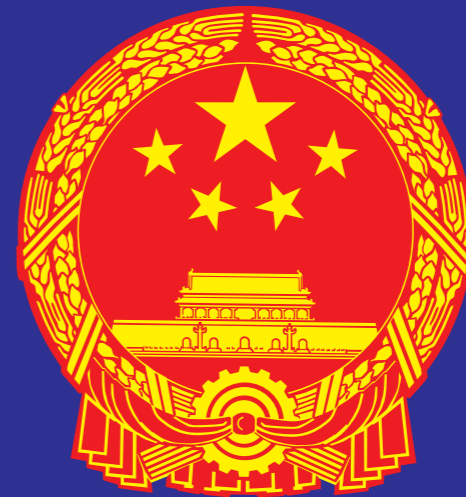


北京市法规规章汇编

(1949—2020)

REGULATIONS AND RULES OF BEIJING



北京市法规规章汇编

Regulations and Rules of Beijing

(1949—2020)

生态文明

Ecological Civilization

北京市司法局编

Compiled by Beijing Municipal Bureau of Justice

北京市法规规章汇编

Regulations and Rules of Beijing

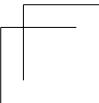
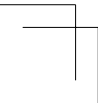
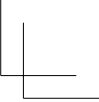
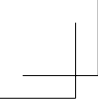
1949—2020

生态文明

Ecological Civilization

北京市司法局编

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《北京市法规规章汇编（1949—2020）》

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编辑说明

建国以来，北京市的立法工作取得了丰硕成果。市人大常委会、市人民政府根据全国人大及其常委会、国务院制定的法律和行政法规，结合本市经济社会发展实际，制定了大量的地方性法规和地方政府规章，并结合改革发展的新形势、新要求定期进行清理，逐步形成了符合法制统一原则、充分体现首都特色的法规规章体系。

本汇编收录 1949 年 10 月 1 日至 2020 年 12 月 31 日北京市制定的有关生态文明全部现行有效地方性法规和政府规章共计 41 件。

为方便读者查阅，本汇编采取了以下编纂体例：

1. 本汇编收录的是与生态文明相关的地方性法规和政府规章；
2. 在各个大类中，按照法规规章涉及的具体领域、制定或者实施部门等，将其分为 7 个小类；
3. 每一小类中的法规规章，均按照发布日期排列，发布日期相同的按照法规在前、规章在后的顺序排列。

本汇编所收法规、规章的英文译本与中文文本有歧义的，以中文文本为准。

北京市司法局

2021年2月

Editor's Notes

Substantial achievements have been made in the legislation work of Beijing Municipality since the founding of the People's Republic of China. In accordance with the laws and administrative regulations formulated by the National People's Congress and its Standing Committee as well as the State Council, the Standing Committee of Beijing Municipal People's Congress and the Beijing Municipal People's Government have formulated a large amount of local regulations and government rules in light of the economic and social development in this Municipality, have sorted out these local regulations and government rules at regular intervals in light of new circumstances and requirements of reform and development, and have gradually established a framework of local regulations and government rules with characteristics of the capital according to the principle of unified legal system.

This collection gathers together 41 sets of currently effective local regulations and government rules of this Municipality on ecological civilization which are formulated between October 1, 1949 and December 31, 2020.

For the convenience of the readers, this collection adopts the following compilation style:

1. Local regulations and government rules in this collection are divided into one category: Ecological Civilization;
2. Local regulations and government rules in the category are then divided into 7 sub-categories according to specific fields or enacting or implementing authorities;
3. Local regulations and government rules in each sub-category are listed according to their dates of promulgation, and regulations are listed before rules with the same dates of promulgation.

Where any discrepancy arises between English translation and the original Chinese version, the Chinese version shall prevail.

Beijing Municipal Bureau of Justice
February 2021

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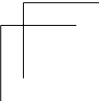
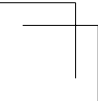
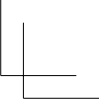
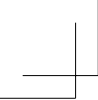
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五、生态文明

V. Ecological Civilization

（一）国土资源

北京市实施《中华人民共和国矿山安全法》办法

（1993年11月26日北京市第十届人民代表大会常务委员会第七次会议通过 根据1997年9月4日北京市第十届人民代表大会常务委员会第三十九次会议通过的《关于修改〈北京市实施中华人民共和国矿山安全法办法〉的决定》修正 根据2001年5月18日北京市第十一届人民代表大会常务委员会第二十六次会议通过的《北京市实施〈中华人民共和国矿山安全法〉办法修正案》修正 根据2016年11月25日北京市第十四届人民代表大会常务委员会第三十一次会议通过的《关于修改部分地方性法规的决定》修正）

第一条 为了保障矿山生产安全，防止矿山事故，保护矿山职工人身安全，促进采矿业的发展，根据《中华人民共和国矿山安全法》（以下简称《矿山安全法》）和《中华人民共和国矿山安全法实施条例》（以下简称《实施条例》），结合北京市实际情况，制定本办法。

第二条 在本市行政区域内从事矿产资源开采活动的矿山企业、其他经济组织及个体采矿（以下统称矿山企业），必须遵守《矿山安全法》《实施条例》和本办法。

第三条 市和区矿山安全主管部门按照《矿山安全法》《实施条例》的规定和市人民政府确定的职责，对本行政区域内的矿山安全工作实施统一监督。

第四条 市和区矿山安全主管部门根据矿山安全监督工作的需要，配备有矿山安全生产专业知识和矿山安全工作经验的矿山安全监督人员。

i. Land and Resources

Measures of Beijing Municipality for Implementing the Law of the People's Republic of China on Safety in Mines

(Adopted at the 7th Meeting of the Standing Committee of the 10th People's Congress of Beijing Municipality on November 26, 1993, revised in accordance with the Decisions on Revising the "Measures of Beijing Municipality for Implementing the Law of the People's Republic of China on Safety in Mines" adopted at the 39th Meeting of the Standing Committee of the 10th People's Congress of Beijing Municipality on September 4, 1997, revised in accordance with the Amendment to the Measures of Beijing Municipality for Implementing the "Law of the People's Republic of China on Safety in Mines" adopted at the 26th Meeting of the Standing Committee of the 11th People's Congress of Beijing Municipality on May 18, 2001, and revised in accordance with the Decisions on Revising Some Local Regulations adopted at the 31st Meeting of the Standing Committee of the 14th People's Congress of Beijing Municipality on November 25, 2016)

Article 1 The Measures are formulated for the purposes of ensuring safety in production in mines, preventing accidents and protecting personal safety of employees at mines and promoting the development of the mining industry in accordance with the Law of the People's Republic of China on Safety in Mines (hereinafter referred to as the Mine Safety Law) and the Regulations for Implementing the Law of the People's Republic of China on Safety in Mines (hereinafter referred to as the Implementing Regulations) and in light of the actual circumstances of this Municipality.

Article 2 Mining enterprises, other economic organizations and individuals (hereinafter referred to as mining enterprises) engaged in exploitation of mineral resources within the administrative area of this Municipality must comply with the Mine Safety Law, the Implementing Regulations and the Measures.

Article 3 The municipal and district competent departments for safety in mines shall, in accordance with the provisions of the Mine Safety Law and the Implementing Regulations and their responsibilities assigned by the Municipal People's Government, exercise unified supervision over the work of safety in mines within their respective administrative areas.

Article 4 The municipal and district competent departments for safety in mines shall, on the basis of the needs of mine safety supervision, be staffed with the personnel in charge of mine safety supervision who have professional knowledge on safe production in

安全监督人员凭其执法证件在所负责的范围内，有权进入矿山现场检查安全状况；有权参加矿山企业召开的有关会议，调阅有关资料，向有关人员了解情况；发现不安全因素或者隐患，有权要求立即改正或者限期改正；遇有危及安全的紧急情况，有权要求矿山企业现场指挥人员立即从危险区内撤出作业人员。

矿山企业拒绝矿山安全监督人员现场检查或者在被检查时隐瞒事故隐患、不如实反映情况的，由市和区矿山安全主管部门按照《矿山安全法》第四十条的规定处理。处以罚款的，罚款数额为2万元以下。

第五条 市和区人民政府确定的管理矿山企业的主管部门按照《矿山安全法》《实施条例》的规定和下列职责，对本行业、本系统矿山安全工作进行管理：

- （一）制定本行业、本系统矿山企业安全生产操作规程；
- （二）检查、督促矿山建设工程施工、开采的作业规程和安全技术措施的制定和实施；
- （三）检查、督促矿山事故隐患防范措施的制定和落实；
- （四）检查、督促矿山安全技术措施专项费用的提取和使用；
- （五）组织本系统的矿山抢险、救护工作。

第六条 乡、镇人民政府负责本乡、镇矿山企业安全工作的监督管理，履行下列职责：

- （一）检查、督促乡、镇矿山企业贯彻执行矿山安全法律、法规；
- （二）检查、督促乡、镇矿山企业对职工进行安全教育和培训；
- （三）检查、督促乡、镇矿山企业矿山建设工程施工、开采的作业规程和安全技术措施的制定和实施；
- （四）组织乡、镇矿山企业制定矿山事故隐患的防范措施；
- （五）检查、督促乡、镇矿山企业按照规定及时、如数提取和使用安全技术措施专项费用；

mines and experience of working in mine safety.

In their responsible areas, the personnel in charge of mine safety supervision shall, on the strength of their law enforcement credentials, have the right to enter the mining sites for inspecting the safety situations, to attend relevant meetings convened by mining enterprises, to look up relevant materials, to collect information from persons involved; upon discovery of any unsafe factor or hidden danger, have the right to require the mining enterprises to make prompt corrections or to make corrections within a specified time limit; and in critical situations where safety is endangered, have the right to require commanders of the mining enterprises at the site to promptly evacuate persons from the dangerous areas.

Where a mining enterprise refuses on-the-spot inspection by the personnel in charge of mine safety supervision, or conceals hidden dangers of accidents or fails to truthfully report the situations when being inspected, it shall be handled by the municipal and district competent departments for safety in mines in accordance with the provisions of Article 40 of the Mine Safety Law, and a fine of not more than 20,000 yuan may be imposed.

Article 5 The competent departments for administration of mining enterprises designated by the municipal and district people's governments shall, in accordance with the provisions of the Mine Safety Law and the Implementing Regulations and the following responsibilities, be responsible for the administration of safety in mines in their respective industries and systems:

- (1) formulating the operation rules for safe production for mining enterprises in their respective industries and systems;
- (2) inspecting and urging the formulation and implementation of operation rules and technical safety measures for the construction and exploitation of mine projects;
- (3) inspecting and urging the formulation and implementation of prevention measures against hidden dangers of accidents at mines;
- (4) inspecting and urging the drawing and using of the special funds for technical safety measures in mines; and
- (5) organizing the work of emergency response and rescue for mines in their own systems.

Article 6 The town or township people's governments shall be responsible for the supervision and administration of the safety work of mining enterprises within their respective administrative areas, and undertake the following responsibilities:

- (1) inspecting and urging the implementation of laws and regulations on safety in mines by town or township mining enterprises;
- (2) inspecting and urging the safety education and training of employees by town or township mining enterprises;
- (3) inspecting and urging the formulation and implementation of the operation rules and technical safety measures for the construction and exploitation of mine construction projects by town or township mining enterprises;
- (4) organizing the formulation of prevention measures against hidden dangers of accidents at mines by town or township mining enterprises;
- (5) inspecting and urging the timely and exact drawing and using of the special funds for technical safety measures in mines as stipulated by town or township mining enterprises;

(六) 督促乡、镇矿山企业定期检查、维修安全检测仪器、机电设备及其防护装置;

(七) 组织本乡、镇矿山安全联合抢险、救护工作;

(八) 参加本乡、镇矿山事故的调查处理。

矿点较多或者以采矿收益为主的乡、镇,必须有一名乡、镇级领导主管矿山安全工作。

第七条 大型矿山企业和矿点较多的区人民政府管理矿山企业的主管部门,应当建立专业矿山抢险救护队,负责矿山重大安全事故的抢险救护。

第八条 矿长、矿山企业的负责人(以下统称矿长),对本矿山企业安全生产负责。

对任用不具备安全专业知识的矿长的矿山企业,由区矿山安全主管部门责令限期改正;逾期不改正的,提请区人民政府决定责令停产,调整配备合格人员后方可恢复生产。

第九条 矿山企业工会依法维护职工的合法权益,组织职工对矿山安全工作进行监督:

(一) 发现矿山企业违反有关矿山安全的法律、法规,有权要求企业行政方面或者有关部门认真处理;

(二) 矿山企业召开讨论有关安全生产的会议,应当有工会代表参加,并有权提出意见和建议;

(三) 发现违章指挥,强令职工冒险作业或者生产过程中发现明显重大事故隐患和职业危害,有权要求行政方面及时解决;

(四) 发现危及职工生命安全的紧急情况时,有权要求企业现场指挥人员立即组织职工撤离危险现场。

职工代表大会对企业的安全工作进行监督。矿长应当定期向职工代表大会或者职工大会报告安全工作,每年不少于一次。

乡、镇矿山企业应当建立职工安全监督组织,依照前两款规定,组织职工对矿山

(6) urging town or township mining enterprises to carry out regular inspection and maintenance of safety detecting instruments and mechanical and electrical equipment and the protective apparatuses thereof;

(7) organizing the work of joint emergency response and rescue for safety in mines within their respective administrative areas; and

(8) participating in the investigation and handling of the accidents at mines within their respective administrative areas.

For towns or townships where there are many mining sites or profits of mining are the main source of revenue, a leader at the town or township level shall be assigned to be in charge of the work of safety in mines.

Article 7 The competent departments for administration of mining enterprises of the people's governments of districts where there are many large-sized mining enterprises or mining sites shall set up professional emergency response and rescue teams for mines to be responsible for the emergency response and rescue for major safety accidents at mines.

Article 8 The managers of mines and the persons in charge of mining enterprises (hereinafter referred to as managers of mines) shall be responsible for the safe production of their respective mining enterprises.

For the mining enterprises which assign a person who does not have professional knowledge on safe production as the manager, they shall be ordered to make corrections within a specified time limit by the district competent departments for safety in mines; if they fail to make corrections within the specified time limit, they shall be ordered to suspend production by the district people's governments, and production may be resumed only after a qualified person is assigned.

Article 9 The trade unions of mining enterprises shall safeguard the lawful rights and interests of the employees according to law, and organize the employees to supervise the work of safety in mines:

(1) Upon discovery of any violation of laws and regulations on safety in mines by mining enterprises, the trade unions shall have the right to demand that the management of the enterprises or the relevant departments deal with the case seriously;

(2) Meetings held by mining enterprises to discuss matters concerning safe production shall be attended by representatives from trade unions, who shall have the right to advance their comments and proposals;

(3) Where a mining enterprise gives a command contrary to the established rules and compels workers to operate under unsafe conditions, or major hidden dangers of accidents and occupational hazards are found in the course of production, the trade unions shall have the right to demand that the management of the enterprise solve the case promptly; and

(4) Upon discovery of emergent conditions where the lives of the employees are in danger, the trade unions shall have the right to demand that the commanders of enterprises at the site promptly evacuate the employees from the dangerous site in an organized manner.

The congresses of employees shall supervise the work of safety of enterprises. The managers of mines shall regularly report the work of safety to the congresses of employees or the assemblies of employees, not less than once a year.

Town or township mining enterprises shall establish organizations of employees for

安全工作进行监督。

第十条 矿山职工享有以下权利：

- （一）有权拒绝接受违章指挥，制止他人违章作业；
- （二）对于领导人或者上级单位危害安全的决定和行为，提出批评、检举和控告；
- （三）按照规定领取和使用保障安全生产所需的劳动防护用品；
- （四）参加保障安全生产的技术革新活动，提出改善劳动条件的合理化建议。

矿山职工履行以下义务：

- （一）遵守有关矿山安全法律、法规和企业规章制度；
- （二）维护矿山安全生产设备、设施；
- （三）及时报告危险情况，参加抢险救护。

第十一条 矿山企业的新建、扩建和技术改造工程的安全设施必须与主体工程同时设计、同时施工、同时投入生产和使用。

矿山建设工程安全设施的设计未经批准擅自施工的，由管理矿山企业的主管部门责令停止施工；拒不执行的，由管理矿山企业的主管部门提请区以上人民政府决定由有关行政主管部门吊销其采矿许可证和营业执照。

矿山建设工程的安全设施未经验收或者验收不合格擅自投入生产的，按照《矿山安全法》第四十三条的规定处罚。处以罚款的，罚款数额为 10 万元以下。

第十二条 矿山开采必须按照《矿山安全法》和《实施条例》的规定，具备保障安全生产的条件。

对不具备安全生产条件而投入生产的矿山企业，按照《矿山安全法》第四十四条和《实施条例》第五十四条的规定处理。

第十三条 矿山的建设和开采，必须遵守国家主管部门制定的矿山安全规程、行业技术规范和管理矿山企业的主管部门制定的安全生产操作规程。

矿山企业进行矿山建设工程施工、开采作业，必须制定作业规程及保障作业人员

safety supervision, and organize employees to supervise the work of safety in mines in accordance with the provisions of the preceding two paragraphs.

Article 10 Employees at mines shall enjoy the following rights:

- (1) to refuse commands contrary to the established rules, and stop other persons from operation contrary to the established rules;
- (2) to criticize, report and charge against any decision or act of leaders or units at the next higher level that endangers safety;
- (3) to receive and use labor protection and personal protective equipment necessary for guaranteeing safe production as required; and
- (4) to participate in technological innovation on guaranteeing safe production, and put forward reasonable suggestions on improving working conditions.

Employees at mines shall fulfill the following obligations:

- (1) to observe laws, regulations and enterprise rules on safety in mines;
- (2) to maintain the equipment and facilities for safe production in mines; and
- (3) to timely report dangerous situations and to join in the work of emergency response and rescue.

Article 11 Safety facilities of the projects of the building, expansion and technological reform of mining enterprises must be designed, constructed and put into operation and use at the same time with the principal parts of the projects.

Where a mine construction project is started without having the designs of its safety facilities approved, the competent departments for administration of mining enterprises shall order suspension of construction; in case of refusal to carry out the order, the competent departments for administration of mining enterprises shall submit a request to the people's governments at or above the district level for the decision to ask relevant competent departments to revoke the mining licenses and business licenses.

Where the safety facilities of a mine construction project are put into operation before they are inspected for acceptance or failed passing the acceptance inspection, a punishment shall be made in accordance with the provisions of Article 43 of the Mine Safety Law, and a fine of not more than 100,000 yuan may be imposed.

Article 12 For the exploitation of mines, the provisions of the Mine Safety Law and the Implementation Regulations must be observed, and the requirements on ensuring safe production must be met.

Mining enterprises already put into operation but without the due conditions for safe production shall be handled in accordance with the provisions of Article 44 of the Mine Safety Law and the provisions of Article 54 of the Implementing Regulations.

Article 13 The construction and exploitation of mines must comply with the safety rules and technological standards for mining industry formulated by the competent departments of the State, and the operation rules for safe production formulated by the competent departments for administration of mining enterprises.

To conduct mine construction or exploitation, mining enterprises must formulate operation rules and technological and organizational measures for ensuring the safety of

安全的技术和组织措施。在地质条件复杂或者特殊环境等情况下施工或者开采作业，必须编制专门设计，报经管理矿山企业主管部门批准。

矿山企业越界开采造成其他矿山企业伤亡事故的，应当赔偿因伤亡事故造成的经济损失，市和区矿山安全主管部门按照有关规定给予处罚。

第十四条 矿山企业必须对职工进行安全教育、培训。新入矿的工人安全教育、培训时间，井下工人不得少于 72 小时，露天矿工人不得少于 40 小时，经考试合格后，方可上岗作业。培训期间发给生活费。调换工种和采用新工艺作业的人员必须重新培训，经考试合格后，方可上岗作业。所有生产作业人员在职安全教育、培训的时间，每年不得少于 20 小时。

未对矿山职工进行安全教育、培训或者未达到规定培训时间、考试不合格上岗作业的，按照《矿山安全法》第四十条的规定处理。处以罚款的，罚款数额为 4 万元以下。

第十五条 矿山企业的特种作业人员必须接受专门技术培训，经考核合格取得操作资格证书后，方可上岗作业。考核发证工作按照国家和市人民政府的有关规定执行。

特种作业人员无证上岗作业的，由市和区矿山安全主管部门责令限期改正；逾期不改正的，提请区以上人民政府决定停产，调整配备合格人员后，方可恢复生产。

第十六条 矿山使用的有特殊安全要求的设备、器材、防护用品和安全检测仪器，必须符合国家安全标准或者行业安全标准。对机电设备及其防护装置、安全检测仪器必须建立维修、检测制度，定期进行检查、维修和检测。

使用不符合国家安全标准或者行业安全标准的设备、器材、防护用品、安全检测仪器的，按照《矿山安全法》第四十条的规定处理。处以罚款的，罚款数额为 5 万元以下。

第十七条 矿山企业必须根据国家规定提取安全技术措施专项费用，用于改善矿山安全生产条件，不得挪作他用。

未按照规定提取或者使用安全技术措施专项费用的，按照《矿山安全法》第四十

operating personnel. In the case of complex geological conditions or special circumstances, etc., special designs for construction and mining operations must be formulated and submitted to the competent departments of the mining enterprises for approval.

If the mining operations of a mining enterprise beyond its approved boundary and results in accidents involving casualties in other mining enterprises, it shall compensate for the economic loss caused by such accidents, and the municipal and district competent departments for mine safety shall impose penalties on the said enterprise in accordance with relevant provisions.

Article 14 Mining enterprises must provide safety education and training to their employees. For the new recruits, those who are to work underground shall accept safety education and training for no less than 72 hours, and those who are to work at open-cast mines for no less than 40 hours. They may take up a post of duty only after passing an examination. During the period of training, living expenses shall be paid by the mining enterprises. Employees who are to change to new types of work or adopt new techniques shall be retrained, and may take up a post of duty only after passing an examination. All employees in production shall accept on-the-job safety education and training for no less than 20 hours each year.

The mining enterprises which do not provide safety education and training to their employees, or fail to reach standards on the prescribed training time, or allow the employees to take up a post of duty before passing an examination shall be handled in accordance with the provisions of Article 40 of the Mine Safety Law, and a fine of not more than 40,000 yuan may be imposed.

Article 15 Special operators of mining enterprises must receive special technical training. They may take up a post of such duty only after obtaining a certificate of operational qualification upon examination. Examination and issuance of certificates shall be conducted in accordance with the relevant provisions of the State and the Municipal People's Government.

For special operators taking up a post of duty without certificates, the municipal and district competent departments for mine safety shall order them to rectify within a specified time limit; if they fail to do so, the cases shall be submitted to the people's governments at or above the district level for an order to suspend production, and production may be resumed only after the qualified persons are assigned.

Article 16 Mine facilities, apparatus, protective equipment and safety testing instruments with special safety requirements must comply with the national safety standards or safety standards of the mining industry. Systems for repairing and testing mechanical and electrical equipment and the protective installations thereof, as well as safety testing instruments must be established so as to carry out regular inspection, maintenance and testing of the said equipment, installations, and instruments.

Those using mine facilities, apparatus, protective equipment and safety testing instruments which do not comply with the national safety standards or safety standards of the mining industry shall be handled in accordance with the provisions of Article 40 of the Mine Safety Law, and a fine of not more than 50,000 yuan may be imposed.

Article 17 Mining enterprises must, in accordance with the provisions of the State, draw the special funds for technical safety measures to improve conditions of safe production in mines. Such funds shall not be diverted to any other purposes.

Those who fail to draw or use the special funds for technical safety measures as required shall be handled in accordance with the provisions of Article 40 of the Mine Safety

条的规定处理。处以罚款的，罚款数额为 5 万元以下。

任何单位和个人不得抽调矿山企业的安全技术措施专项费用，违反的，由市和区矿山安全主管部门责令其限期归还，对直接责任人员及其主管人员可以提请其所在单位或者上级主管机关给予行政处分。

第十八条 矿山企业发生矿山事故，按照《矿山安全法》第六章、第七章的规定和市人民政府的有关规定处理。

未按照规定及时、如实报告矿山事故的，按照《矿山安全法》第四十条的规定处理。处以罚款的，罚款数额为 3 万元以下。

第十九条 当事人应当自收到行政处罚决定书之日起 15 日内，到指定的银行缴纳罚款；到期不缴纳罚款的，每日按罚款数额的 3% 加处罚款。

第二十条 对坚持矿山安全生产，防止矿山事故，参加矿山抢险救护，进行矿山安全科学技术研究等方面取得显著成绩的单位和个人，由各级人民政府及其有关主管部门或者矿山企业给予奖励。

第二十一条 矿山安全监督人员和安全管理人員濫用職權、玩忽職守、徇私舞弊，構成犯罪的，依法追究刑事責任；不構成犯罪的，給予行政處分。

第二十二条 本办法自公布之日起施行。

Law, and a fine of not more than 50,000 yuan may be imposed.

