

# Table of Contents

The Authors	3
List of Abbreviations	13
General Introduction	15
Chapter 1. General Background	15
§1. GEOGRAPHY AND POPULATION	15
§2. LEGAL, POLITICAL, AND ADMINISTRATIVE STRUCTURE	17
I. The Constitution of the PRC	17
II. National and Local People's Congresses	17
III. State Council and Local Governments	19
IV. Courts	20
V. Procuratorates	22
VI. Political Parties and the CPPCC	23
§3. ECONOMIC CHARACTERISTICS	24
§4. MAIN ENVIRONMENTAL PROBLEMS	25
I. Pollution	25
A. Air Pollution	25
B. Industrial Solid Wastes and Household Garbage	26
C. Water Pollution	26
II. Ecological Deterioration	28
Chapter 2. Basic Principles of Environmental Law	30
§1. BASIC PRINCIPLES	30
I. Green Development	30
II. Prevention First and Integrating Prevention with Control	32
III. Responsibilities of Polluters and Developers	32
IV. Public Participation	32
§2. Constitutional Provisions	34
	5

## Table of Contents

Chapter 3.	Historical Development of Environmental Law	35
Chapter 4.	Roles of Major Players in the Process of Environmental Governance	41
§1.	THE GOVERNMENTAL INSTITUTIONS AND THEIR COMPETENCIES	41
I.	Ministry of Environmental Protection (MEP)	41
II.	National Development and Reform Commission (NDRC)	43
III.	Ministry of Land and Resources (MLR)	45
IV.	Ministry of Water Resources (MWR)	46
V.	Ministry of Housing and Urban-Rural Development (MOHURD)	48
VI.	Ministry of Transport	49
VII.	Ministry of Agriculture (MA)	49
VIII.	Ministry of Health (MH)	50
IX.	Ministry of Commerce	50
X.	Ministries of Public Security (MPS)	50
XI.	Ministry of Foreign Affairs (MFA)	51
XII.	State Forestry Administration (SFA)	51
XIII.	State Oceanic Administration (SOA)	51
XIV.	General Administration of Quality Supervision, Inspection, and Quarantine (GAQSIQ)	52
§2.	THE ACTUAL ROLE OF THE GOVERNMENTAL INSTITUTIONS	55
§3.	ENTERPRISES	57
§4.	THE THIRD PARTIES	57
Chapter 5.	Sources of Environmental Law	58
§1.	CONSTITUTION	58
§2.	STATUTES	58
§3.	JUDICIAL INTERPRETATIONS AND LEGAL OPINIONS OF THE SUPREME PEOPLE'S COURT AND THE SUPREME PEOPLE'S PROCURATORATE	58
§4.	TREATIES	58
§5.	REGULATIONS	59
Part I.	Pollution Control	61
Chapter 1.	General Law	61

## Table of Contents

§1.	FRAMEWORK LEGISLATION ON ENVIRONMENTAL PROTECTION: ENVIRONMENTAL PROTECTION LAW OF THE PRC (1979, 1989, 2014)	61
§2.	LAW ON ENVIRONMENTAL IMPACTS ASSESSMENT (2002, 2016)	63
§3.	LAW ON PROMOTING CLEANER PRODUCTION	67
§4.	RELATED REGULATIONS	69
I.	The Regulation on the Disclosure of Government Information (2007)	69
Chapter 2.	Air Pollution	73
§1.	LAW ON PREVENTION AND CONTROL OF ATMOSPHERIC POLLUTION (1987, 1995, 2000, 2015)	73
I.	Regulatory Institutions	73
II.	Major Regulatory Measures	73
III.	Sanctions and Liabilities	77
Chapter 3.	Water Pollution	78
§1.	LAW ON PREVENTION AND CONTROL OF WATER POLLUTION (1984, 1996, 2008)	78
I.	Regulatory Institutions	78
II.	Major Regulatory Measures	78
III.	Sanctions and Liabilities	87
IV.	Legal Procedures	88
Chapter 4.	Waste	90
§1.	LAW ON PREVENTION AND CONTROL OF POLLUTION CAUSED BY SOLID WASTES (1995, 2004, 2013, 2015, 2016)	90
I.	Regulatory Institutions	90
II.	Major Regulatory Measures	90
III.	Sanctions and Liabilities	93
IV.	Legal Procedures	95
§2.	LAW ON PROMOTING CIRCULAR ECONOMY (2008)	95
I.	Regulatory Institutions	96
II.	Major Regulatory Measures	96

## Table of Contents

III. Sanctions and Liabilities	98
Chapter 5. Noise Pollution	99
§1. LAW ON PREVENTION AND CONTROL OF NOISE POLLUTION (1996)	99
I. Regulatory Institutions	99
II. Major Regulatory Measures	99
III. Sanctions and Liabilities	101
Chapter 6. Radiation	102
§1. LAW ON PREVENTING AND CONTROL OF RADIATION POLLUTION (2003)	102
I. Regulatory Institutions	102
II. Major Regulatory Measures	102
III. Sanctions and Liabilities	103
Chapter 7. Ozone Layer	106
§1. LAW ON PREVENTION AND CONTROL OF ATMOSPHERIC POLLUTION (2015)	106
§2. THE REGULATIONS ON THE ADMINISTRATION OF OZONE DEPLETING SUBSTANCES (2010)	106
I. Regulatory Institutions	106
II. Major Regulatory Measures	107
III. Sanctions and Liabilities	110
Part II. Nature Conservation and Management	113
Chapter 1. Water, Soil, and Land	113
§1. WATER LAW (2016)	113
I. Regulatory Institutions	113
II. MAJOR REGULATORY MEASURES	114
III. Sanctions and Liabilities	118
§2. LAW ON WATER AND SOIL CONSERVATION (2010)	120
I. Regulatory Institutions	120

