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# 中华人民共和国航道法（2016修正）

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

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（2014年12月28日第十二届全国人民代表大会常务委员会第十二次会议通过 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》修正）

(Adopted at the 12th Session of the Standing Committee of the 12th National People's Congress of the People's Republic of China on December 28, 2014, and revised according to the Decision on Revising Six Laws including the Energy Conservation Law of the People's Republic of China passed at the 21st Session of the Standing Committee of the 12th National People's Congress of the People's Republic of China on July 2, 2016)

第一章 总则

Chapter 1 General Provisions

第一条   为了规范和加强航道的规划、建设、养护、保护，保障航道畅通和通航安全，促进水路运输发展，制定本法。

Article 1 The Channel Law (hereinafter referred to as the "Law") is formulated with a view to standardizing and strengthening channel planning, construction, maintenance and protection, ensuring smooth and safe channels and promoting the development of waterway transport.

第二条   本法所称航道，是指中华人民共和国领域内的江河、湖泊等内陆水域中可以供船舶通航的通道，以及内海、领海中经建设、养护可以供船舶通航的通道。航道包括通航建筑物、航道整治建筑物和航标等航道设施。

Article 2 For the purpose of the Law, waterways refer to channels in rivers, lakes and other inland waters within the territory of the People's Republic of China that can be used for ship navigation, as well as channels constructed and maintained in inland seas and territorial waters that can be used for ship navigation. Waterway facilities include navigation structures, waterway regulation structures and navigation marks.

第三条   规划、建设、养护、保护航道，应当根据经济社会发展和国防建设的需要，遵循综合利用和保护水资源、保护生态环境的原则，服从综合交通运输体系建设和防洪总体安排，统筹兼顾供水、灌溉、发电、渔业等需求，发挥水资源的综合效益。

Article 3 Waterway planning, construction, maintenance and protection shall be carried out on the basis of the needs of economic and social development and national defense, under the principles of comprehensive utilization and protection of water resources and biological resources, in line with the overall arrangements for the development of an integrated transportation system and flood control, and in light of the needs for water supply, irrigation, power generation, and fishing, to bring the comprehensive benefits from water resources into play.

第四条   国务院和有关县级以上地方人民政府应当加强对航道工作的领导，组织、协调、督促有关部门采取措施，保持和改善航道通航条件，保护航道安全，维护航道网络完整和畅通。

Article 4 The State Council and local people's governments at county level or above shall strengthen the leadership in channel work, and organize, coordinate with, and urge the relevant authorities to take measures to maintain and improve channel navigation conditions, protect channel safety, and maintain the integrity and fluency of channel networks.

国务院和有关县级以上地方人民政府应当根据经济社会发展水平和航道建设、养护的需要，在财政预算中合理安排航道建设和养护资金。

The State Council and local people's governments at county level or above shall allocate rationally the channel construction and maintenance funds in the fiscal budgets pursuant to the economic and social development as well as the channel construction and maintenance demands.

第五条   国务院交通运输主管部门主管全国航道管理工作，并按照国务院的规定直接管理跨省、自治区、直辖市的重要干线航道和国际、国境河流航道等重要航道。

Article 5 The competent transport department under the State Council shall take charge of the waterway administration nationwide, and administer directly, in accordance with the provisions of the State Council, important trunk waterways running across provinces, autonomous regions, or municipalities directly under the Central Government and important waterways including international and cross-border river waterways.

县级以上地方人民政府交通运输主管部门按照省、自治区、直辖市人民政府的规定主管所辖航道的管理工作。

The competent transport authorities under the local people's governments at county level or above shall take charge of the administration over waterways within their respective jurisdictions as required by the people's governments of the provinces, autonomous regions, or municipalities directly under the Central Government.

国务院交通运输主管部门按照国务院规定设置的负责航道管理的机构和县级以上地方人民政府负责航道管理的部门或者机构（以下统称负责航道管理的部门），承担本法规定的航道管理工作。

The channel administration assignments specified herein shall be under the charge of the body responsible for such efforts set up by the competent transport department under the State Council pursuant to the provisions of the State Council as well as the departments and bodies responsible for such efforts under the local people's governments at county level or above (hereinafter collectively referred to as the "authorities responsible for channel administration").

第二章 航道规划

Chapter 2 Channel Planning

第六条   航道规划分为全国航道规划、流域航道规划、区域航道规划和省、自治区、直辖市航道规划。

Article 6 Waterway plans are classified into national Waterway plans, river basin Waterway plans, regional Waterway plans, and Waterway plans at the levels of province, autonomous region and municipality directly under the Central Government.

航道规划应当包括航道的功能定位、规划目标、发展规划技术等级、规划实施步骤以及保障措施等内容。

A waterway plan shall cover waterways' function positioning, purpose, technical class of development planning, implementation steps, supporting measures and other contents.