No unit or individual may divert the special funds for technical safety measures of mining enterprises; in case of violations of such provision, the municipal and district competent departments for mine safety shall order the violators to refund the funds within a specified time limit. For the persons directly responsible and the persons in charge, a request may be submitted to the units they serve or the competent departments at the next higher level for imposing administrative sanctions.

Article 18 The accidents at mines occurred in mining enterprises shall be handled in accordance with the provisions of Chapter VI and Chapter VII of the Mine Safety Law and the relevant provisions of the Municipal People's Government.

Those who fail to make prompt and truthful report, as required, on accidents at mines shall be handled in accordance with the provisions of Article 40 of the Mine Safety Law, and a fine of not more than 30,000 yuan may be imposed.

Article 19 The parties involved shall, within 15 days from the date of receipt of the written decision of administrative penalty, pay the fine to the designated banks; those failing to pay the fine at the expiry of the said time limit shall be imposed an additional fine at the rate of 3% of the amount of the fine per day.

Article 20 Units and individuals that have made remarkable achievements in persistent safe production in mines, prevention of accidents at mines, participation in emergent response and rescue in mines, and scientific and technological research on safety in mines shall be rewarded by the people's governments at various levels, their relevant competent departments or mining enterprises.

Article 21 Where any person in charge of safety supervision or safety control in a mine abuses his power, neglects his duty, or engages in malpractices for personal gains, and if such act constitutes a crime, he shall be investigated for criminal liability according to law; if the act does not constitute a crime, administrative sanctions shall be imposed.

Article 22 The Measures shall come into force as of the date of promulgation.

北京市矿产资源管理条例

(1998年4月16日北京市第十一届人民代表大会常务委员会第二次会议通过 根据2006年7月28日北京市第十二届人民代表大会常务委员会第二十九次会议通过的《关于修改〈北京市矿产资源管理条例〉的决定》修正 根据2016年11月25日北京市第十四届人民代表大会常务委员会第三十一次会议通过的《关于修改部分地方性法规的决定》修正)

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第一章 总 则

第一条 为加强矿产资源的勘查、开发利用和保护工作，规范矿产资源管理，促进矿业可持续发展，根据本市实际情况，制定本条例。

第二条 在本市行政区域内从事勘查、开采矿产资源活动的，应当遵守本条例。法律、行政法规另有规定的，从其规定。

第三条 矿产资源属于国家所有。地表或者地下的矿产资源的国家所有权，不因其所依附的土地的所有权或者使用权的不同而改变。禁止任何组织或者个人用任何手段侵占或者破坏矿产资源。

第四条 根据首都城市性质和功能的要求，本市勘查、开发矿产资源实行统一规

Regulations of Beijing Municipality on Administration of Mineral Resources

(Adopted at the 2nd Meeting of the Standing Committee of the 12th Beijing Municipal People's Congress on April 16, 1998, amended by the Decision on Revising the Regulations of Beijing Municipality on the Administration of Mineral Resources adopted at the 29th Meeting of the Standing Committee of the Twelfth Beijing Municipal People's Congress on July 28, 2006, and amended by the Decision on Revising Certain Local Regulations adopted at the 31st Meeting of the Standing Committee of the Fourteenth Beijing Municipal People's Congress on November 25, 2016)

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Chapter I General Provisions

Article 1 These Regulations are formulated for the purposes of strengthening the exploration, development, utilization and protection of mineral resources, standardizing the administration of mineral resources and promoting the sustainable development of mining industry in light of the actual circumstances of this Municipality.

Article 2 Any person who engages in exploring and mining mineral resources within the administrative area of this Municipality shall comply with these Regulations.

If otherwise provided by laws or regulations, those provisions shall prevail.

Article 3 Mineral resources belong to the State. The state ownership of either surface or underground mineral resources shall not change with the alteration of ownership or right to the use of the land which the mineral resources are attached to. Seizing or damaging mineral resources by any means and by any organization or individual shall be prohibited.

Article 4 Based on the requirements of the nature and functions of the capital, this Municipality applies, with regard to the exploration or development of mineral resources, the

划、合理布局、综合勘查、合理开采和综合利用的方针，坚持严格管理和依法保护的原则。勘查、开发矿产资源必须遵守有关城市规划、水土保持、土地复垦、地质遗迹、文化古迹、文物保护和环境保护的法律、法规及规定。

第五条 市和区地质矿产行政主管部门依法负责本行政区域内矿产资源勘查、开采的监督管理工作。市和区有关行政主管部门协助同级地质矿产行政主管部门进行矿产资源勘查、开采的监督管理工作。

第六条 本市实行矿产资源规划管理制度。

矿产资源总体规划由市地质矿产行政主管部门会同市发展改革、规划国土等有关行政主管部门依据北京城市总体规划，按照合理利用矿产资源、保护生态环境的原则组织编制，并按照规定报经批准后实施。

矿产资源总体规划中应当划定禁止开采区、限制开采区和允许开采区，规定禁止开采的矿种和限制开采的矿种，并对限制开采矿种的开采总量作出具体规定。

矿产资源总体规划是依法审批和监督管理矿产资源勘查、开采活动的重要依据。

第七条 探矿权、采矿权实行有偿取得制度。勘查矿产资源应当依法缴纳探矿权使用费和探矿权价款；开采矿产资源应当依法缴纳采矿权使用费、采矿权价款、资源税和资源补偿费。

第八条 探矿权、采矿权的转让，必须经市地质矿产行政主管部门批准；转让由国家出资勘查所形成的探矿权、采矿权的，由市地质矿产行政主管部门会同国家依法认定的评估机构进行评估，评估结果由市地质矿产行政主管部门确认。

第九条 本市保护探矿权和采矿权不受侵犯，保障勘查作业区和矿区的生产秩序、工作秩序不受干扰和破坏。禁止任何单位和个人进入他人依法设立的勘查作业区和矿区范围内勘查、开采。

第二章 矿产资源勘查的管理

第十条 勘查矿产资源，除依法由国务院有关行政主管部门审批登记、颁发勘查许可证的以外，由市地质矿产行政主管部门审批登记、颁发勘查许可证。

guidelines of unified planning, rational geographical distribution, multi-purpose exploration, rational mining and multi-purpose utilization and sticks to the principles of strict administration and legal protection. Any person who engages in exploring or mining mineral resources must comply with the relevant laws, regulations and provisions on urban planning, water and soil conservation, land reclamation, geological relics, cultural relics, protection of historical relics and environmental protection.

Article 5 The municipal and the district or county administrative departments in charge of geology and mineral resources shall, according to law, be responsible for supervision and administration of the exploration and mining of mineral resources within their administrative areas. The relevant administrative departments at the municipal and the district or county level shall assist the administrative departments in charge of geology and mineral resources at the same level to carry out supervision and administration of the exploration and mining of mineral resources.

Article 6 This Municipality implements the system of mineral resources planning and management.

The overall planning of mineral resources shall be compiled by the municipal administrative department in charge of geology and mineral resources together with the municipal administrative department in charge of development and reform and land planning, etc., according to the Beijing Overall City Planning and adhering to the principles of rational utilization of mineral resources and protection of ecological environment, and implemented after being reported and approved in accordance with provisions.

The overall planning of mineral resources shall define the area of mining prohibited, restricted or permitted, specify the minerals whose mining is prohibited or restricted, and make specific provisions on the total mining volume of the minerals whose mining is restricted.

The overall plans of mineral resources is the important basis for examining, approving and supervising over the exploring and mining mineral resources in accordance with law.

Article 7 The system that the exploration or mining right shall be obtained for compensation is adopted. The exploration fee or the price for the exploration right shall, according to law, be paid for exploration of mineral resources; and the mining fee, the price for the mining right, the resource tax and the mineral resource compensation fee shall, according to law, be paid for mining of mineral resources.

Article 8 The transfer of exploration or mining rights must be approved by the municipal administrative department in charge of geology and mineral resources; as to the transfer of the exploration or mining right resulting from the exploration funded by the State, a valuation shall be conducted by the municipal administrative department in charge of geology and mineral resources together with an evaluation institution designated by the State according to law, and the valuation results shall be confirmed by the municipal administrative department in charge of geology and mineral resources.

Article 9 This Municipality protects the exploration or mining rights from being infringed upon and safeguards the production and working order in the exploration or mining zones from being disturbed or broken. No unit or individual may be permitted to enter the exploration or mining zones legally owned by others to engage in exploration or mining activities.

Chapter II Administration of Exploration of Mineral Resources

Article 10 The exploration of mineral resources, other than those whose exploration is, according to law, subject to examination, approval and registration by the relevant administrative department of the State Council which issues an exploration license, shall

市地质矿产行政主管部门应当自颁发勘查许可证之日起 10 日内，通知勘查项目所在区的地质矿产行政主管部门。

第十一条 从事矿产资源勘查的单位，必须取得地质勘查单位资格证书。本市的勘查单位必须向市地质矿产行政主管部门申请资格登记，勘查单位资格证书实行定期统检制度。

第十二条 探矿权人应当按照国家有关规定向市地质矿产行政主管部门汇交地质勘查报告和勘查资料。

第三章 矿产资源开采的管理

第十三条 开采矿产资源，除依法由国务院有关行政主管部门审批登记、颁发采矿许可证的以外，由市地质矿产行政主管部门审批登记、颁发采矿许可证。新设采矿权的，由市地质矿产行政主管部门通过招标、拍卖等公平竞争方式作出决定，颁发采矿许可证。

采矿许可证的有效期限，按照国家有关规定执行。

个人为生活自用，可以在乡、镇人民政府委托村民委员会指定的范围内，采挖少量的砂、石、黏土等矿产。

第十四条 在河道内开采砂、石，必须先经河道主管部门批准并办理河道砂石开采许可证，凭河道砂石开采许可证到地质矿产行政主管部门办理采矿登记手续，领取采矿许可证。

对未取得河道主管部门颁发的河道砂石开采许可证的，地质矿产行政主管部门不予办理在河内开采砂、石的采矿登记手续，不予颁发采矿许可证。

第十五条 本市对汉白玉、地热、矿泉水以及市人民政府确定的其他矿产资源实行保护性限量开采。

be subject to examination, approval and registration by the municipal administrative department in charge of geology and mineral resources which shall issue an exploration license.

The municipal administrative department in charge of geology and mineral resources shall, within 10 days as of the date of issuance of an exploration license, notify the district or county administrative department in charge of geology and mineral resources in the place where the exploration project locates.

Article 11 The units to engage in exploration of mineral resources must acquire the qualification certificate for geological exploration units. The exploration units of this Municipality must apply for the qualification registration at the municipal administrative department in charge of geology and mineral resources, and a system of regular and unified inspection shall be adopted for the qualification certificates of exploration units.

Article 12 The exploration licensees shall sum up and submit the geological exploration reports and exploration materials to the municipal administrative department in charge of geology and mineral resources in accordance with the relevant provisions of the State.

Chapter III Administration of Mining of Mineral Resources

Article 13 The mining of mineral resources, other than those whose mining is, according to law, subject to examination, approval and registration by the relevant administrative department of the State Council which issues a mining license, shall be subject to examination, approval and registration by the municipal administrative department in charge of geology and mineral resources which shall issue a mining license. As to the mining right to be newly established, the municipal administrative department in charge of geology and mineral resources shall make the decision by ways of fair competition such as bidding or auction and then issue a mining license.

The period of validity for a mining license shall be subject to the relevant provisions of the State.

Individuals may, within the scopes designated by the villagers' committees authorized by the township or town people's governments, mine a small amount of minerals such as sand, stones, clay or other mineral resources for their own use in daily life.

Article 14 Anyone who intends to excavate sand or stones in a river course must first get the approval of the competent department of river courses, apply for a license of sand or stone excavation in the river course and on the strength of that, get registered for mining mineral resources at the administrative department in charge of geology and mineral resources and obtain a mining license.

Where anyone does not obtain a license of sand or stone excavation in a river course issued by the competent department of river courses, the administrative department in charge of geology and mineral resources shall not handle their registration for mining sand or stones in the river course and shall not issue a mining license.

Article 15 This Municipality adopts a policy of protective mining on such minerals as white marble, geotherm, mineral water and other mineral resources designated by the municipal people's government.

第十六条 申请办理采矿许可证，应当向地质矿产行政主管部门提交下列资料：

- （一）申请登记书和矿区范围图；
- （二）采矿权申请人资质条件的证明；
- （三）依法设立矿山企业的批准文件；
- （四）工商行政管理部门核准登记的企业名称；
- （五）必要的地质资料、占用储量登记表、开采设计图纸和说明；
- （六）矿产资源开发、综合利用和保护方案；
- （七）开采矿产资源的环境影响评价报告；
- （八）法律、法规、规章规定的其他资料。

第十七条 地质矿产行政主管部门应当自收到采矿许可证申请之日起 40 日内作出准予或者不予登记的决定，并通知采矿权申请人。

准予登记的，采矿权申请人应当自收到通知之日起 30 日内到地质矿产行政主管部门，依法缴纳采矿权使用费和国家出资勘查所形成的采矿权价款，办理登记手续，领取采矿许可证。

第十八条 地质矿产行政主管部门应当自颁发采矿许可证之日起 90 日内，对矿区范围予以公告，并可以根据采矿权人的申请，组织埋设界桩或者设置地面标志。

第十九条 区有关行政主管部门对未取得采矿许可证的，不予办理矿山企业营业执照和采矿所需要的爆炸物品、剧毒物品使用许可证。

第二十条 开采矿产资源，必须采取合理的开采顺序、开采方法和选矿工艺。禁止采取破坏性开采方法开采矿产资源。

在开采主要矿产的同时，对具有工业价值的共生、伴生矿产，在技术可行、经济合理的条件下，应当综合回收；对暂不能综合回收的矿产，应当采取有效的保护措施。

矿山企业的开采回采率、采矿贫化率和选矿回收率均应当达到设计要求或者有关考核指标。

第二十一条 从事煤炭开采的矿山企业，除必须遵守《中华人民共和国煤炭法》

Article 16 Anyone who applies for a mining license shall submit the following materials to the administrative department in charge of geology and mineral resources:

- (1) An application for registration and a map showing the scope of the mining zone;
- (2) Evidences of the qualification conditions of the applicant for a mining right;
- (3) The approval document for the establishment of the mining enterprise in accordance with law;
- (4) The enterprise name approved and registered by the department for industrial and commercial administration;
- (5) Necessary geological materials, the registration form of consumed reserve, drawings and instructions for mining design;
- (6) Schemes for development, multi-purpose utilization and protection of mineral resources;
- (7) A report on the evaluation of environmental effects of mining mineral resources; and
- (8) Other materials as provided for by laws, regulations or rules.

Article 17 The administrative department in charge of geology and mineral resources shall make a decision within 40 days as of the date of receipt of the application for a mining license and notify the applicant for the mining right.

Where the registration is approved, the applicant for the mining right shall come to the administrative department in charge of geology and mineral resources within 30 days as of the date of receipt of the notification, to pay the mining fee or the price for the mining right resulting from the exploration funded by the State in accordance with law, handle the registration formalities and obtain a mining license.

Article 18 The administrative department in charge of geology and mineral resources shall, within 90 days as of the date of issuance of the mining license, publish the scope of the mining zone, and may organize the underground laying of boundary stakes or the erecting of land markers at the request of the mining concessionaire.

Article 19 The relevant administrative departments of the district shall not handle the business license and the license for the use of explosives or severely toxic articles needed for mining activities for anyone who does not obtain a mining license.

Article 20 In mining mineral resources, a mining enterprise must adopt rational mining sequence and methods as well as proper ore-dressing techniques. It is prohibited to mine mineral resources in a destructive way.

While mining major minerals, a mining enterprise shall carry out comprehensive recovery of paragenetic and associated minerals that are of industrial value under the conditions of technologically and economically feasibility; and effectively protect to the minerals that cannot be comprehensively recovered for the time being.

A mining enterprise shall see to it that the recovery rate, the impoverishment rate in mining and the recovery rate in ore-dressing meet the design requirements or related examination indexes.

Article 21 The mining enterprises engaging in mining coal must comply with these

和《中华人民共和国矿产资源法》外，还必须遵守本条例。

第二十二条 矿山企业应当按照有关规定进行地质测量，地质测量应当由有资质条件的单位进行，测量结果报市或者所在区地质矿产行政主管部门备案。

本市对矿山矿产资源储量实行动态监测管理。矿山企业应当按照有关规定如实向地质矿产行政主管部门上报矿山矿产资源储量的变动情况。

第二十三条 开采矿产资源造成地质环境破坏或者引发地质灾害的，应当及时向当地地质矿产行政主管部门和有关主管部门报告，采取必要措施进行治理和恢复，防止灾害的扩大。

第二十四条 本市按照国家规定建立矿山生态环境恢复保证金等生态环境恢复补偿制度。市和区地质矿产行政主管部门会同有关部门对本地矿区生态环境进行监督管理，保障治理资金和治理措施落实。

矿产资源开采企业应当采取措施保护生态环境；对被破坏的生态环境，应当依照相关恢复标准进行生态恢复。

第二十五条 采矿许可证期限届满不予延续的，市地质矿产行政主管部门应当予以注销。

第二十六条 依法由市地质矿产行政主管部门审批登记、颁发采矿许可证的矿山企业需要停办或者闭坑的，应当提出申请，并提交下列资料：

- （一）矿产储量注销报告及储量管理部门的批准文件；
- （二）停办或者闭坑前采掘工程进行情况及不安全隐患的说明；
- （三）土地复垦及环境保护的情况；
- （四）法律、法规、规章规定的其他资料。

市地质矿产行政主管部门自收到申请之日起 30 日内作出批准或者不予批准的决定。

Regulations apart from complying with Law of the People's Republic of China on the Coal Industry and Mineral Resources Law of the People's Republic of China.

Article 22 The mining enterprises shall carry out the geological survey according to the relevant provisions. The geological survey shall be undertaken by the qualified units and the results of the survey shall be submitted to the municipal or the district or county administrative departments in charge of geology and mineral resources in the places where they locate, for the record.

This Municipality carries out a dynamic monitoring and administration on the reserve of mines' mineral resources. The mining enterprises shall truthfully report the changes of the reserve of mines' mineral resources to the administrative departments in charge of geology and mineral resources according to the relevant provisions.

Article 23 A mining enterprise which causes damages to the geological environment or induces geological disasters in mining mineral resources shall timely report the matter to the local administrative department in charge of geology and mineral resources and relevant competent departments, adopt necessary measures to make treatment and restoration so as to prevent expansion of the disasters.

Article 24 This Municipality establishes a compensation system for ecological environment restoration including the guaranty bond for restoration of mines' ecological environment according to the provisions of the State. The municipal or the district or county administrative departments in charge of geology and mineral resources shall, together with the relevant departments, carry out supervision and administration of the ecological environment of the local mines, ensure the implementation of funds and measures for environmental protection.

The mining enterprises of mineral resources shall take measures to protect the ecological environment; as to the damaged ecological environment, they shall carry out the ecological restoration according to the relevant restoration standards.

Article 25 Where a mining license is not extended upon expiration, the municipal administrative department in charge of geology and mineral resources shall cancel it.

Article 26 Where a mining enterprise which is, according to law, subject to examination, approval, registration and issuance of a mining license by the municipal administrative department in charge of geology and mineral resources, needs to suspend or close down the mine, it shall put forward an application and submit the following materials:

- (1) A report on reserve cancellation and the approval document by the administrative department of reserves;
- (2) Explanations of the mining operations before suspension or closing down of the mine and hidden dangers;
- (3) Conditions of land reclamation and environmental protection; and
- (4) Other materials as provided for by laws, regulations or rules.

The municipal administrative department in charge of geology and mineral resources shall make a decision of approval or disapproval within 30 days as of the date of receipt of the application.

第四章 监督管理

第二十七条 市和区地质矿产行政主管部门对探矿权人和采矿权人的勘查、开采活动，实行抽查和年检制度。

探矿权人和采矿权人应当接受地质矿产行政主管部门的检查、监督和指导，如实报告并提供有关情况和资料，不得拒绝监督检查。

第二十八条 市、区地质矿产行政主管部门应当对开办独立选（洗）矿厂进行监督管理。

第二十九条 乡、镇人民政府应当协助市和区地质矿产行政主管部门加强对本辖区内各类矿山企业开采矿产资源的监督管理。

第三十条 市和区地质矿产行政主管部门应当责令停止违法勘查、违法开采行为。区人民政府应当采取有效措施组织有关部门及时拆除当地违法工程的地面设施，查封设备，充填或者封堵井筒，取缔违法勘查、违法开采。

第三十一条 矿山企业之间发生的矿区范围的争议，由当事人协商解决，协商不成的，由矿区所在地的区人民政府根据依法核定的矿区范围处理；跨区的矿区范围的争议，由有关区人民政府协商解决，协商不成的，由市人民政府处理；重大的矿区范围的争议，由市地质矿产行政主管部门提出意见，报市人民政府处理。

第五章 法律责任

第三十二条 违反本条例规定，有下列行为之一的，由市或者区地质矿产行政主管部门予以处罚：

（一）未取得勘查许可证或者超越批准的勘查区块范围进行勘查活动的，责令停止违法行为，予以警告，可以并处 10 万元以下的罚款。

Chapter IV Supervision and Administration

Article 27 The municipal and the district or county administrative departments in charge of geology and mineral resources shall practice a spot-check and annual inspection system on the exploring and mining activities of the exploration licensees and mining concessionaires.

The exploration licenses and mining concessionaires shall accept the inspection, supervision and guidance of the administrative departments in charge of geology and mineral resources, and truthfully report and provide relevant facts and materials, and shall not refuse the supervision and inspection.

Article 28 The municipal and the district administrative departments in charge of geology and mineral resources shall carry out supervision and administration of the establishment of independent ore-dressing (washing) factories.

Article 29 The township or town people's governments shall assist the municipal and the district or county administrative departments in charge of geology and mineral resources to strengthen the supervision and administration of mining mineral resources by all kinds of mining enterprises within their respective administrative areas.

Article 30 The municipality or the district or county administrative departments in charge of geology and mineral resources shall make an order to stop illegal exploring or mining activities. The district or county people's governments shall take effective measures to organize the relevant departments to timely pull down the local ground facilities illegally constructed, seal up the equipment, fill or close the pit shafts and ban the illegal exploration or mining.

Article 31 The disputes over the scopes of mining areas between mining enterprises shall be settled by the parties involved through consultation; if the consultation fails, they shall be handled by the district or county people's governments where the mines locate on the basis of the scopes of mining areas verified and fixed according to law; the disputes over the scopes of mining areas that straddle districts or counties shall be settled by the relevant district or county people's governments through consultation; if the consultation fails, they shall be settled by the Municipal People's Government; as to the major disputes over the scopes of mining areas, the municipal administrative department in charge of geology and mineral resources shall put forward its opinions and report the matter to the Municipal People's Government for settlement.

Chapter V Legal Liability

Article 32 Whoever, in violation of the provisions of these Regulations, commits any of the following acts shall be punished by the municipal or the district or county administrative department in charge of geology and mineral resources:

(1) Whoever engages in exploring activities without obtaining an exploration license or beyond the approved scope of his exploration area shall be ordered to stop illegal act, given a

（二）未取得采矿许可证擅自采矿的，责令停止开采，没收违法开采的矿产品和违法所得，可以并处 10 万元以下的罚款。

（三）超越批准的矿区范围采矿的，责令退回本矿区范围内开采，没收越界开采的矿产品和违法所得，可以并处 10 万元以下的罚款；拒不退回本矿区范围内开采，造成矿产资源破坏的，由原发证机关吊销采矿许可证。

（四）伪造、冒用勘查许可证、采矿许可证的，没收违法所得，可以并处 10 万元以下的罚款。

（五）不按期缴纳应当依法缴纳的费用，责令限期缴纳，并从滞纳之日起每日加收 2% 的滞纳金；逾期仍不缴纳的，由原发证机关吊销勘查许可证、采矿许可证，并可以申请人民法院强制执行。

（六）破坏或者擅自移动矿区范围界桩或者地面标志的，责令限期恢复；情节严重的，处以 3000 元以上 3 万元以下的罚款。

（七）不按规定进行地质测量的，责令限期改正，逾期不改正的，责令停产整顿；情节严重的，由原发证机关吊销采矿许可证。

（八）拒绝接受监督检查，不如实报告并提供有关情况和资料的，责令限期改正；逾期不改正的，处以 5000 元以上 5 万元以下的罚款；情节严重的，由原发证机关吊销勘查许可证、采矿许可证。

违反本条例规定开采矿产资源，给他人生产、生活造成损失的，应当负责赔偿。

违反本条例规定，未取得采矿许可证擅自采矿或者超越批准的矿区范围采矿，拒不停止开采或者拒不退回本矿区范围内开采，造成矿产资源破坏的，依法对直接责任人员追究刑事责任。

第三十三条 违反本条例第八条规定，未经市地质矿产行政主管部门批准，擅自转让探矿权、采矿权的，由市地质矿产行政主管部门责令改正，没收违法所得，处以 1 万元以上 10 万元以下的罚款；情节严重的，由原发证机关吊销勘查许可证、采矿许

warning and may be concurrently imposed a fine of not more than 100,000 Yuan.

