



# 中华人民共和国水土保持法

**Law of the People's Republic of China on Water and  
Soil Conservation  
(Unofficial Translation)**

# **Law of the People's Republic of China on Water and Soil Conservation**

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## **Chapter I General Provisions**

Article 1 This Law is formulated for the purposes of preventing and controlling soil erosion, protecting and rationally using water and soil resources, mitigating flood, drought and sandstorm disasters, improving the ecological environment and protecting sustainable socioeconomic development.

Article 2 Any water and soil conservation activity in the People's Republic of China shall conform to this Law.

In this Law, the term water and soil conservation means preventive and rehabilitative measures taken in relation to soil erosion that is caused by natural factors or human activity.

Article 3 The policy of focusing on prevention, protection first, overall planning, comprehensive prevention and control, adopting measures suited to local conditions, emphasis on key points, scientific management, and stressing beneficial results shall be implemented in the work of water and soil conservation.

Article 4 The people's governments at or above county level shall strengthen leadership over water and soil conservation, incorporate the tasks specified in water and soil conservation plans into their plans for national economic and social development, allocate special funds therefor and organize the implementation thereof.

In key soil erosion prevention and rehabilitation areas, the people's governments at all levels shall exercise a target responsibility system and an examination-based reward and punishment system.

Article 5 The department of water administration under the State Council

will be in charge of national water and soil conservation work.

River basin authorities set up by the department of water administration under the State Council for key rivers and lakes (hereinafter called basin authorities) shall be responsible for supervising and managing water and soil conservation to the extent of their jurisdiction according to law.

Departments of water administration under people's governments at or above county level shall be in charge of water and soil conservation work in their respective administrative regions.

Forestry, agriculture and land and resources departments under people's governments at or above county level shall prevent and control soil erosion in accordance with their respective responsibilities.

Article 6 People's governments at all levels and relevant departments shall intensify the publicity of and education in water and soil conservation and popularize scientific knowledge concerning water and soil conservation to enhance public awareness of water and soil conservation.

Article 7 The State shall encourage and support the research in science and technology of water and soil conservation, raise the level of science and technology of water and soil conservation, popularize advanced technology in water and soil conservation, and train scientific and technological personnel in water and soil conservation

Article 8 All units and individuals shall be obliged to protect water and soil resources, prevent and control soil erosion, and have the right to report any entity or individual who damages water and soil resources and causes soil erosion.

Article 9 The State shall encourage and support all social sectors to take

part in water and soil conservation.

People's governments at or above county level shall commend and award units and individuals that have made outstanding achievements in water and soil conservation.

## **Chapter II Planning**

Article 10 Water and soil conservation plans shall be formulated based on soil erosion investigation results and the definition of key prevention and rehabilitation areas in a coordinated, classified and directive manner.

Article 11 The department of water administration under the State Council shall organize regular soil erosion investigations and publish the results thereof.

The departments of water administration under people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall be in charge of carrying out soil erosion investigations in their respective administrative regions and publish the results thereof, and before publishing the results shall file them with the department of water administration under the State Council.

Article 12 People's governments at or above county level shall designate and announce key soil erosion prevention and rehabilitation areas according to the soil erosion investigation results.

Areas with great potential of water erosion shall be designated key prevention areas; areas with severe water erosion shall be designated key rehabilitation areas.

Article 13 Water and soil conservation plans shall consist of the status of soil erosion, classification of soil erosion types, and the prevention

targets, tasks and measures.

The plans shall include overall planning for prevention and rehabilitation of soil erosion, and protection and rational use of water and soil resources in river basins or regions, and planning for special water and soil conservation tasks or for preventing soil erosion and rehabilitating soil in special regions according to overall planning.

Water and soil conservation planning shall be consistent with overall planning for land use, water resources planning, urban-rural development planning and environmental protection planning.

Expert and public opinion shall be solicited when water and soil conservation plans are being formulated.

Article 14 The departments of water administration under people's governments at or above county level shall compile water and soil conservation plans together with relevant departments at the same level, submit the plans to the said people's governments or their authorized departments for approval, and then organize implementation.

Once approved, the water and soil conservation plans shall be strictly implemented; where approved water and soil conservation plans need to be amended, approval of the original approval authority shall be obtained.

Article 15 Where the implementation of plans concerning infrastructure construction, development of mineral resources, urban construction and construction of public service facilities is likely to cause soil erosion, the authorities that compile the said plans shall stipulate soil erosion prevention and rehabilitation measures therein and shall seek opinions of the departments of water administration of corresponding people's

governments before submitting the said plans for examination and approval.