航道规划应当符合依法制定的流域、区域综合规划，符合水资源规划、防洪规划和海洋功能区划，并与涉及水资源综合利用的相关专业规划以及依法制定的城乡规划、环境保护规划等其他相关规划和军事设施保护区划相协调。

Waterway plans shall be in line with the comprehensive river basin and regional plans formulated in accordance with the law as well as water resource plans, flood control plans, and marine function zoning, and shall be coordinated with the relevant special plans relating to comprehensive water resource utilization, urban-rural plans, environmental protection plans and other relevant plans formulated in accordance with the law, as well as the protection zones for military facilities.

第七条   航道应当划分技术等级。航道技术等级包括现状技术等级和发展规划技术等级。航道发展规划技术等级根据相关自然条件以及防洪、供水、水资源保护、生态环境保护要求和航运发展需求等因素评定。

Article 7 Channels shall be technically graded. Channel technical class includes current technical class and development planning technical class. The channel development planning technical class shall be rated as per the relevant natural conditions, requirements for flood control, water supply, water resource protection, and ecological environment protection, navigation development needs, and other factors.

第八条   全国航道规划由国务院交通运输主管部门会同国务院发展改革部门、国务院水行政主管部门等部门编制，报国务院批准公布。流域航道规划、区域航道规划由国务院交通运输主管部门编制并公布。

Article 8 The national channel plan is prepared by the competent transport department under the State Council, together with the development and reform department under the State Council and the competent water administration department under the State Council, and reported to the State Council for approval. The river basin channel plans and regional channel plans are prepared and promulgated by the competent transport department under the State Council.

省、自治区、直辖市航道规划由省、自治区、直辖市人民政府交通运输主管部门会同同级发展改革部门、水行政主管部门等部门编制，报省、自治区、直辖市人民政府会同国务院交通运输主管部门批准公布。

Waterway plans of provinces, autonomous regions and municipalities directly under the Central Government shall be prepared by the competent transport departments under the people's governments of provinces, autonomous regions and municipalities directly under the Central Government together with the development and reform departments, water administrative departments and other departments at the same level, and be submitted to the people's governments of provinces, autonomous regions and municipalities directly under the Central Government together with the competent transport department under the State Council for approval and publication.

编制航道规划应当征求有关部门和有关军事机关的意见，并依法进行环境影响评价。涉及海域、重要渔业水域的，应当有同级海洋主管部门、渔业行政主管部门参加。编制全国航道规划和流域航道规划、区域航道规划应当征求相关省、自治区、直辖市人民政府的意见。

For drafting a waterway plan, the opinions of the relevant departments and military authorities shall be sought and an environmental impact assessment shall be conducted as required by law. Where sea areas or important fishing areas are involved, the participation of the competent marine authorities or fishery administrative departments at the same level is required. For drafting of a national channel plan, river basin channel plan or regional channel plan, the opinions of the people's government of the relevant province, autonomous region, or municipality directly under the Central Government shall be sought.

流域航道规划、区域航道规划和省、自治区、直辖市航道规划应当符合全国航道规划。

River basin channel plans, regional channel plans, and the channel plans at the levels of province, autonomous region, and municipality directly under the Central Government shall be in line with the national channel plan.

第九条   依法制定并公布的航道规划应当依照执行；航道规划确需修改的，依照规划编制程序办理。

Article 9 Waterway plans drafted and promulgated in accordance with the law shall be implemented in accordance with the law; any modification to a waterway plan that is truly necessary shall be handled in accordance with procedures therein.

第三章 航道建设

Chapter III Waterway Construction

第十条   新建航道以及为改善航道通航条件而进行的航道工程建设，应当遵守法律、行政法规关于建设工程质量管理、安全管理和生态环境保护的规定，符合航道规划，执行有关的国家标准、行业标准和技术规范，依法办理相关手续。

Article 10 New channels to be constructed and channel engineering construction for the purpose of improving the navigation conditions shall comply with provisions in laws and administrative regulations concerning quality management, safety management and ecological environment protection of construction projects and be subject to channel planning and the relevant national, industrial and technical standards and shall go through the relevant procedures in accordance with the law.

第十一条   航道建设单位应当根据航道建设工程的技术要求，依法通过招标等方式选择具有相应资质的勘察、设计、施工和监理单位进行工程建设，对工程质量和安全进行监督检查，并对工程质量和安全负责。

Article 11 Channel construction entities shall, pursuant to the technical requirements of channel construction projects, select in accordance with the law the survey, design, construction and supervision entities with the required qualifications through bidding or otherwise to conduct channel construction, supervise and examine the project quality and safety, and take charge of project quality and safety.

