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# 中华人民共和国水法（2016修正）

# Water Law of the People’s Republic of China (Revision 2016)

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(1988年1月21日第六届全国人民代表大会常务委员会第二十四次会议通过 2002年8月29日第九届全国人民代表大会常务委员会第二十九次会议修订 根据2009年8月27日第十一届全国人民代表大会常务委员会第十次会议《关于修改部分法律的决定》第一次修正 根据2016年7月2日第十二届全国人民代表大会常务委员会第二十一次会议《关于修改〈中华人民共和国节约能源法〉等六部法律的决定》第二次修正)

(Adopted at the 24th Meeting of the Standing Committee of the 6th National People's Congress on January 21, 1988; revised at the 29th Meeting of the Standing Committee of the 9th National People's Congress on August 29, 2002; amended for the first time according to the Decision on Amending Certain Laws passed at the 10th Meeting of the Standing Committee of the 11th National People's Congress on August 27, 2009; and amended for the second time according to the Decision on Revising Six Laws including the Energy Conservation Law of the People's Republic of China passed at the 21st Meeting of the Standing Committee of the 12th National People's Congress on July 2, 2016)

第一章 总则

Chapter 1 General Provisions

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。

Article 1 This Law is enacted for the purposes of rationally developing, utilizing, conserving and protecting water resources, preventing and controlling water disasters, bringing about sustainable utilization of water resources, and meeting the need of national economic and social development.

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。

Article 2 This Law is applicable to development, utilization, conservation, protection and management of water resources and to prevention and control of water disasters within the territory of the People's Republic of China.

本法所称水资源，包括地表水和地下水。

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

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。

Article 3 Water resources are owned by the State. The State Council, on behalf of the State, exercises the ownership of water resources. The water of ponds belonging to rural economic collectives and the water of reservoirs built and managed by such collectives shall be used by the collectives respectively.

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。

Article 4 In developing, utilizing, conserving and protecting water resources and preventing and controlling water disasters, emphasis shall be placed on overall planning and all-round consideration, on both the root cause and symptoms, and on multipurpose use, efficiency, and the multiple function of water resources, and attention shall be paid to coordinated use of water in people's daily lives, in production and operation and in ecological environment.

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计划。

Article 5 People's governments at or above the county level shall pay special attention to construction of water conservancy infrastructures, and incorporate it into their plans of national economic and social development.

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。

Article 6 The State encourages units and individuals to develop and use water resources in accordance with law, and protects their legitimate rights and interests. Any unit or individual that develops and uses water resources has the obligation of protecting water resources in accordance with law.

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。

Article 7 For water resources the State applies, in accordance with law, the system of licensing for water -taking and the system of compensation for use of water. However, use by rural economic collectives and their members of the waters of the ponds and reservoirs belonging to those collectives is an exception. The competent department of water administration of the State Council shall be responsible for organizing the implementation of the system of license for water drawing and the system of paid use of water resources nationwide.

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。

Article 8 The State encourages strict economy on the use of water, greatly promotes water-conserving measures, spreads the use of new technologies and techniques for water-conserving, develops water-conserving industries, agriculture and services, and builds a water-conserving community.

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。

People's governments at various levels shall take measures to improve management of water conservation, establish a system for developing and promoting the use of water-conserving technologies, and foster and develop water-conserving industries.

单位和个人有节约用水的义务。

Every unit and individual shall bear the obligation of water saving.

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。

Article 9 For the purpose of protecting water resources, the State adopts such effective measures as protection of vegetation, planting of trees and grass, conservation of water sources, prevention and control of soil erosion and water -body pollution, and improvement of ecological environment.

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。

Article 10 The State encourages and supports research, extension and application of advanced science and technology in development, utilization, conservation, protection and management of water resources, and in prevention and control of water disasters.

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。

Article 11 Units and individuals that have made outstanding achievements in development, utilization, conservation, protection or management of water resources, or in prevention and control of water disasters shall be rewarded by people's governments.

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。

Article 12 For water resources the State applies the system under which management of river basins is combined with management of administrative regions.

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。

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

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。

The institutions for river basin management (hereinafter referred to as river basin authorities, in short), set up by the administrative department for water resources under the State Council for the key rivers and lakes defined as such by the State, shall perform the duties of water resources management and supervision, within the limits of their jurisdiction, specified by laws and administrative regulations and assigned to them by the said department.

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。

The administrative departments for water resources under the local people's governments at or above the county level shall, within the limits of their specified powers, be responsible for unified management of and supervision over the water resources.

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。

Article 13 The relevant departments under the State Council shall, in conformity with the division of their duties, be responsible for work relating to the development, utilization, conservation and protection of water resources.

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。

The relevant departments under the local people's governments at or above the county level shall, in conformity with the division of their duties, be responsible for the development, utilization, conservation and protection of water resources within their administrative regions.

第二章 水资源规划

Chapter II Planning for Water Resources

第十四条   国家制定全国水资源战略规划。

Article 14 The State formulates strategic plans for water resources across the country.

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。

Unified plans shall, on the basis of river basins and regions, be made for the development, utilization, conservation and protection of water resources and for prevention and control of water disasters. Planning is divided into river basin planning and regional planning. The river basin plans shall include comprehensive river basin plans and special river basin plans; the regional plans shall include comprehensive regional plans and special regional plans.

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。

The comprehensive plans mentioned in the preceding paragraph are general outline drawn, in light of the need of economic and social development and the present conditions of water resources development and utilization, for the development, utilization, conservation and protection of water resources and for prevention and control of water disasters. The special plans mentioned in the preceding paragraph are plans for flood control, waterlogging prevention, irrigation, navigation, water supply, hydro-electric power generation, bamboo or log rafting, fishery, water resources protection, water and soil conservation, prevention and control of sedimentation, conservation of water, etc.

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。

Article 15 The plan for a region within a river basin shall be subordinated to the plan for the river basin, and the special plan shall be subordinated to the comprehensive plan.

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。

Comprehensive river basin plans and comprehensive regional plans as well as the special plans closely related to land use shall be coordinated with the plans for national economic and social development, the general plans for land use and general urban plans and plans for environmental protection, and at the same time the needs of various regions and industries shall be taken into consideration.

