

New Theory of The Water Resources Management

水資源管理新論

◎ 刘书俊 著



湖北人民出版社  
HUBEI PEOPLE'S PRESS

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鄂新登字 01 号

图书在版编目(CIP)数据

水资源管理新论/刘书俊著.

武汉:湖北人民出版社,2007.12

ISBN 978 - 7 - 216 - 05443 - 0

I. 水…

II. 刘…

III. 水资源管理—研究—中国

IV. TV213.4

中国版本图书馆 CIP 数据核字(2007)第 192911 号

水资源管理新论

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出版发行: 湖北长江出版集团  
湖北人民出版社

地址:武汉市雄楚大街 268 号  
邮编:430070

印刷:湖北御风文化传播有限公司

印张:11.5

开本:880 毫米×1230 毫米 1/32

插页:1

版次:2007 年 12 月第 1 版

印次:2007 年 12 月第 1 次印刷

字数:256 千字

定价:25.00 元

书号:ISBN 978 - 7 - 216 - 05443 - 0

本社网址:<http://www.hbpp.com.cn>

# 序

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随着经济社会的不断进步和发展,对于人类赖以生存的水资源实施依法开发利用和保护,在可持续发展战略中愈加

和发展的长远大计,水资源可持续利用也是我国经济社会发展的战略问题,合理使用、节约和依法保护、开发水资源,提高其利用率又是我国经济社会发展战略的重要内容。

胡锦涛总书记在中央召开的人口资源环境工作座谈会上强调指出,水利工作要把切实保护好饮用水源、让群众喝上放心水作为首要任务,要完善水资源管理体制,积极推广先进实用的节水技术,加强防汛抗旱和水利建设。

有鉴于此,为了更好地形成一套较为系统、完整和规范的我国水资源保护管理的理论和制度,笔者根据我国社会主义法制原则和资源持续利用的方略,着眼于可持续发展水资源保护管理这条主线,注重水资源现代管理制度严谨的逻辑关系和规范的结构方式,结合水资源保护中的科技手段和现代管理的定性、定量分析方法,运用法学与社会学、宏观经济学与微观经济学、水资源与水文学、系统科学与管理科学等交叉学科的理论与方法,对我国水资源保护及其管理进行了较为系统和详实的研究,并针对水资源管理中现存的问题提出了新的观点和构想。全书共分八篇:

第一篇关于水资源的认识。包括:水资源的基本内涵、水资源的一般特性、水资源的历史渊源、我国水资源现状分析。

第二篇关于水资源与可持续发展。包括:“可持续发展”的理念、可持续发展与环境保护、可持续发展与水资源研究。

第三篇关于水资源价值测算。包括:水资源账户系统的建立、水环境降级的测算、水资源的消耗测算、水环境损耗分析与测算实例。

第四篇关于水资源管理。包括:水资源规划与决策、水资源与系统工程、水环境监督与评价、水资源保护与方法。

第五篇关于水污染防治。包括:黄浦江水污染及防治、崇



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明环境影响因子与发展对策、巴东资源化建设与污染防治、垃圾处理与水环境保护。

第六篇关于水资源管理标准。包括：水资源标准管理、水资源标准基本构架、水环境标准主要内容。

第七篇关于水权的诠释。包括：水权的基本理念、水权的一般法律属性、水权的法律保护、水资源之气态水的法权、水资源技术之知识产权。

第八篇关于水资源法制。包括：水法的一般考察、水资源保护法律体系、水资源保护法律关系、水资源保护法律制度、水资源法律制定与实施。

限于著者之学识，本书中难免存在错误和疏漏，敬请各位专家、同仁不吝赐教。另外，由于学习和借鉴盛愉、周岗、李广贺、刘兆昌、张旭等有关专项研究，使本著作获益匪浅，在此谨致谢意。

虽本书还需进一步完善，但愿能对我国水资源保护与管理的研究和水资源的具体实务有所裨益和促进，并通过我们的共同努力，使我国水资源保护工作切实纳入法制化、规范化的轨道。

刘书俊

2007年10

于上海交通大学

## Foreword

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Along with the unceasing progress and development of the economic society, legally developing the use and the protection to the water resources that human live on, manifests the increasing significance and the function in the sustainable development strategy. The executed "water law" and the promulgated "property rights law" of our country enabled the establishment and change on the status of the rights on water; they also fully reflected the development tendency of modern water law. Reasonably developing and using Water resources, especially legally protecting and managing water resources has already become an important issue in the sustainable development of our country.