从事航道工程建设的勘察、设计、施工和监理单位，应当依照法律、行政法规的规定取得相应的资质，并在其资质等级许可的范围内从事航道工程建设活动，依法对勘察、设计、施工、监理的质量和安全负责。

The survey, design, construction and supervision entities engaged in channel project construction shall acquire the required qualifications in accordance with laws and administrative regulations, and carry out the channel project construction within the scope licensed by their level of qualifications and shall be responsible for quality and safety of survey, design, construction and supervision in accordance with the law.

第十二条   有关县级以上人民政府交通运输主管部门应当加强对航道建设工程质量和安全的监督检查，保障航道建设工程的质量和安全。

Article 12 The competent transport authorities under the concerned people's governments at county level or above shall enhance supervision and inspection over quality and safety of channel construction projects, with a view to guaranteeing the quality and safety of channel construction projects.

第十三条   航道建设工程竣工后，应当按照国家有关规定组织竣工验收，经验收合格方可正式投入使用。

Article 13 After the waterway construction is over, final inspection shall be conducted in line with the relevant national provisions and waterways can be put into operation officially only after they pass the inspection satisfactorily.

航道建设单位应当自航道建设工程竣工验收合格之日起六十日内，将竣工测量图报送负责航道管理的部门。沿海航道的竣工测量图还应当报送海军航海保证部门。

Channel construction entities shall, within 60 days after the satisfaction of final inspection on channel construction projects, submit the as-built surveying drawings to the authorities responsible for channel administration. The as-built surveying drawings of coastal channels shall also be submitted to the departments for assuring navy sailing.

第十四条   进行航道工程建设应当维护河势稳定，符合防洪要求，不得危及依法建设的其他工程或者设施的安全。因航道工程建设损坏依法建设的其他工程或者设施的，航道建设单位应当予以修复或者依法赔偿。

Article 14 Waterway project construction shall be conducted under the precondition of river stability and flood control, and shall not endanger the safety of other legally constructed projects or facilities. Waterway construction entities shall be responsible for repairing or making compensation in accordance with the law if their waterway construction causes damage to other legally constructed projects or facilities.

第四章 航道养护

Chapter 4 Channel Maintenance

第十五条   国务院交通运输主管部门应当制定航道养护技术规范。

Article 15 The competent transport department under the State Council shall work out the waterway maintenance technical specifications.

负责航道管理的部门应当按照航道养护技术规范进行航道养护，保证航道处于良好通航技术状态。

The authorities responsible for channel administration shall conduct channel maintenance in line with channel maintenance technical specifications and guarantee that the channels technically stay in good navigation condition.

第十六条   负责航道管理的部门应当根据航道现状技术等级或者航道自然条 件确定并公布航道维护尺度和内河航道图。

Article 16 The authorities responsible for channel administration shall, as per the current status technical class or natural conditions of channels, fix and publish channel maintenance dimensions and inland channel drawings.

航道维护尺度是指航道在不同水位期应当保持的水深、宽度、弯曲半径等技术要求。

Channel maintenance dimension refers to the technical requirements on water depth, width and bending radius to be maintained for the channel at different water levels.

第十七条   负责航道管理的部门应当按照国务院交通运输主管部门的规定对航道进行巡查，发现航道实际尺度达不到航道维护尺度或者有其他不符合保证船舶通航安全要求的情形，应当进行维护，及时发布航道通告并通报海事管理机构。

Article 17 The authorities responsible for channel administration shall, pursuant to the provisions set forth by the competent transport department under the State Council, conduct patrol inspection on the channels, maintain the channels whose actual dimensions falling below the channel maintenance dimensions or channels with other situations that are inconsistent with the safe navigation requirements, and publish the navigation circulars in a timely manner and advise the marine administrations of the situation.

第十八条   海事管理机构发现航道损毁等危及通航安全的情形，应当及时通报负责航道管理的部门，并采取必要的安全保障措施。

Article 18 The marine administrations shall advise the authorities responsible for channel administration in a timely manner in case that any situations endangering the navigation safety including channel being damaged are discovered, and take necessary security measures.

其他单位和人员发现航道损毁等危及通航安全的情形，应当及时报告负责航道管理的部门或者海事管理机构。

Other organizations and individuals shall advise the authorities responsible for channel administration and marine administrations in a timely manner in case that any situations endangering the navigation safety including a channel being damaged are discovered.

第十九条   负责航道管理的部门应当合理安排航道养护作业，避免限制通航的集中作业和在通航高峰期作业。

Article 19 The authorities responsible for channel administration shall rationally arrange the channel maintenance operation and shall avoid the centralized operation that will hinder the navigation and operations to be performed during the navigation peak hours.

