

WATER POLICIES, LAWS AND REGULATIONS

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IN CHINA

MINISTRY OF WATER RESOURCES, PEOPLE'S REPUBLIC OF CHINA



# Water Policies, Laws and Regulations in China

## 1. Key Accomplishments and Challenges

### 1.1 Prominent Progress in the Development of Water Policies and Regulations

Since 1949, remarkable strides have been made in the development of water policies and regulations. The rollout of a significant number of water policies and regulations over time has resulted in an increasingly sophisticated legal framework on water resources. China has so far managed to put in place a fairly robust water law system that consists of, among others, 4 pieces of legislation, 19 pieces of administrative regulations, 55 ministerial rules and 700 or so sub-national regulations and government rules.



*Promoting knowledge of water-related laws among the public*



*Some water-related laws and regulations promulgated in China*

The existing legal framework governing water management is composed of the following:

- (1) A legal system that mandates the combination of basin-specific water resources management and administrative region-based water resources management;
- (2) A legal system governing administration of water planning;
- (3) A legal system applicable to water resource management and protection;
- (4) A legal system mandating the administration and protection of water right allocation;
- (5) A legal system governing flood control and drought relief;
- (6) A legal system governing river channel management;
- (7) A legal system applicable to prevention and control of soil and water erosion;
- (8) A legal system that mandates management and protection of water projects;
- (9) A legal system that applies to construction and management of water projects;
- (10) A legal system that governs hydrological management;
- (11) A legal system that regulates water-related administrative conducts.



*Water Abstraction License issued by the government*

Table 1 Major Water-Related Laws and Administrative Regulations in China

Laws	<i>Water Law of the People's Republic of China</i>
	<i>Law of the People's Republic of China on Water and Soil Conservation</i>
	<i>Law of the People's Republic of China on Prevention and Control of Water Pollution</i>
	<i>Law of the People's Republic of China on Water and Soil Conservation</i>
Administrative Regulations	<i>Drought Relief Regulations</i>
	<i>Hydrological Regulations</i>
	<i>Regulations on Water Regulation of the Yellow River</i>
	<i>Regulation on Land Requisition Compensation and Resettlement of Migrants for Large and Medium Hydraulic and Hydropower Construction Projects</i>
	<i>Regulations on Administration of Sand Excavation in the Courses of the Yangtze River</i>
	<i>Regulations on Residents-Resettlement for the Yangtze River Three Gorges Project Construction</i>
	<i>Interim Measures for Compensation for Utilization of Flood Detention Areas</i>
	<i>Detailed Rules for the Implementation of Law of the People's Republic of China on Prevention and Control of Water Pollution</i>
	<i>Regulations for the Implementation of Law of the People's Republic of China on Water and Soil Conservation</i>
	<i>Flood Control Regulations</i>
	<i>Regulations on Urban Water Supply</i>
	<i>Interim Regulations on the Prevention and Control of Water Pollution in the Huai River Basin</i>
	<i>Regulations on the Administration of Reservoir and Dam Safety</i>
	<i>Provisions on the Administration of Water-saving in Urban Areas</i>
	<i>Regulation on Administration of the Taihu Lake Basin</i>
	<i>Regulations on Water Supply and Water Use for the South-to-North Water Transfer Project</i>
	<i>Provisions on the Soil and Water Conservation for the Development and Construction in the Adjacent Areas of Shanxi Province, Shaaxi Province and the Inner Mongolia Autonomous Region</i>
<i>Regulation of the People's Republic of China on the Administration of River Courses</i>	

## 1.2 Highlights of Achievements in Developing Water Policies and Regulations

(1) Legislative and policy-making initiatives have codified the central government's guiding policy on water management and the philosophy of sustainable development, thus laying a solid institutional foundation for reform and development of the water sector.

(2) Reform and development goals have been identified for the water sector. Key policy initiatives that are intended to move forward reform and development of the sector have been advanced in a comprehensive and coherent manner. These play a key role in shaping, promoting and supporting the across-the-board efforts to press ahead with the reform and advancement of the water sector.

(3) A regulatory regime that covers all dimensions of the water sector has been put in place. This enables a rule-based approach to improving community-based management and public services associated with water resources, ensuring a sound order in the development and utilization of water resources, and upholding legitimate water-related rights of the general public.



