

**New Developments in Chinese Legislation  
on the Prevention and Control of Water Pollution:  
with Special Reference to Fisheries/Aquacultural Waters**

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## **Basic Laws on Fisheries Water pollution**

- **Fisheries Law**
- **The Marine Environmental Protection Law**
- **Law on the Prevention and Control of Water Pollution**

# Law on the Prevention and Control of Water Pollution (LPCWP)

(adopted by Congress in 1984, revised in  
1996, and revised 28 Feb. 2008, effective  
as of 1 June, 2008)

## **LPCWP: Fisheries / Aquacultural waters**

1. The Fisheries Department (FD) is authorized to supervise and regulate the Prevention and Control of fisheries Water Pollution, including FW protection, fishing boat-sourced pollution , investigation of FW pollution cases.

2. FD involved in environmental impact assessment of construction projects directly or indirectly discharging pollutants to fisheries waters  
(FD can say NO).

3. Protection zones for important fisheries waters (PZIFW) at county (or above) levels. No discharge of pollutants to PZIFW.

4. FD in charge of fishing boat-sourced pollution and involved in other sourced pollution in FW.

5. prevention of aquacultural pollution to FW and environment.

( cost-effective and healthy aquaculture:  
improvement of permission system, science-based development plan, control of over development, improvement of aquaculture technology, monitoring of the quality of aquacultural waters, and recovery of polluted AW... )

6. FD Investigation of FW pollution cases  
(Strengthening FD power of investigation and punishment of FW pollution; burden of proof on polluters, improvement of reacting mechanisms for FW pollution, improvement of compensation and recovery mechanisms, monitoring of sea food quality and safety, and ensuring sea food safety...)



# Implementation of LPCWP in Fisheries / Aquaculture

Revising existing / outdated regulations accordingly, training of FD officials, and raising awareness of the fisheries/aquacultural workers and the public.

## Implementation of LPCWP in Shanghai

- No special local regulations for implementing LPCWP;
- National Action Plan for Cleaning Changjiang River and the adjacent seas;
- Shanghai Action Plan for Clean Seas (including the prevention of aquacultural pollution);
- Plan for control of both marine and land-based pollution;
- Shanghai emergency plan and warning system for pollution (including water pollution);

- Suspension of building of new pollutant discharge sites around important fisheries waters, and recovery of polluted fisheries waters;
- Strengthening control of pollutant discharge from vessels and ports;
- Subsidizing those factories contributing to reduction of pollutant discharge / purification
- Increasing Charges for pollutant discharge, and punishment of illegal discharges (Shanghai; also Tai Hu Lake, Jiangsu Province, Aug. 2008)

Thank you !

# **Fisheries Law**

(Adopted 1986, first amendment 2000, second amendment 2004)

- Chapter I General Provisions
- Chapter II Aquaculture
- Chapter III Fishing
- Chapter IV Increase and Protection of Fishery Resources
- Chapter V Legal Liabilities
- Chapter VI Supplementary Provisions

- Chapter II Aquaculture
- Article 11 An aquaculture permit...
- Article 15 governments at or above the county level shall take measures to protect the bases for production of commodity fish and key water areas for aquaculture.
- Article 16 The State encourages and supports seed selection, breeding and propagation of fine varieties of aquatic species. The new varieties of aquatic species shall be subject to verification by the National Verification Commission for Pedigree and Fine Varieties of Aquatic Species.

The import and export of fry and fingerling of aquatic animals shall be subject to examination and approval by the administrative department ...

Article 17 The fry and fingerling of aquatic animals for import or export shall undergo quarantine in order to prevent the spread of diseases in or out of the territory.

Introduction of trans-genic fry and fingerling of aquatic animals shall undergo safety evaluation,...

Article 18 Fisheries departments shall provide energetic technological guidance for aquaculture and improve their work for the prevention and treatment of diseases.

Article 19 Noxious and harmful bait and feed are prohibited in aquacultural production.

Article 20 Aquacultural workers shall protect the ecological environment of the waters by scientifically defining the density of aquaculture, and through rational feeding and rational application of fertilizer and use of medicines, and contamination of the waters therefrom is not allowed.



# Marine Environmental Protection Law

(Adopted 1982, revised Dec. 1999)

Chapter 1 General Provisions

Chapter 2 Supervision and Administration of the Marine Environment

Chapter 3 Marine Ecological Conservation

Chapter 4 Prevention and Control of pollution Damage to the Marine Environment by Land-based Pollutants

Chapter 5 Prevention and Control of Pollution Damage to the Marine Environment by Coastal Construction Projects

Chapter 6 Prevention and Control of Pollution Damage to the Marine Environment by Marine Construction Projects

Chapter 7 Prevention and Control of Pollution Damage to the Marine Environment by Dumping of Wastes

Chapter 8 Prevention and Control of Pollution Damage to the Marine Environment by Vessels and Their Related Operations

Chapter 9 Legal Liabilities

Chapter 10 Supplementary Provisions

**Article 28** The State shall encourage and promote to develop ecological fisheries, popularize various ecological fisheries production methods and improve marine ecological conditions. Environmental impact assessment shall be requested for new construction, reconstruction and extension of mariculture fields. The density of aquaculture shall be determined in a scientific way for marine aquaculture, and feed used rationally, and manure used rationally, and medicines taken accurately, so as to prevent the marine environment from pollution.

# **2008 Law on the Prevention and Control of Water Pollution (LPCWP)**

Chapter I General Provisions

Chapter II Standards and Planning for the Prevention and Control of Water Pollution

Chapter III Supervision and Administration of the Prevention and Control of Water Pollution

Chapter IV Measures for the Prevention and Control of Water Pollution

Section 1 General Rules

Section 2 Prevention and Control of Industrial Water Pollution

Section 3 Prevention and Control of Urban Water  
Pollution

Section 4 Prevention and Control of Water Pollution in  
Agriculture and Rural Areas

Section 5 Prevention and Control of Water Pollution  
from Vessels

Chapter V Protection of Drinkable Water Sources and  
Other Special Waters

Chapter VI Management of Water Pollution Accidents

Chapter VII Legal Liability

Chapter VIII Supplementary Provisions