## Table of Contents

II.	Major Regulatory Measures	120
III.	Sanctions and Liabilities	125
§3.	LAW ON DESERT PREVENTION AND TRANSFORMATION (2001)	128
I.	Regulatory Institutions	128
II.	Major Regulatory Measures	128
III.	Sanctions and Liabilities	132
Chapter 2.	Parks and Reserves	134
§1.	THE REGULATIONS ON NATURE RESERVES (1994, 2011)	134
I.	Regulatory Institutions	134
II.	Major Regulatory Measures	135
III.	Sanctions and Liabilities	136
§2.	THE PROVISIONS ON MANAGEMENT OF NATURE RESERVES FOR FORESTS AND WILD ANIMALS (1985)	137
I.	Regulatory Institutions	137
II.	Major Regulatory Measures	138
III.	Sanctions and Liabilities	138
§3.	THE PROVISIONS ON MANAGEMENT OF NATURE RESERVES FOR AQUATIC ANIMALS AND PLANTS (1997, 2010, 2013, 2014)	138
I.	Regulatory Institutions	138
II.	Major Regulatory Measures	139
III.	Sanctions and Liabilities	139
§4.	THE PROVISIONS ON MANAGEMENT OF MARINE NATURE RESERVES (1995)	139
I.	Regulatory Institutions	139
II.	Major Regulatory Measures	139
III.	Sanctions and Liabilities	139
Chapter 3.	Species Conservation and Biosafety	140
§1.	WILD ANIMAL PROTECTION LAW (1988, 2004, 2009, 2016)	140
I.	Regulatory Institutions	140
II.	Major Regulatory Measures	140
III.	Sanctions and Liabilities	143

## Table of Contents

§2.	THE REGULATIONS ON PROTECTION OF WILD PLANTS (1996)	145
	I. Regulatory Institutions	145
	II. Major Regulatory Measures	145
	III. Sanctions and Liabilities	146
§3.	THE REGULATIONS ON PROTECTION AND MANAGEMENT OF WILD MEDICAL RESOURCES (1987)	147
	I. Regulatory Institutions	147
	II. Major Regulatory Measures	147
	III. Sanctions and Liabilities	148
§4.	THE REGULATIONS ON ADMINISTRATION OF AGRICULTURAL GENETICALLY MODIFIED ORGANISMS SAFETY (2001)	149
	I. Regulatory Institutions	149
	II. Major Regulatory Measures	149
	III. Sanctions and Liabilities	151
Chapter 4.	Forests and Grasslands	152
§1.	FOREST LAW (1984, 1998, 2009)	152
	I. Regulatory Institutions	152
	II. Major Regulatory Measures	152
	III. Sanctions and Liabilities	153
§2.	GRASSLAND LAW (1985, 2002, 2009, 2013)	155
	I. Regulatory Institutions	155
	II. Major Regulatory Measures	156
	III. Sanctions and Liabilities	157
Chapter 5.	Fish Resources	160
§1.	FISHERIES LAW (1986, 2000, 2004, 2009, 2013)	160
	I. Regulatory Institutions	160
	II. Major Regulatory Measures	161
	III. Sanctions and Liabilities	162
Chapter 6.	Minerals	164
§1.	MINERAL RESOURCES LAW OF THE PRC (1986, 1996)	164

## Table of Contents

I.	Regulatory Institutions	164
II.	Major Regulatory Measures	164
III.	Sanctions and Liabilities	165
Chapter 7.	Marine Environment	167
§1.	MARINE ENVIRONMENT PROTECTION LAW (1982, 1999, 2013, 2016)	167
I.	Regulatory Institutions	167
II.	Major Regulatory Measures	168
III.	Sanctions and Liabilities	170
§2.	LAW ON ADMINISTRATION OF USES OF SEA AREAS (2001)	171
I.	Regulatory Institutions	171
II.	Major Regulatory Measures	172
III.	Sanctions and Liabilities	174
§3.	LAW ON THE PROTECTION OF OFFSHORE ISLANDS (2009)	174
I.	Regulatory Institutions	175
II.	Major Regulatory Measures	176
III.	Sanctions and Liabilities	179
Part III.	Zoning and Land-Use Planning	181
Chapter 1.	Land Administration	182
§1.	LAND ADMINISTRATION LAW OF THE PRC (1986, 1998, 2004)	182
I.	Regulatory Institutions	182
II.	Major Regulatory Measures	182
III.	Sanctions and Liabilities	186
Chapter 2.	Urban and Rural Planning	188
§1.	LAW ON URBAN AND RURAL PLANNING (2007, 2015)	188
I.	Regulatory Institutions	188
II.	Major Regulatory Measures	188
III.	Sanctions and Liabilities	193
Part IV.	Related Laws	197
§1.	GENERAL PRINCIPLES OF CIVIL LAW OF THE PRC (1986, 2009)	197

## Table of Contents

§2.	TORT LIABILITY LAW (2009)	198
§3.	CIVIL PROCEDURE LAW (1991, 2007, 2012)	200
§4.	ADMINISTRATIVE LICENSE LAW (2003)	202
§5.	ADMINISTRATIVE REVIEW LAW (1999)	204
§6.	ADMINISTRATIVE PENALTY LAW (1996, 2009)	206
§7.	ADMINISTRATIVE LITIGATION LAW (1989, 2015)	207
§8.	ADMINISTRATIVE ENFORCEMENT LAW (2011)	209
§9.	CRIMINAL LAW (1979, 1997, 1999, 2001 (AUGUST), 2001(DECEMBER), 2002, 2005, 2006, 2009, 2011, 2015)	212
§10.	CRIMINAL PROCEDURE LAW (1996)	212
	Selected Bibliography	215
	Index	219