant the certificate of the right to the use of sea areas. The applicant shall, beginning from the date he receives the certificate, obtain the right to the use of the sea area.

第二十条   海域使用权除依照本法第十九条规定的方式取得外，也可以通过招标或者拍卖的方式取得。招标或者拍卖方案由海洋行政主管部门制订，报有审批权的人民政府批准后组织实施。海洋行政主管部门制订招标或者拍卖方案，应当征求同级有关部门的意见。

Article 20 Apart from the manners in which to obtain the right to the use of sea areas in accordance with the provisions of Article 19 of this Law, such right may also be obtained through bidding or auction. The plan for bidding or auction shall be formulated by the department in charge of marine administration and submitted to the people's government invested with the examination and approval authority for approval before it is implemented. When formulating the plan for bidding or auction, the department in charge of marine administration shall solicit opinions from the departments concerned at the same level.

招标或者拍卖工作完成后，依法向中标人或者买受人颁发海域使用权证书。中标人或者买受人自领取海域使用权证书之日起，取得海域使用权。

Once the bidding or auction is completed, the certificate of the right to the use of sea areas shall be issued to the winning bidder or the vendee. The winning bidder or the vendee shall, beginning from the date he receives the certificate, obtain the right to the use of the sea area.

第二十一条   颁发海域使用权证书，应当向社会公告。

Article 21 Issuance of the certificate of the right to the use of sea areas shall be made known to the public.

颁发海域使用权证书，除依法收取海域使用金外，不得收取其他费用。

No fees other than the royalty for using sea areas may be lawfully charged for the granting of certificates of right to use sea areas.

海域使用权证书的发放和管理办法，由国务院规定。

Measures for issuance and administration of the certificate of the right to the use of sea areas shall be formulated by the State Council.

第二十二条   本法施行前，已经由农村集体经济组织或者村民委员会经营、管理的养殖用海，符合海洋功能区划的，经当地县级人民政府核准，可以将海域使用权确定给该农村集体经济组织或者村民委员会，由本集体经济组织的成员承包，用于养殖生产。

Article 22 Where, prior to implementation of this Law, sea areas are already used for aquaculture under the operation and administration of rural collective economic organizations or villagers committees, if it conforms to marine function zoning, the right to the use of such sea areas may, upon examination and approval by the local people's government at the county level, be granted to the rural collective economic organizations or villagers committees. Members of the collective economic organizations may contract to use such areas for aquaculture.

第二十三条   海域使用权人依法使用海域并获得收益的权利受法律保护，任何单位和个人不得侵犯。

Article 23 The right of the owners of the right to the use of sea areas to utilize the areas and to get profits in accordance with law shall be protected by law; no entity or individual may infringe upon their right.

海域使用权人有依法保护和合理使用海域的义务；海域使用权人对不妨害其依法使用海域的非排他性用海活动，不得阻挠。

Owners of the right to the use of sea areas are obligated to protect and rationally utilize the sea areas in accordance with law. They may not impede the non-exclusive use of sea areas that does not interfere with their use of the sea areas in accordance with law.

第二十四条   海域使用权人在使用海域期间，未经依法批准，不得从事海洋基础测绘。

Article 24 During the period when they use the sea areas, no owners of the right to the use of sea areas may, without approval according to law, engage in marine basic mapping.

海域使用权人发现所使用海域的自然资源和自然条件发生重大变化时，应当及时报告海洋行政主管部门。

When owners of the right to the use of sea areas find that a major change has occurred in the natural resources and conditions of the areas they are using, they shall, without delay, report the matter to the departments in charge of marine administration.

第二十五条   海域使用权最高期限，按照下列用途确定：

Article 25 The maximum term for using sea areas shall be defined according to the following purposes:

(一)养殖用海十五年；

1. 15 years for aquaculture;

(二)拆船用海二十年；

2. 20 years for ship dismantling;

(三)旅游、娱乐用海二十五年；

3. 25 years for tourism and recreation;

(四)盐业、矿业用海三十年；

4. 30 years for the salt and mining industries;

(五)公益事业用海四十年；

(V) 40 years for public interests;

(六)港口、修造船厂等建设工程用海五十年。

(VI) 50 years for construction of ports, shipyards and other projects.