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，由县级以上人民政府水行政主管部门会同同级有关部门组织进行。

Article 16 Comprehensive scientific survey, investigation and assessment of water resources shall be conducted before a plan is formulated. Such survey, investigation and assessment shall be arranged by the administrative department for water resources under the people's government at or above the county level, in conjunction with the relevant departments at the same level.

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。

People's governments at or above the county level shall pay special attention to construction of an information system for hydrologic and water resources. The administrative departments for water resources under the people's governments at or above the county level and the river basin authorities shall pay special attention to dynamic monitoring of water resources.

基本水文资料应当按照国家有关规定予以公开。

The basic hydrological data shall be made public in accordance with the relevant provisions of the State.

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。

Article 17 Comprehensive river basin plans for key rivers and lakes defined as such by the State Shall be worked out by the administrative department for water resources under the State Council, in conjunction with the relevant departments under the State Council and the relevant people's governments of provinces, autonomous regions or municipalities directly under the Central Government, and they shall be submitted to the State Council for approval. The comprehensive river basin plans and comprehensive regional plans for other rivers and lakes that run or straddle across provinces, autonomous regions or municipalities directly under the Central Government shall be worked out by the relevant river basin authorities, in conjunction with the administrative departments for water resources and the relevant departments under the people's governments of the provinces, autonomous regions or municipalities directly under the Central Government where the rivers run across or the lakes are located, and these plans shall be examined and commented by the relevant people's governments of the provinces, autonomous regions or municipalities directly under the Central Government, before they are submitted to the administrative department for water resources under the State Council for examination and verification; the administrative department for water resources under the State Council shall consult the relevant departments under the State Council before submitting the plans to the State Council, or the department authorized by it, for approval.

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。

The comprehensive river basin plans and comprehensive regional plans for rivers and lakes other than the ones specified in the preceding paragraph shall be worked out by the administrative departments for water resources under the local people's governments at or above the county level, in conjunction with the relevant departments at the same level and local people's governments concerned, and they shall be submitted to the people's governments at the same level, or the departments authorized by the governments, for approval, before they are submitted to the administrative departments for water resources at the next higher level for the record.

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。

Special plans shall be worked out by the relevant departments under the people's governments at or above the county level, and they shall be submitted to the said people's governments for approval after the other relevant departments at the same level are consulted. With respect to plans for flood control and water and soil conservation, they shall be made and approved in accordance with the relevant provisions in the Flood Control Law and the Law on Water and Soil Conservation respectively.

第十八条   规划一经批准，必须严格执行。

Article 18 Once a plan is approved, it shall be implemented to the better.

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。

Wherever the approved plan needs to be amended, the amended plan shall, according to the procedure for the formulation of plans, be subject to approval by the original authority that gives approval to the plan.

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，未取得有关流域管理机构签署的符合流域综合规划要求的规划同意书的，建设单位不得开工建设；在其他江河、湖泊上建设水工程，未取得县级以上地方人民政府水行政主管部门按照管理权限签署的符合流域综合规划要求的规划同意书的，建设单位不得开工建设。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。

Article 19 Water projects shall be constructed in conformity with the comprehensive river basin plans. For construction of any waterworks on the key rivers and lakes defined as such by the State or on the rivers or lakes that run or straddle across provinces, autonomous regions or municipalities directly under the Central Government, an construction entity may not start construction without a written consent signed by relevant river basin authority to show that the waterworks meet the requirements of the comprehensive river basin plan. 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 solicit comments from the relevant regions and departments in advance.

第三章 水资源开发利用

Chapter III Water Resources Development and Utilization

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。

Article 20 In developing and utilizing water resources, the principles of combining promotion of what is beneficial with elimination of what is harmful, taking into account the interests of the regions in both the upper and lower reaches and on both the right and left banks of a river and the interests among the relevant regions, giving full play to the overall benefits of water resources, and subordinating to the overall arrangements for flood control shall be adhered to.

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。

Article 21 In developing and utilizing water resources, attention shall first be paid to satisfying the urban inhabitants' need of water in their daily lives, while taking into consideration the need of water in agriculture, industry and ecological environment, and the need of navigation, etc.

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。

In developing and utilizing water resources in arid and semi- arid areas, full consideration shall be given to the need of water in ecological environment.

第二十二条   跨流域调水，应当进行全面规划和科学论证，统筹兼顾调出和调入流域的用水需要，防止对生态环境造成破坏。

Article 22 For diversion of water across river basins, all-round planning and scientific demonstration shall be needed, overall consideration shall be given to the need of water by both the river basins where water is diverted from and the river basins where water is diverted to, and damages to ecological environment shall be prevented.

第二十三条   地方各级人民政府应当结合本地区水资源的实际情况，按照地表水与地下水统一调度开发、开源与节流相结合、节流优先和污水处理再利用的原则，合理组织开发、综合利用水资源。

Article 23 Local people's governments at all levels shall make rational arrangements for development and multipurpose use of water resources in light of the actual conditions of the local water resources on the principle of unified control over development of surface water and groundwater, combination of the tapping of new resources with water conservation, giving priority to water conservation, and recycling sewage water.

国民经济和社会发展规划以及城市总体规划的编制、重大建设项目的布局，应当与当地水资源条件和防洪要求相适应，并进行科学论证；在水资源不足的地区，应当对城市规模和建设耗水量大的工业、农业和服务业项目加以限制。

Plans for national economic and social development and general urban plans shall be formulated and major construction projects shall geographically be distributed in such a way as to suit the local conditions of water resources and the need of flood control, and scientific demonstration shall be needed. In areas with insufficient water resources, limitations shall be set on the scale of cities and on construction of industrial, agricultural and service projects that consume large amounts of water.

第二十四条   在水资源短缺的地区，国家鼓励对雨水和微咸水的收集、开发、利用和对海水的利用、淡化。

Article 24 In respect of areas that are short of water resources, the State encourages the collection, development and utilization of rainwater and slightly salty water, as well as the exploitation and desalination of seawater.

第二十五条   地方各级人民政府应当加强对灌溉、排涝、水土保持工作的领导，促进农业生产发展；在容易发生盐碱化和渍害的地区，应当采取措施，控制和降低地下水的水位。

Article 25 Local people's governments at various levels shall provide better guidance in respect of irrigation, draining of waterlogged fields, and water and soil conservation, in order to promote the development of agricultural production. In areas that are prone to salinization and floodwater hazards, measures shall be taken to control or lower the groundwater level.