### **Chapter III Prevention**

Article 16 Local people's governments at all levels shall take measures such as forest conservation and natural rehabilitation according to the water and soil conservation plans and organize units and individuals to plant trees and grass, expand the coverage of trees and grass, conserve water sources and prevent and ease soil erosion.

Article 17 Local people's governments at all levels shall strengthen management of activities such as earth fetching, sand digging and quarrying to prevent and ease soil erosion.

Activities that may cause soil erosion, such as earth fetching, sand digging and quarrying, shall be strictly prohibited in areas in danger of land collapse or landslides or where mud-rock flow is liable to occur. The scope of such areas shall be determined and made public by local people's governments at or above county level. The determination of such areas shall correlate with areas liable to geological disasters and key prevention areas specified in prevention plans for geological disasters.

Article 18 In areas with severe soil erosion and a fragile ecological system, production and construction activities that may cause soil erosion shall be restricted or prohibited, and plants, sand shell, crust and lichen shall be strictly protected.

On slopes and banks of gully erosion, banks of rivers and the periphery of lakes and reservoirs, land owners, users and management authorities shall create a protective belt, and reclamation and development of such protective belts shall be prohibited.

Article 19 The owners or users of water and soil conservation facilities shall strengthen the management and maintenance of water and soil conservation facilities and ascertain management and protection responsibilities to ensure normal functioning of the facilities.

Article 20 Reclamation of hillsides with a slope of more than 25 degrees for cultivation of crops shall be prohibited. In cultivation of economic forests on hillsides with a slope of more than 25 degrees, the tree species shall be chosen scientifically, a reasonable scale shall be determined, and water and soil conservation measures shall be taken, to prevent soil erosion.

The people's governments of provinces, autonomous regions and municipalities directly under the Central Government may, in line with the prevailing conditions in the areas under their jurisdiction, prescribe a reclamation-forbidden slope of below 25 degrees. The scope of reclamation-forbidden slope shall be determined and made public by local people's governments at county level.

Article 21 Destroying forest and grass for land reclamation and gathering long thread moss shall be prohibited. Stripping vegetation, digging up tree stumps or collecting worm grass, licorice and Chinese ephedra abusively in key soil erosion prevention and rehabilitation areas shall be prohibited.

Article 22 Felling of forest trees must be carried out in a rational manner, and clear felling shall be strictly controlled. With respect to protective forests such as those for water supply conservation, water and soil conservation, windbreak and sand fixation, felling is only permitted for tending and regeneration of forests. Preventive measures against

soil erosion shall be adopted in the felling areas and on skid trails, and reforestation shall be accomplished in good time after the felling.

For any felling in a forest area, water and soil conservation measures must be included in the felling plan. After the felling plan is approved by the department of forestry administration, the plan shall be implemented under the supervision of the departments of forestry administration and water administration.

Article 23 For afforestation, tending of young growth and cultivation of Chinese medicinal plants on hill-sides with a slope of more than 5 degrees, water and soil conservation measures shall be adopted to prevent soil erosion.

Anyone who reclaims waste hillsides with a slope of between 5 degrees and the prescribed reclamation-forbidden degrees shall take water and soil conservation measures. The people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall formulate specific measures according to local conditions.

Article 24 Site and route selection of production and construction projects shall yield to key soil erosion prevention and rehabilitation areas; if this is not possible, prevention and control standards shall be raised and construction processes shall be optimized so as to reduce disturbance to the land surface and damage to vegetation and to effectively control potential soil erosion.

Article 25 To start production and construction projects that may cause soil erosion in mountainous, hilly or sandstorm areas and other areas prone to soil erosion as specified in water and soil conservation plans, the

project owners shall compile a water and soil conservation programme, submit it to the departments of water administration under people's governments at or above county level for approval and take soil erosion prevention and rehabilitation measures according to the approved programme. Where the project owners are unable to formulate a water and soil conservation programme, an organization with corresponding technical conditions shall be authorized to do so.

The water and soil conservation programme shall cover the scope, targets and measures of and the investment in soil erosion prevention and rehabilitation.

Once the water and soil conservation programme is approved, if major changes occur to the site or scale of the production and construction project, the water and soil conservation programme shall be supplemented or amended and then submitted to the original examination and approval authority for approval. Major changes to water and soil conservation measures during implementation of the water and soil conservation programme, if any, shall be approved by the original examination and approval authority.

The provisions for formulating and approving a water and soil conservation programmes for production and construction projects shall be drawn up by the department of water administration under the State Council.