负责航道管理的部门进行航道疏浚、清障等影响通航的航道养护活动，或者确需限制通航的养护作业的，应当设置明显的作业标志，采取必要的安全措施，并提前通报海事管理机构，保证过往船舶通行以及依法建设的工程设施的安全。养护作业结束后，应当及时清除影响航道通航条件的作业标志及其他残留物，恢复正常通航。

The waterway administration authorities shall configure remarkable operation signs, take the necessary safety measures, and advise the marine administrations in advance during the periods when the waterway maintenance activities affecting the navigation such as waterway dredging and obstacles removing are performed or the maintenance operations requiring definitive navigation prohibition are required, so that the passage of the passing ships and security of the engineering facilities built statutorily are guaranteed. After the maintenance operations are over, the operation signs and other residues affecting the navigation conditions shall be removed in a timely manner to return the channels to the normal navigation conditions.

第二十条   进行航道养护作业可能造成航道堵塞的，有关负责航道管理的部门应当会同海事管理机构事先通报相关区域负责航道管理的部门和海事管理机构，共同制定船舶疏导方案，并向社会公告。

Article 20 Where channel maintenance operations will probably obstruct the channels, the relevant authorities responsible for channel administration shall, in concert with the relevant marine administrations, advise the authorities responsible for channel administration and the marine administrations of the regions concerned in advance, so that they can work together to work out the ships diversion plan and publicize the same to the public.

第二十一条   因自然灾害、事故灾难等突发事件造成航道损坏、阻塞的，负责航道管理的部门应当按照突发事件应急预案尽快修复抢通；必要时由县级以上人民政府组织尽快修复抢通。

Article 21 If the waterways are damaged or obstructed because of the occurrence of unexpected events such as natural disasters, and accidents, the waterway administration authorities shall organize as soon as possible the rush repair for reopening pursuant to the emergency plans; the people's governments at county level or above shall organize the rush repair for reopening in case of necessary.

船舶、设施或者其他物体在航道水域中沉没，影响航道畅通和通航安全的，其所有人或者经营人应当立即报告负责航道管理的部门和海事管理机构，按照规定自行或者委托负责航道管理的部门或者海事管理机构代为设置标志，并应当在海事管理机构限定的时间内打捞清除。

The owners or operators shall advise the authorities responsible for channel administration and marine administrations immediately in the event that any ship, facility or other object sinks in the channel waters, thereby affecting channel fluency and navigation security. In accordance with the relevant provisions, they shall configure signs on their own or commission authorities responsible for channel administration and marine administrations to configure signs and salvage and clear the described ship, facility or other object within the period of time permitted by the marine administrations.

第二十二条   航标的设置、养护、保护和管理，依照有关法律、行政法规和国家标准或者行业标准的规定执行。

Article 22 Setup, maintenance, protection and management of navigation marks shall be in line with the provisions under the relevant laws, administrative regulations, and national or industrial standards.

第二十三条   部队执行任务、战备训练需要使用航道的，负责航道管理的部门应当给予必要的支持和协助。

Article 23 If the forces need to use the channels for the performance of tasks and readiness training, the authorities responsible for channel administration shall provide the necessary support and assistance.

第五章 航道保护

Chapter 5 Channel Protection

第二十四条   新建、改建、扩建（以下统称建设）跨越、穿越航道的桥梁、隧道、管道、缆线等建筑物、构筑物，应当符合该航道发展规划技术等级对通航净高、净宽、埋设深度等航道通航条件的要求。

Article 24 If the new construction, renovation, and expansion (hereinafter collectively referred to as the "construction") of structures and buildings crossing over and passing through channels such as bridges, tunnels, pipelines and cables, such construction shall comply with the requirements for navigation conditions such as net height, width and embedded depth specified under the technical class of navigation plans of the channels.

第二十五条   在通航河流上建设永久性拦河闸坝，建设单位应当按照航道发展规划技术等级建设通航建筑物。通航建筑物应当与主体工程同步规划、同步设计、同步建设、同步验收、同步投入使用。

Article 25 Permanent gate dams shall be constructed over the navigable rivers and the construction entity shall construct such navigable structures in line with the development planning technical class of the waterway. The navigable structures shall be planned, designed, constructed, inspected and put into use simultaneously with the principal engineering.

闸坝建设期间难以维持航道原有通航能力的，建设单位应当采取修建临时航道、安排翻坝转运等补救措施，所需费用由建设单位承担。

If it is, indeed, difficult to maintain the original navigation capability during the gate dam construction period, the construction entity shall build interim channels and arrange make-up measures including over-dam transportation and the expenses required shall be assumed by the construction entity.

在不通航河流上建设闸坝后可以通航的，闸坝建设单位应当同步建设通航建筑物或者预留通航建筑物位置，通航建筑物建设费用除国家另有规定外，由交通运输主管部门承担。

If an unnavigable river becomes navigable after a gate dam is constructed over it, the gate dam construction entity shall construct the navigable structures at the same time or reserve room for the navigable structures, and the expenses required shall be assumed by the competent transport authorities, except otherwise provided for by the State.