Since the entry of 1960s, the concept of sustainable development has gradually taken the universal attention of the international society. As early as in 1972, "Manifesto of Human Society" of the United Nations proposed the necessity of the execution of the sustainable development strategy, which indicated that the call of environment protection was not only paid attention by the experts, but it mounted the rostrum of statesman.

Our country is an ancient country with the water conservancy tradition as long as the Chinese civilization. Capable rulers of successive dynasties regarded managing water damage and promoting water conservancy important in ruling countries, and classified them as the key administrative policy. Nowadays we, just as any other countries in the world, are facing the choices of environmental problems that was never as severe and pressing as today. Implementing the sustainable development strategy is a long-term fundamental policy that matters the living and development of Chinese nation. The sustainable utilization of water resource is also the strategic issue of socio-economic development of our country; therefore reasonably using, saving and legally protecting, developing water resource, and raising its utilization ratio are the important contents of the economic and social development strategy of our country.

At the working forum of population, resources and environment held by central authorities in 2006, General Secretary Hu Jintao points out emphatically that to do the work of water conservancy, protecting the drinking water source, letting the masses drink water of high quality should be taken as the primary task; they should also improve the water resource management system, popularize advanced person's practical water-saving technology actively, strengthen flood-control, drought relief and water conservancy construction.

In view of this, in order to form a comparatively systematic, intact and normal theory and system of management of water resource protection for our country, the writer did a series of research. According to the general plan of socialist legal system principle and ways of resource continuous utilization, the writer focused on the thread of managing water resource protection of sustainable development, paid attention to the rigorous logic relations and normal structural ways of the modern manage-



ment system of water resource, combined the scientific and technological means in water resource protection and the qualitative and quantitative analytical methods in modern management, and used the theories and methods of law, sociology, macroeconomics and microeconomics and those of interdisciplinary studies, such as water resource and hydrology, systematic science and management science, ect. Through the entire work of the above, the writer carried on systematic and specific research to water resource protection and management of our country, and put forward new idea to the existent question in water resource management. The book is made up with eight chapters:

Chapter one is understanding about the water resource, which includes basic connotation of water resource, general characteristics of water resource, the historical origin of the water resource, current situation analysis of water resource of our country.

Chapter two is about water resource and sustainable development, which includes the idea of "sustainable development", sustainable development and environmental protection, sustainable development and study of water resource.

Chapter three is about the value calculation of water resource, which includes the establishment of water resource account system, the calculation of water environment demotion, the consume calculation of water resource, loss analysis and measurement example of water environment.

Chapter four is about water resource management, which includes planning and decision of the water resource, water resource and systematic project, supervisor and assessment of the water environment, protection and methods of water resources.

Chapter five is about prevention and controlling of water pollution, which includes water pollution and prevention of Huangpu River, the environmental impacting factors of Chongming and countermeasures for development, construction



of recycle treatment and prevention and control of pollution of Badong, garbage treatment and environmental protection of water.

Chapter six is about water resource management standards, which includes management of water resource standards, basic framework for water resource standards, and main contents of environmental standards of water.

Chapter seven is about annotation to the rights on water, which includes basic ideas of water rights, general legal attributes of water rights, the legal protection of water right, rights of water of gaseous state of the water resource, and intellectual property of the water resource techniques.

Chapter eight is about legal system of water resources . Including: general investigation of the water law, legal system of water resources protection, legal relation of water resources protection, the legal system of water resources protection, formulation and implementation of the law of the water resource.

Limited to my knowledge, there could be mistakes or slips in this book unavoidably, experts and comrades please offer your comments generously. In addition, studying and refering from specific research of Sheng Yu, Zhou Gang, Li Guanghe, Liu Zhaochang, Zhang Xu, etc. benefited the writing of this book a lot, therefore the writer pays his gratitudes here sincerely.

Although this book still needs further improvement, the writer wishes it could benefit and promote the research on the protection and management and also the concrete practice of water resource of our country; moreover, it could help lead the protection of water resource of our country into the track of legalization and standarization.

Liu Shujun

2007, October

In Shanghai Jiaotong University

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