Article 26 Where a production and construction project shall have a water and soil conservation programme according to law but the project owner fails to compile one or the programme is not approved by the authority of water administration, the project may not be commenced.

Article 27 Water and soil conservation facilities in a production and construction project that shall have a water and soil conservation programme according to law shall be designed, erected and put into use concurrently with the main part of the project; the final acceptance of the production and construction project shall cover inspection of the water and soil conservation facilities; where the water and soil conservation facilities are not inspected or fail to pass inspection, the project may not be commenced.

Article 28 In a production and construction project that shall have a water and soil conservation programme according to law, the sand, rock, earth, waste rock, tailings and residue from the production and construction activities shall be put to comprehensive use; in the event of the necessity of discharge, they shall be kept in a specially designated area specified in the water and soil conservation programme, and measures shall be taken to prevent further damage.

Article 29 The departments of water administration and river basin authorities under people's governments at or above county level shall track the implementation of water and soil conservation programmes of production and construction projects and handle any problem found in a timely fashion.

#### **Chapter IV Rehabilitation**

Article 30 The State shall strengthen the construction of major water and soil conservation projects in key prevention and rehabilitation areas, such as transforming slope fields into terraces and soil-retaining dams, to reinforce ecological restoration.

The departments of water administration under people's governments at

or above county level shall strengthen construction management of major projects and build and perfect an operation management and protection system.

Article 31 The State shall strengthen soil erosion prevention and rehabilitation in river source areas, drinking water source protection areas and water source conservation areas, raise funds from multiple channels and incorporate ecological benefits from water and soil conservation into a national compensation system for ecological benefits.

Article 32 Rehabilitation shall be carried out when production and construction projects or other production and construction activities cause soil erosion.

Those responsible for any production and construction project or production and construction activity in mountainous, hilly or sandstorm areas and other areas prone to soil erosion, as specified in water and soil conservation plans, that damage water and soil conservation facilities and vegetation, and who cannot restore the original water and soil conservation functions, shall pay compensation for water and soil conservation, which will be used specifically for preventing soil erosion and rehabilitating soil. Departments of water administration shall be responsible for organizing and implementing the prevention of soil erosion and rehabilitating soil. The provisions for the management of the collection and use of compensation for water and soil conservation shall be formulated jointly by the departments of finance, price and water administration under the State Council.

Water and soil conservation expenses of production and construction projects in the process of construction and production shall be handled

according to the uniform accounting system of the State.

Article 33 The State shall encourage units and individuals to take part in rehabilitating eroded soil in accordance with water and soil conservation plans, and shall give support in funds, technology and through taxation.

Article 34 The State shall encourage and support contractual rehabilitation of barren hills, waste valleys, barren hillocks and desolated beaches to prevent and control soil erosion, protect and improve the ecological environment and promote reasonable development and sustainable use of land resources, and shall protect the lawful rights and interests of the parties to a land contract according to law.

In contractual rehabilitation of barren hills, waste valleys, barren hillocks, desolated beaches and rural land with severe land erosion, the land contract shall include responsibilities in preventing soil erosion and rehabilitating land.

Article 35 In a water-eroded region, local people's governments at all levels and relevant departments shall organize units and individuals to take small river basins comprising natural ravines and flanking hill slopes as units and take measures such as engineering, vegetation and protective cultivation measures in light of local conditions to comprehensively rehabilitate eroded soil in slope fields and gullies.

In wind-eroded regions, local people's governments at all levels and relevant departments shall organize units and individuals to take measures such as rotation of closing and grazing periods, planting trees and grass, and installing artificial sand-break and forest networks in light of local conditions to build a protective system for windbreak and sand fixation.

In a gravity-eroded region, local people's governments at all levels and relevant departments shall organize units and individuals to take measures such as monitoring, runoff drainage, reducing load by slope cutting and slope fixation by supporting, retaining and building blocking works, and build a monitoring, forecasting and early-warning system.

Article 36 In drinking water source protection areas, local people's governments at all levels and relevant departments shall organize units and individuals to take preventive, natural restoration and comprehensive rehabilitation measures, build vegetative filter strips, popularize biogas, carry out construction of clean small watersheds, strictly control the use of fertilizers and agricultural chemicals to reduce diffused pollution caused by soil erosion and protect drinking water sources.

Article 37 Anyone who has planted crops on reclamation-forbidden slopes shall return the land to trees and grass according to national regulations; where farmland is short and it is difficult to concede the land, measures such as building terraces or other water and soil conservation measures shall be taken.