通航建筑物的运行应当适应船舶通行需要，运行方案应当经负责航道管理的部门同意并公布。通航建筑物的建设单位或者管理单位应当按照规定维护保养通航建筑物，保持其正常运行。

Operation of navigable structures shall meet navigable demands of ships and the operating plan shall be agreed and published by the authorities responsible for channel administration. The construction entity or management entity of the navigable structures shall maintain or repair the navigable structures in accordance with the relevant provisions to maintain their normal operation.

第二十六条   在航道保护范围内建设临河、临湖、临海建筑物或者构筑物，应当符合该航道通航条件的要求。

Article 26 The riverside, lakeside and seaside buildings or structures to be constructed along the protection scope of the channel shall meet the requirements for navigation conditions of the channel.

航道保护范围由县级以上地方人民政府交通运输主管部门会同水行政主管部门或者流域管理机构、国土资源主管部门根据航道发展规划技术等级和航道保护实际需要划定，报本级人民政府批准公布。国务院交通运输主管部门直接管理的航道的航道保护范围，由国务院交通运输主管部门会同国务院水行政主管部门、国务院国土资源主管部门和有关省、自治区、直辖市人民政府划定公布。航道保护范围涉及海域、重要渔业水域的，还应当分别会同同级海洋主管部门、渔业行政主管部门划定。

The protection scope of waterways shall be zoned, pursuant to waterway development planning technical class and actual waterway protection demands, by the competent transport departments under the local people's governments at county level or above, in concert with water administrative departments or watershed administrative agency and competent land and resources departments, and the results thereof shall be submitted to the people's governments at the same level for approval and publication. The protection scope of the channels under the direct management of the competent transport department under the State Council shall be zoned and published by the competent transport department under the State Council, in concert with the competent water administrative department and the competent land and resources department under the State Council, and the people's governments at the levels of province, autonomous region and municipality directly under the Central Government. If the waterway protection scope covers sea areas or important fishing waters, the competent marine authorities and fishery administrative departments at the same level shall also be invited to take part in the zoning.

第二十七条   建设本法第二十四条、第二十五条第一款、第二十六条第一款规定的工程（以下统称与航道有关的工程），除依照法律、行政法规或者国务院规定进行的防洪、供水等特殊工程外，不得因工程建设降低航道通航条件。

Article 27 The engineering (hereinafter collectively referred to as the "engineering in relation to waterways") constructed pursuant to Article 24, Paragraph 1 of Article 25, and Paragraph 1 of Article 26 hereof shall not compromise navigation conditions due to engineering construction, except for the flood control, water supply and other special engineering constructed in accordance with laws, administrative regulations or State Council provisions.

第二十八条   建设与航道有关的工程，建设单位应当在工程可行性研究阶段就建设项目对航道通航条件的影响作出评价，并报送有审核权的交通运输主管部门或者航道管理机构审核，但下列工程除外：

Article 28 For construction of engineering in relation to channels, the construction entities shall assess the impacts of the construction project on the navigation conditions during the feasibility study period, and submit the results thereof to the competent transport authorities or channel administrations with the rights for review, with exception to the following engineering:

（一）临河、临湖的中小河流治理工程；

1. rectification project of the medium and small-sized rivers besides rivers and lakes;

（二）不通航河流上建设的水工程；

2. water projects constructed on the unnavigable rivers; and

（三）现有水工程的水毁修复、除险加固、不涉及通航建筑物和不改变航道原通航条件的更新改造等不影响航道通航条件的工程。

(III) such engineering that does not affect the navigation conditions like the water damage restoration, and risk elimination and reinforcement with respect to the existing water works, and renovation and expansion that do not involve the navigation structures and change the original navigation conditions of channels.

建设单位报送的航道通航条件影响评价材料不符合本法规定的，可以进行补充或者修改，重新报送审核部门审核。

In the event that the navigation conditions impact assessment materials submitted by the construction entity go against the provisions herein, supplementation or modification are allowed and the results thereof shall be re-submitted to the review departments for review.

未进行航道通航条件影响评价或者经审核部门审核认为建设项目不符合本法规定的，建设单位不得建设。政府投资项目未进行航道通航条件影响评价或者经审核部门审核认为建设项目不符合本法规定的，负责建设项目审批的部门不予批准。

In the event that no navigation condition impact assessment is conducted for such construction project or such construction project is considered not in compliance with this Law by the review departments, the construction entity shall not start the construction. In the event that no navigation condition impact assessment is conducted for the government-invested projects or such construction project is considered not in compliance with this Law by the review departments, the authorities responsible for examining and approving construction projects shall not approve the construction.