农村集体经济组织或者其成员依法在本集体经济组织所有的集体土地或者承包土地上投资兴建水工程设施的，按照谁投资建设谁管理和谁受益的原则，对水工程设施及其蓄水进行管理和合理使用。

Where rural economic collectives or their members, in accordance with law, invest in construction of waterworks on land owned by the collectives or on land contracted, they shall, on the principle of "those who invest in construction shall manage and receive the benefits", manage and make rational use of the waterworks and the water stored.

农村集体经济组织修建水库应当经县级以上地方人民政府水行政主管部门批准。

Construction of reservoirs by rural economic collectives shall be subject to approval by the administrative departments for water resources under the people's governments at or above the county level.

第二十六条   国家鼓励开发、利用水能资源。在水能丰富的河流，应当有计划地进行多目标梯级开发。

Article 26 The state shall encourage the development and utilization of hydraulic power potentials. Multipurpose cascade development should be carried out in a planned way on rivers rich in hydropower.

建设水力发电站，应当保护生态环境，兼顾防洪、供水、灌溉、航运、竹木流放和渔业等方面的需要。

In the development of hydropower stations, the ecological environment shall be protected, and the needs for flood control, water supply, irrigation, navigation, bamboo and log rafting, fishery, etc. shall be taken into account.

第二十七条   国家鼓励开发、利用水运资源。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拦河闸坝，建设单位应当同时修建过鱼、过船、过木设施，或者经国务院授权的部门批准采取其他补救措施，并妥善安排施工和蓄水期间的水生生物保护、航运和竹木流放，所需费用由建设单位承担。

Article 27 The State encourages the development and utilization of water transport resources. When having permanent dams or sluice gates built across the migration routes of aquatic life or across rivers for navigation or bamboo and log rafting, the units that launch such projects shall have facilities for the passage of fish and ships or for bamboo and log rafting built simultaneously, or take other remedial measures upon approval by the departments authorized by the State Council and, in addition, they shall make proper arrangements for protection of aquatic life, for navigation, and for bamboo and log rafting during the period of construction and water-storing and bear the expenses incurred thereby.

在不通航的河流或者人工水道上修建闸坝后可以通航的，闸坝建设单位应当同时修建过船设施或者预留过船设施位置。

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.

第二十八条   任何单位和个人引水、截（蓄）水、排水，不得损害公共利益和他人的合法权益。

Article 28 No unit or individual may divert, intercept (store) or drain off water at the expense of public interests or another person's legitimate rights and interests.

第二十九条   国家对水工程建设移民实行开发性移民的方针，按照前期补偿、补助与后期扶持相结合的原则，妥善安排移民的生产和生活，保护移民的合法权益。

Article 29 The State applies a development-oriented policy with regard to construction of waterworks that involves relocation of people and, on the principle of combining compensation or subsidies given in the early stage with assistance given in the later stage, makes proper arrangements for production and daily lives of the relocated people and protects their legitimate rights and interests.

移民安置应当与工程建设同步进行。建设单位应当根据安置地区的环境容量和可持续发展的原则，因地制宜，编制移民安置规划，经依法批准后，由有关地方人民政府组织实施。所需移民经费列入工程建设投资计划。

The resettlement of inhabitants shall be conducted at the same pace as that of the project construction. The unit launching the construction project shall, on the basis of the ambient capacity of the places where people are to be located and the principle of sustainable development, work out a plan for arrangements to be made for such people in light of the local conditions, which, upon approval in accordance with law, shall be implemented through arrangement by the local people's government concerned. Funds needed for relocation of inhabitants shall be included in the investment plan for project construction.

第四章 水资源、水域和水工程的保护

Chapter 4 Water Resources, Water Areas and Works

第三十条   县级以上人民政府水行政主管部门、流域管理机构以及其他有关部门在制定水资源开发、利用规划和调度水资源时，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。

Article 30 When working out plans for development and utilization of water resources and for distribution of water resources, the administrative departments for water resources under the people's governments at or above the county level, the river basin authorities and the other departments concerned shall pay attention to maintaining a proper flow of rivers and keeping the lakes, reservoirs and groundwater at a proper water level in order to maintain the natural purification capability of the water body.

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。

Article 31 Any unit or individual engaged in activities concerning water, such as development, utilization, conservation and protection of water resources and prevention and control of water disasters, shall follow the approved plans. Where a unit or individual that acts against the plans and thus causes the lowering of the use functions of the rivers or lakes, overexploitation of groundwater, sinking of land surface or pollution of water bodies shall bear the responsibility of bringing such phenomenon under control.

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。

Where dredging or draining of water, necessitated by mining construction of underground project, results in the lowering of groundwater level, drying up of water source or subsidence of ground, the unit that launches the mining or the construction project shall take remedial measures, and where losses are caused to other people's lives and production, it shall compensate for the losses in accordance with law.

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。

Article 32 The administrative department for water resources under the State Council shall, in conjunction with the administrative department for environmental protection and the relevant department under the State Council and the relevant people's governments of provinces, autonomous regions or municipalities directly under the Central Government and in line with the comprehensive river basin plans, water resources protection plans and the need of economic and social development, divide water function zones along key rivers and lakes defined as such by the State, which shall be submitted to the State Council for approval. Such zones along other rivers and lakes across provinces, autonomous regions or municipalities directly under the Central Government shall be divided by the relevant river basin authorities, in conjunction with the administrative departments for water resources, for environmental protection and other departments concerned under the people's governments of the provinces, autonomous regions or municipalities directly under the Central Government where rivers and lakes are located, which shall be examined by, and on which comments shall be solicited respectively from, the relevant people's governments of provinces, autonomous regions or municipalities directly under the Central Government, before they are further examined by the administrative department for water resources under the State Council in conjunction with the administrative department for environmental protection under the State Council and then they shall be submitted to the State Council or the department authorized by it for approval.

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。

Water function zones along rivers and lakes other than the ones specified in the preceding paragraph shall be divided by the administrative departments for water resources under the local people's governments at or above the county level, in conjunction with the administrative departments for environmental protection and the departments concerned under the people's governments at the same level, and shall be submitted to the people's governments at the same level or the departments they authorized for approval, and to the administrative departments for water resources and for environmental protection under the people's governments at the next higher level for the record.