Anyone who plants crops on slope fields below the reclamation-forbidden degree shall take measures such as building terraces, repairing the slope water system, water and soil conservation farming, or ceasing farming, according to the conditions.

Article 38 Topsoil of land taken up by production and construction activities shall be delaminated, stored and used to balance cuts and fills and reduce surface disturbance; measures such as blocking, slope protection and flood control and drainage shall be taken at storage sites

for discarded sand, rock, earth, waste rock, tailings and residue. When production and construction activities are done, trees and grass shall in a timely fashion be planted on bare land at earth fetching sites, excavated surface and storage sites to restore vegetation, and closed tailing ponds shall be reclaimed.

Anyone carrying out production and construction activities in drought and water-scarce areas shall take measures against wind erosion and set up rainfall infiltration facilities to make full use of rainfall resources.

Article 39 The State shall encourage and support the following measures conducive to water and soil conservation in mountainous, hilly or sandstorm areas and other areas prone to soil erosion:

- (1) Zero tillage, contour tillage, rotational cultivation, lea farming and intercropping, etc.
- (2) Enclosing, rotation of closing and grazing periods, and barn feeding;
- (3) Development of biogas and fuel saving stoves, use of solar energy, wind energy and hydro energy, and the substitution of coal, electricity and gas for fuel wood;
- (4) Emigration from ecologically fragile regions;
- (5) Other measures conducive to water and soil conservation.

## **Chapter V Monitoring and Supervision**

Article 40 The departments of water administration under people's governments at or above county level shall strengthen monitoring of water and soil conservation and give play to the role of monitoring water and soil conservation in government decision making, socio-economic

development and social public services. People's governments at or above county level shall guarantee funds for monitoring water and soil conservation.

The department of water administration under the State Council shall perfect a national water and soil conservation monitoring network and carry out dynamic monitoring of soil erosion.

Article 41 In large and medium-sized production and construction projects that may cause severe soil erosion, the project owners shall monitor soil erosion caused by production and construction activities on their own or through a chosen organization qualified in water and soil conservation monitoring, and shall regularly report the monitoring to local authorities of water administration.

Water and soil conservation monitoring activities shall comply with national technical standards, rules and regulations to ensure the monitoring quality.

Article 42 The department of water administration under the State Council and the departments of water administration under people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall, based on water and soil conservation monitoring, regularly make the following information public:

- (1) Type, area, intensity, distribution and trend of soil erosion;
- (2) Damage caused by soil erosion;
- (3) Prevention and rehabilitation of soil erosion.

Article 43 The departments of water administration under people's governments at or above county level shall be responsible for supervising

water and soil conservation. River basin authorities shall exercise the supervisory power of the department of water administration under the State Council within their respective jurisdictions.

Article 44 When discharging their responsibilities for supervision and inspection, personnel in charge of supervision of water and soil conservation shall have the right to:

- (1) Require that the unit or individual being inspected provide relevant documents, licenses and materials;
- (2) Require that the unit or individual being inspected explain soil erosion prevention and rehabilitation;
- (3) Enter the site to conduct investigation and collect evidence.

Where the unit or individual being inspected refuses to stop illegal acts and thereby causes severe soil erosion, personnel in charge of supervision of water and soil conservation, with approval of the departments of water administration, can seal up and seize tools and construction machinery and equipment used in the illegal acts.

Article 45 When discharging their responsibilities for supervision and inspection, personnel in charge of supervision of water and soil conservation shall produce their law enforcement certificate. The unit or individual being inspected shall cooperate in the supervision and inspection, such as truthfully reporting the situation and providing relevant documents, licenses and materials, and may not refuse or obstruct personnel in charge of supervision over water and soil conservation from carrying out their duties in accordance with the law.

Article 46 Disputes relating to soil erosion involving different

administrative regions shall be settled through consultation; where no agreement is reached thereby, such disputes shall be brought to the people's government at a higher level.

## **Chapter VI Legal Responsibility**

Article 47 If any department of water administration or any other department that exercises supervision and management power in accordance with this Law fails to make a decision on administrative license or handle the approval document in accordance with the law, fails to investigate and deal with illegal acts or reports of illegal acts, or is guilty of any other non-performance of duties under this Law, penalties shall be imposed on executives and other personnel held directly responsible.

Article 48 Those who, in violation of this Law, conduct activities such as earth fetching, sand digging and quarrying that are likely to cause soil erosion in areas in danger of land-collapse or landslides or where mud-rock flow is liable to occur shall be ordered by departments of water administration under people's governments at or above county level to stop illegal activities, their illegal earnings shall be confiscated, and individuals shall be fined between 1000 yuan and 10,000 yuan, and units shall be fined between 20,000 yuan and 200,000 yuan.