第二十九条   国务院或者国务院有关部门批准、核准的建设项目，以及与国务院交通运输主管部门直接管理的航道有关的建设项目的航道通航条件影响评价，由国务院交通运输主管部门审核；其他建设项目的航道通航条件影响评价，按照省、自治区、直辖市人民政府的规定由县级以上地方人民政府交通运输主管部门或者航道管理机构审核。

Article 29 The waterway navigation condition impact assessment for the construction projects approved and ratified by the State Council or relevant departments of the State Council, and the construction projects relevant to the waterways under the direct administration of the competent transport department under the State Council shall be reviewed by the competent transport department under the State Council; the waterway navigation condition impact assessment for other construction projects shall be reviewed by the competent transport departments or waterway administrations of the local people's governments at county level or above in accordance with the provisions of the people's governments at the levels of province, autonomous region and municipality directly under the Central Government.

第三十条   航道上相邻拦河闸坝之间的航道通航水位衔接，应当符合国家规定的通航标准和技术要求。位于航道及其上游支流上的水工程，应当在设计、施工和调度运行中统筹考虑下游航道设计最低通航水位所需的下泄流量，但水文条件超出实际标准的除外。

Article 30 The water level connection of a channel between neighboring gate dams shall meet the relevant national standards and technical specifications. The water conservancy works on the channel and its upstream branches shall take into consideration of the discharging capacity necessary for the designed lowest water level of downstream channel in terms of design, construction and dispatching operation, unless the hydrological conditions exceed the actual standards.

保障下游航道通航所需的最小下泄流量以及满足航道通航条件允许的水位变化的确定，应当征求负责航道管理的部门的意见。

The department responsible for channel administration shall be consulted for the determination of the minimum discharge needed for downstream channels and the water level changes allowed by channel navigation conditions.

水工程需大幅度减流或者大流量泄水的，应当提前通报负责航道管理的部门和海事管理机构，给船舶避让留出合理的时间。

When a water project needs to significantly reduce its capacity or discharge a large amount of water, notification shall be made to the authorities responsible for channel administration and marine administrations in advance, leaving reasonable time for ships to get prepared for avoidance.

第三十一条   与航道有关的工程施工影响航道正常功能的，负责航道管理的部门、海事管理机构应当根据需要对航标或者航道的位置、走向进行临时调整；影响消除后应当及时恢复。所需费用由建设单位承担，但因防洪抢险工程引起调整的除外。

Article 31 If the construction of any engineering in relation to waterways affects the normal functions of the waterways, the waterway administration authorities and marine administrations shall make interim adjustments to the navigation marks or waterway location/direction; when the influence is removed, recovery shall be made in a timely manner. The expenses required shall be borne by the construction unit, except for the adjustments arising from the flood control and emergency works.

第三十二条   与航道有关的工程竣工验收前，建设单位应当及时清除影响航道通航条件的临时设施及其残留物。

Article 32 Before the final inspection of any engineering in relation to channels, the construction entity shall remove the temporary facilities and their residues that may affect the navigation conditions of the channels in a timely manner.

第三十三条   与航道有关的工程建设活动不得危及航道安全。

Article 33 The construction of any engineering in relation to waterways shall not affect the security of the waterways.

与航道有关的工程建设活动损坏航道的，建设单位应当予以修复或者依法赔偿。

If the construction of any engineering in relation to waterways damages the waterways, the construction entity shall repair or make compensation in accordance with the law.

第三十四条   在通航水域上建设桥梁等建筑物，建设单位应当按照国家有关规定和技术要求设置航标等设施，并承担相应费用。

Article 34 If such buildings including bridges are to be constructed over any channel, the construction entity shall configure such facilities including navigation marks in accordance with the relevant national provisions and technical specifications, and assume the expenses accordingly.

桥区水上航标由负责航道管理的部门、海事管理机构负责管理维护。

The authorities responsible for channel administration and marine administrations shall take the responsibilities for managing the navigation marks in the water area of bridges.

第三十五条   禁止下列危害航道通航安全的行为：

Article 35 The following behaviors that may damage the channel security shall be prohibited:

（一）在航道内设置渔具或者水产养殖设施的；

1. setting fishing or aquaculture facilities on any waterway;

（二）在航道和航道保护范围内倾倒砂石、泥土、垃圾以及其他废弃物的；

2. dumping sand, soil, garbage or other wastes on any waterway or in the relevant protected area;

（三）在通航建筑物及其引航道和船舶调度区内从事货物装卸、水上加油、船舶维修、捕鱼等，影响通航建筑物正常运行的；

(III) loading/unloading cargos, filling oil, repairing ships, and fishing in the navigation buildings, approach channels and ship scheduling areas that may affect the normal operations of the navigation buildings;

（四）危害航道设施安全的；

(IV) behaviors that may affect the security of channel facilities; and

（五）其他危害航道通航安全的行为。

(V) other behaviors that may affect the channel navigation security.

