



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

中华人民共和国水污染防治法

Law of the People's Republic of China
on Prevention and Control of Water Pollution

中华人民共和国水法

Water Law of the People's Republic of China

(中英对照)

(Chinese-English)

法律出版社
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中华人民共和国主席令

第四十九号

《中华人民共和国水土保持法》已由中华人民共和国第七届全国人民代表大会常务委员会第二十次会议于 1991 年 6 月 29 日通过,现予公布,自公布之日起施行。

中华人民共和国主席 杨尚昆

1991 年 6 月 29 日

Order of the President of the People's Republic of China

No. 49

The Law of the People's Republic of China on Water and Soil Conservation, adopted at the 20th Meeting of the Standing Committee of the Seventh National People's Congress of the People's Republic of China on June 29, 1991, is hereby promulgated and shall enter into force as of the date of promulgation.

Yang Shangkun

President of the People's Republic of China

June 29, 1991

中华人民共和国水土保持法

(1991 年 6 月 29 日第七届全国人民代表大会
常务委员会第二十次会议通过)

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第一章 总 则

第一条 为预防和治理水土流失,保护和合理利用水土资源,减轻水、旱、风沙灾害,改善生态环境,发展生产,制定本法。

第二条 本法所称水土保持,是指对自然因素和人为

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

(Adopted at the 20th Meeting of the Standing
Committee of the Seventh National People's
Congress on June 29, 1991)

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Chapter I General Provisions

Article 1 This Law is formulated for the purposes of the prevention and control of soil erosion, the protection and rational utilization of water and soil resources, the mitigation of disasters of flood, drought and sandstorm, the improvement of ecological environment and the development of production.

Article 2 As used in this Law, the term "water and soil conservation" means preventive and rehabilitative measures taken

活动造成水土流失所采取的预防和治理措施。

第三条 一切单位和个人都有保护水土资源、防治水土流失的义务,并有权对破坏水土资源、造成水土流失的单位和個人进行检举。

第四条 国家对水土保持工作实行预防为主,全面规划,综合防治,因地制宜,加强管理,注重效益的方针。

第五条 国务院和地方人民政府应当将水土保持工作列为重要职责,采取措施做好水土流失防治工作。

第六条 国务院水行政主管部门主管全国的水土保持工作。县级以上地方人民政府水行政主管部门,主管本辖区的水土保持工作。

第七条 国务院和县级以上地方人民政府的水行政主管部门,应当在调查评价水土资源的基础上,会同有关部门编制水土保持规划。水土保持规划须经同级人民政府批准。县级以上地方人民政府批准的水土保持规划,须报上一级人民政府水行政主管部门备案。水土保持规划的修

against soil erosion which is caused by natural factors or human activities.

Article 3 All units and individuals shall have the obligation to protect water and soil resources, prevent and control soil erosion, and also have the right to report against any unit or individual that damages water and soil resources and causes soil erosion.

Article 4 The State shall, in relation to the work of water and soil conservation, implement the policy of prevention first, overall planning, comprehensive prevention and control, adoption of measures suited to local conditions, strengthening management and stress on beneficial results.

Article 5 The State Council and the local people's governments shall regard the work of water and soil conservation as an important duty, and adopt measures to ensure the prevention and control of soil erosion.

Article 6 The department of water administration under the State Council shall be in charge of the work of water and soil conservation throughout the country. The departments of water administration under the local people's governments at or above the county level shall be in charge of the work of water and soil conservation in areas under their respective jurisdiction.

Article 7 The department of water administration under the State Council and those under the local people's governments at or above the county level shall, on the basis of investigation and assessment of water and soil resources, draw up water and soil conservation plans in conjunction with other departments concerned. Such water and soil conservation plans shall be subject to the approval by the people's governments at the corresponding levels. Any water and soil conservation plan approved by the local people's government at or above the county level shall be submitted to the department of water

改,须经原批准机关批准。

县级以上人民政府应当将水土保持规划确定的任务,纳入国民经济和社会发展规划,安排专项资金,并组织实施。

县级以上人民政府应当依据水土流失的具体情况,划定水土流失重点防治区,进行重点防治。

第八条 从事可能引起水土流失的生产建设活动的单位和个人,必须采取措施保护水土资源,并负责治理因生产建设活动造成的水土流失。

第九条 各级人民政府应当加强水土保持的宣传教育工作,普及水土保持科学知识。

第十条 国家鼓励开展水土保持科学技术研究,提高水土保持科学技术水平,推广水土保持的先进技术,有计划地培养水土保持的科学技术人才。

第十一条 在防治水土流失工作中成绩显著的单位和个人,由人民政府给予奖励。

administration under the people's government at the next higher level for the record. Any modification to be made to an approved water and soil conservation plan shall be submitted for approval to the original approving department.

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

The people's governments at or above the county level shall, in line with the actual conditions of soil erosion, designate key areas on which preventive and rehabilitative efforts against soil erosion shall be focused.

Article 8 Units and individuals engaged in production and construction activities which may cause soil erosion must adopt measures to protect the water and soil resources, and shall be responsible to take rehabilitative measures against the soil erosion resulted from their production and construction activities.

Article 9 The people's governments at various levels shall intensify the publicity of and education in water and soil conservation, and popularize scientific knowledge concerning water and soil conservation.

Article 10 The State shall encourage the research in and raise the level of science and technology of water and soil conservation, popularize the advanced technology in water and soil conservation, and train in a planned way scientific and technological personnel in the field of water and soil conservation.