(2) Whoever engages in mining mineral resources without obtaining a mining license shall be ordered to stop mining, have the mineral products illegally mined and illegal gains confiscated and may be concurrently imposed a fine of not more than 100,000 Yuan.

(3) Whoever mines mineral resources beyond the approved scope of his mining area shall be ordered to return to and mine in his own area, have the mineral products extracted outside his area and his illegal gains confiscated and may be concurrently imposed a fine of not more than 100,000 yuan; whoever refuses to return to his own mining area and causes damage to mineral resources shall have his mining license revoked by the original licensing agency.

(4) Whoever counterfeits or falsely uses an exploration or mining license shall have his illegal gains confiscated and may be concurrently imposed a fine of not more than 100,000 yuan.

(5) Whoever fails to pay, at the prescribed time, the statutory fees shall be ordered to pay within a prescribed time limit, and concurrently imposed an overdue fine at 0.2% per day from the date on which the payment becomes due; whoever fails to pay such fees within the prescribed time limit shall have his exploration or mining license revoked by the original licensing agency and compulsory enforcement may be applied to the people's court.

(6) Whoever, without authorization, damages or removes the boundary stakes or land markers of the mining area shall be ordered to restore the original state within a prescribed time limit; and imposed a fine of not less than 3,000 yuan but not more than 30,000 yuan where the circumstances are serious.

(7) Whoever fails to carry out the geological survey according to provisions shall be ordered to make corrections within a prescribed time limit; whoever fails to make corrections within the prescribed time limit shall be ordered to stop production for rectification; and have his mining license revoked by the original licensing agency where the circumstances are serious.

(8) Whoever refuses to accept the supervision and inspection, fails to truthfully report and provide relevant facts and materials shall be ordered to make corrections within a prescribed time limit; whoever fails to make corrections within the prescribed time limit shall be imposed a fine of not less than 5,000 yuan but not more than 50,000 yuan; and have his exploration or mining license revoked by the original licensing agency where the circumstances are serious.

Whoever, in violation of the provisions of these Regulations, causes losses to the production and well-being of other person in mining mineral resources shall be liable for compensation.

In the case of violating the provisions of these Regulations by mining without authorization and without a mining license or beyond the approved scope of mining area, or refusing to stop mining or return to and mine in one's own mining area, resulting in damages to mineral resources, the directly responsible person shall be investigated for criminal liability according to law.

Article 33 Whoever, in violation of the provisions of Article 8 of these Regulations, without authorization, transfers the exploration or mining right without approval of the municipal administrative department in charge of geology and mineral resources, shall be ordered to make corrections, have his illegal gains confiscated and be imposed a fine of not less than 10,000 yuan but not more than 100,000 yuan by the municipal administrative department in charge of geology and mineral resources; the original licensing agency shall

可证。

第三十四条 违反本条例第二十条规定，采取破坏性开采方法开采矿产资源的，由市地质矿产行政主管部门处以1万元以上10万元以下的罚款，可以由原发证机关吊销采矿许可证；造成矿产资源严重破坏的，依法对直接责任人员追究刑事责任。

第三十五条 阻碍地质矿产行政主管部门的工作人员依法执行职务的，由公安机关依照《中华人民共和国治安管理处罚法》的规定处罚；构成犯罪的，依法追究刑事责任。

第三十六条 负责矿产资源勘查、开采监督管理工作的国家工作人员和其他有关国家工作人员徇私舞弊、滥用职权或者玩忽职守，违法批准勘查、开采矿产资源和颁发勘查许可证、采矿许可证，或者对违法采矿行为不依法予以制止、处罚，构成犯罪的，依法追究刑事责任；不构成犯罪的，给予行政处分。违法颁发的勘查许可证、采矿许可证，上级人民政府地质矿产行政主管部门有权予以撤销。

第六章 附 则

第三十七条 本条例自1998年6月1日起施行。

1986年9月10日市第八届人大常委会第三十次会议通过、1997年9月4日市第十届人大常委会第三十九次会议修正的《北京市开办集体矿山企业和个体采矿审批办法》，1987年3月28日市人民政府发布、1997年12月31日修正的《北京市开办集体矿山企业和个体采矿违法处罚办法》和1995年5月24日市人民政府发布的《北京市乡镇集体矿山企业和个体采矿开发利用矿产资源监督管理办法》同时废止。

revoke the exploration or mining license where the circumstances are serious.

Article 34 Whoever, in violation of the provisions of Article 20 of these Regulations, mines mineral resources in a destructive way, shall be imposed a fine of not less than 10,000 yuan but not more than 100,000 yuan by the municipal administrative department in charge of geology and mineral resources, and may have his mining license revoked by the original licensing agency; where serious damage is caused to the mineral resources, the directly responsible person shall be investigated for criminal liability according to law.

Article 35 Whoever obstructs the functionaries of the administrative departments in charge of geology and mineral resources from performing their duties according to law shall be punished by the public security organ in accordance with the provisions of Law of the People's Republic of China on Administrative Penalties for Public Security; where a crime is constituted, criminal liability shall be investigated for according to law.

Article 36 State functionaries in charge of supervision and administration of exploration and mining of mineral resources or other relevant State functionaries who engage in illegalities by fraudulent means or for personal gains, abuse their powers or neglect their duties, illegally approve exploration or mining of mineral resources and issue exploration or mining licenses, or do not stop illegal mining activities or punish illegal miners, which constitutes a crime, shall be investigated for criminal liability according to law; if their acts do not constitute the crime, administrative sanctions shall be given. The exploration or mining licenses illegally issued shall be revoked by the administrative department in charge of geology and mineral resources of the people's government at a higher level.

Chapter VI Supplementary Provisions

Article 37 This Regulation shall be effective as of June 1, 1998.

Measures of Beijing Municipality on Examination and Approval of Establishment of Collectively-owned Mining Enterprises and Privately-owned Mining Undertakings adopted at the 30th Meeting of the Standing Committee of the Eighth People's Congress of Beijing Municipality on September 10, 1986 and revised at the 39th Meeting of the Standing Committee of the 10th People's Congress of Beijing Municipality on September 4, 1997, Measures of Beijing Municipality for Punishing Illegal Activities in Establishment of Collectively-owned Mining Enterprises and Privately-owned Mining Undertakings promulgated on March 28, 1987 and revised on December 31, 1997 by the People's Government of Beijing Municipality, and Measures of Beijing Municipality on Supervision and Administration of Exploitation and Utilization of Mineral Resources by Township Collectively-owned Mining Enterprises and Privately-owned Mining Undertakings promulgated by the People's Government of Beijing Municipality on May 24, 1995 shall be repealed simultaneously.

北京市测绘条例

(2003年10月17日北京市第十二届人民代表大会常务委员会
第七次会议通过)

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第一章 总 则

第一条 为了加强测绘管理,促进测绘事业发展,保障测绘事业为经济建设、城市建设和社会发展服务,根据《中华人民共和国测绘法》和有关法律、法规,结合本市实际情况,制定本条例。

第二条 在本市行政区域内从事测绘活动,应当遵守《中华人民共和国测绘法》和本条例。

本条例所称测绘,是指对自然地理要素或者地表人工设施的形状、大小、空间位置及其属性进行测定、采集、表述以及对获取的数据、信息、成果进行处理和提供的活动。

第三条 测绘事业是经济建设、城市建设、社会发展的基础性事业。市和区、县人民政府应当加强对测绘工作的领导。

Regulations of Beijing Municipality on Surveying and Mapping

(Adopted at the 7th Meeting of the Standing Committee of the 12th
People's Congress of Beijing Municipality on October 17, 2003)

Contents

Chapter I	General Provisions
Chapter II	Surveying and Mapping Systems and Data
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Chapter IV	Other Types of Surveying and Mapping
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Chapter VI	Surveying and Mapping Results
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Chapter I General Provisions

Article 1 These Regulations are formulated to strengthen the surveying and mapping administration, promote the development of surveying and mapping undertaking and ensure that the surveying and mapping undertaking render services to economic construction, urban construction and social development in accordance with the Surveying and Mapping Law of the People's Republic of China as well as other relevant laws and regulations and in light of the actual circumstances of this Municipality.

Article 2 All surveying and mapping activities in the administrative areas of this Municipality shall be conducted in compliance with the Surveying and Mapping Law of the People's Republic of China and these Regulations.

The surveying and mapping mentioned in these Regulations shall refer to the activities conducted to measure, collect and describe the shapes, sizes, space positions, attributes of the natural geographical elements and the man-made facilities on the surface of the earth as well as those to process and provide the data, information and results gained therefrom.

Article 3 The surveying and mapping undertaking is the basic undertaking for economic construction, urban construction and social development. The municipal and the district or county governments shall strengthen the leadership of the work of surveying and mapping.

第四条 市规划行政主管部门主管本市测绘工作（以下统称市测绘行政主管部门），负责本市行政区域内测绘工作的统一监督和管理。市规划行政主管部门各分局（以下简称各分局）负责所辖区域内测绘工作的监督管理。

市和区、县人民政府其他有关部门按照本级人民政府规定的职责分工，负责本部门有关的测绘工作。

第五条 在本市从事测绘活动，应当使用国家规定的测绘基准，执行国家和本市规定的测绘技术规范 and 标准。

第六条 本市鼓励测绘科学技术的创新和进步，采用先进的技术和设备，提高测绘水平。

对在测绘科学技术进步中做出重要贡献的单位和个人，按照国家和本市的有关规定给予奖励。

第七条 外国的组织或者个人在本市从事测绘活动的，依照《中华人民共和国测绘法》规定执行。

第二章 测绘系统和标准

第八条 在本市从事测绘活动，应当采用经国务院测绘行政主管部门批准的、与国家坐标系统相联系的本市相对独立的平面坐标系统（以下统称本市统一的平面坐标系统）。

因特殊需要，另行建立相对独立的平面坐标系统的，应当经市测绘行政主管部门批准；不采用本市统一的平面坐标系统的，应当经市测绘行政主管部门同意。

第九条 本市应当不断更新和完善测绘系统。

市测绘行政主管部门审核本市测绘系统的数据等级和精度，并与有关部门会商后发布使用。

Article 4 The municipal administrative department for planning shall be in charge of the work of surveying and mapping in this Municipality (hereinafter referred to as the municipal administrative department for surveying and mapping) and responsible for the unified supervision and administration of the work of surveying and mapping within the administrative areas of this Municipality. Each sub-bureau of the municipal administrative department for planning (hereinafter referred to as each bureau) shall be responsible for the supervision and administration of the work of surveying and mapping within their respective administrative areas.

Other relevant departments of the municipal and the district or county people's governments shall be responsible for the relevant work of surveying and mapping within their respective departments in accordance with the division of their duties and responsibilities prescribed by the people's governments at the corresponding level.

Article 5 In the activities conducted within this Municipality, the surveying and mapping data and systems prescribed by the State shall be employed and the technical regulations and standards prescribed by the State and this Municipality shall be implemented.

Article 6 This Municipality shall encourage scientific and technological updating and progress in surveying and mapping as well as adoption of advanced technology and equipment so as to raise the level of competence of surveying and mapping.

The units and individuals that have made important contribution to scientific and technological progress in surveying and mapping shall be rewarded in accordance with the relevant provisions of the State and this Municipality.

Article 7 Foreign organizations or individuals that intend to conduct surveying and mapping activities within this Municipality shall comply with the provisions of the Surveying and Mapping Law of the People's Republic of China.

Chapter II Surveying and Mapping Systems and Data

Article 8 In the activities conducted within this Municipality, the relatively independent plane coordinate system of this Municipality connected with the national plane coordinate system and approved by the administrative department for surveying and mapping under the State Council (hereinafter referred to as the unified plane coordinate system of this Municipality) shall be adopted.

The establishment of another relatively independent plane coordinate system due to special needs shall be subject to the approval by the municipal administrative department for surveying and mapping; and the abandonment of the unified plane coordinate system of this Municipality shall be subject to the consent by the municipal administrative department for surveying and mapping.

Article 9 This Municipality shall keep on updating and improving the surveying and mapping systems.

The municipal administrative department for surveying and mapping shall examine and verify the classification of orders, classes and precision of the data of the surveying and mapping system of this Municipality, and publish them for utilization after consultation with other relevant departments.

第十条 市测绘行政主管部门负责本市基础地理信息数据的采集、处理、发布和提供的管理工作。

建立地理信息系统及相关数据库，必须采用国家和本市基础地理信息数据。

第十一条 根据测绘事业发展要求，本市可以依法补充制定地方测绘技术规范 and 标准。

第十二条 测制本市地形图，应当执行国家和本市地形图基本比例尺系列和分幅标准。

本市地形图基本比例尺系列为：1:500、1:2000、1:10000；分幅标准为40cm×50cm。

第三章 基础测绘

第十三条 本市基础测绘是公益性事业，主要包括：

- （一）建立、更新和维护本市统一的平面坐标系统，维护高程控制网；
- （二）测制和更新基本比例尺地形图、影像图和数字化产品；
- （三）进行基础航空摄影和获取基础地理信息的遥感资料；
- （四）获取基础地理信息数据，建立、更新和维护基础地理信息系统。

需要在本市行政区域内进行前款第（三）项航空摄影及遥感测绘的，由市测绘行政主管部门根据需求统一汇总报经市人民政府同意后，按照规定报国家有关主管部门批准。

有关单位应当定期向市测绘行政主管部门汇交航空摄影资料副本。市测绘行政主管部门可以按照规定同其他有关部门相互通报航空摄影资料目录，充分利用已有的航空摄影资料，避免重复航空摄影。

第十四条 市测绘行政主管部门会同市人民政府其他有关部门组织编制全市基础测绘规划，报市人民政府批准，并报国务院测绘行政主管部门备案后组织实施。

Article 10 The municipal administrative for surveying and mapping shall be responsible for the administration work of collection, processing, publication and provision of data concerning the basic geographical information of this Municipality.

In the establishment of the basic geographical information systems and relevant data bases, the data concerning the basic geographical information of the State and this Municipality must be adopted.

Article 11 Based on the requirements of the development of the surveying and mapping undertaking, this Municipality may, according to law, formulate the local technical regulations and standards of surveying and mapping as supplements.

Article 12 In the surveying and drawing of the topographical map of this Municipality, the basic scale and breadth standard of the topographical maps of the State and this Municipality shall be adopted.

The basic scale series of the topographical maps of this Municipality shall be: 1:500, 1:2000 or 1:10000. The breadth standard shall be: 40 cm×50 cm.

Chapter III Basic Surveying and Mapping

Article 13 The basic surveying and mapping of this Municipality is a public welfare undertaking, which mainly includes:

- (1) establishment, updating and maintenance of the unified plane coordinate system of his Municipality as well as the maintenance of the vertical controlling system;
- (2) surveying, drawing and updating of the basic scale topographical maps, photomaps and other digital products;
- (3) taking of basic aerial photographs and obtaining of the remote-sensing data of basic geographical information; and
- (4) obtaining the data of basic geographical information, establishment, updating and maintenance of the basic geographical information system.

Where it is necessary to take aerial photographs and undertake remote surveying as mentioned in Item (3) of the preceding paragraph within the administrative areas of this Municipality, the municipal administrative department for surveying and mapping shall, based on the needs, uniformly collect and summarize the matters and report them to the relevant competent department of the State for approval in accordance with the provisions upon submitting to and obtaining consent from the municipal people's government.

The relevant units shall submit the copies of the aerial photographic materials to the municipal administrative department for surveying and mapping on a regular basis. The municipal administrative department for surveying and mapping may, in accordance with the provisions, inform other relevant departments of the contents of such aerial photographic materials so as to make full use of the existing aerial photographic materials and avoid repeating taking aerial photographs.

Article 14 The municipal administrative department for surveying and mapping shall, jointly with other relevant departments of the municipal people's government, organize to draw up the basic surveying and mapping plan of the whole municipality, submit it to the municipal people's government for approval, and organize its implementation after reporting it to the administrative department for surveying and mapping under the State Council for the record.

市和区、县人民政府应当将基础测绘纳入本级国民经济和社会发展年度计划及财政预算。

市人民政府发展计划主管部门会同市测绘行政主管部门，根据本市基础测绘规划，编制本行政区域内的基础测绘年度计划，按照规定上报备案。

第十五条 区、县人民政府根据本区、县经济和社会发展，需要测制地形图的，应当编制测绘计划并组织实施。

区、县人民政府应当将本区、县测绘计划纳入本级国民经济和社会发展年度计划及财政预算。

第十六条 本市建立基础测绘成果更新制度。

本市的平面坐标控制网和高程控制网应当按照规定定期维护更新。

市测绘行政主管部门应当根据本市实际情况确定基本比例尺地形图更新周期。1:500地形图至少每2年更新一次；1:2000地形图至少每3年更新一次；1:10000地形图，平原地区至少每4年、山区至少每8年更新一次。

对经济建设、社会发展和城市规划建设及重大工程急需的基础测绘成果应当及时更新。

第四章 其他测绘

第十七条 规划测绘应当按照市规划行政主管部门依据本市城市总体规划、详细规划和专业规划提出的规划条件进行。

规划测绘包括规划道路定线测绘、建设用地界址点和界址线测绘、市政规划测量、规划绿地测量、规划监督测量等。

第十八条 市人民政府应当加强城市地下管线普查、整测等基础性测绘工作的统一领导，保障城市地下管线数据库的完整性和现势性。

市测绘行政主管部门应当制定城市地下管线普查、整测工作规划和实施计划，报

The municipal and the district or county people's governments shall incorporate the basic surveying and mapping into their annual national economic and social development plans and financial budgets of the corresponding level.

The competent department of development and planning of the municipal people's government shall, jointly with the municipal administrative department for surveying and mapping, draw up the annual plan of basic surveying and mapping within the administrative areas of this Municipality on the basis of the basic surveying and mapping plan of this Municipality and submit it to the superior authority for the record in accordance with the provisions.

Article 15 The district or county people's government shall, where it is necessary to survey and draw the topographical maps on the basis of the economic and social development in these districts or counties, draw up the surveying and mapping plans and organize their implementation.

The district or county people's governments shall incorporate the surveying and mapping plans of these districts or counties into their annual national economic and social development plans and financial budgets of the corresponding level.

Article 16 This Municipality shall establish the system to update the basis surveying and mapping results.

The plane coordinate controlling system and vertical controlling system of this Municipality shall be maintained and updated in accordance with the provisions on a regular basis.

The municipal administrative department for surveying and mapping shall fix the updating cycle of the basis scale topographical maps based on the actual circumstances of this Municipality. Topographical maps with the scale of 1:500 shall be updated once at least every two years; topographical maps with the scale of 1:2000 shall be updated once at least every three years; topographical maps of plain regions with the scale of 1:10000 shall be updated once at least every four years and those of mountainous regions with the scale of 1:10000 shall be updated once at least every eight years.

The basic surveying and mapping results urgently needed in economic construction, social development and urban construction as well as key projects shall be updated timely.

Chapter IV Other Types of Surveying and Mapping

Article 17 Surveying and mapping for planning shall be conducted in accordance with the planning requirements raised by the municipal administrative department for planning based on the overall urban plans, detailed plans and specialized plans of this Municipality.

Surveying and mapping for planning shall include surveying and mapping of the planned road location lines, estate boundary location spots and lines of construction land, surveying of urban planning, planned green-land as well as planning supervision, etc.

Article 18 The municipal people's government shall strengthen the unified leadership in the work of basic surveying and mapping such as the universal investigation and general surveying of underground pipes and lines so as to ensure the integrity and actuality of the database of the urban underground pipes and lines.

The municipal administrative department for surveying and mapping shall draw up the work plan concerning the universal investigation and general surveying of underground pipes

市人民政府批准后组织实施。所需经费应当列入国民经济和社会发展年度计划及财政预算。

市人民政府有关部门在各自的职责范围内，协助市测绘行政主管部门做好地下管线的普查、整测工作。

第十九条 建设单位敷设和更新城市地下管线必须及时进行竣工测量。建设单位未按规定进行竣工测量的，有关主管部门不予办理工程竣工验收认可和备案手续。

第二十条 各类废弃或者因变更而局部废用的地下管线，产权单位或者管理使用单位应当在6个月内向市测绘行政主管部门申报注销。市测绘行政主管部门应当依据地下管线竣工资料和报废资料，及时更新城市地下管线数据库。

第二十一条 本市各级行政区域界线测绘，由市测绘行政主管部门按照国家和本市的有关规定进行。

第二十二条 本市地籍测绘规划由市测绘行政主管部门会同市国土房屋行政主管部门编制，并由市测绘行政主管部门按照地籍测绘规划，组织管理地籍测绘。

第二十三条 测量土地、建筑物、构筑物和地面其他附着物的权属界址线，应当按照市和区、县人民政府确定的权属界限的界址点、界址线或者提供的有关登记资料和附图进行。权属界址线发生变化时，有关当事人应当及时进行变更测绘。

第二十四条 本市建设领域的工程测量，与房屋产权、产籍相关的房屋面积的测量，水利、能源、交通、通信、资源开发和其他领域的工程测量，应当按照国家和本市有关测量技术规范进行。

第五章 测绘资质资格

第二十五条 在本市行政区域内从事测绘活动的单位，必须依法取得相应等级的测绘资质证书，并按照资质证书规定的业务范围和作业限额从事测绘活动。

and lines and the implementation plan, and organize their implementation after submitting them to and obtaining approval from the municipal people's government. The expenses needed shall be listed in the annual plan of national economic and social development and the financial budgets.

The relevant departments of the municipal people's government shall assist the municipal administrative department for surveying and mapping to do a good job in the universal investigation and general surveying of underground pipes and lines within their respective duties and responsibilities.

Article 19 The construction unit laying or renewing the urban underground pipes and lines must conduct surveying timely upon completion of the project. The competent department shall not go through the procedures for check and acceptance as well as record of the projects upon completion if the construction unit fails to conduct surveying upon completion of the project.

Article 20 For the various kinds of underground pipes and lines abandoned or partially abandoned due to change of the pipes and lines, the property owning unit or the managing and using unit shall apply to the municipal administrative department for surveying and mapping for cancellation of those pipes and lines within six months. The municipal administrative department for surveying and mapping shall timely update the database of urban underground pipes and lines in line with the materials regarding completion and abandonment of underground pipes and lines.

Article 21 The surveying and mapping of the boundary lines between administrative areas of all levels in this Municipality shall be conducted by the municipal administrative department for surveying and mapping in accordance with the relevant provisions of the State and this Municipality.

Article 22 The plan for cadastral surveying and mapping of this Municipality shall be drawn up by the municipal administrative department for surveying and mapping jointly with the municipal administrative department of State land and housing, and the municipal administrative department for surveying and mapping shall organize and conduct administration of the cadastral surveying and mapping in accordance with such plan.

Article 23 The estate boundary location lines of land, buildings, structures and other above-ground objects attached to the land shall be surveyed in accordance with the estate boundary location points and estate boundary location lines determined or relevant registration materials as well as attached maps provided by the municipal and the district or county people's governments. Where any changes in the estate boundary location lines take place, the persons concerned shall timely conduct surveying and mapping of such changes.

Article 24 The projects in the field of urban construction and housing areas related to housing property rights and housing cadastral, as well as the projects for water conservancy, energy, transportation, telecommunications, resource development and in other fields shall be surveyed in accordance with the relevant technical regulations on surveying of the State and this Municipality.

Chapter V Qualifications for Surveying and Mapping

Article 25 A unit to engage in the activities of surveying and mapping in the administrative areas of this Municipality must obtain the qualification certificate of corresponding grades for surveying and mapping according to law and engage in the activities of surveying and mapping in accordance with the business scope and operation

申报甲级测绘资质的，由市测绘行政主管部门初审，报国家测绘行政主管部门核发资质证书；申报乙级、丙级、丁级测绘资质的，由市测绘行政主管部门依法审查核发资质证书。

市测绘行政主管部门建立测绘单位信用信息公开制度。对在本市承接测绘任务的测绘单位资质、业绩、测绘成果质量情况等信息向社会公布。

第二十六条 在本市从事测绘活动的专业技术人员应当具备国家规定的相应执业资格条件。

测绘人员进行测绘活动时，应当持有国家统一制作的测绘作业证件。市测绘行政主管部门负责本市测绘作业证件的审核、发放和监督管理。

测绘单位需要进入机关、团体、企业事业单位进行测绘活动的，应当提前 5 日书面告知有关单位。有关单位和个人应当协助和配合测绘人员依法进行测绘活动。

第二十七条 测绘单位不得超越其资质等级许可的范围从事测绘活动或者以其他测绘单位的名义从事测绘活动，并不得允许其他单位以本单位的名义从事测绘活动。

第二十八条 依据国家规定，测绘项目实行招标投标的，按照招标投标的有关法律法规的规定执行；测绘项目实行承发包的，测绘项目的发包单位不得向不具有相应资质等级的单位发包或者迫使测绘单位以低于测绘成本承包。测绘项目承包单位必须以自己的设备、技术和人员完成所承包项目的主要部分，依法将测绘项目分包给其他单位的，除总承包合同中约定的分包外，必须经发包单位认可；分包单位不得再次分包。测绘单位不得将承包的测绘项目转包。

第六章 测绘成果

第二十九条 在本市行政区域内完成的测绘项目，测绘项目出资人或者承担各级财政投资的测绘项目的单位，应当限期向市测绘行政主管部门汇交测绘成果资料。属于基础测绘项目的，应当汇交测绘成果副本；属于非基础测绘项目的，除第二款规定

quota as prescribed in the qualification certificate.