第二十六条   海域使用权期限届满，海域使用权人需要继续使用海域的，应当至迟于期限届满前二个月向原批准用海的人民政府申请续期。除根据公共利益或者国家安全需要收回海域使用权的外，原批准用海的人民政府应当批准续期。准予续期的，海域使用权人应当依法缴纳续期的海域使用金。

Article 26 Where at the expiration of the period for the right to the use of the sea areas, the owner of the right needs to continue to use the area, he shall, no later than two months prior to the expiration date, apply for extension to the people's government that originally gives approval. Except where it is necessary to revoke the right for the benefit of public interests or State security, the people's government that originally gives approval to the use of the sea area shall approve the application for extension. The owner of the right who obtains approval for extension shall, in accordance with law, pay fees for the use of the sea area for the extended period.

第二十七条   因企业合并、分立或者与他人合资、合作经营，变更海域使用权人的，需经原批准用海的人民政府批准。

Article 27 Where the owner of the right to the use of a sea area is altered owing to mergence into or separation from another enterprise or because of running joint ventures or cooperative businesses with others, the matter shall be subject to approval by the people's government that originally gives approval to the use of the sea area.

海域使用权可以依法转让。海域使用权转让的具体办法，由国务院规定。

The right to the use of sea areas may be transferred in accordance with law. Specific measures in this regard shall be formulated by the State Council.

海域使用权可以依法继承。

The right to the use of sea areas may be inherited in accordance with law.

第二十八条   海域使用权人不得擅自改变经批准的海域用途；确需改变的，应当在符合海洋功能区划的前提下，报原批准用海的人民政府批准。

Article 28 No owners of the right to the use of sea areas may, without authorization, change the approved purposes of use of the sea areas. Where it is really necessary to change the purposes, the matter shall, under the prerequisite that the change accords with the marine function zoning, be submitted for approval to the people's government that originally gives the approval to the use of the sea areas.

第二十九条   海域使用权期满，未申请续期或者申请续期未获批准的，海域使用权终止。

Article 29 Where at the expiration of the period for the right to the use of sea areas, the owner fails to apply for its extension or the application for extension is not granted, such right shall be terminated.

海域使用权终止后，原海域使用权人应当拆除可能造成海洋环境污染或者影响其他用海项目的用海设施和构筑物。

After the termination of the right to the use of sea areas, the former owner of the right shall dismantle the facilities and structures that may cause pollution to the marine environment or impede the use of the areas for other projects.

第三十条   因公共利益或者国家安全的需要，原批准用海的人民政府可以依法收回海域使用权。

Article 30 To meet the need of public interests or State security, the people's government that originally gives approval to the use of certain sea areas may, in accordance with law, revoke the right to the use of those areas.

依照前款规定在海域使用权期满前提前收回海域使用权的，对海域使用权人应当给予相应的补偿。

Where in accordance with the provisions of the preceding paragraph, the right to the use of sea areas is revoked before the expiration of the period for their use, the owner of the right shall be compensated appropriately.

第三十一条   因海域使用权发生争议，当事人协商解决不成的，由县级以上人民政府海洋行政主管部门调解；当事人也可以直接向人民法院提起诉讼。

Article 31 Where a dispute arises over the right to the use of a sea area and the parties fail to settle it through consultation, it shall be mediated by the department in charge of marine administration under the people's government at or above the county level. The parties may also directly take legal proceedings in a People's Court.

在海域使用权争议解决前，任何一方不得改变海域使用现状。

Prior to the resolution of the dispute, none of the Parties shall change the status quo in respect of the use of sea areas.

第三十二条   填海项目竣工后形成的土地，属于国家所有。

Article 32 The land brought into existence after completion of a sea-filling project shall be owned by the State.

海域使用权人应当自填海项目竣工之日起三个月内，凭海域使用权证书，向县级以上人民政府土地行政主管部门提出土地登记申请，由县级以上人民政府登记造册，换发国有土地使用权证书，确认土地使用权。

The owner of the right to the use of a sea area shall, within three months from the date the sea-filling project is completed and by presenting the certificate of the right to the use of sea areas, apply to the department in charge of land administration under the people's government at or above the county level for land registration. The said people's government shall register it and issue to the owner in return the certificate of the right to the use of land so as to confirm such right.

第五章 海域使用金

Chapter 5 Fees for the Use of Sea Areas

第三十三条   国家实行海域有偿使用制度。

Article 33 The State applies a system of compensation for the use of sea areas.