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见。

The administrative departments for water resources under the people's government at or above the county level or the river basin authority shall, on the basis of the water quality required by a water function zone and the natural purification capacity of the water bodies of the zone, check and define the pollution-carrying capacity of the water areas there and make proposals to the administrative department for environmental protection on limitation of the total amount of pollution discharged to the said areas.

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。

The administrative departments for water resources under the local people's governments at or above the county level or river basin authorities shall monitor the quality of water in water function zones and, when discovering that the total amount of major pollutants discharged exceeds the control norm or water quality in water function zones falls short of the standard required by the use function of the water areas, promptly report the matter to the people's government concerned for taking control measures and report to the administrative departments for environmental protection in a circular.

第三十三条   国家建立饮用水水源保护区制度。省、自治区、直辖市人民政府应当划定饮用水水源保护区，并采取措施，防止水源枯竭和水体污染，保证城乡居民饮用水安全。

Article 33 The State shall practice the system of sources protection zones for drinking water. The people's governments of provinces, autonomous regions or municipalities directly under the Central Government shall define the drying-up of the water sources and pollution of the water bodies, for the purpose of ensuring town and country residents' safety in respect of drinking water.

第三十四条   禁止在饮用水水源保护区内设置排污口。

Article 34 Construction of any outlet for sewage discharge in the protection zones of drinking water sources is prohibited.

在江河、湖泊新建、改建或者扩大排污口，应当经过有管辖权的水行政主管部门或者流域管理机构同意，由环境保护行政主管部门负责对该建设项目的环境影响报告书进行审批。

Construction, reconstruction or expansion of a sewage discharge outlet along rivers or lakes shall be subject to permission by the administrative department for water resources or the river basin authority that has jurisdiction over the matter, and the administrative department for environmental protection shall be responsible for examination of the written report on the impact of the construction project on the environment before giving approval.

第三十五条   从事工程建设，占用农业灌溉水源、灌排工程设施，或者对原有灌溉用水、供水水源有不利影响的，建设单位应当采取相应的补救措施；造成损失的，依法给予补偿。

Article 35 Where a construction project occupies water sources for agricultural irrigation or irrigation and drainage facilities, or has an adverse effect on the original water for irrigation and sources for water supply, the unit that launches the project shall take the necessary remedial measures. Where losses are caused, it shall compensate for the losses in accordance with law.

第三十六条   在地下水超采地区，县级以上地方人民政府应当采取措施，严格控制开采地下水。在地下水严重超采地区，经省、自治区、直辖市人民政府批准，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。

Article 36 In areas where groundwater is overexploited, the local people's governments at or above the county level shall take measures to keep exploitation of groundwater under strict control. In areas where groundwater has been overexploited to a serious extent, certain areas may, upon approval by the people's governments of provinces, autonomous regions or municipalities directly under the Central Government, be defined as areas where exploitation of groundwater is prohibited or restricted. Exploitation of groundwater in coastal areas shall undergo scientific demonstration, and measures shall be taken to prevent sinking of land surface and encroachment by seawater.

第三十七条   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。

Article 37 No one may throw away or pile up objects or plant forest trees or high stalk crops in rivers, lakes, reservoirs, canals or channels, which block the passage of flood water.

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。

Construction of buildings and structures blocking flood passage or activities adversely affecting the stability of river regime or threatening the safety of river banks or dikes or other activities impeding flood passage within the range of riverway administration is prohibited.

第三十八条   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。

Article 38 In an area under river course control, construction of a bridge, wharf or other building or structure that blocks, spans or borders on a river, or laying of pipes or cables across a river, shall meet the flood control standard and other relevant technical requirements specified by the State, and the plans made for construction of the project shall, in accordance with the relevant provisions in the Flood Control Law, be submitted to administrative department for water resources for examination and approval.

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。

Where for the construction of a project mentioned in the preceding paragraph it is necessary to expand, rebuild, dismantle or damage the existing waterworks, the unit launching the construction project shall bear the expenses incurred by the expansion and rebuilding or compensate for the losses incurred. However, if the original engineering facilities are illegal, an exception shall be made.

第三十九条   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。

Article 39 The State applies a licensing system for sand quarrying in river courses. Measures for implementing the licensing system for sand quarrying in river courses shall be formulated by the State Council.

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。

Where sand quarrying in areas under river course control that may adversely affect the stability of the river condition or endanger safety of the dikes, the administrative departments for water resources under the relevant people's governments at or above the county level shall delimit no-quarry areas or fix no-quarry periods, which they shall make known to the general public.

第四十条   禁止围湖造地。已经围垦的，应当按照国家规定的防洪标准有计划地退地还湖。

Article 40 Reclamation of land from lakes is prohibited. The parts already reclaimed shall be restored as parts of the lake in a planned way according to the flood control standard formulated by the State.

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行政主管部门同意后，报本级人民政府批准。

Reclamation of river channels is prohibited. Where it is really necessary to do that, the matter shall be subject to scientific demonstration and to permission by the administrative department for water resources under the people's government of a province, autonomous region or municipality directly under the Central Government or by the administrative department for water resources under the State Council, before it is submitted to the people's government at the corresponding level for approval.

第四十一条   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。

Article 41 All units and individuals have the obligation of protecting waterworks, none of them may occupy or damage dykes, bank revetments, flood control facilities or equipment for hydrological monitoring or hydro-geological monitoring.

第四十二条   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。

Article 42 Local people's governments at or above the county level shall take measures for safeguarding the waterworks within their administrative areas, especially the safety of dams and dykes, and eliminate dangers within a given time limit. The administrative departments for water resources shall strengthen supervision over the safety of waterworks.

第四十三条   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。

Article 43 The State protects waterworks. 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.

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。

The scope of management and protection of the waterworks under the control of the administrative department for water resources under the State Council or the river basin authority shall be defined by the said department or authority, through consultation with the people's government of the relevant province, autonomous region or municipality directly under the Central Government.

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。

The scope and duty of protection for waterworks other than the ones mentioned in the preceding paragraph shall be defined in accordance with the regulations of the people's governments of provinces, autonomous regions or municipalities directly under the Central Government.

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。

Within the scope of protection for waterworks, activities such as blasting, well digging, quarrying and earth digging that may adversely affect the operation or endanger the safety of waterworks are prohibited.