The application for Grade A qualification for surveying and mapping shall be first examined by the municipal administrative department for surveying and mapping, and then be submitted to the national administrative department for surveying and mapping for verification and issuance of the qualification certificate; the application for Grade B, C or D qualification for surveying and mapping shall be examined and the qualification certificate issued by the municipal administrative department for surveying and mapping according to law.

The municipal administrative department for surveying and mapping shall establish the credit information publication system of the surveying and mapping units. Such information as the qualifications, achievements and quality of the surveying and mapping results of surveying and mapping units that have undertaken surveying and mapping missions in this Municipality shall be open to the public.

Article 26 Specialized technicians engaged in the activities of surveying and mapping in this Municipality shall possess the corresponding professional qualification as prescribed by the State.

Personnel conducting surveying and mapping activities shall hold certificates for surveying and mapping operations uniformly produced by the State. The municipal administrative department for surveying and mapping shall be responsible for examination, verification, issuance, supervision and administration of the certificates for surveying and mapping operations in this Municipality.

Where it is necessary for surveying and mapping units to enter the agencies, groups, enterprises or institutions to conduct surveying and mapping activities, the units shall inform them in writing five days in advance. The relevant units and individuals shall assist and cooperate with the personnel conducting surveying and mapping to conduct surveying and mapping activities according to law.

Article 27 No surveying and mapping units may engage in surveying and mapping activities exceeding the scope allowed for their grades of qualification, or engage in surveying and mapping activities in the name of other surveying and mapping units, or permit other units to engage in surveying and mapping activities in their names.

Article 28 Where a surveying and mapping project shall be subject to bid invitation and bidding in accordance with the provisions of the State, the provisions of relevant laws and regulations concerning bid invitation and bidding shall be implemented; where a surveying and mapping project is contracted out, the unit that contracts out the surveying and mapping project may not contract it out to a unit that does not possess the corresponding grade of qualification for surveying and mapping, or force a surveying and mapping unit to undertake the contract at a price lower than the cost of surveying and mapping. The unit contracting the surveying and mapping project must complete the major part of the contracted project with its own equipment, technology and personnel. Except the sub-contracted part as agreed upon in the contract, sub-contracting the surveying and mapping project to other unit according to law must be approved by the contracting unit; and the sub-contractor shall not re-sub-contract the sub-contracted part. The surveying and mapping unit shall not contract out the contracted surveying and mapping project.

Chapter VI Surveying and Mapping Results

Article 29 With respect to a surveying and mapping project completed in the administrative areas of this Municipality, the investor in the surveying and mapping project or the unit undertaking the surveying and mapping project invested by financial funds at various levels shall summarize and submit the surveying and mapping results to the municipal administrative department for surveying and mapping within the prescribed

的以外，应当汇交规定的测绘成果目录。市测绘行政主管部门接收测绘成果资料应当出具测绘成果汇交凭证。

城市地下管线、地铁、人防等地下隐蔽工程的建设单位应当在工程竣工验收后 6 个月内，向市测绘行政主管部门汇交测绘成果副本。

市测绘行政主管部门应当定期编制测绘成果目录，并向社会公布。

第三十条 测绘成果的保管单位，应当采取措施保障测绘成果的完整和安全，并按照国家和本市有关规定向社会公开和提供使用。

测绘成果属于国家秘密的，其密级的确定、变更、解密及其使用、保管，依照保密法律法规的有关规定执行。需要对外提供的，应当经市测绘行政主管部门审核后，按照国家有关规定办理。

第三十一条 基础测绘成果和使用财政资金完成的其他测绘成果，用于政府决策和社会公益性事业的，应当无偿提供。

前款规定之外的，测绘成果依法实行有偿使用制度。政府及其有关部门和军队因防灾、减灾、国防建设等公共利益需要使用测绘成果的，可以无偿使用。

第三十二条 使用财政资金的测绘项目，批准立项前有关部门应当征求市测绘行政主管部门的意见，有适宜测绘成果的，应当充分利用已有的测绘成果，避免重复测绘。

第三十三条 使用测绘成果，应当征得该测绘成果所有权人的同意，未经同意不得擅自复制、使用、转让或者转借。复制、使用、转让或者转借保密的测绘成果，必须按照原密级管理。

第三十四条 测绘单位应当建立健全测绘成果的质量保证体系，对测绘成果质量负责。测绘成果质量不合格的，不得交付使用。

市测绘行政主管部门对测绘成果实行质量监督。

period of time. For the basic surveying and mapping project, a copy of surveying and mapping results shall be summarized and submitted; For non-basic surveying and mapping project, except those, stipulated in the second paragraph, a catalogue of surveying and mapping results as stipulated shall be summarized and submitted. The municipal administrative department for surveying and mapping shall produce a voucher evidencing the summarization and submission of surveying and mapping results for receipt of the materials of surveying and mapping results.

The construction units of urban underground pipes and lines, subways, air defence and other underground shelter projects shall summarize and submit the copies of the surveying and mapping results to the municipal administrative department for surveying and mapping within six months of acceptance upon check of the project upon completion.

The municipal administrative department for surveying and mapping shall periodically compile the catalogues of surveying and mapping results and publicize them to the public.

Article 30 The keeping unit of surveying and mapping results shall take measures to ensure the integrity and safety of the surveying and mapping results, and publicize and provide them to the public for use in accordance with the provisions of the State and this Municipality.

Where the surveying and mapping results belong to the category of State secrets, the determination or alteration of the category of secrecy, the declassification of the secrets as well as the use and safekeeping of such results shall be governed by the relevant provisions of laws and regulations concerning secrecy. Where it is necessary to provide the results to foreign organizations or individuals, the matter shall be handled in accordance with the relevant provisions of the State after the municipal administrative department for surveying and mapping conducts examination and verification.

Article 31 Where the basic surveying and mapping results and other results of other types of surveying and mapping completed with financial funds are to be used for decision making by governments and for public welfare undertakings, they shall be provided without compensation.

For surveying and mapping results other than the ones stipulated in the preceding paragraph, the system for paid use shall be practiced according to law. Where the governments and their departments as well as military troops have to use the surveying and mapping results due to the needs of prevention and elimination of disasters and national defense construction, they may use the results without compensation.

Article 32 With respect to the surveying and mapping project using financial funds, the relevant department shall solicit for opinions from the municipal administrative department for surveying and mapping prior to the establishment of the project. Where there are certain suitable surveying and mapping results, the existing results shall be made full use so as to prevent repeated surveying and mapping.

Article 33 The using of surveying and mapping results shall be subject to the consent by the owner of such surveying and mapping results. Without such consent, the results shall not be duplicated, used, transferred or lent to others without authorization. The duplication, use, transfer or lending to others of the surveying and mapping results that shall be kept secret shall be subject to the administration of the original degree of secrecy.

Article 34 The surveying and mapping units shall establish and improve a quality assurance system of surveying and mapping results and be responsible for the quality of surveying and mapping results. The surveying and mapping results that are disqualified shall not be put to use.

The municipal administrative department for surveying and mapping shall exercise supervision over the quality of surveying and mapping results.

第七章 测量标志保护

第三十五条 测量标志受国家保护，禁止下列有损测量标志安全和使测量标志失去使用效能的行为：

（一）损毁或者擅自移动地下或者地上的永久性测量标志以及使用中的临时性测量标志的；

（二）在测量标志占地范围内烧荒、耕作、取土、挖沙或者侵占永久性测量标志用地的；

（三）在距永久性测量标志 50 米范围内采石、爆破、射击、架设高压电线的；

（四）在测量标志的占地范围内，建设影响测量标志使用效能的建筑物的；

（五）在测量标志上架设通讯设施、设置观望台、搭帐篷、拴牲畜或者设置其他有可能损毁测量标志的附着物的；

（六）擅自拆除设有测量标志的建筑物或者拆除建筑物上的测量标志的；

（七）其他有损测量标志安全和使用效能的。

第三十六条 设置永久性测量标志，需要依法使用土地或者在建筑物上建设永久性测量标志的，有关单位或者个人不得干扰和阻挠。

第三十七条 建设工程项目的规划、建设应当避开永久性测量标志；确实无法避开，需要拆迁永久性测量标志或者使永久性测量标志失去效能的，在办理规划审批手续时，应当一并办理测量标志的迁建手续。涉及军用控制点的，应当征得军队测绘行政主管部门同意。所需迁建费用由工程建设单位承担。

第三十八条 永久性测量标志的建设单位应当对永久性测量标志设立明显标记，委托当地有关单位指派专人负责保管，与其签订《测量标志委托保管书》，并在测量标志所在地的乡、镇人民政府或者街道办事处造册登记。乡、镇人民政府和街道办事处应当做好所辖区域内的测量标志保护管理工作。

第三十九条 市测绘行政主管部门应当建立健全本市的永久性测量标志档案，对全市的测量标志实行定期巡查和维护。永久性测量标志的维护管理费用，财政部门应当予以保障。公安机关应当配合测绘部门共同做好测量标志保护工作。

Chapter VII Protection of Surveying Markers

Article 35 Surveying markers shall be protected by the State and the following acts that are detrimental to the safety of surveying markers and render surveying markers ineffective shall be forbidden:

- (1) damaging, destroying, or moving surveying markers under or above the ground as well as temporary surveying markers in use without authorization;
- (2) burning grass on waste land, farming, gathering earth, or excavating sand within the land area that surveying markers occupy, or seizing and occupying the land used for permanent surveying markers;
- (3) quarrying, demolishing, shooting and erecting high-voltage power transmission within the sphere of 50 meters from permanent surveying markers;
- (4) constructing structures that affect the utilization functions of surveying markers within the land area that surveying markers occupy;
- (5) erecting communication facilities, building watch towers, pitching tents, tying livestock or putting other attachments that may damage and destroy the surveying markers on surveying markers;
- (6) pulling down the structures on which surveying markers are erected or surveying markers on structures without authorization; or
- (7) other acts detrimental to the safety and utilization of surveying markers.

Article 36 No unit or individual may interfere with or hinder the erection or construction of a permanent surveying marker which makes use of land or is constructed on a building according to law.

Article 37 The planning or construction of engineering projects shall seek to get around permanent surveying markers; if it is absolutely impossible to get around such markers and necessary to have them pulled down and removed or rendered them ineffective, the procedures for pulling down and removal of the surveying markers shall be gone through at the same time when the examination and approval procedures for planning are gone through. Where the military surveying markers are involved, consent shall be obtained from the competent department of surveying and mapping in the armed forces. The expenses for removal and re-establishment involved shall be born by the construction units.

Article 38 A unit which erects a permanent surveying marker shall set up a distinct sign for the permanent surveying marker, entrust a local unit to dispatch special personnel to take care of such marker by signing the Letter of Entrustment for Taking Care of Surveying Markers and register such letter in the people's government at the village or town level or the sub-district office in the place where the surveying maker is located. The people's governments at the village or town level and the sub-district offices shall do a good job in the protection and administration of surveying markers in their respective administrative areas.

Article 39 The municipal administrative department for surveying and mapping shall set up and improve the filing system of the permanent surveying markers in this Municipality and carry out regular examination and maintenance of the surveying markers in the whole city. The maintenance and management expenses for permanent surveying markers shall be afforded by the financial departments. The public security organs shall cooperate with the department for surveying and mapping to do a good job in the protection of surveying markers.

本市对在保护永久性测量标志中做出显著成绩的单位和个人给予奖励。

第八章 地图管理

第四十条 本市各级人民政府应当加强对编制、印刷、出版、发行、展示、登载地图的管理，保证地图及其产品的质量，维护国家主权、安全和利益。

各级人民政府应当加强对国家版图意识的宣传教育，增强公民的国家版图意识。

第四十一条 编制本市各种地图的，必须符合下列要求：

- （一）取得相应的测绘资质资格，并在确定的范围内编制地图；
- （二）使用本市行政区域界线基础地理底图，作为基础底图；
- （三）正确反映各要素的地理位置、形态、名称及相互关系；
- （四）具备符合地图上使用目的的有关数据和专业内容。

第四十二条 出版、印刷或者展示未出版的本市各种地图的，应当按照规定送审试制样图一式二份。市测绘行政主管部门应当自收到试制样图之日起30日内完成审核。

地图印刷完成后30日内，编制单位应当将样本一式二份送市测绘行政主管部门存档。

电子地图应当提供光（软）盘及与光（软）盘内容所表现的主要地理要素相同的存储介质和纸质地图。

有专业内容的地图应当提供有关专业主管部门就专业内容出具的审核意见。

编制地图单位所使用的地理底图，涉及他人著作权的，应当在报送审核时，提供著作权人同意使用的书面证明。

第四十三条 公开展示、悬挂、刊登、播映标有国界线和行政区域界线的各类地图和示意图，应当按照规定的标准样图编制。

第四十四条 公开出版的地图必须标明地图审图号。经审定的地图内容、形式发生变化时，应当重新履行申报手续，市测绘行政主管部门重新编发审图号。

保密地图和内部地图不得以任何形式公开出版、发行、销售或者展示。

This Municipality shall give rewards to the units and individuals that have made outstanding achievements in the protection of permanent surveying markers.

Chapter VIII Map Administration

Article 40 The people's governments at various levels in this Municipality shall strengthen administration of drawing, printing, publication, display or insertion of maps, ensure the quality of maps and products thereof and maintain the sovereignty, security and interests of the State.

The people's governments at various levels shall promote the propaganda and education in awareness of the national domain to strengthen the citizen's sense of national domain.

Article 41 Those who draw this Municipality's various kinds of maps must meet the following requirements:

- (1) having obtained the corresponding qualification for surveying and mapping, and draw maps in the fixed scope;
- (2) using the basic geographic base map of this Municipality 's boundary as the base map;
- (3) the geographical location, configuration, name of each key element and their mutual relationship shall be reflected correctly; and
- (4) the relevant data and specialized contents are in keeping with the purposes for which the map is used.

Article 42 Anyone who intends to publish, print or display various kinds of unpublished maps of this Municipality shall submit the map proofs in duplicate for examination and approval in accordance with the provisions. The municipal administrative department for surveying and mapping shall complete the examination and verification within 30 days from the date of receiving the map proofs.

Within 30 days from the date of completing the printing of maps, the drawing units shall submit the sample map in duplicate to the municipal administrative department for surveying and mapping for fling.

Electronic maps shall have CDs (soft-disks) and the storage medium and paper maps with the same main geographical elements as reflected in the CDs (soft - disks).

For maps with specialized contents, the examination and verification opinions about the specialized contents shall be provided by the relevant competent professional department.

Where the base map used by a map drawing unit involves other' s copyright, it shall provide a written certificate evidencing the copyright owner 's consent of such using when submitting the base map for examination and verification.

Article 43 The various kinds of maps and sketch maps with national borderlines and boundaries of administrative areas to be publicly displayed, hung, published or televised shall be drawn in accordance with the standardized sample maps as required.

Article 44 The maps openly published shall indicate the registration number of examination. When the content or form of the maps verified changes, the procedures for application for examination again shall be gone through and the municipal administrative department for surveying and mapping shall re- assign a new regitraion number of examination.

No confidential or internal map may be openly published, distributed, sold or displayed

第四十五条 地图编制、展示单位不得在普通地图、内部地图上刊登广告。在专题地图上刊登广告的，刊登广告的面积不得超过地图图幅面积的 30%，位置不得压盖地图内容。

第九章 法律责任

第四十六条 违反本条例的行为，法律法规已有规定的，依照其规定追究法律责任。

第四十七条 违反本条例规定，有下列行为之一的，给予警告，责令改正，可以并处 10 万元以下的罚款；对负有直接责任的主管人员和其他直接责任人员，依法给予行政处分：

（一）违反第八条规定，未经批准，擅自建立相对独立的平面坐标系统的；

（二）违反第十条规定，建立地理信息系统，不采用国家和本市标准的基础地理信息数据的。

第四十八条 违反本条例第二十九条第二款规定，建设单位未按时汇交测绘成果副本，致使其他施工单位因无法查阅有关测绘成果资料造成施工破坏地下管线、设施等隐蔽工程的，建设单位应当依法承担相应责任。

第四十九条 有本条例第三十五条禁止的行为之一的，给予警告，责令改正，可以并处 5 万元以下的罚款；造成损失的，依法承担赔偿责任；构成犯罪的，依法追究刑事责任。

第五十条 违反本条例第四十一条、第四十四条第二款规定，编制、印刷、出版、发行、展示、登载的地图发生错绘、漏绘、泄密的，责令停止违法行为，没收全部地图产品及违法所得，并处 1 万元以上 10 万元以下罚款；对主要负责人和直接责任人给予行政处分；危害国家主权或者安全，损害国家利益，构成犯罪的，依法追究刑事责任。

第五十一条 违反本条例第四十三条规定，公开展示、悬挂、刊登、播映标有国界线和行政区域界线的各类地图和示意图，未按规定标准样图编制的，责令停止违法活动，没收全部地图产品及违法所得。对有关地图出版社处以 1000 元以上 10000

in any form.

Article 45 The map drawing and displaying unit shall not publish any advertisement on ordinary maps or internal maps. Where an advertisement is to be published on a specialized map, the size of the advertisement to be published shall not exceed 30 percent of the extent of the map and it shall not cover any content of the map.

Chapter IX Legal Liability

Article 46 For the acts in violation of the provisions of these Regulations, where there are provisions in laws and regulations, legal liability shall be investigated for in accordance with such provisions.

Article 47 Any unit which, in violation of the provisions of these Regulations, commit one of the following acts, shall be warned, ordered to make corrections and may be imposed a fine of not more than 100,000 yuan simultaneously; the directly responsible persons in charge and other directly responsible persons shall be given administrative sanctions according to law:

(1) in violation of the provisions of Article 8, establishing a relatively independent plane coordinate system without authorization; or

(2) in violation of the provisions of Article 10, filing to adopt the standard basic geographical information and data of the State and this Municipality to establish independent geographical information system.

Article 48 The construction units which, in violation of the provisions of the second paragraph of Article 29 of these Regulations, fail to summarize and submit copies of surveying and mapping results timely and cause other construction units unable to look up relevant surveying and mapping results and materials resulting in the damage of underground pipes and lines, facilities and other underground shelter projects, shall assume corresponding liability according to law.

Article 49 Whoever commits any one of the acts forbidden in Article 35 of these Regulations, shall be warned, ordered to make corrections and may be imposed a fine of not more than 500,000 yuan simultaneously; and shall assume liability for compensation according to law where losses are caused; where a crime is constituted, criminal liability shall be investigated for according to law.

Article 50 Whichever, in violation of the provisions of Article 41 and the second paragraph of Article 42 of these Regulations, causes mistakes or omissions to the maps compiled, printed, published, issued or inserted or leaking of secret, shall be ordered to stop the illegal acts, have all the map products and their illegal gains confiscated, and be imposed a fine of not less than 10,000 yuan but not more than 100,000 Yuan simultaneously; the main responsible persons and directly responsible persons shall be given administrative sanctions; where the violation endangers the national sovereignty or security or harm the national interests constituting a crime, criminal liability shall be investigated for according to law.

Article 51 Whichever, in violation of the provisions of Article 43 of these Regulations, fails to draw the various kinds of maps and sketch maps with national borderlines and boundaries of administrative areas to be publicly displayed, hung, published or televised in accordance with the standardized sample maps as required, shall be ordered to stop the

元以下的罚款；情节严重的，由出版行政主管部门注销其地图出版资格。

第五十二条 《中华人民共和国测绘法》和本条例规定的行政处罚，除降低资质等级、暂扣测绘资质证书、吊销测绘资质证书的以外，由市测绘行政主管部门或者各分局实施。

《中华人民共和国测绘法》和本条例规定的降低资质等级、暂扣测绘资质证书、吊销测绘资质证书的行政处罚，属于本市核发的测绘资质证书的，由市测绘行政主管部门实施；属于国家测绘行政主管部门核发的甲级测绘资质证书的，由市测绘行政主管部门报告国家测绘行政主管部门依法处理；属于外地核发的乙级、丙级、丁级测绘资质证书的，由市测绘行政主管部门提请其发证机关依法处理。

第五十三条 违反本条例第二十六条第三款规定，阻挠测绘行政主管部门工作人员依法执行公务和测绘人员依法进行测绘，构成犯罪的，依法追究刑事责任；尚不够刑事处罚的，由公安机关依照《中华人民共和国治安管理处罚条例》的规定予以处罚。

第五十四条 违反本条例规定，测绘行政主管部门工作人员利用职务上的便利收受他人财物、其他好处或者玩忽职守，对不符合法定条件的单位核发测绘资质证书，不依法履行监督管理职责，或者发现违法行为不予查处，造成严重后果，构成犯罪的，依法追究刑事责任；尚不够刑事处罚的，对负有直接责任的主管人员和其他直接责任人员，由上级部门依法给予行政处分。

第十章 附 则

第五十五条 本条例自 2003 年 12 月 1 日起施行。1995 年 12 月 21 日市第十届人民代表大会常务委员会第二十三次会议通过、根据 1997 年 4 月 16 日市第十届人民代表大会常务委员会第三十六次会议《关于修改〈北京市实施中华人民共和国测绘法办法〉的决定》修正的《北京市实施〈中华人民共和国测绘法〉办法》，1989 年 12 月

illegal acts, have all the map products and their illegal gains confiscated. The publishing house of maps concerned shall be imposed a fine of not less than 10,000 yuan but not more than 100,000 Yuan; where the circumstances are serious, its qualification for publishing maps shall be revoked by the competent administrative department for publishing.

Article 52 The administrative penalties stipulated by the Surveying and Mapping Law of the People's Republic of China and these Regulations shall be imposed by the municipal administrative department for surveying and mapping and its various sub- bureaus, except downgrading of qualifications for surveying and mapping, temporary suspension of qualification certificates for surveying and mapping and cancellation of qualification certificates for surveying and mapping.

Such administrative penalties as downgrading of qualifications for surveying and mapping, temporary suspension of qualification certificates for surveying and mapping and cancellation of qualification certificates for surveying and mapping stipulated by the Surveying and Mapping Law of the People 's Republic of China and these Regulations shall be imposed by the municipal administrative department for surveying and mapping where the qualification certificates for surveying and mapping are verified and issued by this Municipality; where the qualification certificate involved. is one of Grade A verified and issued by the national administrative department for surveying and mapping, the municipal administrative department for surveying and mapping shall report the case to the national administrative department for surveying and mapping to deal with; where the qualification certificate involved is one of Grade B, C or D verified and issued by other municipality, the municipal administrative department for surveying and mapping shall submit the case to the original certificate-issuing agency to deal with.

Article 53 Whoever, in violation of the provisions of the third paragraph of Article 26 of these Regulations, hinders the working staff of the administrative departments for surveying and mapping from performing their duties or the surveying and mapping personnel from carrying out surveying and mapping according to law, shall be investigated for criminal liability according to law where a crime is constituted; where the circumstances are not enough to impose a criminal penalty, the public security organ shall impose a penalty in accordance with the provisions of the Regulations of the People's Republic of China on Administrative Penalty for Public Security.

Article 54 The working staff of the administrative department for surveying and Mapping who, in violation of these Regulations, accept properties or other benefits from others by taking advantage of their positions or neglect their duties and issue qualification certificates to the units unqualified to the legal requirements, or fail to perform their duties of supervision according to law, or fail to investigate and handle the illegal acts already found, shall be investigated accord for criminal liability where the circumstances are serious enough to constitute crimes; where the circumstances are not enough to impose a criminal penalty, the person in charge directly responsible and other directly responsible person shall be given administrative sanctions by the superior department.

Chapter X Supplementary Provisions

Article 55 These Regulations shall take effect as of December 1, 2003. The Measures of Beijing Municipality for Implementation of the Surveying and Mapping Law of The

13 日市人民政府第 38 号令发布、根据 1997 年 12 月 31 日市人民政府第 12 号令修改的《北京市测绘成果管理实施办法》，1996 年 6 月 10 日市人民政府批准、1996 年 6 月 20 日市规划局发布的《北京市测绘任务登记管理办法》同时废止。

People's Republic of China adopted at the 23rd meeting of the Standing Committee of the Tenth Municipal Peoples Congress on December 21, 1995 and amended in accordance with the Decisions of Amending the Measures of Beijing Municipality for Implementation of the Surveying and Mapping Law of The People's Republic of China adopted at the 36th meeting of the Standing Committee of the 10th Municipal People's Congress on April 16, 1997, the Implementing Measures of Beijing Municipality for Administration of Surveying and Mapping Results promulgated by Order No.38 of the Municipal People's Government on December 13, 1989 and amended in accordance with Order No.12 of the Municipal People's Government on December 31, 1997, and the Administrative Measures of Beijing Municipality for Registration of Surveying and Mapping Missions approved by the Municipal People's Government on June 10, 1996 and promulgated by the Municipal Planning Bureau on June 20, 1996 shall be repealed simultaneously.