单位和个人使用海域，应当按照国务院的规定缴纳海域使用金。海域使用金应当按照国务院的规定上缴财政。

For the use of sea areas, all entities and individuals shall pay fees in accordance with the regulations of the State Council. The fees collected shall be turned over to the Treasury in accordance with the regulations of the State Council.

对渔民使用海域从事养殖活动收取海域使用金的具体实施步骤和办法，由国务院另行规定。

The specific measures for collecting fees from the fishermen who use the sea areas for aquaculture shall be formulated separately by the State Council.

第三十四条   根据不同的用海性质或者情形，海域使用金可以按照规定一次缴纳或者按年度逐年缴纳。

Article 34 In light of the different nature and circumstances in which the sea areas are used, the fees may, in accordance with regulations, be paid in a lump sum or on an annual basis.

第三十五条   下列用海，免缴海域使用金：

Article 35 The use of the sea for the following purposes shall be exempted from paying royalties:

(一)军事用海；

1. for military purposes;

(二)公务船舶专用码头用海；

2. reserved docks for official ships;

(三)非经营性的航道、锚地等交通基础设施用海；

(III) non-commercial transportation infrastructure such as channels and anchorages; and

(四)教学、科研、防灾减灾、海难搜救打捞等非经营性公益事业用海。

(IV) non-profit, public welfare undertakings such as teaching, research, disaster prevention and mitigation, and search, rescue and salvage at sea;

第三十六条   下列用海，按照国务院财政部门和国务院海洋行政主管部门的规定，经有批准权的人民政府财政部门和海洋行政主管部门审查批准，可以减缴或者免缴海域使用金：

Article 36 In accordance with the regulations of the department of finance and the department in charge of marine administration under the State Council, the fees for the use of the sea areas for the following purposes may be reduced or exempted upon examination and approval by the department of finance and the department in charge of marine administration under the people's government that has the approval authority:

(一)公用设施用海；

1. public utilities;

(二)国家重大建设项目用海；

2. major national construction projects; and

(三)养殖用海。

(III) aquaculture.

第六章 监督检查

Chapter 6 Supervision and Inspection

第三十七条   县级以上人民政府海洋行政主管部门应当加强对海域使用的监督检查。

Article 37 The department in charge of marine administration under the people's government at or above the county level shall exercise strict supervision over and inspection of the use of sea areas.

县级以上人民政府财政部门应当加强对海域使用金缴纳情况的监督检查。

The department of finance under the people's government at or above the county level shall strengthen supervision over and inspection of the collection of the fees.

第三十八条   海洋行政主管部门应当加强队伍建设，提高海域使用管理监督检查人员的政治、业务素质。海域使用管理监督检查人员必须秉公执法，忠于职守，清正廉洁，文明服务，并依法接受监督。

Article 38 The department in charge of marine administration shall build a stronger contingent by raising the political and professional level of the supervisors and inspectors in the administration of the use of sea areas. The said supervisors and inspectors shall enforce laws impartially, be devoted to their duties, honest and upright, provide services with civility and subject themselves to supervision in accordance with law.

海洋行政主管部门及其工作人员不得参与和从事与海域使用有关的生产经营活动。

No department in charge of marine administration or its staff members may participate or engage in production and operation activities related to the use of sea areas.

第三十九条   县级以上人民政府海洋行政主管部门履行监督检查职责时，有权采取下列措施：

Article 39 When performing its duties of supervision and inspection, the department in charge of marine administration under the people's government at or above the county level shall have the right to take the following measures:

(一)要求被检查单位或者个人提供海域使用的有关文件和资料；

1. requesting the entities or individuals under inspection to provide the documents and information relating to the use of sea areas;

(二)要求被检查单位或者个人就海域使用的有关问题作出说明；

(II) requesting the entity or individual under inspection to make explanations on the issues relating to the use of sea areas;

(三)进入被检查单位或者个人占用的海域现场进行勘查；

3. entering the sea areas occupied by the entities or individuals under inspection for on-the-spot survey;

(四)责令当事人停止正在进行的违法行为。

(IV) ordering the parties concerned to stop the illegal acts being conducted.

第四十条   海域使用管理监督检查人员履行监督检查职责时，应当出示有效执法证件。

Article 40 When performing their duties of supervision and inspection, supervisors and inspectors shall show their effective papers for law enforcement.