第五章 水资源配置和节约使用

Chapter 5 Allocation and Economical Use of Water Resources

第四十四条   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，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。

Article 44 The administrative department for development and planning and the administrative department for water resources under the State Council are responsible for macro-allocation of the water resources nationwide. The medium and long-term plans of water supply and demand for the whole country or such plans that cover more than one province, autonomous region or municipality directly under the Central Government shall be drawn up by the administrative department for water resources under the State Council, in conjunction with the departments concerned, and shall be implemented after examination and approval by the administrative department for development and planning under the State Council. The local medium and long-term plans for water supply and demand shall, on the basis of the medium and long-term plans for water supply and demand at the next higher level and in light of the actual local conditions, be drawn up by the administrative departments for water resources under the local people's governments at or above the county level, in conjunction with the departments concerned at the same level, and the plans shall be implemented after examination and approval by the administrative departments for development and planning under the people's governments at the same level.

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。

The medium and long-term plans for supply and demand of water shall be drawn up on the basis of the current supply and demand of water, plans for national economic and social development, river basin plans and regional plans and on the principle of coordinated supply and demand of water resources, comprehensive balancing of all interests, protection of ecology, strictly practicing of economy and rational development of water resources.

第四十五条   调蓄径流和分配水量，应当依据流域规划和水中长期供求规划，以流域为单元制定水量分配方案。

Article 45 For regulating runoff and storing water, and for allocating the volume of water, a river basin shall be made a unit in formulating water allocation plans in accordance with the river basin plans and the medium and long-term plans of water supply and demand.

跨省、自治区、直辖市的水量分配方案和旱情紧急情况下的水量调度预案，由流域管理机构商有关省、自治区、直辖市人民政府制订，报国务院或者其授权的部门批准后执行。其他跨行政区域的水量分配方案和旱情紧急情况下的水量调度预案，由共同的上一级人民政府水行政主管部门商有关地方人民政府制订，报本级人民政府批准后执行。

Water allocation plans and preliminary plans for water distribution under drought and emergency conditions that cover more than one province, autonomous region or municipality directly under the Central Government shall be worked out by the river basin authorities through consultation with the relevant people's governments of provinces, autonomous regions or municipalities directly under the Central Government, which shall be implemented upon approval by the State Council or the department authorized by the State Council. Other water allocation plans and preliminary plans for water distribution under drought and emergency conditions that cover more than one administrative region shall be worked out by the same administrative department for water resources under the people's government at the next higher level through consultation with the relevant local people's governments, which shall be implemented upon approval by the people's governments which the administrative regions belong to respectively.

水量分配方案和旱情紧急情况下的水量调度预案经批准后，有关地方人民政府必须执行。

Water allocation plans and the preliminary plans for water distribution under drought and emergency conditions shall be executed by the local people's governments concerned.

在不同行政区域之间的边界河流上建设水资源开发、利用项目，应当符合该流域经批准的水量分配方案，由有关县级以上地方人民政府报共同的上一级人民政府水行政主管部门或者有关流域管理机构批准。

Projects for development and utilization of water resources to be constructed across rivers bordering on different administrative regions shall conform to the approved water allocation plans for the river basins in question and shall be submitted by the relevant local people's governments at or above the county level to the same administrative department for water resources under the people's government at the next higher level or the relevant river basin authority for approval.

第四十六条   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。

Article 46 The administrative departments for water resources under the local people's governments at or above the county level or the river basin authorities shall, on the basis of the approved water allocation plans and the predicted annual volume of in-coming water, work out annual water allocation plans and distribution plans for unified distribution of the volume of water, and the local people's governments concerned shall follow them.

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。

Annual water allocation plans for the key rivers and lakes defined as such by the State shall be incorporated into the annual plans for national economic and social development.

第四十七条   国家对用水实行总量控制和定额管理相结合的制度。

Article 47 The State applies a system for the use of water under which control over the total volume is combined with control over the quotas.

省、自治区、直辖市人民政府有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。

The administrative departments for the relevant trades under the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall set quotas for water use by different trades in their administrative regions, which shall be submitted to the administrative departments for water resources and the administrative departments for quality supervision and inspection at the same level for examination and permission, before the quotas are made known to the public by the people's governments of the provinces, autonomous regions and municipalities directly under the Central Government, and are submitted to the administrative department for water resources and the administrative department for quality supervision and inspection under the State Council for the record.

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。

The administrative departments for development and planning under the local people's governments at or above the county level shall, in conjunction with the administrative departments for water resources at the same level and on the basis of the quotas for water use, the economic and technical conditions and the volume of water available for use in their administrative regions as is determined in the water allocation plans, work out their annual plans for water use, in order to exercise control over the total volume of water to be used in their administrative regions annually.

第四十八条   直接从江河、湖泊或者地下取用水资源的单位和个人，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。

Article 48 Any unit or individual that takes water and uses water resources directly from a river or lake or from the underground shall, in accordance with the regulations of the licensing system of the State for water -taking and the system for compensated use of water resources, apply to the administrative department for water resources or the river basin authority for a water-taking license and pay water resources fees, in order to acquire the right to take water. However, the small amount of water drawn as drinking water for family life, or livestock or poultry under sporadic or enclosed breeding, etc. shall be excluded.

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。

Specific measures for implementing the licensing system for water-taking and for collecting fees for management of water resources shall be formulated by the State Council.

第四十九条   用水应当计量，并按照批准的用水计划用水。

Article 49 The use of water shall be measured and water shall be used in accordance with the approved plan for water use.

用水实行计量收费和超定额累进加价制度。

The measurement charging and progressive payment systems for the exceeding of quota shall be adopted for the water consumption.

第五十条   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。

Article 50 People's governments at various levels shall promote water-conserving irrigation methods and water-conserving technologies, and shall take necessary measures to prevent seepage in agricultural projects for storing and transmitting water, in order to increase the efficiency of water use in agriculture.

第五十一条   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。

Article 51 For use of water in industry, advanced technology, techniques and equipment shall be applied to increase the frequency of the use of circulated water and the ratio of the use of recycled water.

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。

The State gradually eliminates the techniques, equipment and products that are outdated and are of high water-consumption. The specific list for them shall be complied and published by the department for comprehensive administration of the economy under the State Council, in conjunction with the administrative department for water resources and the relevant departments under the State Council. Manufacturers, sellers and users in the process of production and operation shall, within a specified time limit, desist from manufacturing, selling or using the techniques, equipment and products included in the list.