北京市实施《中华人民共和国城镇 国有土地使用权出让和转让暂行条例》办法

(1992年5月27日北京市人民政府第11号令发布 根据1993年5月18日北京市人民政府第6号令第一次修改 根据2002年2月11日北京市人民政府第92号令第二次修改 根据2007年11月23日北京市人民政府第200号令第三次修改)

第一条 为合理开发、利用、经营国有土地，加强国有土地使用权出让和转让管理，促进本市城市建设和经济发展，根据《中华人民共和国城镇国有土地使用权出让和转让暂行条例》（以下简称《条例》），结合本市实际情况，制定本办法。

第二条 本市行政区域内国有土地使用权（以下简称土地使用权）出让和转让，适用《条例》和本办法。

第三条 本市土地使用权的出让和转让工作，由土地行政主管部门依照法律、法规和规章的有关规定办理。

第四条 除下列用地，经土地行政主管部门核准，可依法办理划拨外，其他用地均应通过出让或者转让方式取得土地使用权：

- （一）各级财政拨款建设的党政军机关、行政事业单位办公用房的用地；
- （二）城市基础设施、公用设施和公益事业用地；
- （三）国家重点建设的能源、交通、国防和农业水利工程用地；
- （四）市人民政府批准的其他用地。

第五条 出让和转让土地使用权，不及于地下资源、埋藏物及市政公用设施。

第六条 依照《条例》和本办法以出让或者转让方式取得土地使用权的土地使用者（以下简称土地使用者），合法权益受法律保护。

土地使用者开发、利用、经营土地的活动，应遵守法律、法规、规章的规定，不

Measures of Beijing Municipality for Implementing Interim Regulations of the People's Republic of China Concerning the Assignment and Transfer of the Right to the Use of the State-owned Land in the Urban Areas

(Promulgated by Decree No.11 of the People's Government of Beijing Municipality on May 27, 1992, revised for the first time in accordance with Decree No.6 of the People's Government of Beijing Municipality on May 18, 1993, revised for the second time in accordance with Decree No.92 of the People's Government of Beijing Municipality on February 11, 2002, and revised for the third time in accordance with Decree No.200 of the People's Government of Beijing Municipality on November 23, 2007)

Article 1 These Measures are formulated in accordance with the Interim Regulations of the People's Republic of China Concerning the Assignment and Transfer of the Right to the Use of the State-owned Land in the Urban Areas (hereinafter referred to as Regulations) and are enacted according to actual circumstances of the city to develop, utilize and manage the State-owned land in a rational way, strengthen the assignment and transfer of the right to the use of the State-owned land and facilitate the construction and economic development.

Article 2 The Regulations and these Measures are effective with respect to the assignment and transfer of the right to the use of the State-owned land (hereinafter referred to as land-use rights) within the administrative areas of the city.

Article 3 The assignment and transfer of the land-use rights in this Municipality shall be handled by the competent administrative department for land according to relevant provisions of laws, administrative regulations and rules.

Article 4 With the exception of the land for the following purposes that can be legally allocated with the approval of the competent administrative department, the land-use rights of other land shall be obtained by means of assignment or transfer:

- (1) land for office space of party, government and army institutions, and administrative and public institutions funded by financial allocations at all levels;
- (2) land for urban infrastructure, public works and public welfare undertakings;
- (3) land for major energy, communications, national defense, agriculture, and water conservancy projects supported by the State; and
- (4) other land with the approval of Municipal People's Government.

Article 5 Underground resources, objects buried underground and municipal public works are excluded from the scope of the assignment and transfer of the land-use rights.

Article 6 The lawful rights and interests of the land user who has acquired the land-use rights in accordance with the Regulations and these Measures by means of assignment or transfer shall be protected accordingly by law.

The development, utilization and management of the land by the user shall be carried

得损害社会公共利益。

第七条 土地使用权的出让和转让，以及土地使用者对于土地的开发、利用、经营，必须符合本市城市规划。

第八条 土地使用权出让的地块位置、面积、用途和出让期限及其他条件，由土地行政主管部门会同计划、规划、建设、市政管理部门共同拟定，报同级人民政府批准后，由土地行政主管部门实施。

第九条 土地使用权出让最高年限按下列用途确定：

- （一）居住用地 70 年；
- （二）工业用地 50 年；
- （三）教育、科技、文化、卫生、体育用地 50 年；
- （四）商业、旅游、娱乐用地 40 年；
- （五）综合或者其他用地 50 年。

第十条 出让土地使用权的基准地价，由市国土资源局会同市发展改革委员会、市财政局等部门综合平衡后报市人民政府审定，作为土地使用权出让价格的基础。

基准地价，由出让金、基础设施配套建设费用及土地开发的其他费用等因素构成，并结合地块位置、规划设计条件和出让年限确定。

第十一条 土地使用权（包括地上建筑物、附着物）协议出让或者转让，出让或者转让双方应先委托有资质的地价评估机构进行价格评估后，再签订土地使用权出让或者转让合同。

第十二条 土地使用权出让，除下列用途可以协议方式外，应采取招标、拍卖方式：

- （一）教育、科技、文化、卫生、体育用地；
- （二）市人民政府批准的其他用地土地使用权协议、招标、拍卖出让的程序，市人民政府另行规定。

第十三条 土地行政主管部门应向预期受让者提供下列资料：

- （一）土地的位置、四至范围、面积及地籍图；
- （二）土地的规划用途和建筑容积率、密度、净空限制等项规划要求；
- （三）建设项目的完成年限，必须投入的建筑费用和发展面积的最低限度；

out in observation of laws, regulations and rules without violation of public interests.

Article 7 The assignment and transfer of the land-use rights and the development, utilization and management of the land by the user must be in accordance with the urban planning of this Municipality.

Article 8 The locations, areas, usages, terms and other conditions of the land parcels for assignment are to be decided upon by the competent administrative department for land, and the city's departments for programming, city planning, construction and municipal administration. The assignment plans shall be carried out by the competent administrative department for land after being approved by the same level of Municipal People's Government.

Article 9 The maximum term with respect to the assigned land-use rights shall be determined respectively in the light of the purposes listed below:

- (1) 70 years for residential purposes;
- (2) 50 years for industrial purposes;
- (3) 50 years for the purposes of education, science, culture, public health and physical education;
- (4) 40 years for commercial, tourist and recreational purposes; and
- (5) 50 years for comprehensive utilization or other purposes.

Article 10 The benchmark land price of assigning land-use rights shall be integrated and balanced by the Municipal Administration of State-owned Land and Resources jointly with the Municipal Development and Reform Commission, the Municipal Financial Bureau and other departments, then reported to the Municipal People's Government for examination and approval to be the base of the price of land-use rights assigning.

The benchmark land price shall consist of such factors as land price for assignment, costs of infrastructure and correlative facilities construction and other expenses for land development and shall be determined in line with land parcel location, planning and designing conditions and term for assignment.

Article 11 Land-use rights (including buildings and above-ground buildings) shall be assigned or transferred by agreement. Both sides of assignment or transfer must first entrust the qualified land price-appraising agency to appraise the price and then sign a contract of assignment or transferring land-use rights.

Article 12 The assignment of land-use rights must adopt the mode of public bidding or auction except for the following purposes for which the mode of agreement may be used:

- (1) land for education, science and technology, health and sports; and
- (2) land for other purposes approved by the Municipal People's Government.

Procedure of assigning land-use rights by agreement, bidding and auction shall be otherwise provided for by the Municipal People's Government.

Article 13 The competent administrative department for land shall provide the prospective assignee with the following particulars:

- (1) location, boundaries, area and land mark map of the land;
- (2) planned uses of the land and planned limits for architectural volume, density and headroom;
- (3) time limit for the completion of construction projects, necessary outlay of

(四) 环境保护、绿化、卫生防疫、交通和消防等要求;

(五) 市政公用设施现状和建设计划或者规划设计要求;

(六) 地块的地面现状;

(七) 出让的形式和年限;

(八) 出让金的付款方式和要求;

(九) 土地使用者的义务和有关的法律责任;

(十) 需要提供的其他资料。

第十四条 出让土地使用权, 应按照平等、自愿、有偿的原则, 由土地行政主管部门(以下简称出让方)与土地使用者签订合同。土地使用者应在签订合同时向出让方支付全部地价款 15% 至 20% 的定金。

第十五条 土地使用者应自签订土地使用权出让合同 2 个月内支付全部地价款; 确有正当理由不能在上述期限内支付的, 经土地行政主管部门征得财政部门同意, 可适当延长支付期限, 具体支付期限和方式应在出让合同中规定。延长付款期间, 土地使用者每月应按照未付款额 1% 至 2% 的比例支付资金占用费。

土地使用者超过 2 个月或者合同规定期限仍未支付全部地价款的, 不退还定金, 出让方有权解除合同, 并请求违约赔偿。

第十六条 出让方应按照合同规定提供出让地块的土地使用权。未按照合同规定提供土地使用权的, 应退还定金, 土地使用者有权解除合同, 并请求违约赔偿。

第十七条 土地使用者在支付全部地价款后, 应按照规定办理登记, 领取土地使用证, 取得土地使用权。

第十八条 土地使用者应按照合同规定和城市规划的要求, 开发、利用、经营土地。未按照合同规定的期限和条件开发、利用土地的, 由土地行政主管部门依法予以纠正, 并可根据情节给予警告、处地价款额 1% 的罚款, 直至无偿收回土地使用权。

第十九条 土地使用者需要改变土地使用权出让合同规定的土地用途的, 应经土地行政主管部门和规划行政主管部门批准, 依法重新签订出让合同, 调整出让地价, 并办理登记。

第二十条 土地使用者转让土地使用权, 必须符合下列条件:

construction expenses and the lowest limit for areas of future development;

(4) requirements concerning environmental protection, greening, sanitation and disease prevention, communications and fire prevention;

(5) conditions of municipal public works and construction plans or requirements for designing;

(6) conditions of ground surface of the land parcel;

(7) the form and the term of the assignment;

(8) the method of payment of the land price for assignment and requirements;

(9) the obligations and relevant legal liabilities of the land user; and

(10) other necessary materials.

Article 14 The assignment of land-use rights shall be effected by the signing of a land assignment contract by the competent administrative department for land (hereinafter referred to as the assigner) and based on the principle of equality, voluntariness and compensation for use. The land user shall pay the assigner 15% to 20% of the full land price for assignment as the down payment when the contract is signed.

Article 15 The land user shall make full payment within 2 months after signing the land assignment contract; if there is justifiable reason for failing to pay the land price within the above period, the period may be properly prolonged subject to the approval of the competent administrative department for land with consent first obtained from finance department. The specific payment term and method should be stipulated in the assignment contract. During the prolonged period, the land user shall pay the land possession fee at the monthly rate of 1‰ to 2‰ of the unpaid amount.

For the case of exceeding 2 months or the deadline for paying in full the land price for assignment as agreed in the contract, the down payment shall not be refunded, the assigner has the right to cancel the contract and request compensation for breaking the contract.

Article 16 The assigner shall provide the land-use rights of the land parcel for assignment in accordance with the contract. If not, the down payment shall be refunded, and the land user has the right to cancel the contract and request compensation for breaking the contract.

Article 17 Upon full payment of the land price, the land users shall register for land-use rights as prescribed, and receive the land-use certificate to obtain the land-use rights.

Article 18 The land user shall develop, utilize and manage the assigned land in accordance with stipulations in the contract and urban planning requirements.

For cases of failing to develop and utilize the land in the time limit and according to conditions stipulated in the contract, the competent administrative department for land shall rectify according to the law and may issue a warning, impose a fine of 1% of the land price or even take back the land-use rights without compensation.

Article 19 The land user who finds it necessary to change the uses of land stipulated in the contract should, with approval from the competent administrative department for land and the competent administrative department for city planning, renew the contract in accordance with law and adjust the land price for assignment, and perform the register formalities.

Article 20 The land user who transfers the land-use rights must meet the following

(一) 付清全部地价款，取得土地使用证；

(二) 已按照出让合同规定的期限和条件开发和利用土地，其中开发建设投资不少于项目总投资额的 25%。

第二十一条 土地使用权转让应当签订转让合同。土地使用权转让时，出让合同和登记文件中所载明的权利、义务随之转移，地上建筑物、其他附着物的所有权也随之转让。土地使用者转让地上建筑物、其他附着物所有权时，其用地范围内的土地使用权随之转让，但地上建筑物、其他附着物作为动产转让的除外。

第二十二条 土地使用者通过转让方式取得的土地使用权，其使用年限为土地使用权出让合同规定的使用年限减去原土地使用者已使用年限后的剩余年限。

第二十三条 土地使用权和地上建筑物、其他附着物所有权转让，应当办理过户登记。土地使用权和地上建筑物、其他附着物所有权分割转让的，应经土地行政主管部门批准，并办理过户登记。

第二十四条 土地使用权转让价格明显低于市场价格的，市或者区、县人民政府有优先购买权。土地使用权转让的市场价格不合理上涨时，市人民政府可以采取必要的措施。

第二十五条 住宅建设用地使用权期间届满的，自动续期。非住宅建设用地使用权期间届满后的续期，依照法律规定办理。该土地上的房屋及其他不动产的归属，有约定的，按照约定；没有约定或者约定不明确的，依照法律、行政法规的规定办理。

第二十六条 土地使用者依法取得的土地使用权不提前收回。在特殊情况下，根据社会公共利益的需要，政府可以依法提前收回，并根据土地使用者已使用的年限和开发、利用土地的实际情况给予相应的补偿。

第二十七条 除本办法第四条第（一）至（四）项规定的划拨用地外，以下列方式转让划拨土地使用权的，须经土地行政主管部门和规划行政主管部门、财政部门批准，由土地使用者同土地行政主管部门签订土地使用权出让合同并补交地价款后，方可进行：

(一) 出售、交换、赠与划拨土地使用权或者以划拨土地使用权换取财物、合作建房的；

requirements:

- (1) having made full payment and received the land-use certificate; and
- (2) having developed and utilized the land within the time limit according to conditions stipulated in the contract, and having put at least 25% of the total project investment in development and construction.

Article 21 Transfer of land-use rights shall be effected by signing a transfer contract. When the land-use rights are transferred, the rights and obligations defined in the assignment contract and the register document are thereby transferred, and the ownership of above-ground buildings and other attached installations are also transferred. When the land user transfers the ownership of above-ground buildings and other attached installations, the land-use rights they take up are thereby transferred, but the transfer of above-ground buildings and other attached installations as movable property is excluded.

Article 22 The valid term of the land transfer is as long as the remaining years stipulated in the assignment contract after deducting the years the land user has used.

Article 23 With respect to the transfer of land-use rights and ownership of above-ground buildings and other attached installations, registration for the transfer shall be undertaken. Divided transfer of land-use rights and ownership of above-ground buildings and other attached installations shall be subject to the approval of the competent administrative department for land, and registration for the divided transfer shall be undertaken.

Article 24 When the transfer of land-use rights is priced at a level obviously lower than the prevailing market price, the people's governments at the municipal, district and county levels shall have the priority of the purchase thereof. When the market price for the transfer of land-use rights rises to an unreasonable extent, the Municipal People's Governments may take necessary measures to cope with it.

Article 25 The term of land-use rights for residential construction shall be automatically renewed upon expiration. The term of land-use rights for non-residential construction shall be renewed according to legal provisions. Where there are stipulations about the ownership of houses and other real properties on the aforesaid land, such stipulations shall prevail; if there is no such stipulation or the stipulations are not explicit, the ownership shall be determined according to the provisions in the laws and administrative regulations.

Article 26 The land-use rights that the land user has legally acquired shall not be taken back before the due date. Under special circumstances, the municipal government may, based on the requirements of public interests, withdraw the land-use rights before the due date through the legal measures, and shall give the user proper compensation according to the years that the land has been used and the actual conditions of the development and the utilization of the land.

Article 27 With the exception of cases as specified in Article 4 (1) to (4) of these Measures, the transfer of the allocated land-use rights in the following forms shall have the approval from the competent administrative department for land and the competent administrative department for city planning and finance department, and shall be effected when the land user signs a land assignment contract with the competent administrative department for land and pays up the lease price retroactively:

- (1) selling, exchanging, and donating the allocated land or exchanging the allocated land-use rights for properties or cooperative building construction;

(二) 以划拨土地使用权入股或者作价投资的;

(三) 以企业兼并方式转让划拨土地使用权的;

(四) 转让地上建筑物、其他附着物连同转让划拨土地使用权, 包括出售开发建设的房屋连同转让划拨土地使用权的;

(五) 以其他方式转让划拨土地使用权的。

未经批准擅自转让划拨土地使用权的, 由土地行政主管部门依法没收其非法收入, 并根据情节对非法转让双方处非法收入 2 倍以下罚款, 直至依法收回划拨用地, 没收地上建筑物。

第二十八条 对以出租房屋等方式利用划拨用地从事经营性活动, 由土地行政主管部门向经营者收取土地收益金。征收标准和办法, 市人民政府另行规定。

第二十九条 通过出让或者转让取得土地使用权的土地使用者, 需进行地上物拆迁的, 可以按照国家和本市有关建设拆迁的规定自行拆迁或者委托拆迁。

第三十条 土地使用权的出租、抵押及登记办法, 市人民政府另行规定。

第三十一条 本办法修改前签订土地使用权出让合同的, 依照合同的规定; 合同没有规定的, 适用本办法修改后的有关规定。

本办法施行后至修改前转让划拨土地使用权的, 适用本办法修改后的有关规定。

第三十二条 本办法自 1992 年 6 月 1 日起施行。

- (2) contributing the allocated land-use rights as shares or a trade-in in investment;
- (3) transferring the allocated land-use rights in the form of enterprise merger;
- (4) transferring the above-ground buildings, other attached installations and the allocated land-use rights, including the case of selling the houses that have been developed and built and transferring the allocated land-use rights; and
- (5) transferring the allocated land-use rights in other forms.

For cases of arbitrary transfer of allocated land-use rights, the illegal income from the transfer shall be confiscated by the competent administrative department for land and both parties involved in the illegal transfer shall be subject to a fine of less than twice of the illegal income according to circumstances or legal punishments of recovering the allocated land and confiscating above-ground buildings in accordance with law.

Article 28 For cases of using the allocated land for profit-making activities such as leasing houses, the competent administrative department for land shall collect land proceeds from the business operator. The collection standard and measures shall be otherwise provided by the Municipal People's Government.

Article 29 If the land user who has obtained the land-use rights by means of assignment or transfer needs to demolish the above-ground buildings, the land user may demolish the buildings by himself or consign others to carry out the demolition according to the provisions relevant to demolition of the State and this Municipality.

Article 30 The lease, mortgage and registration of the land-use rights shall be otherwise provided by the Municipal People's Government.

Article 31 The assignment contract of the land-use rights before the Measures are amended shall be subject to the stipulations in the contract; if there is no such stipulation in the contract, the provisions of the amended Measures shall apply.

The transfer of the allocated land-use rights between this amendment and the next amendment shall be subjected to the relevant provisions of the amended Measures.

Article 32 These Measures shall be effective as of June 1, 1992.

北京市实施《矿产资源补偿费征收管理规定》办法

(1994 年 12 月 14 日北京市人民政府第 29 号令发布 根据
2007 年 11 月 23 日北京市人民政府第 200 号令修改)

第一条 根据国务院发布的《矿产资源补偿费征收管理规定》(以下简称《规定》),结合本市实际情况,制定本办法。

第二条 凡在本市行政区域内开采矿产资源的单位和个人(以下简称采矿权人),应当按照《规定》和本办法缴纳矿产资源补偿费(以下简称补偿费)。

第三条 补偿费自 1994 年 4 月 1 日起计征,由采矿权人缴纳。

第四条 补偿费由市、区、县地质矿产行政主管部门(以下简称地矿行政主管部门)会同同级财政部门征收。具体征收工作由地矿行政主管部门负责。

市、区、县地矿行政主管部门对补偿费征收实行分级管理。中央直属矿山企业、市属国有矿山企业和跨区、县矿山企业的补偿费,由市地矿行政主管部门征收;其他各类矿山企业,由区、县地矿行政主管部门征收。

第五条 补偿费按照矿产品销售收入的一定比例计征;补偿费费率,按照《规定》第五条规定计算;不同矿种的补偿费费率,按《规定》附录“矿产资源补偿费费率表”所列标准执行。

第六条 采矿权人采出的原矿直接销售的,按其销售收入计征。

采、选联合企业的采矿权人对采出的原矿进行选矿的,以选矿后的精矿所形成的销售收入计征。

采矿权人自行加工消耗的矿产品,按其数量和当时、当地的市场价格确定其销售收入后计征。无法确定其消耗数量的,按其后续产品折算其矿产品数量。

Measures of Beijing Municipality for Implementing the Provisions on Administration of Mineral Resources Compensation Collection

(Promulgated by Decree No. 29 of the People's Government of Beijing Municipality on December 14, 1994, and revised in accordance with Decree No. 200 of the People's Government of Beijing Municipality on November 23, 2007)

Article 1 The Measures are formulated in accordance with the Provisions on Administration of Mineral Resources Compensation Collection (hereinafter referred to as the Provisions) promulgated by the State Council and in light of the actual circumstances of this Municipality.

Article 2 All units and individuals engaged in mining of mineral resources within the administrative area of this Municipality (hereinafter referred to as concessioner) shall pay the mineral resources compensation (hereinafter referred to as compensation) in accordance with the Provisions and the Measures.

Article 3 Compensation shall be computed and collected from April 1, 1994 and shall be paid by concessioners.

Article 4 Compensation shall be collected by the municipal, district and county competent departments for geology and mineral resources (hereinafter referred to as the competent departments for geology and mineral resources) together with the financial departments at the same level. The competent departments for geology and mineral resources shall be in charge of the specific collection work.

The municipal, district and county competent departments for geology and mineral resources shall manage the collection of compensation at different levels. The compensation of the mining enterprises directly under the central government, state-owned mining enterprises under the municipal government and mining enterprises involving different districts and counties shall be collected by the municipal competent department for geology and mineral resources; for other types of mining enterprises, compensation shall be collected by the district or county competent departments for geology and mineral resources.

Article 5 Compensation shall be computed and collected at a certain ratio of the sales income of mineral products; the amount of compensation shall be computed according to the provisions of Article 5 of the Provisions; the rate of compensation of different minerals shall follow the standards listed in the appendix titled "Table for Rates of Mineral Resources Compensation" of the Provisions.

Article 6 In the event of direct sale of the raw ore mined by concessioners, compensation shall be computed and collected on the basis of the sales revenue.

In the event of beneficiation of the raw ore mined by concessioners of a mining beneficiation complex, compensation shall be computed and collected on the basis of the sales revenue generated from the concentrate after beneficiation.

For the mineral products processed and consumed by concessioners, compensation shall be computed and collected after the sales revenue is determined according to the

国家无定价，又无市场价格，并只有在加工利用后才形成销售收入的矿种（如粘土、矿泉水等），根据矿山成本核算中提取或采集矿产品的成本，由征收部门确定比例，在一定时期内类比计征补偿费。

第七条 从事选矿或者矿产品加工的选矿厂或者加工厂，经征收部门认定，为代扣代缴补偿费的义务人。在收购未缴纳补偿费单位和个人的矿产品时，应当代扣补偿费，并按规定上缴征收部门。

第八条 核定开采回采率，以按照国家有关规定经批准的矿山设计为准；按照国家规定，只要求有开采方案，不要求有矿山设计的矿山企业，其开采回采率由地矿行政主管部门会同同级有关主管部门核定。

矿山企业没有矿山设计，又难以制定开采方案的矿种（如砖瓦粘土、建筑用砂石，工程用砂、石、土等），其开采回采率系数为 0.9 至 1.1。

国家要求制定开采回采率，但矿山企业未制定的，其开采回采率系数为 1.2。

第九条 补偿费按季征收，半年结算一次。采矿权人应当在下一季度开始前 10 日内缴纳上一季度的补偿费。每年 7 月 31 日前结缴当年度上半年的补偿费。每年 1 月 31 日前结缴上年度下半年的补偿费。

第十条 征收补偿费的具体工作程序和办法，由市地矿行政主管部门会同市财政局制定。

第十一条 采矿权人有符合《规定》第十二条、第十三条规定所列情况之一的，可于每年度 12 月底前向征收部门提出免缴、减缴补偿费的书面申请。征收部门接到申请后，提出审核意见，并在 10 日内转报市地矿行政主管部门，市地矿行政主管部门会同市财政局在 30 日内作出是否批准的决定，并通知采矿权人。决定减缴补偿费的，应当按《规定》上报批准和备案。

第十二条 免缴补偿费的采矿权人，应当每半年向征收部门报送一次矿产品产量、销售数量、销售价格和实际开采回采率等有关材料。免缴补偿费期限不足半年的，采

quantity and the local market price at that time. If the consumption quantity cannot be determined, the quantity of mineral products shall be computed on the basis of subsequent products.