有关单位和个人对海洋行政主管部门的监督检查应当予以配合，不得拒绝、妨碍监督检查人员依法执行公务。

The entities and individuals concerned shall cooperate with the department in charge of marine administration when the latter conducts supervision and inspection, and none of them may prevent supervisors and inspectors from performing their duties in accordance with law, or impede their doing so.

第四十一条   依照法律规定行使海洋监督管理权的有关部门在海上执法时应当密切配合，互相支持，共同维护国家海域所有权和海域使用权人的合法权益。

Article 41 When enforcing laws at sea, the departments concerned that exercise the power of marine supervision and administration in accordance with the provisions of laws shall closely cooperate with and support each other in and jointly safeguard the State ownership of the sea areas and the lawful rights and interests of the owners of the right to the use of sea areas.

第七章 法律责任

Chapter 7 Legal Liabilities

第四十二条   未经批准或者骗取批准，非法占用海域的，责令退还非法占用的海域，恢复海域原状，没收违法所得，并处非法占用海域期间内该海域面积应缴纳的海域使用金五倍以上十五倍以下的罚款；对未经批准或者骗取批准，进行围海、填海活动的，并处非法占用海域期间内该海域面积应缴纳的海域使用金十倍以上二十倍以下的罚款。

Article 42 Any one who illegally occupies any sea areas without approval or with fraudulently obtained approval shall be ordered to return the illegally occupied sea areas, restore them to their original state with the illegal gains be confiscated and shall be imposed upon a fine of not less than 5 times but not more than 15 times the amount of royalties that should have been paid according to the size of the sea areas during the illegal occupation. Any one who encircles or fills up any part of the sea without approval or with fraudulently obtained approval shall be imposed upon a fine of not less than 10 times but not more than 20 times the amount of royalties that should have been paid according to the size of the sea areas during the illegal use.

第四十三条   无权批准使用海域的单位非法批准使用海域的，超越批准权限非法批准使用海域的，或者不按海洋功能区划批准使用海域的，批准文件无效，收回非法使用的海域；对非法批准使用海域的直接负责的主管人员和其他直接责任人员，依法给予行政处分。

Article 43 Where entities that have no approval authority illegally approve the use of sea areas, or entities that have such authority but gives approval beyond their limits of authority or at variance with the marine function zoning, the approval documents are invalid and the sea areas illegally used shall be recovered. The persons directly in charge who illegally approve the use of the sea areas and the other persons directly responsible shall be given administrative sanctions in accordance with law.

第四十四条   违反本法第二十三条规定，阻挠、妨害海域使用权人依法使用海域的，海域使用权人可以请求海洋行政主管部门排除妨害，也可以依法向人民法院提起诉讼；造成损失的，可以依法请求损害赔偿。

Article 44 Where any entity or individual, in violation of the provisions of Article 23 of this Law, interferes with or obstructs the lawful use of sea areas by the owner of the right to use of such areas, the owner of the right may appeal to the department in charge of marine administration for removal of the interference or obstruction, he may also take legal proceedings in a People's Court in accordance with law. If losses are caused, the owner may ask for compensation according to law.

第四十五条   违反本法第二十六条规定，海域使用权期满，未办理有关手续仍继续使用海域的，责令限期办理，可以并处一万元以下的罚款；拒不办理的，以非法占用海域论处。

Article 45 Anyone who, in violation of the provisions of Article 26 of this Law, continues to use the sea area without going through the relevant formalities at the expiration of the period for the right to the use of the sea area shall be instructed to go through the formalities within a time limit and may also be fined not more than 10,000 yuan. If he refuses to go through the formalities, he shall be deemed to be a person who illegally occupies a sea area and be punished as such.

第四十六条   违反本法第二十八条规定，擅自改变海域用途的，责令限期改正，没收违法所得，并处非法改变海域用途的期间内该海域面积应缴纳的海域使用金五倍以上十五倍以下的罚款；对拒不改正的，由颁发海域使用权证书的人民政府注销海域使用权证书，收回海域使用权。

Article 46 Anyone who, in violation of the provisions of Article 28 of this Law and without authorization, changes the purposes of use of the sea area shall be instructed to rectify within a time limit, his illegal gains shall be confiscated, and he shall also be fined not less than 5 times but not more than 15 times the fees payable for the sea area during the period in which the purposes of use of the sea area is illegally changed. If he refuses to rectify, the people's government that issues the certificate of the right to the use of sea areas shall revoke the certificate and the right to the use of sea areas.