第三十六条   在河道内采砂，应当依照有关法律、行政法规的规定进行。禁止在河道内依法划定的砂石禁采区采砂、无证采砂、未按批准的范围和作业方式采砂等非法采砂行为。

Article 36 Sand mining in any river course shall be conducted in accordance with the relevant laws and administrative regulations. It is prohibited to carry out sand mining in the prohibited area zoned in accordance with the law, without certificate, beyond the approved scope or manner, or conduct other sand mining behaviors in violation of the law.

在航道和航道保护范围内采砂，不得损害航道通航条件。

Sand mining in the waterway or its protected area shall not cause damage to the navigation conditions.

第三十七条   本法施行前建设的拦河闸坝造成通航河流断航，需要恢复通航且具备建设通航建筑物条件的，由发展改革部门会同水行政主管部门、交通运输主管部门提出恢复通航方案，报本级人民政府决定。

Article 37 If it is necessary to recover the navigation for any gate dam constructed prior to enforcement of the Law, and the conditions allow for construction of navigation structures, the relevant development and reform departments, in concert with water administrative departments and the competent transport authorities, shall put forward the recovery plan, and report the same to the government at the same level for approval.

第六章 法律责任

Chapter 6 Legal Liabilities

第三十八条   航道建设、勘察、设计、施工、监理单位在航道建设活动中违反本法规定的，由县级以上人民政府交通运输主管部门依照有关招标投标和工程建设管理的法律、行政法规的规定处罚。

Article 38 If the channel construction, survey, design, construction, or supervision entities breach the Law in channel construction, the competent transport authorities of the people's governments at the county level or above shall penalize them in accordance with the relevant laws and administrative regulations concerning bidding and tendering and project construction administration.

第三十九条   建设单位未依法报送航道通航条件影响评价材料而开工建设的，由有审核权的交通运输主管部门或者航道管理机构责令停止建设，限期补办手续，处三万元以下的罚款；逾期不补办手续继续建设的，由有审核权的交通运输主管部门或者航道管理机构责令恢复原状，处二十万元以上五十万元以下的罚款。

Article 39 If the construction entity starts construction without submitting the materials concerning the waterway navigation condition impact assessment in accordance with the law, the competent transport authority or waterway administration that has the right to verify and approve the relevant projects shall order it to stop construction and complete the relevant formalities within a prescribed time limit, and impose a fine of not more than CNY30,000; if it continues construction without completing the relevant formalities within the prescribed time limit, the competent transport authority or waterway administration that has the right to verify and approve the relevant projects shall order it to restore the original state and impose a fine of not less than CNY200,000 but not more than CNY500,000.

报送的航道通航条件影响评价材料未通过审核，建设单位开工建设的，由有审核权的交通运输主管部门或者航道管理机构责令停止建设、恢复原状，处二十万元以上五十万元以下的罚款。

If the waterway navigation condition impact assessment materials submitted do not pass the verification but the construction entity starts construction, the competent transport authority or waterway administration that has the right to verify and approve the relevant projects shall order them to stop construction and make recovery, and impose a fine of not less than CNY200,000 but not more than CNY500,000.

违反航道通航条件影响评价的规定建成的项目导致航道通航条件严重下降的，由前两款规定的交通运输主管部门或者航道管理机构责令限期采取补救措施或者拆除；逾期未采取补救措施或者拆除的，由交通运输主管部门或者航道管理机构代为采取补救措施或者依法组织拆除，所需费用由建设单位承担。

If any project finished against the provisions on channel navigation condition impact assessment results in serious degrading of channel navigation conditions, the competent transport authorities or channel administration mentioned in the preceding two paragraphs shall order the construction entity to make remedies or remove it in a given period; in the event that no remedies are made or the project is not removed within the given period, the competent transport authorities or channel administration shall make the remedies on behalf of the construction entity or organize the removal in accordance with the law, and the expenses arising therefrom shall be assumed by the construction entity.

第四十条   与航道有关的工程的建设单位违反本法规定，未及时清除影响航道通航条件的临时设施及其残留物的，由负责航道管理的部门责令限期清除，处二万元以下的罚款；逾期仍未清除的，处三万元以上二十万元以下的罚款，并由负责航道管理的部门依法组织清除，所需费用由建设单位承担。

Article 40 If the construction entity of any engineering in relation to channels violates the Law by failing to remove the temporary facilities and their residues that affect the navigation conditions of the channels in a timely manner, the authorities responsible for channel administration shall order the construction entity to remove such facilities and their residues within a time limit and impose a fine of not more than CNY20,000; if the construction entity fails to remove the same within the time limit, a fine of not less than CNY30,000 but not more than CNY200,000 shall be imposed and the authorities responsible for channel administration shall organize the removal in accordance with the law and the costs required shall be assumed by the construction entity.