In the absence of state pricing or market price, for the minerals which generate sales revenue only after processing and utilization (such as clay and mineral water), compensation shall be computed and collected by analogy within a certain period at the ratio determined by the collection departments according to the cost of extraction or collection of mineral products in the mine cost accounting.

Article 7 The dressing plants or processing plants engaged in beneficiation or processing of mineral products shall, after being identified by the collection departments, be obliged to withhold and pay compensation. In purchase of mineral products of units or individuals that have not paid compensation, compensation shall be withheld and turned over to the collection departments as required.

Article 8 The verification of mining recovery rate shall be subject to the mine design approved in accordance with the relevant provisions of the State. With regard to those mining enterprises that, according to the relevant provisions of the State, are not required to prepare the mine design other than the mining plan, the mining recovery rate shall be determined by the competent departments for geology and mineral resources together with other relevant departments at the same level.

For the minerals of mining enterprises for which there is no mine design and it is difficult to prepare a mining plan (such as brick clay, construction sand and stone, engineering sand, stone and soil), the coefficient of mining recovery rate is 0.9 to 1.1.

Where a mining enterprise fails to establish mining recovery rate as required by the State, the coefficient of mining recovery rate is 1.2.

Article 9 Compensation shall be collected quarterly and settled once half a year. Concessioners shall pay the compensation for the previous quarter within 10 days before the beginning of the next quarter. The compensation for the first half of the current year shall be settled before July 31 of each year. The compensation for the second half of the previous year shall be settled before January 31 of each year.

Article 10 The specific procedures and measures for the collection of compensation shall be formulated by the municipal competent department for geology and mineral resources together with the Municipal Bureau of Finance.

Article 11 Under any of the circumstances as provided in Articles 12 and 13 of the Provisions, concessioners may apply in writing to the collection departments for exemption or reduction of compensation before the end of December of each year. After receiving the applications, the collection departments shall put forward review opinions and transfer them to the municipal competent department for geology and mineral resources within 10 days, which shall, together with the Municipal Bureau of Finance, decide whether to approve and notify the concessioner within 30 days. Where a decision is made to reduce compensation, it shall be submitted for approval and for the record in accordance with the Provisions.

Article 12 Concessioners who are exempt from compensation shall submit to the collection departments once every half year the relevant materials such as the output, sales quantity, selling price and actual mining recovery rate of mineral products. If the period of exemption of compensation is less than half a year, the concessioner shall, within 10 days

矿权人应当在免缴期满后 10 日内，向征收部门报送上述材料。

第十三条 征收的矿产资源补偿费，应当及时全额上缴，任何单位和个人不得截留、坐支、挪用和私分。

属本市支配的补偿费，纳入市财政预算，实行专项管理。补偿费的具体使用，按下列比例分配：45% 用于矿产资源管理的补充经费；15% 用于矿产资源保护；30% 用于地质勘查；10% 留财政部门。

各专项费用的具体使用办法和比例的调整，由市地矿行政主管部门会同市发展改革委员会、市财政局制定。

第十四条 采矿权人违反《规定》和本办法的，按《规定》处罚。

第十五条 征收部门对采矿权人处以的罚款、加收的滞纳金，应当上缴国库，不得截留、挪用和私分。

征收部门处以罚款和加收滞纳金，应当开具财政部门统一印制的专用票据。

第十六条 征收部门及其工作人员，采用伪造、涂改票据等手段截留、挪用、坐支、私分征收的补偿费和罚款的，或者在征收工作中以权谋私、收受贿赂的，视情节轻重给予行政处分。

第十七条 本办法自发布之日起施行。

after the expiration of the exemption period, submit the said materials to the collection departments.

Article 13 The mineral resources compensation collected shall be turned over in full in a timely manner, and no unit or individual may withhold, set aside, misappropriate or privately distribute them.

The compensation at the disposal of this Municipality shall be included in the municipal financial budget and subject to special management. With regard to the specific use, the compensation shall be allocated according to the following proportions: 45% for the supplementary funds for the management of mineral resources; 15% for the protection of mineral resources; 30% for geological exploration; and 10% reserved at the financial departments.

The specific measures for the use of special funds and the adjustment of their proportion shall be formulated by the municipal competent department for geology and mineral resources together with the Municipal Commission of Development and Reform and the Municipal Bureau of Finance.

Article 14 Concessioners who violate the Provisions and the Measures shall be punished in accordance with the Provisions.

Article 15 The fines and overdue fines imposed by the collection departments on the concessioner shall be turned over to the State Treasury, and shall not be withheld, misappropriated or privately distributed.

The collection departments shall issue a special receipt uniformly printed by the financial departments for the fines and overdue fines imposed.

Article 16 Where the collection departments and the staff thereof use such means as forging or altering receipts to withhold, misappropriate, set aside or privately distribute the compensation and fines collected, or use their power for personal gains or accept bribes in the collection, they shall be given administrative sanctions depending on the circumstances.

Article 17 The Measures shall come into force as of the date of promulgation.

北京市闲置土地处理办法

(2001年8月28日北京市人民政府第83号令发布)

第一条 为依法处理和充分利用闲置土地，根据《中华人民共和国土地管理法》、《中华人民共和国城市房地产管理法》等有关法律、法规规定，结合本市实际情况，制定本办法。

第二条 在本市行政区域内闲置的国有建设用地，依照本办法处理。

第三条 市国土资源和房屋管理局主管本市闲置土地的处理工作，负责组织实施本办法。区、县土地行政主管部门依照职责负责本辖区内闲置土地的处理工作。

发展计划、规划、建设等行政主管部门按照各自的职责，依法对闲置土地实施监督和管理。

第四条 对闲置土地的，任何单位和个人都可以向土地行政主管部门举报。

第五条 本办法所称闲置土地是指具有下列情形之一的土地：

(一) 取得建设用地批准文件以后，连续满1年或者超过1年未动工开发建设的。

(二) 超过土地使用权出让合同约定的动工开发日期1年以上(含1年)未动工开发建设的。

(三) 已动工开发建设但开发建设的面积占应动工开发建设总面积不足三分之一的或者已投资额占总投资额不足25%且未经批准中止开发建设连续1年以上(含1年)的。

(四) 法律、法规规定的其他情形。

第六条 闲置土地由市或者区、县土地行政主管部门依职责认定。

闲置土地使用者应当将闲置土地的范围、面积、闲置的时间和原因等有关资料，

Measures of Beijing Municipality on Handling Idle Land

(Promulgated by Decree No. 83 of the People's Government of Beijing
Municipality on August 28, 2001)

Article 1 The Measures are formulated for the purpose of handling and making full use of idle land according to law in accordance with the Law of the People's Republic of China on the Administration of Land, the Urban Real Estate Administration Law of the People's Republic of China and other relevant laws and regulations and in light of the actual circumstances of this Municipality.

Article 2 The state-owned idle land for construction within the administrative area of this Municipality shall be handled in accordance with the Measures.

Article 3 The Municipal Administration of Land Resources and Housing shall be responsible for the handling of the idle land of this Municipality and for organizing the implementation of the Measures. The district or county land administration departments shall be responsible for the handling of the idle land within their respective administrative areas.

The competent departments for development plans, planning, construction, etc. shall, within their respective functions and duties, be responsible for supervising and administering the handling of idle land according to law.

Article 4 Any unit or individual may report to the land administration departments about any idle land.

Article 5 The term "idle land" as referred to in the Measures means a plot of land under any of the following circumstances:

- (1) A plot remains undeveloped, after approval documents have been obtained therefor, for up to one year or more than one year consecutively;
- (2) A plot remains undeveloped for more than one year (including one year) later than the date for development as agreed in the contract for the grant of land use rights;
- (3) A plot has been in the process of development, but the area already developed is less than one third of the total area that should have been developed, or the investment already made is less than 25% of the total investment, and the unapproved cease of development has lasted for more than one year (including one year); or
- (4) Other circumstances as provided in laws and regulations exist.

Article 6 An idle plot of land shall be subject to the recognition of the municipal, district or county land administration departments within their respective functions and duties.

The user of an idle plot of land shall truthfully report the scope, area, duration and

如实向土地行政主管部门提供，并接受调查。

第七条 土地闲置不满2年的，由土地行政主管部门核发《限期动工开发通知书》，责令土地使用者在规定限期内动工开发建设，并向社会公告；依照法律、法规规定应当或者可以征收土地闲置费的，土地行政主管部门核发《缴纳土地闲置费通知书》，按照规定征收土地闲置费。

第八条 土地闲置满2年的，经原批准机关批准可以无偿收回。

经批准征用的农民集体所有土地闲置满2年，且没有进行征地补偿安置工作的，可以按照下列方式处理：

（一）市人民政府组织落实征地补偿安置工作后，纳入市人民政府土地储备。

（二）由原批准机关撤销批准征地文件，土地仍归农民集体所有。原用地涉及占用农用地转用计划指标的，该农用地转用计划指标由市人民政府收回。

第九条 以出让方式取得使用权的土地闲置满2年，土地使用者全额或者部分支付地价款的，经土地行政主管部门批准可以按照下列方式处理闲置土地：

（一）开发建设前期工作准备就绪，资金落实，已基本具备开工建设条件的，重新确定开发建设时间，限期动工开发建设，限期不超过1年。半年之内不能动工开发的，土地使用者应当对土地实施绿化等环境保护措施；限期期满仍未动工开发的，按照本办法第八条第一款的规定收回闲置土地。

（二）经有关部门批准安排临时使用。临时用地期限届满，经土地行政主管部门组织进行地价评审后，土地使用者必须动工开发建设，并交纳土地增值收益；临时用地期限届满，土地使用者仍不动工开发的，按照本办法第八条第一款的规定收回闲置土地。

（三）置换其他建设用地进行开发建设。

第十条 经批准征用的农民集体所有土地和以划拨方式取得的建设用地闲置满2年的，土地使用者已经落实征地补偿安置或者完成房屋拆迁工作量三分之一以上，资

cause of being idle of the idle land to the land administration departments and shall accept investigations.

Article 7 If a land plot remains idle for less than 2 years, the land administration departments shall issue a Notice on Development within a Specified Time Limit ordering the land user to start development within the time limit, and make a public announcement; where a fee should or could be charged for idle land according to the provisions of laws and regulations, the land administration departments shall issue a Notice on Paying Idle Land Fees, and collect idle land fees as provided.

Article 8 Where a plot of land remains idle for up to 2 years, it may be recovered without compensation with the approval of the original approval organs.

Where a plot of land that is collectively owned by farmers and expropriated upon approval remains idle for up to 2 years, and no work has been done concerning compensation and resettlement for expropriation, it may be handled in either of the following ways:

(1) It shall be incorporated in the land reserve of the Municipal People's Government after the Municipal People's Government has organized the implementation of compensation and resettlement for expropriation; or

(2) The documents of approving expropriation shall be revoked by the original approval organs and the land still belongs to the collective of farmers. The quota for changing the use of farmland, if any, shall be revoked by the Municipal People's Government.

Article 9 Where a plot of land of which the right of use is obtained upon transfer remains idle for up to 2 years, and the land user has paid, in full or in part, the land value, it may be handled, upon the approval of the land administration departments, in any of the following ways:

(1) Where the initial work for development has been completed, the funds have been raised, and the conditions for starting construction are basically met, the time for construction shall be rescheduled so that the construction may be initiated within a time limit, but the time limit shall not be longer than one year. Where the land user is unable to start development within half a year, it shall take greening and other environmental protection measures; if the land user still fails to start development at the expiration of the time limit, the idle plot of land shall be recovered in accordance with the provisions of Paragraph 1, Article 8 of the Measures;

(2) It may be used, upon the approval of relevant authorities, for temporary purposes. Where the period for temporary use expires, upon the evaluation of the land value organized by the land administration departments, the land user must start development and pay land value-added revenue; where the period for temporary use expires, and the land user still refuses to start development, the idle plot of land shall be recovered in accordance with the provisions of Paragraph 1, Article 8 of the Measures; or

(3) It may be exchanged with other construction land for development and construction.

Article 10 Where a plot of land which is collectively owned by farmers and expropriated upon approval or a plot of land for construction which is obtained by way of

金落实，基本具备开工建设条件的，可以比照本办法第九条第（一）项的规定处理。

第十一条 闲置土地被收回时，原土地使用者已经落实征地补偿安置或者完成房屋拆迁工作量三分之一以上的，对其在取得批准用地文件后或者依法签订的土地使用权出让合同生效后，进行地上物和其他附着物拆迁、征地补偿安置所支付的费用，以及其他直接用于开发土地的实际投入，由土地行政主管部门委托审计机构审计后，给予适当补偿。具体补偿金额和补偿方式，由土地行政主管部门确定。

第十二条 因不可抗力或者人民政府及其有关部门的行为以及动工开发必需的前期工作造成动力开发延迟导致土地闲置的，土地使用者应当及时向土地行政主管部门申报，经认定后不适用本办法第七条、第八条的规定。障碍消除后，土地使用者应当在重新确定的土地开发建设期限内开发建设；土地使用者无力开发建设的，可以通过协议方式由人民政府收回闲置的土地。

第十三条 收回闲置土地的，土地行政主管部门应当按照下列程序进行：

（一）立案，调查取证，认定事实。

（二）告知当事人有要求听证的权利。当事人要求听证的，应当举行听证。

（三）报原批准机关批准后，下发收回闲置土地决定书，送达当事人，并告知当事人有申请行政复议和提起行政诉讼的权利。被收回的土地上已经依法设立抵押权的，应当通知抵押人。

（四）收回《建设用地批准书》或者终止土地使用权出让合同，注销国有土地使用证书。

（五）通知发展计划、规划、建设等部门撤销有关批准文件。

（六）公告。

第十四条 被依法收回土地的土地使用者，应当自收回土地的法律文书送达之日起15日内，到土地行政主管部门办理注销土地登记、交回土地使用证书。逾期不办理注销登记手续的，土地行政主管部门直接变更土地登记和注销其土地使用证书。

allocation remains idle for up to 2 years, and the land user has finished the compensation and resettlement for expropriation or has finished more than one third of housing demolition, raised funds and basically satisfied the conditions for starting construction, it may be handled by referring to the provisions of Item (1), Article 9 of the Measures.

Article 11 Where an idle plot of land is recovered and the original land user has already finished compensation and resettlement for expropriation or has finished one third of housing demolition, appropriate compensations shall be made, upon the auditing of auditing agencies under the authorization of the land administration departments, to the original land user for the expenses for removing overground things and other attachments and for compensation and resettlement after obtaining the documents for land use or after the contract for transferring the land use right legally concluded takes effect, as well as for other actual investments on the development of the land. The specific amount and way of compensation shall be decided by the land administration departments.

Article 12 Where a plot of land remains idle as a result of force majeure or the act of the people's government and the relevant departments thereof and delay in development caused by initial work necessary for development, the land user shall timely report to the land administration departments, and the provisions of Articles 7 and 8 of the Measures may not be applicable upon recognition. After the obstacles have been eliminated, the land user shall develop the land within the time limit rescheduled for land development and construction; if the land user is unable to start development, the idle plot of land may be recovered by the people's government through agreement.

Article 13 Where an idle plot of land is recovered, the following procedures shall be followed by the land administration departments:

- (1) accepting the case, obtaining evidence through investigations and finding facts;
- (2) notifying the parties concerned of their right of requesting for hearings. Where the parties concerned request for a hearing, a hearing shall be held;
- (3) upon the approval of the original approval organs, issuing a decision on recovering the idle plot of land, which shall be served to the parties concerned, and informing them of their right to request for administrative review and to file an administrative suit. If any mortgage has been created on the land already recovered according to law, the mortgager shall be informed;
- (4) revoking the Approval Certificate of Construction Land or terminating the contract for transferring the right of land use, and cancelling the certificate for using state-owned land;
- (5) notifying the departments for development plans, planning, construction, etc. to revoke relevant approval documents; and
- (6) making public announcements.

Article 14 The land user whose land has been lawfully recovered shall, within 15 days after the legal document for recovering the land is served, go to the land administration departments to go through the procedures of cancelling land registration and returning the

第十五条 依法收回的闲置土地，应当纳入市人民政府土地储备或者依法重新确定使用者。出让依法收回的闲置土地的，应当采取招标或者拍卖的方式。

建设用地能够使用依法收回的闲置土地的，应当使用闲置土地，有关部门不得批准其占用农用地。

第十六条 土地行政主管部门的工作人员玩忽职守、滥用职权、徇私舞弊，构成犯罪的，依法追究刑事责任；尚不构成犯罪的，依法给予行政处分。

第十七条 本办法自公布之日起施行。

land use certificate. If the land user fails to do so, the land administration departments may directly change the land registration and cancel the land use certificate.

Article 15 Any idle plot of land that is lawfully recovered shall be incorporated into the land reserve of the Municipal People's Government or shall be allocated to a new user according to law. The allocation of any idle plot of land that has been lawfully recovered shall be carried out by way of tenders or auctions.

Where any idle plot of land may be lawfully available for construction, the idle land plot shall be used, and the relevant departments shall not approve the use of farmland instead.

Article 16 Where any of the staff members of the land administration departments neglects his duties, abuses his power, or engages in malpractices for personal gains, and if the act constitutes a crime, he shall be investigated for criminal liability according to law; if the act does not constitute a crime, he shall be given an administrative punishment according to law.

Article 17 The Measures shall come into force as of the date of promulgation.

北京市违反土地管理规定行政责任追究办法

(2002年6月20日北京市人民政府第97号令发布)

第一条 为了加强土地管理,严肃追究违反土地管理规定的行政责任,根据《中华人民共和国土地管理法》、《中华人民共和国行政监察法》等有关法律、法规,结合本市实际情况,制定本办法。

第二条 对违反土地管理规定的国家工作人员,市和区、县土地行政管理部门应当依照本办法给予行政处分;自己无权处理的,应当依照干部管理权限向同级或者上级人民政府的行政监察机关提出行政处分建议书,有关行政监察机关应当依照本办法给予行政处分;涉嫌犯罪的,依法移送司法机关处理。

第三条 任何单位和个人对违反土地管理规定的行为,有权控告或者检举。

第四条 无批准征用、占用土地权限,非法批准征用、占用土地的,对直接负责的主管人员和其他直接责任人员,分别依照下列规定给予行政处分:

(一)非法批准征用、占用基本农田不足0.33公顷(5亩),或者其他耕地不足1公顷(15亩),或者其他土地不足2公顷(30亩)的,给予警告、记过或者记大过处分;

(二)非法批准征用、占用基本农田0.33公顷(5亩)以上不足0.67公顷(10亩),或者其他耕地1公顷(15亩)以上不足2公顷(30亩),或者其他土地2公顷(30亩)以上不足3.33公顷(50亩)的,给予降级或者撤职处分;

(三)非法批准征用、占用基本农田0.67公顷(10亩)以上,或者其他耕地2公顷(30亩)以上,或者其他土地3.33公顷(50亩)以上的,给予开除处分。

非法批准征用、占用土地数量未达到但接近第(三)项标准且导致被非法批准征用、

Measures of Beijing Municipality for Investigation of the Administrative Responsibility in Violation of Provisions on Land Administration

(Promulgated by Decree of No. 97 of the People's Government of Beijing Municipality on June 20, 2002)

Article 1 These Measures are formulated for the purposes of strengthening the land administration and seriously investigating the administrative responsibility in violation of provisions on land administration in accordance with the Land Administration Law of the People's Republic of China, the Law of the People's Republic of China on Administrative Supervision and other relevant laws and regulations, and in the light of the specific situation in this municipality.

Article 2 The State working staff who violates provisions on land administration shall be given administrative sanctions by the land administrative departments of the municipality, districts and counties according to these Measures; where the departments are not competent to deal with those staff, the department concerned may propose an administrative sanction suggestion to the administrative supervision organs of the people's government of the same level or the higher level in accordance with the administrative authority for cadres. The relevant administrative supervision organs must give administrative sanctions according to these Measures; where there is a suspected crime, the case shall be transferred to the judicial organs and dealt with by the judicial organs according to law.

Article 3 All units and individuals have the right to take charges against or make exposure of any act in violation of the provisions on land administration.

Article 4 Where those have no authority to give approval to requisition or take over land but have illegally given such approval to do so, the persons in direct charge or in direct responsibility shall be given administrative sanctions according to the following provisions:

(1) Those who have illegally given approval to requisition or take over capital farmland less than 0.33 hectare (5 mu), or arable land less than 1 hectare (15 mu) or other kind of land less than 2 hectare (30 mu) shall be given administrative sanctions of warnings, putting on records of demerit or serious mistakes;

(2) Those who have illegally given approval to requisition or take over capital farmland between 0.33 hectare (5 mu) and 0.67 hectare (10 mu), or arable land between 1 hectare (15 mu) and 2 hectare (30 mu) or other kind of land between 2 hectare (30 mu) and 3.33 hectare (50 mu) shall be given administrative sanctions of reducing to lower ranks or dismissal from their posts;

(3) Those who have illegally given approval to requisition or take over capital farmland more than 0.67 hectare (10 mu), or arable land more than 2 hectare (30 mu) or other kind of land more than 3.33 hectare (50 mu) shall be given administrative sanctions of discharging from public employment.

Those who have illegally given approval to requisition or take over the land of size not yet reached but close to the standard amount set in Item 3 with the result of giving rise to

占用的土地或者植被遭到严重破坏，或者造成有关单位、个人直接经济损失 20 万元以上的，给予开除处分。

非法批准征用、占用土地，影响群众生产、生活，引起纠纷的，给予警告、记过或者记大过处分；造成不良影响或者其他较重后果的，给予降级或者撤职处分；造成恶劣影响或者其他严重后果的，给予开除处分。

第五条 超越批准权限，非法批准征用、占用土地的，视其超越权限以外批准征用、占用土地的数量和其他情节，对直接负责的主管人员和其他直接责任人员，依照本办法第四条的规定给予行政处分。

第六条 买卖或者以其他形式非法转让土地的，对直接负责的主管人员和其他直接责任人员，分别依照下列规定给予行政处分：

（一）买卖或者以其他形式非法转让基本农田不足 0.2 公顷（3 亩），或者其他耕地不足 0.33 公顷（5 亩），或者其他土地不足 0.67 公顷（10 亩）的，给予警告、记过或者记大过处分；

（二）买卖或者以其他形式非法转让基本农田 0.2 公顷（3 亩）以上不足 0.33 公顷（5 亩），或者其他耕地 0.33 公顷（5 亩）以上不足 0.67 公顷（10 亩），或者其他土地 0.67 公顷（10 亩）以上不足 1.33 公顷（20 亩）的，给予降级或者撤职处分；

（三）买卖或者以其他形式非法转让基本农田 0.33 公顷（5 亩）以上，或者其他耕地 0.67 公顷（10 亩）以上，或者其他土地 1.33 公顷（20 亩）以上的，给予开除处分。

第七条 未经批准或者采取欺骗手段骗取批准，非法占用土地的，对直接负责的主管人员和其他直接责任人员，分别依照下列规定给予行政处分：

（一）非法占用基本农田不足 0.2 公顷（3 亩），或者其他耕地不足 0.33 公顷（5 亩），或者其他土地不足 0.67 公顷（10 亩）的，给予警告、记过或者记大过处分；

（二）非法占用基本农田 0.2 公顷（3 亩）以上不足 0.33 公顷（5 亩），或者其他耕地 0.33 公顷（5 亩）以上不足 0.67 公顷（10 亩），或者其他土地 0.67 公顷（10

serious damages to the land requisitioned or taken over as well as its vegetation or to direct economical loss of more than 200,000 yuan to the relevant unit and individual, shall be given administrative sanctions of discharging from public employment.

Those who have illegally given approval to requisition or take over land causing impact on the production and lives of the masses and given rise to disputes, shall be given administrative sanctions of warnings, putting on records of demerit or serious mistakes; those who have caused worse influence or other relatively serious results, shall be given administrative sanctions of reducing to lower ranks or dismissal from their posts; those who have caused extremely bad influences and other serious results, shall be given administrative sanctions of discharging from public employment.

Article 5 Where those have exceeded the authority of approval and have illegally given permissions to requisition or take over land, the persons in direct charge and in direct responsibility shall be given administrative sanctions according to the land amount and other specific situations which have exceeded authorization and by taking reference to the provisions of Article 4 of these Measures.

Article 6 Where those have illegally transferred land by transaction or other means, the persons in direct charge and in direct responsibility shall be given administrative sanctions in accordance with the following provisions:

(1) Those who have illegally transferred by transaction or other means capital farmland less than 0.2 hectare (3 mu), or arable land less than 0.33 hectare (5 mu) or other kind of land less than 0.67 hectare (10 mu), shall be given administrative sanctions of warnings, putting on records of demerit or serious mistakes;

(2) Those who have illegally transferred by transaction or other means capital farmland between 0.2 hectare (3 mu) and 0.33 hectare (5 mu), or arable land between 0.33 hectare (5 mu) and 0.67 hectare (10 mu) or other kind of land between 0.67 hectare (10 mu) and 1.33 hectare (20 mu), shall be given administrative sanctions of reducing to lower ranks or dismissal from their posts;

(3) Those who have illegally transferred by transaction or other means capital farmland more than 0.33 hectare (5 mu), or arable land more than 0.67 hectare (10 mu), or other kind of land more than 1.33 hectare (20 mu) shall be given administrative sanctions of discharging from public employment.