第五十二条   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。

Article 52 Urban people's governments shall take effective measures, as are suited to local conditions, to promote the use of water-conserving household utensils, lower the leakage rate of the urban water supply network and increase the efficiency of domestic water use; they shall pay attention to centralized treatment of sewage water in cities and encourage the use of recycled water, in order to increase the utilization ratio of recycled sewage water.

第五十三条   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。

Article 53 For construction, expansion or reconstruction of a project, plans for water-conserving measures shall be worked out to build water-conserving facilities in support of the project. The water-saving facilities shall be designed, constructed and put into use at the same time as that of the principal project.

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。

Water-supplying enterprises and units that build their own facilities shall pay special attention to maintenance of the facilities to reduce water loss.

第五十四条   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。

Article 54 People's governments at all levels shall take effective measures to improve the conditions of drinking water for town and country residents.

第五十五条   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。

Article 55 Where water is supplied by waterworks, the user shall, in accordance with the regulations of the State, pay charges to the water-supply unit. The price of water supply shall be fixed in accordance with the principles of compensatory cost, reasonable profits, high quality and favorable price, and fair burden. The specific measures shall be formulated by the administrative departments for pricing under the people's governments at or above the provincial level, in conjunction with the administrative departments for water resources or administrative departments for water supply at the same level, within the limits of their powers.

第六章 水事纠纷处理与执法监督检查

Chapter 6 Resolution of Water Disputes and Supervision over and Inspection of Law-enforcement

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。

Article 56 Where a dispute over water arises between different administrative regions, it shall be resolved through consultation. If consultation is unsuccessful, it shall be subject to ruling by the people's government at the next higher level, which the parties concerned shall strictly abide by. Pending settlement of the dispute, none of the parties may, in the absence of an agreement reached between the parties or approval granted by the same people's government at the next higher level, build any projects for draining, blocking, taking or intercepting (storing) water or unilaterally alter the existing water regime within a certain area on each side of the common boundary of the administrative regions.

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。

Article 57 Disputes over water that arise between units or individuals or between units and individuals shall be resolved through consultation. Where the parties are not willing to have them resolved through consultation or where consultation is unsuccessful, they may apply to the local people's governments at or above the county level or the departments authorized by them for conciliation, or institute a civil action directly in the people's court. Where conciliation by a local people's government at or above the county level or the department authorized by it is unsuccessful, the parties may institute a civil action in the people's court.

在水事纠纷解决前，当事人不得单方面改变现状。

Pending a settlement of the dispute, none of the parties may unilaterally alter the existing water regime.

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。

Article 58 When handling any dispute concerning water, the local people's government at or above the county level or the department authorized by it shall have the power to take temporary measures for settlement, which all the sides concerned or the parties shall abide by.

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。

Article 59 The administrative departments for water resources under the people's governments at or above the county level and the river basin authorities shall exercise strict supervision over and inspection of violations of this Law and conduct investigation into and deal with them in accordance with law.

水政监督检查人员应当忠于职守，秉公执法。

The functionaries of water supervision and inspection shall be devoted to their duties and enforce the law impartially.

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:

Article 60 When performing their duties of supervision and inspection as stipulated in this Law, the administrative departments for water resources under the people's governments at or above the county level, river basin authorities and supervisors and inspectors therefrom shall have the power to take the following measures:

（一）要求被检查单位提供有关文件、证照、资料；

1. to require the units under inspection to provide the relevant documents, certificates and licenses, and materials;

（二）要求被检查单位就执行本法的有关问题作出说明；

2. requesting the unit under inspection to make explanations to the questions related to implementation of this Law;

（三）进入被检查单位的生产场所进行调查；

(III) enter the production sites of the entities under inspection to make investigation;

（四）责令被检查单位停止违反本法的行为，履行法定义务。

(IV) ordering the unit under inspection to desist from violating this Law and to perform their statutory obligations.

第六十一条   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。

Article 61 The units or individuals concerned shall cooperate with the supervision and inspection carried out by the supervisors and inspectors for administration of water resources, and none of them may refuse to do so or impede the said supervisors and inspectors in performing their duties in accordance with law.

第六十二条   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。

Article 62 When performing their duties, the supervisors and inspectors for administration of water resources shall show their law-enforcement papers to the units or individuals under inspection.

第六十三条   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。

Article 63 Where people's governments at or above the county level or the administrative departments for water resources at a higher level discover violations of law or negligence of duty committed by the administrative department for water resources at the same level or a lower level in supervision and inspection, they shall order the latter to rectify within a time limit.

第七章 法律责任

Chapter 7 Legal Liabilities

第六十四条   水行政主管部门或者其他有关部门以及水工程管理单位及其工作人员，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 64 Where administrative departments for water resources or other departments concerned, or units for control of waterworks, or their staff members, taking advantage of their positions, accept another person's money or things of value or other benefits, or neglect their duties, or issue licenses or sign permission after examination to units or individuals that do not meet the statutory requirements, or fail to allocate water in accordance with the plans for water allocation or to collect water resource fees in accordance with the relevant regulations of the State, or fail to perform their duty of supervision, or fail to investigate and deal with violations of law discovered, which causes serious consequences and constitutes a crime, the persons directly in charge and the other persons directly responsible shall be investigated for criminal responsibility in accordance with the relevant provisions in the Criminal Law; if the violation is not serious enough for criminal punishment, they shall be given administrative sanctions in accordance with law.

第六十五条   在河道管理范围内建设妨碍行洪的建筑物、构筑物，或者从事影响河势稳定、危害河岸堤防安全和其他妨碍河道行洪的活动的，由县级以上人民政府水行政主管部门或者流域管理机构依据职权，责令停止违法行为，限期拆除违法建筑物、构筑物，恢复原状；逾期不拆除、不恢复原状的，强行拆除，所需费用由违法单位或者个人负担，并处一万元以上十万元以下的罚款。

Article 65 Where a unit or individual, in areas under river course control, puts up buildings or structures that block the passage of flood water, or engages in activities that adversely affect the stability of the river condition or safety of the river embankment or other activities that block the passage of flood water through the river course, the administrative department for water resources under the people's government at or above the county level or the river basin authority shall, within the limits of their powers, instruct it/him to desist from the violation, dismantle the unlawful buildings or structures within a time limit and restore the original state. If the unit or individual fails to dismantle the buildings or structures and restore the original state at the expiration of the time limit, such dismantling shall be enforced, and the unit or individual in question shall bear the expenses incurred and shall, in addition, be fined not less than 10,000 yuan but not more than 100,000 yuan.