第四十一条   在通航水域上建设桥梁等建筑物，建设单位未按照规定设置航标等设施的，由负责航道管理的部门或者海事管理机构责令改正，处五万元以下罚款。

Article 41 If such buildings including bridges are to be constructed over any waterway, and the construction entity fails to configure such facilities including navigation marks in accordance with the relevant provisions, the waterway administration authorities and marine administrations shall order the construction entity to make corrections and impose a fine of not more than CNY50,000.

第四十二条   违反本法规定，有下列行为之一的，由负责航道管理的部门责令改正，对单位处五万元以下罚款，对个人处二千元以下罚款；造成损失的，依法承担赔偿责任：

Article 42 In the event that any entity/individual commits any of the following behaviors in breach of the Law, the waterway administration authorities shall order the entity/individual to make corrections and impose a fine of not more than CNY50,000 (for corporate) or not more than CNY2,000 (for individual); in the event of any loss, the relevant liabilities for compensation shall be shouldered in accordance with the law:

（一）在航道内设置渔具或者水产养殖设施的；

1. setting fishing or aquaculture facilities on any waterway;

（二）在航道和航道保护范围内倾倒砂石、泥土、垃圾以及其他废弃物的；

2. dumping sand, soil, garbage or other wastes on any waterway or in the relevant protected area;

（三）在通航建筑物及其引航道和船舶调度区内从事货物装卸、水上加油、船舶维修、捕鱼等，影响通航建筑物正常运行的；

(III) loading/unloading cargos, filling oil, repairing ships, and fishing in the navigation buildings, approach channels and ship scheduling areas that may affect the normal operations of the navigation buildings;

（四）危害航道设施安全的；

(IV) behaviors that may affect the security of channel facilities; and

（五）其他危害航道通航安全的行为。

(V) other behaviors that may affect the channel navigation security.

第四十三条   在河道内依法划定的砂石禁采区采砂、无证采砂、未按批准的范围和作业方式采砂等非法采砂的，依照有关法律、行政法规的规定处罚。

Article 43 Those who carry out sand mining in an area prohibited for sand mining in a river course under legal zoning, without certificate, or beyond the approved scope or manner or in any other way in violation of the law shall be punished in accordance with the relevant laws and administrative regulations.

违反本法规定，在航道和航道保护范围内采砂，损害航道通航条件的，由负责航道管理的部门责令停止违法行为，没收违法所得，可以扣押或者没收非法采砂船舶，并处五万元以上三十万元以下罚款；造成损失的，依法承担赔偿责任。

In the event of sand mining in a waterway or a protected area of waterway in breach of the Law, which causes damage to the waterway navigation conditions, the waterway administration authorities shall order the relevant entities to stop their illegal behavior, confiscate their illegal gains, detain or confiscate their illegal sand mining ships, and impose on them a fine of not less than CNY50,000 but not more than CNY300,000; in the event of any loss, liability for compensation shall be pursued in accordance with the law.

第四十四条   违反法律规定，污染环境、破坏生态或者有其他环境违法行为的，依照《中华人民共和国环境保护法》等法律的规定处罚。

Article 44 Those who breach the legal provisions, pollute the environment or damage the ecology, or conduct other illegal environmental acts, shall be penalized in accordance with the Environmental Protection Law of the People's Republic of China and other laws.

第四十五条   交通运输主管部门以及其他有关部门不依法履行本法规定的职责的，对直接负责的主管人员和其他直接责任人员依法给予处分。

Article 45 Where the transport authorities and other relevant authorities failed to perform the duties stipulated in this Law pursuant to the law, the directly accountable person-in-charge and other directly accountable personnel shall be punished pursuant to the law.

负责航道管理的机构不依法履行本法规定的职责的，由其上级主管部门责令改正，对直接负责的主管人员和其他直接责任人员依法给予处分。

If the authorities responsible for channel administration fail to perform the responsibilities hereunder in accordance with the law, the superior department shall order them to make corrections, and the directly responsible directors and other persons directly liable shall be subject to the relevant sanctions in accordance with the law.

第四十六条   违反本法规定，构成违反治安管理行为的，依法给予治安管理处罚；构成犯罪的，依法追究刑事责任。

Article 46 For violation of the provisions of this Law which constitute a violation of public security administration, the offender shall be subject to public security administration punishment pursuant to the law; where the case constitutes a criminal offence, criminal liability shall be pursued in accordance with the law.

第七章 附则

Chapter 7 Supplementary Provisions

第四十七条   进出军事港口、渔业港口的专用航道不适用本法。专用航道由专用部门管理。

Article 47 The Law shall not apply to the dedicated waterways of military and fishing ports. The dedicated channels shall be under the administration of special authorities.

第四十八条   本法自2015年3月1日起施行。

Article 48 The Law shall come into force as of March 1, 2015.