*Water regulations publicity campaigns*

## 1.3 Challenges

China represents a unique case in terms of its national conditions in general and its water regime in particular. To tackle its complex water challenges, the country needs not just a solid engineering foundation and support of advanced technologies, but also and more importantly a robust institutional framework. The most daunting challenge confronting the current water regime is the failure of water resources, as a factor of production, to force a shift in the pattern



*Cycling to celebrate the World Water Day and the China Water Week*



*Law enforcement activities*

of economic growth. The potential of water pricing in improving resource allocation, conservation and protection has yet to be fully tapped. More needs to be done to motivate all segments of the society to invest in the development of water infrastructure. The way in which society is run remains inadequate to afford effective protection to water ecology and environment. The system governing the development of farmland water conservancy is incompatible with shifts in the mode of agricultural operations. The PRC Ministry of Water Resources has promulgated the *Implementation Opinions on All-round Enhancement of Rule-of-Law Water Governance and Management*, explicitly providing for the need to construct a sound regulatory framework for water resources, which would include a comprehensive water law system, an effective enforcement system based on rule of law, a stringent supervision system for rule-of-law water management, and a strong assurance system for rule of law in the water sector.

## 2. Key Initiatives Going Forward

First, it is imperative to improve the approach to legislation. The quality of preparatory work prior to legislation will be enhanced. Vigorous efforts will be made to identify future legislative items. Accountability will be enforced against the failure to meeting the target in enacting water legislation. A scientifically sound approach will be taken to develop a water legislative program and annual work plan. These documents will become more instrumental in giving practical guidance and assume more binding force. The drafters of water-related regulations should undertake legislative fact-finding trips by immersing themselves in communities and seeing firsthand how things are going on the ground. It is desirable to enhance appraisal and examination of the necessity, legality and merit of proposed laws with a view to rendering them more targeted, coherent, effective and

user-friendly. More legislative coordination will be pursued to properly reconcile the competing interests of various stakeholders.

Second, it is imperative to identify legislative priorities. Bearing in mind the need to adapt to a new normal of economic growth, shifts in water resource circumstances and a new mandate on water-related work, vigorous efforts will be made to undertake preparatory studies that may set the stage for the development of a comprehensive strategic water legal regime. Amendments to such statutes as the *Water Law* and the *Flood Control Law* will be introduced in due course. To answer the call for significantly advancing water conservancy for the sake of the people's livelihood, measures will be taken to improve the water regulations that govern farmland water conservancy and ensure access to safe drinking water. Efforts will be made to improve the water regulations that have a bearing on water conservation, ground water management and trading in water right. To serve the overall goal of improving the way in which society is run, it is essential to improve the water-related statutes that apply to river and lake management, sand mining in river channels, and management and protection of water projects. Consistent with the instructions to reinforce watershed management, strong measures will be adopted to improve basin-specific comprehensive legislation and related stand-alone legislation.

Third, the quality of legislation will be enhanced. In keeping with the Law on Legislation and the commitment to take a science-based and democratic approach to legislation, higher quality of laws should be identified as the key to the efforts to strengthen and improve water legislation. It is important to improve the system for solicitation and appraisal of candidates for future legislative items, which should be subject to more rigorous review. Legislative procedures should be improved with broader public participation. A system featuring post-legislation assessment will be

put in place so as to keep track of the implementation of water-related regulations. A holistic approach should be taken in the enactment, amendment and abolition of water-themed legislation.

### 3. International Cooperation and Exchanges

As part of its efforts to move forward the development of water policies and legislation, China has consistently taken care to learn from and draw upon international lessons and achievements in enacting water legislation. Over the course of the development and amendment of the *Water Law* and other regulations, international cooperation and interaction have enabled the country to learn and incorporate numerous state-of-the-art international management philosophies and regulatory regimes. The legislative approach and lessons of other countries have served as a useful reference for China's adoption of a series of statutory arrangements including water right, water extraction licensing and a legal system that mandates the combination of basin-specific water resources management and administrative region-based water resources management.

In its future efforts to develop water policies and regulations, China will continue to step up international cooperation and exchanges. China is committed to two-way sharing of best practices. On the one hand, the country will pursue vigorous outreach programs to showcase and share its progress and experiences associated with the development of water policies and regulations to the benefit of other nations. On the other hand, in enacting key policies and regulations, China will proactively draw upon international lessons and experiences in institutional development for the relevant fields. When a need arises, international specialists will be brought in to help with the efforts to appraise and design proposed schemes.

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