未经水行政主管部门或者流域管理机构同意，擅自修建水工程，或者建设桥梁、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，且防洪法未作规定的，由县级以上人民政府水行政主管部门或者流域管理机构依据职权，责令停止违法行为，限期补办有关手续；逾期不补办或者补办未被批准的，责令限期拆除违法建筑物、构筑物；逾期不拆除的，强行拆除，所需费用由违法单位或者个人负担，并处一万元以上十万元以下的罚款。

Where a unit or individual, without permission by the administrative departments for water resources or the river basin authority, constructs other building or structure that blocks, spans or borders on a river, or lays pipes or cables across a river, for which no provisions are stipulated in the Flood Prevention Law, the administrative departments for water resources under the people's government at or above the county level or the river basin authority shall, within the limits of its powers, instruct it/him to desist from the violation and to go through the necessary formalities within a time limit. If the unit or individual fails to go through the formalities at the expiration of the time limit or obtains no approval, it/he shall be instructed to dismantle the unlawful building or structure within a time limit; if the building or structure is not dismantled at the expiration of the time limit, dismantling shall be enforced, and the unit or individual that violates the law shall bear the expenses incurred and shall, in addition, be fined not less than 10,000 yuan but not more than 100,000 yuan.

虽经水行政主管部门或者流域管理机构同意，但未按照要求修建前款所列工程设施的，由县级以上人民政府水行政主管部门或者流域管理机构依据职权，责令限期改正，按照情节轻重，处一万元以上十万元以下的罚款。

Where a unit or individual, in spite of the fact that it/he has obtained permission of the administrative departments for water resources or the river basin authority, fails to build the project mentioned in the preceding paragraph according to requirements, the administrative departments for water resources under the people's government at or above the county level or the river basin authority shall, within the limits of its powers, instruct it/him to rectify within a time limit and, depending on the seriousness of the circumstances, impose a fine of not less than 10,000 yuan but not more than 100,000 yuan.

第六十六条   有下列行为之一，且防洪法未作规定的，由县级以上人民政府水行政主管部门或者流域管理机构依据职权，责令停止违法行为，限期清除障碍或者采取其他补救措施，处一万元以上五万元以下的罚款:

Article 66 Where a unit or individual commits one of the following acts, for which no provisions are stipulated in the Flood Prevention Law, the administrative department for water resources under the people's government at or above the county level or the river basin authority shall, within the limits of its powers, instruct it/him to desist from the violation, clear away the obstructions or take other remedial measures within a time limit, and impose a fine not less than CNY10,000 but not more than CNY50,000:

（一）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的；

1. abandoning or piling objects, or planting forest trees or high stalk crops in rivers, lakes, reservoirs, canals or channels, which block the passage of flood water; or

（二）围湖造地或者未经批准围垦河道的。

(II) Reclaiming parts of any lake for use as farmland or reclaiming parts of any river channel for use as farmland without approval.

第六十七条   在饮用水水源保护区内设置排污口的，由县级以上地方人民政府责令限期拆除、恢复原状；逾期不拆除、不恢复原状的，强行拆除、恢复原状，并处五万元以上十万元以下的罚款。

Article 67 Where a unit or individual constructs an outlet for sewage discharge in a protection zone of drinking water sources, the local people's government at or above the county level shall instruct it/him to remove the outlet and restore the original state within a time limit; if it/he fails to comply at the expiration of the time limit, removal of the outlet and restoration to the original state shall be enforced, and the unit or individual shall be fined not less than 50,000 yuan but not more than 100,000 yuan.

未经水行政主管部门或者流域管理机构审查同意，擅自在江河、湖泊新建、改建或者扩大排污口的，由县级以上人民政府水行政主管部门或者流域管理机构依据职权，责令停止违法行为，限期恢复原状，处五万元以上十万元以下的罚款。

Where a unit or individual, without examination and permission by the administrative departments for water resources or the river basin authority, constructs, reconstructs or expands an outlet for sewage discharge, the administrative departments for water resources under the people's government at or above the county level or the river basin authority shall, within the limits of its powers, instruct it/him to desist from the violation and to restore the original state within a time limit, and shall impose a fine not less than 50,000 yuan but not more than 100,000 yuan.

第六十八条   生产、销售或者在生产经营中使用国家明令淘汰的落后的、耗水量高的工艺、设备和产品的，由县级以上地方人民政府经济综合主管部门责令停止生产、销售或者使用，处二万元以上十万元以下的罚款。

Article 68 Where a unit or individual manufactures or sells outdated or high water-consuming techniques, equipment and products or uses them in the process of production and operation, the department for comprehensive administration of the economy under the local people's government at or above the county level shall instruct it/him to desist form manufacturing, selling or using them and shall impose a fine not less than 20,000 yuan but not more than 100,000 yuan.

第六十九条   有下列行为之一的，由县级以上人民政府水行政主管部门或者流域管理机构依据职权，责令停止违法行为，限期采取补救措施，处二万元以上十万元以下的罚款；情节严重的，吊销其取水许可证:

Article 69 Where a unit or individual commits one of the following acts, the administrative departments for water resources under the people's government at or above the county level or the river basin authority shall, within the limits of its powers, instruct it/him to desist from the violation and to take remedial measures within a time limit, and shall impose a fine not less than CNY20,000 but not more than CNY100 ,000; if the circumstances are serious, its/his water-taking license shall be revoked:

（一）未经批准擅自取水的；

1. taking water without authorization;

（二）未依照批准的取水许可规定条件取水的。

(II) Failing to draw water in accordance with the conditions prescribed by the approved license for water drawing.

第七十条   拒不缴纳、拖延缴纳或者拖欠水资源费的，由县级以上人民政府水行政主管部门或者流域管理机构依据职权，责令限期缴纳；逾期不缴纳的，从滞纳之日起按日加收滞纳部分千分之二的滞纳金，并处应缴或者补缴水资源费一倍以上五倍以下的罚款。

Article 70 Where a unit or individual refuses to pay, delays payment of, or is in arrears with water resources fees, the administrative departments for water resources under the people's government at or above the county level or the river basin authority shall, within the limits of its powers, instruct it/him to make the payment within a time limit; if it/he fails to comply at the expiration of the time limit, it/he shall pay a surcharge for the overdue payment at a daily rate of 0.2 percent of the total amount, counting from the day on which the payment is overdue, and shall, in addition, be fined not less than the amount but not more than five times the amount of the water resources fees payable or payable retroactively.