Article 11 Units and individuals that have made outstanding achievements in the prevention and control of soil erosion shall be awarded by the people's government.

第二章 预 防

第十二条 各级人民政府应当组织全民植树造林,鼓励种草,扩大森林覆盖面积,增加植被。

第十三条 各级地方人民政府应当根据当地情况,组织农业集体经济组织和国营农、林、牧场,种植薪炭林和饲草、绿肥植物,有计划地进行封山育林育草、轮封轮牧,防风固沙,保护植被。禁止毁林开荒、烧山开荒和在陡坡地、干旱地区铲草皮、挖树兜。

第十四条 禁止在二十五度以上陡坡地开垦种植农作物。

省、自治区、直辖市人民政府可以根据本辖区的实际情况,规定小于二十五度的禁止开垦坡度。

禁止开垦的陡坡地的具体范围由当地县级人民政府划定并公告。

本法施行前已在禁止开垦的陡坡地上开垦种植农作物的,应当在建设基本农田的基础上,根据实际情况,逐步退

Chapter II Prevention

Article 12 The people's governments at various levels shall organize every citizen to engage in afforestation and encourage the planting of grass, thereby enlarging forest-covered areas and increasing vegetation.

Article 13 The local people's governments at various levels shall, in light of respective actual conditions, organize agricultural collective economic organizations as well as State-owned agricultural, forest, and livestock farms to plant firewood forests, forage and green manure crops, and to conduct in a planned way the closing of hillsides for facilitating afforestation and growing grass and the rotation of closing and grazing periods, so as to check winds, fix drifting sand and preserve vegetation. Destroying forest or burning vegetation for land reclamation and stripping vegetation and digging up tree stumps on steep hillslopes or in arid regions shall be prohibited.

Article 14 Reclamation of hillsides with a slope of over 25 degrees for cultivation of crops shall be prohibited.

The people's governments of provinces, autonomous regions and municipalities directly under the Central Government may, in line with the actual conditions of the areas under their respective jurisdiction, prescribe the reclamation-forbidden slope of below 25 degrees.

The specific area of the reclamation-forbidden slope shall be determined and announced by the local people's government at the county level.

Anyone who has conducted reclamation for cultivation of crops on the reclamation-forbidden slopes before the entry into force of this Law shall, on the basis of capital farming construction and in the light of the actual conditions, gradually stop the cultivation and, instead, plant

耕,植树种草,恢复植被,或者修建梯田。

第十五条 开垦禁止开垦坡度以下、五度以上的荒坡地,必须经县级人民政府水行政主管部门批准;开垦国有荒坡地,经县级人民政府水行政主管部门批准后,方可向县级以上人民政府申请办理土地开垦手续。

第十六条 采伐林木必须因地制宜地采用合理采伐方式,严格控制皆伐,对采伐区和集材道采取防止水土流失的措施,并在采伐后及时完成更新造林任务。对水源涵养林、水土保持林、防风固沙林等防护林只准进行抚育和更新性质的采伐。

在林区采伐林木的,采伐方案中必须有按照前款规定制定的采伐区水土保持措施。采伐方案经林业行政主管部门批准后,采伐区水土保持措施由水行政主管部门和林业行政主管部门监督实施。

第十七条 在五度以上坡地上整地造林,抚育幼林,垦

trees, grow grass and restore the vegetation, or build terraced fields thereon.

Article 15 Anyone who reclaims waste hillsides with a slope of above 5 degrees but under the prescribed reclamation-forbidden degrees must obtain prior approval from the department of water administration under the people's government at the county level; anyone who intends to reclaim waste hillslopes owned by the State may apply to the people's government at or above the county level for going through the procedures for land reclamation only after obtaining approval from the department of water administration under the people's government at the county level.

Article 16 Felling of forest trees must be carried out in a rational manner and in line with the local conditions, and clear felling shall be strictly controlled. 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. 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.

For any felling in a forest area, water and soil conservation measures, for the felling area, worked out in accordance with the provisions of the preceding paragraph, must be included in the felling plan thereof. After the felling plan is approved by the department of forestry administration, the water and soil conservation measures for the felling area shall be implemented under the supervision of the departments of water administration and forestry administration.

Article 17 Water and soil conservation measures must be adopted to prevent soil erosion when preparations for afforestation, tending of young growth, and cultivation of commodity trees such as oil-tea camellia and tung tree are done on hillsides with a slope of above

复油茶、油桐等经济林木,必须采取水土保持措施,防止水土流失。

第十八条 修建铁路、公路和水工程,应当尽量减少破坏植被;废弃的砂、石、土必须运至规定的专门存放地堆放,不得向江河、湖泊、水库和专门存放地以外的沟渠倾倒;在铁路、公路两侧地界以内的山坡地,必须修建护坡或者采取其他土地整治措施;工程竣工后,取土场、开挖面和废弃的砂、石、土存放地的裸露土地,必须植树种草,防止水土流失。

开办矿山企业、电力企业和其他大中型工业企业,排弃的剥离表土、矸石、尾矿、废渣等必须堆放在规定的专门存放地,不得向江河、湖泊、水库和专门存放地以外的沟渠倾倒;因采矿和建设使植被受到破坏的,必须采取措施恢复表土层和植被,防止水土流失。

第十九条 在山区、丘陵区、风沙区修建铁路、公路、水工程,开办矿山企业、电力企业和其他大中型工业企业,在建设项目环境影响报告书中,必须有水行政主管部门同意的水土保持方案。水土保持方案应当按照本法第十八条的规定制定。

在山区、丘陵区、风沙区依照矿产资源法的规定开办乡