

Additional Information

Shanghai Municipal Regulations on the Protection of Huangpu River Upstream Water Resources

Adopted at the Fourteenth Session of the Standing Committee of
the Eighth Shanghai Municipal People's Congress on 19 April 1985

1.1 Drinking Water in Shanghai Municipality comes from Huangpu River, but the catchment areas of the river straddle Shanghai Municipality, Jiangsu Province and Zhejiang Province. Therefore, it is necessary for Shanghai Municipality and these two provinces to enact a set of laws and regulations to coordinate the protection of water resources.

2. Span of Control

2.1 The Shanghai Municipal Regulations on the Protection of Huangpu River Upstream Water Resources have designated the catchment areas of Huangpu River as "water resources protection zones", covering the waters of Huangpu River, Dianshan Lake, Qianbujing, Daliugang, Yuanxiejing and certain areas at Taipu River. Parts of the designated protection zones, such as Dingjiabin, Wangjiabin and Zhangjaibin, fall within the precincts of Jiangsu and Zhejiang. The quality of raw water in the water resources protection zones is required to meet the State Environmental Quality Standard for Surface water Class II.

2.2 The Regulations also provide for the establishment of "quasi-water resources protection zones", covering Xihebin, Longhaugang and the areas near Chuanyang River. Furthermore, Jishuigang, Taipu River, Daliugang, Yuanxiejing and their tributaries are also designated as "upstream water". The quality of water in the quasi-water resources protection zones and upstream water is required to meet the National Environmental Quality Standard for Surface water Class III.

2.3 According to the implementation rules of the Regulations, the specific boundaries of the above-mentioned Huangpu River upstream water resources protection zones, that is, the water resources protection zones, the quasi-water resources protection zones and the upstream water are determined by the Shanghai Administrative Bureau for City Planning and Construction in concert with the Shanghai Environmental Protection Bureau (SEPB).

3. Administrative arrangements

3.1 The SEPB is the enforcement agency of the Regulations and is responsible for the overall monitoring and management of the water resources within the protection zones. As the areas involved extend as far as the river basin near Taihu Lake, which is outside the jurisdiction of the Shanghai Municipal Government, the SEPB must coordinate with the units in charge of the Taihu Lake Management Zone in consultation with the authorities in Jiangsu Province and Zhejiang Province for the protection of upstream water resources.

3.2 Other administrative units, such as those in charge of planning, water resources, municipalities, fisheries, health and public utilities, also assist the SEPB in enforcing the Regulations. Under the overall leadership of the SEPB, local environmental protection units are responsible for the protection of local water resources within the "water resources protection zones" and "quasi-water resources protection zones".

4. The methods of management and control

4.1 Units which discharge sewage within the "water resources protection zones" and "quasi-water resources protection zones" are controlled and monitored in the form of a sewage discharge permit system. They must apply to local environmental protection units for such a permit. The amount of sewage that is allowed to be discharged depends on the capacity of local sewage treatment facilities. The discharge of sewage is subject to a sewage charge.

4.2 The Regulations prohibit the heaping and discharge of waste, radioactive materials, toxic and harmful substances, farm chemicals, chemical fertilizers and oily waste within the protection zones. Motor boats plying within the area are also subject to control. The reclamation of land by building dykes across a lake is also forbidden under the Regulations.

4.3 Dianshan Lake is a key area for protection. The planning within this area must be in harmony with the protection of water resources and the construction of sanatoria and tourism facilities are strictly controlled and they are required to be equipped with waste treatment facilities.

4.4 Units which violate the above Regulations must make improvement within the given period of time; if the requirements are not met within the time limit, the units and the persons-in-charge will be liable to a penalty. The maximum fine for a unit is RMB200,000 and that for an individual is RMB200. Those who do not comply with the requirements may be ordered to cease operation or close down depending on the circumstances.

5. Claim for damages

5.1 Units and individuals suffering losses due to water pollution are entitled to claim damages from the unit which causes the pollution. Applications for handling the relevant disputes can be made to the environmental protection department concerned or the harbour and navigation supervisory agency. Lawsuits or appeal may also be brought directly to the People's Court.

5.2 No specific information on actual litigations is available.

Law of the People's Republic of China
on the Prevention and Control of Water Pollution
Promulgated and came into effect on 20 March 2000

The Law sets down the latest rules and standards in respect of water pollution. Besides, it has put in place the "Method for the Distribution of the Total Sewage Discharge Volume Controlled Targets", under which local governments will, in accordance with the total sewage discharge volume allocated by the government of higher level, re-distribute it to the various local sewage discharge units, in order to achieve the controlled target. Details of the distribution method are formulated by the departments in charge of environment protections under the State Council and other relevant departments.

Location Map of the Span of Control of the Regulations