第七十一条   建设项目的节水设施没有建成或者没有达到国家规定的要求，擅自投入使用的，由县级以上人民政府有关部门或者流域管理机构依据职权，责令停止使用，限期改正，处五万元以上十万元以下的罚款。

Article 71 Where a unit or individual, without permission, puts to use water-conserving facilities of a project, the construction of which is not completed or which, although completed, do not measure up to the requirements specified by the State, the relevant department under the people's government at or above the county level or the river basin authority shall, within the limits of its powers, instruct it/him to desist from using them and to rectify within a time limit, and shall impose a fine not less than 50,000 yuan but not more than 100,000 yuan.

第七十二条   有下列行为之一，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，且防洪法未作规定的，由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依据职权，责令停止违法行为，采取补救措施，处一万元以上五万元以下的罚款；违反治安管理处罚法的，由公安机关依法给予治安管理处罚；给他人造成损失的，依法承担赔偿责任:

Article 72 Where a unit or individual commits one of the following acts, which constitutes a crime, it/he shall be investigated for criminal responsibility in accordance with the relevant provisions of the Criminal Law; if the case is not serious enough for criminal punishment and no provisions are stipulated in the Flood Prevention Law, the administrative department for water resources under the local people's government at or above the county level or the river basin authority shall, within the limits of its powers, instruct it/him to desist from the violation and take remedial measures, and shall impose a fine not less than 10,000 yuan but not more than 50,000 yuan; if the Law on Penalties for the Violation of Public Security Administration is violated, the public security organ shall, in accordance with law, mete out punishment to it/him for security administration; and if losses are caused to another person, it/he shall bear the liability to pay compensation:

（一）侵占、毁坏水工程及堤防、护岸等有关设施，毁坏防汛、水文监测、水文地质监测设施的；

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; or

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

(II) within the area of protection for waterworks, engaging in activities that adversely affect the operation or endanger the safety of waterworks, such as blasting, well digging, quarrying and earth digging.

第七十三条   侵占、盗窃或者抢夺防汛物资，防洪排涝、农田水利、水文监测和测量以及其他水工程设备和器材，贪污或者挪用国家救灾、抢险、防汛、移民安置和补偿及其他水利建设款物，构成犯罪的，依照刑法的有关规定追究刑事责任。

Article 73 Anyone who takes illegal possession of, steals or forcibly seizes supplies for flood prevention, equipment or apparatus for flood control, drainage of waterlogged fields, farmland irrigation and hydrological monitoring and measuring or for other waterworks, or anyone who embezzles or misappropriates State funds earmarked for relief of disasters, for use in emergencies, for flood control, for arrangements and compensation to be made for relocated people and for construction of other waterworks, which constitutes a crime, shall be investigated for criminal responsibility in accordance with the relevant provisions of the Criminal Law.

第七十四条   在水事纠纷发生及其处理过程中煽动闹事、结伙斗殴、抢夺或者损坏公私财物、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。

Article 74 Anyone who, in the course of a dispute over water and of its handling, stirs up unrest, engages in gang fighting, forcibly seizes or damages public or private property, or illegally restricts other persons' freedom of the person, which constitutes a crime, shall be investigated for criminal responsibility in accordance with the relevant provisions of the Criminal Law; if the violation is not serious enough for criminal punishment, the public security organ shall, in accordance with law, mete out punishment to him for security administration.

第七十五条   不同行政区域之间发生水事纠纷，有下列行为之一的，对负有责任的主管人员和其他直接责任人员依法给予行政处分:

Article 75 Where, when a dispute over water arises between different administrative regions, a unit commits one of the following acts, the persons directly in charge and the other persons directly responsible shall be given administrative sanctions in accordance with law:

（一）拒不执行水量分配方案和水量调度预案的；

1. refusing to carry out water allocation plans or preliminary plans for water distribution;

（二）拒不服从水量统一调度的；

2. refusing to comply with the unified diversion of water;

（三）拒不执行上一级人民政府的裁决的；

(III) refusing to execute the ruling of the people's government at the next higher level; or

（四）在水事纠纷解决前，未经各方达成协议或者上一级人民政府批准，单方面违反本法规定改变水的现状的。

(IV) pending settlement of the dispute over water, in the absence of an agreement reached between the parties or approval granted by the people's government at the next higher level, unilaterally altering the existing water regime in violation of the provisions of this Law.

第七十六条   引水、截（蓄）水、排水，损害公共利益或者他人合法权益的，依法承担民事责任。

Article 76 Any unit or individual that diverts, intercepts or drains off water at the expense of public interests or another person's legitimate rights and interests shall bear civil liability in accordance with law.

第七十七条   对违反本法第三十九条有关河道采砂许可制度规定的行政处罚，由国务院规定。

Article 77 Administrative penalties to be imposed on violations of the licensing system for sand quarrying in river courses, as prescribed in Article 39 of this Law, shall be drawn up by the State Council.

第八章 附则

Chapter 8 Supplementary Provisions

第七十八条   中华人民共和国缔结或者参加的与国际或者国境边界河流、湖泊有关的国际条约、协定与中华人民共和国法律有不同规定的，适用国际条约、协定的规定。但是，中华人民共和国声明保留的条款除外。

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. However, there shall be an exception where the People's Republic of China has declared its reservations.

第七十九条   本法所称水工程，是指在江河、湖泊和地下水源上开发、利用、控制、调配和保护水资源的各类工程。

Article 79 The waterworks referred to in this Law mean the various kinds of works on rivers, lakes and underground water sources for development, utilization, control, allocation and distribution, and protection of water resources.

第八十条   海水的开发、利用、保护和管理，依照有关法律的规定执行。

Article 80 Seawater shall be developed, utilized, protected and managed in accordance with the provisions in relevant laws.

第八十一条   从事防洪活动，依照防洪法的规定执行。

Article 81 Activities for flood control shall be conducted in accordance with the provisions in the Flood Prevention Law.

水污染防治，依照水污染防治法的规定执行。

Water pollution shall be prevented and controlled in accordance with the provisions in the Law on the Prevention and Control of Water Pollution.

第八十二条   本法自2002年10月1日起施行。

Article 82 This Law shall go into effect as of October 1, 2002.