Article 7 Where those have illegally taken over land without approval or defrauded approval by deception, the persons in direct charge and in direct responsibility shall be given administrative sanctions in accordance with the following provisions:

(1) Those who have illegally taken over fundamental agricultural land less than 0.2 hectare (3 mu), or arable land less than 0.33 hectare (5 mu) or other kind of land less than 0.67 hectare (10 mu) shall be given administrative sanctions of warnings, putting on records of demerit or serious mistakes;

(2) Those who have illegally taken over capital farmland between 0.2 hectare (3 mu) and 0.33 hectare (5 mu), or arable land between 0.33 hectare (5 mu) and 0.67 hectare (10 mu), or other kind of land between 0.67 hectare (10 mu) and 1.33 hectare (20 mu) shall be

亩)以上不足 1.33 公顷(20 亩)的,给予降级或者撤职处分;

(三)非法占用基本农田 0.33 公顷(5 亩)以上,或者其他耕地 0.67 公顷(10 亩)以上,或者其他土地 1.33 公顷(20 亩)以上的,给予开除处分。

第八条 区、县和乡、镇人民政府不按照土地利用总体规划确定的用途批准用地的,对直接负责的主管人员和其他直接责任人员,给予警告、记过或者记大过处分;情节严重的,给予降级或者撤职处分。

第九条 违反法律程序批准征用、占用土地的,对直接负责的主管人员和其他直接责任人员,给予警告、记过或者记大过处分;情节严重的,给予降级处分。

第十条 侵占、挪用被征用土地单位的征地补偿费用和其他有关费用的,对直接负责的主管人员和其他直接责任人员,给予警告、记过或者记大过处分;情节严重的,给予降级、撤职或者开除处分。

第十一条 擅自批准出让或者擅自出让土地使用权用于房地产开发的,对直接负责的主管人员和其他直接责任人员,给予警告、记过或者记大过处分;情节较重的,给予降级或者撤职处分;情节严重的,给予开除处分。

第十二条 应当将耕地划入基本农田而不划入,拒不改正的,对直接负责的主管人员和其他直接责任人员,给予警告、记过或者记大过处分;情节严重的,给予降级处分。

第十三条 非法低价(包括无偿)出让国有土地使用权的,对直接负责的主管人员和其他直接责任人员,分别依照下列规定给予行政处分:

(一)非法低价出让国有土地使用权不足 1 公顷(15 亩)的,给予警告、记过或者记大过处分;

(二)非法低价出让国有土地使用权 1 公顷(15 亩)以上不足 2 公顷(30 亩)的,给予降级或者撤职处分;

(三)非法低价出让国有土地使用权 2 公顷(30 亩)以上的,给予开除处分。

given administrative sanctions of reducing to lower ranks or dismissal from their posts;

(3) Those who have illegally taken over capital farmland more than 0.33 hectare (5 mu), or arable land more than 0.67 hectare (10 mu), or other kind of land 1.33 hectare (20 mu) shall be given administrative sanctions of discharging from public employment.

Article 8 Where the people's governments of districts, counties, towns and townships have given approval to the use of land in violation of the usage set by the general planning for land usage, the persons in direct charge and in direct responsibility shall be given administrative sanctions of warnings, putting on records of demerit or serious mistakes; where cases are serious, administrative sanctions of reducing to lower ranks or dismissal from their posts shall be given.

Article 9 Where those give approval of requisition and taking over of land in violation of legal procedure, the persons in direct charge and in direct responsibility shall be given administrative sanctions of warnings, putting on records of demerit or serious mistakes; where the cases are serious, administrative sanctions of reducing to lower ranks shall be given.

Article 10 Where those have embezzled or misappropriated the compensation payment and other relevant payments, the persons in direct charge and in direct responsibility shall be given administrative sanctions of warnings, putting on records of demerit or serious mistakes; where the cases are serious, administrative sanctions of reducing to lower ranks, dismissal from their posts or discharging from public employment.

Article 11 Where those have approved and transferred without authorization the land-use right to real estate development businessmen, the persons in direct charge and in direct responsibility shall be given administrative sanctions of warnings, putting on records of demerit or serious mistakes; where the cases are relatively serious, administrative sanctions of reducing to lower ranks or dismissal from their posts; where the cases are very serious, administrative sanctions of discharging from public employment shall be given.

Article 12 Where those have not included arable land into the range of the capital farmland and refused to make corrections, the persons in direct charge and in direct responsibility shall be given administrative sanctions of warnings, putting on records of demerit or serious mistakes; where the cases are serious, administrative sanctions of reducing to lower ranks shall be given.

Article 13 Where those have illegally granted the land-use right at lower prices (including in the form of gratis), the persons in direct charge and in direct responsibility shall be given administrative sanctions in accordance with the following provisions:

(1) Those who have illegally granted the land-use right less than 1 hectare (15mu) at lower prices shall be given administrative sanctions of warnings, putting on records of demerit or serious mistakes;

(2) Those who have illegally granted the land -use right between 1 hectare (15mu) and 2 hectare (30mu) at lower prices shall be given administrative sanctions of reducing to lower ranks or dismissal from their posts;

(3) Those who have illegally granted the land-use right more than 2 hectare (30mu) at

非法低价出让国有土地使用权的数量未达到第（三）项标准，但造成国有土地资产流失价值 20 万元以上，或者接近第（三）项标准且导致植被遭到严重破坏的，给予开除处分。

非法低价出让国有土地使用权，影响群众生产、生活，引起纠纷的，给予警告、记过或者记大过处分；造成不良影响或者其他较重后果的，给予降级或者撤职处分；造成恶劣影响或者其他严重后果的，给予开除处分。

第十四条 土地行政管理部门的工作人员玩忽职守，有下列行为之一，给国家和人民利益造成损失或者不良影响的，给予警告、记过或者记大过处分；造成较大损失或者严重影响的，给予降级或者撤职处分；造成重大损失或者恶劣影响的，给予开除处分。但是法律、法规及本办法另有规定的，依照规定。

（一）对符合法律规定的建设用地申请，无正当理由而拒绝或者超过规定期限未予办理的；

（二）在签订土地有偿使用合同过程中，因严重不负责任被诈骗的；

（三）对违反土地管理规定的行为不制止、不查处的；

（四）需要向行政监察机关或者其他有关机关提出行政处分建议，超过规定期限未提出或者不按照规定移送《行政处分建议书》及有关证据材料，且经上级土地行政管理部门责令改正而拒不改正的；

（五）有其他玩忽职守行为的。

第十五条 土地行政管理部门的工作人员滥用职权，有下列行为之一，给国家和人民利益造成损失，情节较轻的，给予记过或者记大过处分；情节较重的，给予降级或者撤职处分；情节严重的，给予开除处分。但是法律、法规及本办法另有规定的，依照规定。

（一）违反规定低价确认土地使用权价格的；

（二）泄露土地招标、拍卖底价或者其他有关保密材料的；

lower prices shall be given administrative sanctions of discharging from public employment. Those who have illegally granted at lower prices the amount of land-use right not up to the standard set in the above-mentioned item(3), but have caused losses to the State-owned property of more than 200,000 yuan, or the land space being close to the standard of the item(3) with its vegetation seriously damaged shall be given administrative sanctions of discharging from public employment.

Those who have illegally granted at lower prices the land-use right, thus affecting the production and life of the masses and giving rise to disputes shall be given administrative sanctions of warnings, putting on records of demerit or serious mistakes; where bad influence or other relatively serious results occurred they shall be given administrative sanctions of reducing to lower ranks or dismissal from their posts; where detrimental influence or other serious results occurred, they shall be given administrative sanctions of discharging from public employment.

Article 14 Where the working staff of the land administration departments have neglected their duties, committed one of the following acts and caused losses to the State and people's interests or created bad influence, they shall be given administrative sanctions of warnings, putting on records of demerit or serious mistakes; where bigger losses or other serious results occurred, they shall be given administrative sanctions of reducing to lower ranks or dismissal from their posts; where heavy losses or detrimental influence occurred, they shall be given administrative sanctions of discharging from public employment. However, those provisions shall prevail where there are other provisions specified in law, regulations and these Measures.

(1) refusing without any proper reasons to deal with the land-use applications for construction which are in conformity with law or exceeding the prescribed time-limit so that the application could not be dealt;

(2) being defrauded due to serious irresponsibility in the process of negotiating and signing the land-use contract with payment;

(3) no check and investigation in acts which run counter to the provisions on land administration;

(4) exceeding the prescribed time-limit to hand over or without ending the Administrative Sanction Suggestion and other relevant evidence to the administrative supervision organs or other relevant organs to which the administrative sanction suggestions must be put forward, and refusing to make corrections even after the higher land administration departments have ordered them to do so;

(5) other acts neglecting their duties.

Article 15 Members of the working staff of the land administration departments have abused their powers and committed one of the following acts causing losses to the State and people's interests in cases of less importance shall be given administrative sanctions of putting on records of demerit or serious mistakes; where the cases are relatively serious they shall be given administrative sanctions of reducing to lower ranks or dismissal from their posts; where cases are serious they shall be given administrative sanctions of discharging from public employment. However, there are other specific provisions provided in laws, regulations and these Measures, those provisions shall prevail.

(1) confirming the low prices of land-use right in violation of the provisions;

(2) disclosing the bottom prices of land bidding and auction or other relevant confidential materials;

（三）明知土地违法案件正在查处中，仍继续为其办理土地审批、颁发土地证书等手续的；

（四）有其他滥用职权行为的。

第十六条 土地行政管理部门的工作人员徇私舞弊，有本办法所列玩忽职守、滥用职权行为的，从重处分。

第十七条 有下列情形之一的，应当从重处分：

（一）非法占用或者非法批准征用、占用基本农田的；

（二）非法占用或者非法批准征用、占用基本农田以外的农用地，致使土地植被遭到严重破坏，或者给国家、集体利益和公共财物造成较大损害的；

（三）非法占用或者非法批准征用、占用土地，且违反土地利用总体规划的；

（四）借农业内部结构调整之机，未经批准或者非法批准占用基本农田或者其他耕地，建围墙搞永久性建筑的；

（五）非法占用或者非法批准征用、占用市绿化隔离地区规划绿地的；

（六）拒绝、阻碍土地执法监察人员依法查处土地违法案件的；

（七）拒不停止、改正违反土地管理规定的行为或者拒不履行土地行政管理部门作出并发生法律效力的行政处罚、处理决定的；

（八）伪造、销毁、藏匿证据，包庇同案人的；

（九）其他依法应当从重处分的。

第十八条 有下列情形之一的，应当从轻或者减轻处分：

（一）对土地违法行为能够主动交代并纠正，接受行政处罚的；

（二）检举、揭发他人违反土地管理规定的行为，经查证属实的；

（三）主动退还违法所得或者侵占、挪用的征地补偿费用等有关款项的；

（四）在规定的期限内主动退还非法占用的土地，并恢复土地原貌的；

（五）其他依法应当从轻或者减轻处分的。

(3) continuing to carry on the procedures for land examination and approval and issuing the land certificate while fully aware that this illegal case is under investigation;

(4) other acts abusing their powers.

Article 16 Members of the working staff of the land administration departments who have engaged in illegalities for private benefits or by fraudulent means and committed acts of neglecting their duties and abusing their powers as listed in these Measures shall be given more severe administrative sanctions.

Article 17 Heavier administrative sanctions shall be given, if there is one of the following cases:

(1) taking over illegally or giving illegal approvals to requisition and take over capital farmland ;

(2) taking over illegally or giving illegal approvals to requisition and taking over arable land beside the capital farmland, thus causing serious damage to its vegetation or causing to relatively heavy losses to State and collective interests and public properties;

(3) taking over illegally or giving illegal approvals to requisition and take over land in violation of the general planning of land usage;

(4) taking advantage of the inner structural adjustment of agriculture to take over without authorization or give illegal approval to take over capital farmland and other arable land in order to construct encircling walls for permanent buildings;

(5) taking over illegally or giving illegal approval to requisition and taking over the green space of afforestation segregation area planned by the Municipality;

(6) refusing and obstructing the competent land executive and supervision personnel to perform their duties according to law in investigating and dealing with cases in violation of law;

(7) refusing to halt or correct the acts in violation of provisions on land administration or refusing to carry out the administrative penalties and decisions which have become legally effective made by the land administration departments;

(8) forging, destroying and hiding evidences, and shielding persons in the same cases;

(9) other acts which shall be given heavier sanctions according to law.

Article 18 Lighter or mitigated administrative sanctions shall be given if there is one of the following cases:

(1) taking initiative actions to report and correct their acts in violation of land regulations, and accept the administrative penalties;

(2) taking charges against or making exposure of other's acts in violation of provisions on land administration and these reports and charges have been certified to be true;

(3) taking initiative actions to return their illegal gain or the land compensation payment and other relevant payments which have been embezzled and diverted by them;

(4) taking initiative actions to return the land which has been illegally taken over and recover its original feature in the prescribed time-limit;

(5) other acts which shall be given lighter or mitigated sanctions according to law.

第十九条 土地行政管理部门需要向行政监察机关提出行政处分建议的，应当在作出行政处罚决定后 10 日内将《行政处分建议书》及有关证据材料移送行政监察机关。

第二十条 行政监察机关收到土地行政管理部门送达的《行政处分建议书》后，应当依法处理，并将处理结果告知提出行政处分建议的土地行政管理部门。

第二十一条 被处分人员对行政处分决定不服的，可以依法提出申诉。

第二十二条 违反土地管理规定的行为应当给予党纪处分的，移送党的纪律检查机关处理。

第二十三条 本办法自 2002 年 8 月 1 日起施行。

Article 19 Where the land administration departments need send administrative sanction suggestions to the administrative supervision organs, they must transfer the Administration Sanction Suggestions and other relevant evidences to the administrative supervision: organs within 10 days after the administration penalty decisions are made.

Article 20 Administrative supervision organs must deal with Administration Sanction Suggestions after receiving those documents according to law and inform the land administration departments that proposed those suggestions of the resulting decision.

Article 21 Those who have been subject to administrative sanctions refusing to accept the decision on the administrative sanction may make appeals according to law.

Article 22 Where any acts in violation of the provisions on land administration shall be given Party's disciplinary sanctions, the case shall be transferred to the discipline inspection organs of the Party and dealt with by the discipline inspection organs of the Party.

Article 23 The Measures shall be effective as of August 1, 2002.

（二）水资源

北京市实施《中华人民共和国水法》办法

（2004年5月27日北京市第十二届人民代表大会常务委员会第十二次会议通过 根据2019年7月26日北京市第十五届人民代表大会常务委员会第十四次会议通过的《关于修改〈北京市河湖保护管理条例〉〈北京市农业机械化促进条例〉等十一部地方性法规的决定》修正）

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第八章	附 则

第一章 总 则

第一条 为了实施《中华人民共和国水法》（以下简称《水法》），结合本市实际情况，制定本办法。

第二条 在本市行政区域内开发、利用、节约、保护、管理水资源，应当遵守《水法》和本办法。

第三条 根据节约水资源、促进首都发展的要求，城市总体规划、国民经济和社会发展规划应当与水资源条件相适应，实现经济、社会、人口、资源、环境的协调、可持续发展。

ii. Water Resource

Measures of Beijing Municipality for Implementation of the Water Law of the People's Republic of China

(Adopted at the 12th meeting of the Standing Committee of the 12th Beijing Municipal People's Congress on May 27, 2004, and amended in accordance with The Decision on Amending 11 Local Regulations such as the Regulations on the Protection and Administration of Rivers and Lakes in Beijing, the Regulations of Beijing Municipality on the Promotion of Agricultural Mechanization, etc., adopted at the 14th meeting of the Standing Committee of the 15th Beijing Municipal People's Congress on July 26, 2019)

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Chapter II	Planning for Water Resources
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Chapter VII	Legal Liability
Chapter VIII	Supplementary Provisions

Chapter I General Provisions

Article 1 These Measures are formulated to implement the Water Law of the People's Republic of China (hereinafter referred to as the Water Law) in combination with the actual circumstances of this Municipality.

Article 2 The Water Law and these Measures shall be abided by in the development, utilization, conservation, protection and management of water resources within the administrative area of this Municipality.

Article 3 Based on the requirements of conserving water resources and promoting the capital's development, the overall urban plan and the national economic and social development plan of the city shall be accommodated to the conditions of water resources so as to realize the harmonious and sustainable development of economy, society, population, resources and environment.

第四条 本市严格保护水资源，实行城乡全面规划、统一管理，地表水、地下水和再生水统一调度，优化水资源配置；坚持开源、节流、保护并重，厉行节约用水，建设节水型社会。

第五条 各级人民政府应当将水资源开发、利用、节约、保护和管理的工作纳入国民经济和社会发展规划，增加资金投入，建立长期稳定的投入机制。

第六条 市水行政主管部门负责本市行政区域内水资源的统一管理和监督工作。
区水行政主管部门按照规定的权限负责本行政区域内水资源的统一管理和监督工作。

市和区有关部门按照职责分工，负责本行政区域内水资源开发、利用、节约和保护的有关工作。

第七条 充分发挥市场对水资源配置和水价形成的基础性作用，促进节约用水，提高水资源利用效率。

第八条 鼓励和支持开发、利用、节约、保护、管理水资源的先进科学技术的研究、推广和应用。

在开发、利用、节约、保护、管理水资源等方面成绩显著的单位和个人，由市和区人民政府给予奖励。

第二章 水资源规划

第九条 市水行政主管部门应当会同有关部门和区人民政府依据国家的流域综合规划编制本市区域综合规划，报市人民政府或者其授权的部门批准，并报国务院水行政主管部门备案。

区的区域综合规划，由各区水行政主管部门会同有关部门依据本市区域综合规划编制，报同级人民政府或者其授权的部门批准，并报市水行政主管部门备案。

Article 4 This Municipality shall strictly protect water resources and implement comprehensive planning and unified management in urban and rural areas, unified deployment of surface water, groundwater and reclaimed water to optimize the allocation of water resources; and pay equal attention to the tapping of new resources, conservation and protection of water resources, and encourage strict economy on the use of water in order to build a water-conserving society.

Article 5 The people's governments at various levels shall incorporate the development utilization, conservation, protection and management of water resources into the national economic and social development plans, increase capital investment and build up a long-term and stable investment mechanism.

Article 6 The administrative department for water resources of the municipal people's government (hereinafter referred to as the municipal administrative department for water resources) shall be responsible for unified administration and supervision of water resources in the administrative area of this Municipality.

The administrative departments for water resources of the district or county people's governments (hereinafter referred to as the district or county administrative departments for water resources) shall be responsible for unified administration and supervision of water resources within their respective administrative areas in accordance with the prescribed authorities.

The relevant departments of the municipal and the district or county people's governments shall, in accordance with the division of their respective duties and responsibilities, be responsible for the work relating to the development, utilization, economization and protection of water resources in their respective administrative areas.

Article 7 The fundamental effect of market on the allocation of water resources and the formation of water price shall be brought into full play to promote water conservation and improve utilization efficiency of water resources.

Article 8 The research, popularization and application of advanced technology of developing, utilizing, conserving, protecting, and managing water resources shall be encouraged and supported.

Any unit or individual who has made remarkable achievements in developing, utilizing, conserving, protecting, and managing water resources shall be awarded by the municipal and the district or county people's governments.

Chapter II Planning for Water Resources

Article 9 The municipal administrative department for water resources shall, in accordance with the comprehensive river basin plans of the State, work out the comprehensive regional plan of this Municipality together with the relevant departments and the district or county people's governments, and submit it to the municipal people's government or its authorized department for approval and to the administrative department for water resources under the State Council for the record.

The district or county administrative departments for water resources shall, in accordance with the comprehensive regional plan of this Municipality, work out the

市水行政主管部门对备案的区区域综合规划进行审查，不符合全市区域综合规划的，报市人民政府纠正。

第十条 水资源保护、供水、排水、节约用水、污水处理、再生水利用、雨水利用、灌溉等专业规划由市和区水行政主管部门编制，征求有关部门意见后，报同级人民政府批准。

渔业、防沙治沙等其他专业规划由有关主管部门编制，征求水行政主管部门和其他相关部门意见后，报同级人民政府批准。

第十一条 经批准的规划应当向社会公开。

水资源开发、利用、节约、保护以及城镇建设、经济开发区建设和其他重大建设项目的开发建设，必须符合流域综合规划和区域综合规划。

第十二条 建设水工程，必须符合流域综合规划。

在永定河、潮白河、北运河（含温榆河）和拒马河等跨省、市河流上建设水工程，未取得海河流域管理机构或者市水行政主管部门按照管辖权限签署的符合流域综合规划要求的规划同意书的，建设单位不得开工建设。

在跨区的河流上建设水工程，未取得市水行政主管部门签署的符合流域综合规划要求的规划同意书的，建设单位不得开工建设；在其他河流上建设水工程，未取得区水行政主管部门签署的符合流域综合规划要求的规划同意书的，建设单位不得开工建设。

水工程建设涉及防洪的，依照防洪法律法规的有关规定执行；涉及其他地区和行业的，建设单位应当事先征求有关地区和部门的意见。

第三章 水资源开发利用

第十三条 本市应当合理开发、利用地表水和地下水，充分利用雨水和再生水，

comprehensive regional plans of the districts or counties together with the relevant departments, and submit them to the people's governments at the same level or their authorized departments for approval and to the municipal administrative department for water resources for the record.

The municipal administrative department for water resources shall examine the recorded comprehensive regional plans of districts or counties. Any plan not in conformity with the municipal comprehensive regional plan shall be reported to the municipal people's government to make corrections.

Article 10 The special plans concerning protection of water resources, water supply, water drainage, water conservation, sewage treatment, reclaimed water and rainwater utilization, irrigation, etc. shall be worked out by the municipal and the district or county administrative departments for water resources, and after the opinions are solicited from the relevant departments, these plans shall be submitted to the people's governments at the same level for approval.

Other special plans concerning fishery, protection and control of sedimentation, etc. shall be worked out by the relevant competent departments, and after the opinions are solicited from the administrative department for water resources and other relevant departments, these plans shall be submitted to the people's governments at the same level for approval.

Article 11 The plans approved shall be made public to the society.

The development, utilization, conservation and protection of water resources, the urban construction, the construction of economic development zones as well as the development and construction of other major construction projects must conform to the comprehensive river basin plans and the comprehensive regional plans.

Article 12 The construction of waterworks must conform to the comprehensive river basin plans.

If a water project is to be constructed on a cross provincial or municipal river, such as Yongding River, Chaobai River, North Canal (including Wenyu River) and Juma River, the construction unit shall not start construction without obtaining the planning consent in accordance with the comprehensive basin planning requirements signed by the Haihe River basin administrative agency or the municipal water administrative department in accordance with the jurisdiction.

If a water project is to be constructed on a cross district river without the planning consent signed by the municipal water conservancy administrative department in line with the requirements of the comprehensive river basin planning, the construction unit shall not start the construction of the water project on other rivers without the planning consent signed by the district water administrative department in line with the requirements of the comprehensive river basin planning.

If the construction of a water project involves flood control, it shall be carried out in accordance with the relevant provisions of flood control laws and regulations; if it involves other regions and industries, the construction unit shall consult the relevant regions and departments in advance.

Chapter III Development and Utilization of Water Resources

Article 13 This Municipality shall make rational development and utilization of surface water and groundwater, make full use of rainwater and reclaimed water, give priority

优先保障城乡居民生活用水，统筹兼顾生态环境、工业、农业用水。

第十四条 市和区人民政府应当采取有效措施，对建设耗水量大的工业、农业和服务业项目加以限制。限制的项目名录由市人民政府公布。

第十五条 严格控制开采地下水。

地下水开发、利用应当遵循总量控制、分层取水、采补平衡的原则，防止超量开采造成地面沉降、塌陷等地质环境灾害。

第十六条 市水行政主管部门应当会同有关部门按照区域或者自然地质单元，定期进行地下水分区评价，划分严重超采区、超采区和未超采区，报市人民政府批准后公布。

第十七条 开凿机井应当经水行政主管部门批准。

凿井工程竣工后，机井使用单位应当将凿井工程的有关技术资料报水行政主管部门备案。

第十八条 下列地区禁止开凿机井：

- （一）地下水严重超采区；
- （二）集中供水管网覆盖范围地区。

第十九条 下列地区严格限制开凿机井：

- （一）地下水超采区；
- （二）水厂核心区以外的水源保护区；
- （三）水工程保护区；
- （四）风景旅游区、文物保护区。

第二十条 严格限制开采基岩水。确需开采基岩水的，应当经市水行政主管部门批准，并实行限量开采。

第二十一条 开采矿泉水、地热水实行特许经营。矿泉水、地热水的开采应当依照法律、法规规定，实行限量开采。

第二十二条 鼓励、支持单位和个人因地制宜，采取雨水收集、入渗、储存等措施开发、利用雨水资源。

to ensuring the use of water by urban and rural inhabitants in their daily lives and give overall consideration to the use of water in ecological environment, industry and agriculture.