Article 49 Those who, in violation of this Law, plant crops on reclamation-forbidden slopes or conduct reclamation and development in plant protective belts where reclamation and development are forbidden shall be ordered by departments of water administration under people's governments at or above county level to cease illegal activities, and shall take such remedial measures as conceding the land and restoring

vegetation; based on the area of reclamation or development, a fine of less than 2 yuan a square meter shall be imposed on individuals, and a fine of less than 10 yuan a square meter shall be imposed on units.

Article 50 Those who, in violation of this Law, destroy forest and grass for land reclamation shall be punished according to the Forest Law of the People's Republic of China and the Grassland Law of the People's Republic of China.

Article 51 Those who, in violation of this Law, gather long thread moss, strip vegetation, dig up tree stumps or collect worm grass, licorice and Chinese ephedra abusively in key soil erosion prevention and rehabilitation areas shall be ordered by departments of water administration under people's governments at or above county level to cease illegal activities, remedial measures shall be taken, illegal earnings shall be confiscated, and a fine between one time and five times the illegal earnings shall be imposed; if there are no illegal earnings, a fine of less than 50,000 yuan shall be imposed.

Illegal acts set forth in the preceding paragraphs that are committed in grasslands shall be punished according to the Grassland Law of the People's Republic of China.

Article 52 Those who conduct any felling in a forest area without preventive measures against soil erosion shall be ordered by the departments of forestry administration and water administration under people's governments at or above county level to make corrections within a certain time and take remedial measures; if soil erosion is caused, the departments of water administration shall impose a fine of between 2 yuan a square meter and 10 yuan a square meter, based on the area of

soil erosion.

Article 53 Those who, in violation of this Law, are guilty of any of the offences listed below shall be ordered by the departments of forestry administration and water administration under people's governments at or above county level to stop illegal acts and complete formalities within a certain time; those who fail to complete formalities within the prescribed time shall be fined between 50,000 yuan and 500,000 yuan; executives and other personnel directly responsible for the production, and construction project owners shall be punished according to law:

(1) A production and construction project that is required by law to have a water and soil conservation programme is commenced without one or the water and soil conservation programme is not approved.

(2) When major changes occur to the site or scale of a production and construction project, the water and soil conservation programme is not supplemented or amended, or the supplemented and amended programme is not approved by the original examining and approval authority.

(3) During implementation of the water and soil conservation programme, major changes are made to water and soil conservation measures without approval of the original examination and approval authority.

Article 54 Those who, in violation of this Law, put production and construction projects into use before water and soil conservation facilities have been inspected or fail to pass inspection shall be ordered by the departments of forestry administration and water administration under people's governments at or above county level to cease production or use of such facilities until the facilities pass inspection, and shall be fined

between 50,000 yuan and 500,000 yuan.

Article 55 Those who, in violation of this Law, discard sand, rock, earth, waste rock, tailings and residue in areas other than designated storage places in water and soil conservation programmes shall be ordered by the departments of forestry administration and water administration under people's governments at or above county level to stop illegal acts, clear the site within a certain time and shall be fined between 10 yuan a square meter and 20 yuan a square meter, based on the amount dumped; if they fail to clear the site within the specified time, the departments of forestry administration and water administration under people's governments at or above county level can appoint a unit to clear the site and the offender shall be liable for the costs incurred.

Article 56 Those who, in violation of this Law, cause soil erosion in production and construction projects or other production and construction activities but make no rehabilitation shall be ordered by the departments of forestry administration and water administration under people's governments at or above county level to make rehabilitation within a certain time; if they fail to do so, the departments of forestry administration and water administration under people's governments at or above county level can appoint a unit to do the rehabilitation, and the offender shall be liable for the costs incurred.

Article 57 Those who, in violation of this Law, refuse to pay compensation for water and soil conservation shall be ordered by the departments of forestry administration and water administration under people's governments at or above county level to pay within a certain time; if they fail to do so, they will be liable to a late penalty fee levied at 0.05 percent a day.

Article 58 Those who, in violation of this Law, cause soil erosion shall bear civil liability; where the administration of public security is violated, they shall be subject to administrative penalty by public security organs; where a crime has been committed, criminal liability shall be investigated.

### **Chapter VII Supplementary Provisions**

Article 59 People's governments at or above county level shall determine which authorities are in charge of water and soil conservation in light of local conditions to exercise water and soil conservation responsibilities specified herein.

Article 60 This Law shall come into force on March 1, 2011.