第四十七条   违反本法第二十九条第二款规定，海域使用权终止，原海域使用权人不按规定拆除用海设施和构筑物的，责令限期拆除；逾期拒不拆除的，处五万元以下的罚款，并由县级以上人民政府海洋行政主管部门委托有关单位代为拆除，所需费用由原海域使用权人承担。

Article 47 Where the provisions of the second paragraph of Article 29 of this Law are violated, the right to the use of sea areas shall be terminated, and if the original owner of the right fails to dismantle the facilities and structures for the use of the sea areas in accordance with regulations, he shall be instructed to do so within a time limit. If he refuses to do so at the expiration of the time limit, he shall be fined not more than 50,000 yuan and the department in charge of marine administration under the people's government at or above the county level shall entrust a relevant unit to do the dismantling, and the owner shall bear the expenses entailed.

第四十八条   违反本法规定，按年度逐年缴纳海域使用金的海域使用权人不按期缴纳海域使用金的，限期缴纳；在限期内仍拒不缴纳的，由颁发海域使用权证书的人民政府注销海域使用权证书，收回海域使用权。

Article 48 Where the owner of the right to the use of sea areas who should pay the fees for such use on an annual basis fails to do so on schedule in violation of the provisions of this Law, he shall be instructed to pay the fees within a time limit; if he still refuses to pay the fees within the time limit, the people's government that issues the certificate of the right to the use of sea areas shall revoke the certificate and the right to the use of sea areas.

第四十九条   违反本法规定，拒不接受海洋行政主管部门监督检查、不如实反映情况或者不提供有关资料的，责令限期改正，给予警告，可以并处二万元以下的罚款。

Article 49 Any entity or individual that, in violation of the provisions of this Law, refuses to accept supervision and inspection by the department in charge of marine administration, to give a truthful report or provide relevant information shall be instructed to rectify and be given a disciplinary warning, and may also be fined not more than 20,000 yuan.

第五十条   本法规定的行政处罚，由县级以上人民政府海洋行政主管部门依据职权决定。但是，本法已对处罚机关作出规定的除外。

Article 50 The administrative penalties provided for in this Law shall be determined by the department in charge of marine administration under the people's government at or above the county level within the limits of its powers. However, exception shall be made if this Law has already stipulated the penalty imposing organ.

第五十一条   国务院海洋行政主管部门和县级以上地方人民政府违反本法规定颁发海域使用权证书，或者颁发海域使用权证书后不进行监督管理，或者发现违法行为不予查处的，对直接负责的主管人员和其他直接责任人员，依法给予行政处分；徇私舞弊、滥用职权或者玩忽职守构成犯罪的，依法追究刑事责任。

Article 51 Where the department in charge of marine administration under the State Council or under the people's government at or above the county level issues the certificate of the right to the use of sea areas in violation of the provisions of this Law, or fails to conduct supervision after issuance of the certificate, or fails to investigate and deal with the violations it discovers, the persons directly in charge and the other persons directly responsible shall be given administrative sanctions in accordance with law. If the violation constitutes a crime, the persons concerned shall be investigated for criminal responsibility in accordance with law.

第八章 附则

Chapter 8 Supplementary Provisions

第五十二条   在中华人民共和国内水、领海使用特定海域不足三个月，可能对国防安全、海上交通安全和其他用海活动造成重大影响的排他性用海活动，参照本法有关规定办理临时海域使用证。

Article 52 For use of a special sea area within the inland waters or territorial seas of the People's Republic of China for less than three months, and for use of the sea areas for exclusive activities, which may have a major impact on the national defense, maritime traffic safety or other uses of the sea areas, formalities shall be completed for the issuance of a provisional certificate for the use of sea areas through application of the relevant provisions of this Law mutatis mutandis.

第五十三条   军事用海的管理办法，由国务院、中央军事委员会依据本法制定。

Article 53 The administrative measures for military use of the sea areas shall be formulated by the State Council and the Central Military Commission in accordance with this Law.

第五十四条   本法自2002年1月1日起施行。

Article 54 This Law shall go into effect as of January 1, 2002.