Article 14 The municipal and the district or county people's governments shall take effective measures to restrict the construction of industrial, agricultural and service projects that consume large amounts of water. The catalogue of restricted projects shall be published by the municipal people's government.

Article 15 The exploitation of groundwater shall be strictly controlled.

The principles of controlling the total volume, drawing water from different layers and balancing water drawing and filling shall be followed in the exploitation and utilization of groundwater in order to prevent overdrawing resulting in sinking of land surface, land subsidence and other geologic disasters.

Article 16 The municipal administrative department for water resources shall work together with the relevant departments to evaluate groundwater areas periodically in accordance with regions or natural geologic units and divide the areas into severely overexploited areas, overexploited areas and non-overexploited areas, then make the matter public after reporting to the municipal people's government and obtaining approval.

Article 17 The excavation of motor-pumped wells shall be subject to approval by the administrative department for water resources.

After completion of the projects of excavation of wells, the well using units shall submit the relevant technical materials of the projects of excavation of wells to the Administrative department for water resources for the record.

Article 18 The excavation of motor-pumped wells shall be prohibited in the following areas:

- (1) the areas that groundwater has been overexploited severely; and
- (2) the areas covered by centralized water supply networks.

Article 19 The excavation of motor-pumped wells shall be strictly controlled in the following areas:

- (1) the areas that groundwater has been overexploited;
- (2) the protective areas of water sources other than the core areas of water plants;
- (3) the protective areas of waterworks; and
- (4) the scenic spots and the protective areas of cultural relics.

Article 20 The exploitation of base rock water shall be strictly controlled. Where there is a real need to exploit base rock water, the matter shall be subject to approval by the municipal administrative department for water resources and the exploitation shall be limited to a certain volume.

Article 21 The exploitation of mineral spring water and geothermal water shall be carried out through concession. The exploitation of mineral spring water and geothermal water shall be limited to a certain volume in accordance with the provisions of laws and regulations.

Article 22 Units and individuals shall be encouraged and supported to adopt such measures as rainwater collection, seepage and storage to develop and utilize rainwater resources that are suited to the local conditions.

新建、改建、扩建建设项目，应当符合雨水收集利用设施的设计标准和规范。

第二十三条 规划市区，卫星城和郊区区人民政府所在地的城镇地区应当规划建设污水集中处理设施和再生水输配水管线。

再生水输配水管线覆盖范围外的地区新建、改建、扩建的建设项目，可回收水量较大的，应当建设再生水利用设施，与建设工程同时设计、同时施工、同时投入使用。具体办法由市人民政府制定。

第二十四条 鼓励投资建设污水集中处理设施、再生水输配水管线和再生水利用设施。

单位和个人投资建设污水集中处理设施、再生水输配水管线和再生水利用设施的，享受有关优惠政策。

第二十五条 本办法第二十三条第二款规定应当建设再生水利用设施的，使用单位应当加强维护管理、正常使用。发生故障的，应当及时组织排除故障；确需停止使用的，应当及时报告水行政主管部门。

第二十六条 鼓励使用再生水；使用再生水的，享受优惠价格。

第二十七条 本市加强人工影响天气的科学研究和技术应用工作，运用科学技术措施对局部大气进行人工影响，增加水资源量。

第四章 水资源和水域的保护

第二十八条 各级人民政府应当采取有效措施，保护植被和湿地，建设生态公益林，防治水土流失和水体污染，涵养和保护水资源。

第二十九条 河流、湖泊、水库、渠道的水体实行分类管理。

跨省、市的河流、湖泊、水库、渠道的水功能区划，按照国家规定执行。市管水库和跨区的河流、湖泊、水库、渠道的水功能区划，由市生态环境部门会同市水行政主管部门、其他有关部门和有关区人民政府编制，报市人民政府批准，并报国务院生态环境部门和水行政主管部门备案。

For construction, reconstruction or expansion of projects, the design standards and regulations of facilities used for rainwater collection and utilization shall be met.

Article 23 The centralized sewage treatment facilities and distribution pipelines of reclaimed water shall be planned and constructed in the planned urban areas, the satellite city as well as the township areas of the suburbs where the district or county people's governments are located.

For construction, reconstruction or expansion of projects in the areas beyond the coverage of distribution pipelines of reclaimed water where there are greater amount of reclaimable water, the facilities for utilization of reclaimed water shall be built, and designed, constructed and put into operation simultaneously with such projects. The specific measures shall be formulated by the municipal people's government.

Article 24 Investment in construction of centralized sewage treatment facilities, distribution pipes of reclaimed water as well as facilities for utilization of reclaimed water shall be encouraged.

Units and individuals who invest in the construction of centralized sewage treatment facilities, distribution pipelines of reclaimed water as well as facilities for utilization of reclaimed water shall enjoy the relevant preferential policies.

Article 25 Where the facilities for utilization of reclaimed water shall be built as stipulated in the second Paragraph of Article 23 of these Measures, the using units shall strengthen maintenance and management as well as use them normally. Any malfunctions which may arise shall be eliminated in an organized and timely way; and where it is necessary to stop using, a report shall be submitted to the administrative department for water resources timely.

Article 26 The utilization of reclaimed water shall be encouraged; and those who utilize reclaimed water shall enjoy the preferential price.

Article 27 This Municipality shall strengthen scientific research and technological application of artificial influence on weather and employ scientific technologies to exert artificial influence on partial atmosphere and increase the volume of water resources.

Chapter IV Protection of Water Resources and Water Areas

Article 28 The people's governments at various levels shall take effective measures to protect vegetation and wetland and plant ecological forest for public benefits to prevent and treat soil erosion and water pollution as well as conserve and protect water resources.

Article 29 Water bodies of rivers, lakes, reservoirs and canals shall be managed in terms of category.

The provisions of the State shall be implemented in the division of water function zones across the rivers, lakes, reservoirs and canals across different provinces or cities. The water function zones along the reservoirs managed by this Municipality as well as the rivers, lakes, reservoirs and canals across different districts shall be divided by the municipal administrative department for water resources together with the municipal administrative department for environment protection and other relevant departments as well as the relevant district people's governments, and the division shall be submitted to the municipal

前款规定以外的其他河流、湖泊、水库、渠道的水功能区划，由区生态环境部门会同同级水行政主管部门和其他有关部门拟定，报区人民政府批准，并报市生态环境部门和市水行政主管部门备案。

第三十条 各级人民政府应当按照有关法律、法规的规定，采取有效措施，加强对密云水库、怀柔水库、官厅水库及其上游、京密引水渠和其他饮用水水源地的保护管理，保证饮用水安全。

第三十一条 禁止在饮用水水源保护区内设置排污口。

向本市确定的风景观赏功能河道、排水功能河道排水的，水质必须达到国家规定的排放标准。

第三十二条 水行政主管部门应当会同生态环境部门按照水功能区对水质的要求和水体的自然净化能力，核定水域的纳污能力，提出该水域的限制排污总量意见。

第三十三条 水行政主管部门应当会同生态环境部门做好河流、湖泊、水库、渠道的水量水质监测，发现重点污染物排放总量超过控制指标或者水功能区水质未达到水域使用功能对水质的要求的，应当及时报请有关人民政府采取治理措施。

水量水质监测结果应当按照有关规定向社会公开。

第三十四条 各级人民政府应当按照北京城市总体规划，建设市政基础设施，完善排水设施和污水处理设施，实现雨水、污水分流。

第三十五条 在河流、湖泊新建、改建或者扩大排污口的，由生态环境部门负责对建设项目的环境影响报告书进行审批。

已经实现截污的原有入河排污口，排污单位应当在规定的期限内封堵。

第五章 水资源配置

第三十六条 市发展改革部门和市水行政主管部门负责全市水资源的宏观调配。

people's government for approval and to the administrative department for water resources and the administrative department for environment protection under the State Council for the record.

Water function zoning for rivers, lakes, reservoirs and channels other than those mentioned in the preceding paragraph shall be worked out by the district ecological environment department in conjunction with the water conservancy administrative department at the same level and other relevant departments, and submitted to the District People's government for approval and to the municipal ecological environment department and the municipal water administrative department for the record.

Article 30 The people's governments at various levels shall, in accordance with the provisions of laws and regulations, take effective measures to enhance protection and management of Miyun Reservoir, Huairou Reservoir, Guanting Reservoir and their upper reaches, Beijing-Miyun Diversion Canal and other drinking water sources to ensure the safety in respect of drinking water.

Article 31 Construction of any outlet for sewage discharge in the protective areas of drinking water sources shall be prohibited.

Where sewage is discharged into the water courses verified by this Municipality for landscape sightseeing or drainage, the quality of sewage discharged must meet the discharge standard stipulated by the State.

Article 32 The administrative departments for water resources shall, on the basis of the water quality required by the water function zones and the natural purification capacity of water bodies, check and define the pollution-receiving capacity of water areas and make proposals to the administrative department for environment protection at the same level on limitation of the total amount of pollution discharged to the said areas.

Article 33 The water administrative department shall, together with the ecological environment department, monitor the water quantity and quality of rivers, lakes, reservoirs and channels. If it is found that the total discharge of key pollutants exceeds the control index or the water quality in the water function zone fails to meet the water quality requirements of the water use function, it shall timely report to the relevant people's government to take control measures.

The monitoring results of water volume and quality shall be made public to the society in accordance with the relevant provisions.

Article 34 The people's governments at various levels shall, in accordance with the overall urban planning of Beijing Municipality, construct municipal infrastructure and improve drainage and sewage treatment facilities to realize the diversion of rainwater and sewage.

Article 35 Where a sewage outlet is to be built, rebuilt or expanded in a river or lake, the Department of ecological environment shall be responsible for examining and approving the environmental impact report of the construction project.

The original river outfalls that have already achieved sewage interception shall be blocked within the prescribed time limit.

Chapter V Allocation of Water Resources

Article 36 The municipal administrative department for development and reform and the municipal administrative department for water resources shall be responsible for macro-allocation of water resources in the whole city.

市和区的水中长期供求规划由水行政主管部门依照《水法》的规定制订。

第三十七条 水行政主管部门制订本行政区域的年度水量分配方案、调度计划以及水资源紧缺情况下的水量调度预案，报同级人民政府批准后执行。

第三十八条 市发展改革部门会同市水行政主管部门，根据用水定额、经济技术条件以及水量分配方案确定的可供本行政区域使用的水量，制定年度用水计划，对全市的年度用水实行总量控制。

第三十九条 区水行政主管部门根据年度用水计划和有关行业用水定额，核定本行政区域内用水单位的年度用水指标。

特大用水单位和有特殊需要的用水单位的年度用水指标，由市水行政主管部门核定。

第四十条 直接从河流、湖泊或者地下取用水资源的单位和个人，应当依法向水行政主管部门申请领取取水许可证，缴纳水资源费，取得取水权。法律、行政法规另有规定的，从其规定。

新建、改建、扩建建设项目的建设单位申请取水许可，应当进行水资源论证。

第四十一条 取水应当计量，按量收取水资源费。

直接取用地表水或者地下水的用水单位，应当在取水口安装经市场监督管理部门检验合格的计量设施。无计量设施的，水行政主管部门应当责令限期安装，并自取水之日起，按照工程设计取水能力或者取水设备额定流量全时程运行计算取水量。

第四十二条 水资源费由水行政主管部门统一征收，上缴财政，用于水资源的开发、利用、节约、保护及相关科学技术的研究。

第六章 节约用水

第四十三条 各级人民政府应当建立健全节约用水责任制，开展节约用水宣传教

The municipal and the district or county medium and long term plans for water supply and demand shall be worked out by the administrative departments for water resources in accordance with the provisions of the Water Law.

Article 37 The administrative departments for water resources shall work out the annual water allocation plans, water distribution plans as well as die preliminary plans for water distribution in case of shortage of water resources and execute them after they are submitted to and approved by the people's governments at the same level.

Article 38 The municipal administrative department for development and reform shall, in conjunction with the the municipal administrative department for water resources, and on the basis of the volume of water available for use in their respective administrative areas which is determined by the quotas of water use, the economic and technical conditions as well as the water allocation plans, work out the annual plans for water use in order to take control over the total volume of water use in Che whole city annually.

Article 39 The district departments for water resources shall verify and define the annual targets of water use by water using units in their respective administrative areas in accordance with the annual plan for water use and the quotas of water use by the relevant trades.

The annual targets of water use by the units which use extremely large volume of water and have special needs of water shall be verified and defined by the municipal administrative department for water resources.

Article 40 Any unit or individual who takes water resources directly from rivers, lakes or underground shall, according to law, apply to the administrative department for water resources for obtaining a water-taking license and pay water resources fees to acquire the right to take water. Where there are other provisions in laws or administrative regulations, such provisions shall prevail.

Any construction unit for construction, reconstruction or expansion of a project shall conduct water resources demonstration before applying for a water-taking license.

Article 41 The volume of water-taken shall be measured and water resources fees shall be paid based on the volume taken.

Any water using unit that directly takes surface water or groundwater shall, in the water-taking outlets, install a meter facility qualified upon examination by the administrative department for quality supervision and inspection. Where no meter facility is installed, the administrative department for water resources shall order the water using unit to install a meter facility within a prescribed time limit and calculate the water volume in accordance with the designed capacity of water taking or the rated flow of water-taking facility for a whole period of time from the date of water taking.

Article 42 Water resources fees shall be collected by the administrative departments for water resources in a unified manner and turned in to the public finance for the development, utilization, conservation, protection of water resources as well as for the research on relevant scientific technologies.

Chapter VI Water Conserving

Article 43 The people's governments at various levels shall set up and improve the responsibility system of water conserving, carry out propaganda and education of water

育，推行节约用水措施，推广节水新技术、新工艺，培育和发展节水产业，发展节水型工业、农业和服务业。

第四十四条 水行政主管部门负责本行政区域内的节约用水管理工作。未设置水行政主管部门的区，应当有专门机构负责本行政区域内的节约用水管理工作。

市和区人民政府有关部门应当做好本部门、本行业节约用水的工作。

乡、镇人民政府和街道办事处应当做好本辖区内节约用水的工作。

第四十五条 单位和个人有节约用水义务。

用水单位应当加强用水管理，建立健全节约用水责任制；加强对单位人员节约用水的宣传；落实节约用水措施，使用符合节约用水要求的工艺、设备、器具。

居民应当增强节约用水意识、使用节水型器具，提高水的利用效率。

第四十六条 用水实行总量控制和定额管理相结合的制度。

市人民政府有关行业主管部门制订本行业的用水定额，报市水行政主管部门和市场监督管理部门审核同意后，由市人民政府公布。

第四十七条 新建、改建、扩建建设项目，应当制订节约用水措施方案，配套建设节水设施。节水设施应当与主体工程同时设计、同时施工、同时投入使用。

第四十八条 已建成的建设项目，用水设施、设备及器具不符合节约用水要求的，应当进行技术改造。

第四十九条 各级人民政府应当引导农业生产者合理调整作物种植结构，采用先进的节水技术和节水灌溉方式，提高农业用水效率。

第五十条 工业用水应当采取节约用水措施，提高水的重复利用率，降低用水单耗。生产用水超过用水定额的，不予增加用水指标。

第五十一条 服务业用水单位应当制订并落实节约用水措施，耗水量大的，应当按照规定安装并使用循环用水设施。

再生水输配水管线覆盖地区内的洗车企业，应当使用再生水。

conserving, popularize water conserving measures, spread new technologies and techniques to conserve water, foster and develop water conserving industries, and develop water conserving industry, agriculture and service industry.

Article 44 The administrative departments for water resources shall be responsible for management of water conserving in their respective administrative areas. For any district without an administrative department for water resources, there shall be a special institution to take the responsibility for management of water conserving in the corresponding administrative area.

The relevant departments of the municipal and the district or county people's governments shall do a good job in water conserving in their respective departments or trades.

The township or town people's governments and the sub-district offices shall do a good job in water conserving in their respective jurisdictional areas.

Article 45 All units and individuals shall have the obligation to save water.

Water using units shall strengthen management of water use, set up and improve the responsibility system of water conserving; enhance the propaganda of water conserving among the staff of the units; carry out water conserving measures and apply techniques, equipment and apparatuses that satisfy the requirements for water conserving.

Residents shall reinforce their awareness of conserving water and use water conserving apparatuses to improve the water utilization efficiency.

Article 46 The system of total volume control combined with quota management shall be adopted in water use.

The competent departments of relevant trades under the municipal people's government shall set the quotas of water use by their respective trades, and after submitting them to the municipal administrative department for water resources and the municipal administrative department for quality supervision and inspection for examination and verification and obtain approval, the quotas shall be publicized by the municipal people's government.

Article 47 Water saving measures and schemes shall be formulated for new, rebuilt and expanded construction projects, and water-saving facilities shall be constructed in supporting facilities. Water saving facilities shall be designed, constructed and put into use simultaneously with the main works.

Article 48 For the completed construction projects whose water using facilities, equipment and apparatuses fail to satisfy the requirements for water conserving, the technological renovation shall be conducted.

Article 49 The people's governments at various levels shall guide agricultural producers to make rational adjustment to the structure of crop planting and adopt advanced water conserving technology and irrigation modes to improve the efficiency of water use in agriculture.

Article 50 For use of water in industries, water conserving measures shall be adopted to improve the ratio of the-use of recycled water and lower the water consumption. Where water consumption for production exceeds the assigned quota, no additional quota shall be given.

Article 51 Water using units in service industry shall work out and implement water conserving measures, and those consuming large amount of water shall install and use facilities for recycling water in accordance with provisions.

Car washing enterprises within the coverage of distribution pipelines of reclaimed water shall utilize reclaimed water.

第五十二条 园林绿化、环境卫生用水应当采用节水技术，充分利用再生水，收集利用雨水。

第五十三条 供水企业和自建供水设施的单位应当加强对供水设施的检修与维护，降低管网漏失率。供水设施出现故障后，相关单位应当及时抢修。

第五十四条 工程施工、园林绿化、环境卫生等需要临时用水的，应当向水行政主管部门申请临时用水指标；在再生水输配水管线覆盖范围内的，应当使用再生水。

第五十五条 用水应当按照国家和本市有关规定安装水计量设施并保证其正常使用，实行计量收费，不得实行包费制。

用水实行分类计量收费和超定额累进加价制度。

第七章 法律责任

第五十六条 水行政主管部门或者其他有关部门以及水工程管理单位及其工作人员，有下列情形之一的，构成犯罪的，对负有责任的主管人员和其他责任人员依法追究刑事责任；尚不够刑事处罚的，依法给予行政处分：

- （一）对不符合法定条件的单位或者个人核发许可证、签署审查同意意见的；
- （二）不按照水量分配方案分配水量或者不服从水量统一调度的；
- （三）不按照国家有关规定收取水资源费的；
- （四）不按照规定核定用水指标，滥用职权的；
- （五）不履行监督职责，或者发现违法行为不予查处，造成严重后果的；
- （六）其他徇私舞弊、玩忽职守、滥用职权的行为。

第五十七条 违反本办法第十七条规定，未经批准开凿机井的，或者未依照批准的取水许可规定条件取水的，由水行政主管部门责令停止违法行为，限期补办手续，并处2万元以上6万元以下的罚款；逾期不补办手续的，责令封井。

Article 52 For water used for greening of gardens or environmental sanitation, water conserving technology shall be adopted to make full use of reclaimed water and collect and utilize rainwater.

Article 53 Water supply enterprises and units that build their own water supply facilities shall reinforce inspection, repair and maintenance of water supply facilities to lower the leakage rate of pipe networks. Where water supply facilities break down, the relevant units shall rush to make immediate repair.

Article 54 For temporary use of water needed for project construction, greening of gardens or environmental sanitation, etc., an application for temporary quota of water use shall be submitted to the administrative departments for water resources; where such needs are within the coverage of distribution pipelines of reclaimed water, reclaimed water shall be utilized.

Article 55 For water consumption, water metering facilities shall be installed in accordance with the relevant provisions of the state and this Municipality, and their normal use shall be guaranteed. Metering and charging shall be implemented, and the lump sum fee system shall not be implemented.

The system of classified metering and charging and progressive charging over quota shall be implemented.

Chapter VII Legal Liability

Article 56 Where the administrative departments for water resources or other relevant departments and waterworks management units as well as their working staff commit one of the following acts and a crime is constituted, the responsible person in charge and other responsible persons shall be investigated for criminal liability according to law; where no crime is constituted, administrative sanctions shall be given:

(1) verify and issue a license or subscribe to the consent to the unit or individual that fails to meet the statutory requirements;

(2) fail to allocate water in accordance with the water allocation plans or fail to comply with the unified water distribution;

(3) fail to collect water resource fees in accordance with the relevant provisions of the State;

(4) abuse powers by failing to verify and define the targets of water use in accordance with provisions;

(5) fail to perform supervision duty or fail to investigate into and deal with violations of laws discovered resulting in serious consequences; or

(6) other acts involving engaging in illegalities for personal gains or by other fraudulent means, neglecting duties or abusing powers.

Article 57 Whichever, in violation of the provisions of Article 17 of these Measures, excavates a motor-pumped well without approval or fails to take water in accordance with the approved requirements specified in the water-taking license, shall be ordered to stop the illegal acts and go through the necessary formalities again within a prescribed time limit, and

第五十八条 违反本办法第十八条规定，在禁止开凿机井的地区开凿机井的，由水行政主管部门责令停止违法行为，限期封井，并处 7 万元以上 10 万元以下的罚款。

第五十九条 违反本办法第十九条规定，未经批准在严格限制开凿机井的地区开凿机井的，或者未依照批准的取水许可规定条件取水的，由水行政主管部门责令停止违法行为，限期封井，并处 5 万元以上 8 万元以下的罚款。

第六十条 违反本办法第二十条规定，未经批准开采基岩水的，或者未依照批准的取水许可规定条件取水的，由水行政主管部门责令停止违法行为，并处 6 万元以上 10 万元以下的罚款。

第六十一条 违反本办法第二十三条第二款、第四十七条规定，建设项目未建设再生水利用设施、节水设施的，或者设施没有达到规定要求的，由水行政主管部门责令停止违法行为，限期改正，并处 5 万元以上 10 万元以下的罚款；逾期未改的，不予核定用水指标；已建成的设施不正常使用的，核减相应的用水指标。

第六十二条 违反本办法第四十五条第二款规定，用水单位浪费用水的，由水行政主管部门或者其他有关部门责令限期改正；逾期不改的，水行政主管部门可以核减相应的用水指标。

第六十三条 违反本办法第五十一条规定，耗水量大的用水单位未安装、使用循环用水设施或者洗车企业未按规定使用再生水的，由水行政主管部门责令限期改正，并处 1 万元的罚款；逾期未改的，责令供水单位停止供水。

第六十四条 违反本办法第五十四条规定，未取得临时用水指标用水的，责令停止违法行为，限期补办手续，并处 5 万元以下的罚款。

第六十五条 违反本办法第五十五条规定，未按照国家和本市有关规定安装水计量设施、用水实行包费制的，由水行政主管部门责令责任单位改正，并按照每包费一户 200 元以上 500 元以下的标准处以罚款。

simultaneously be fined not less than 20,000 yuan but not more than 60,000 yuan by the administrative department for water resources; whichever fails to go through the necessary formalities again within the prescribed time limit shall be ordered to seal the well.

Article 58 Whichever, in violation of the provisions of Article 18 of these Measures, excavates a motor-pumped well in well-excavation prohibited areas shall be ordered to stop the illegal act and seal the well within a prescribed time limit, and simultaneously be fined not less than 70,000 yuan but not more than 100,000 yuan by the administrative department for water resources.

Article 59 Whichever, in violation of the provisions of Article 19 of these Measures, excavates a motor-pumped well in well-excavation strictly controlled areas without approval or fails to take water in accordance with the approved requirements specified in the water taking license shall be ordered to stop the illegal act and seal the well within the prescribed time limit, and simultaneously be fined not less than 50,000 yuan but not more than 80,000 yuan by the administrative department for water resources.

Article 60 Whichever, in violation of the provisions of Article 20 of these Measures, exploits base rock water without approval or fails to take water in accordance with the approved requirements specified in the water-taking license shall be ordered to stop the illegal act and simultaneously be fined not less than 60,000 yuan but not more than 100,000 yuan by the administrative department for water resources.

Article 61 Whichever, in violation of the provisions of Paragraph 2 of Article 23 and Paragraph 1 of Article 47 of these Measures, fails to build reclaimed water utilization facilities or water conserving facilities for a construction project or the facilities fail to reach the specified requirements shall be ordered to stop the illegal act and make corrections within a prescribed time limit, and simultaneously be fined not less than 50,000 yuan but not more than 100,000 yuan by the administrative department for water resources; for those that fail to make corrections within the prescribed time limit, the quota of water use shall not be verified and defined; where the completed facilities fail to be put into normal operation, the quota of water use shall be reduced correspondingly.

Article 62 Whichever, in violation of the provisions of the second paragraph of Article 45 of these Measures, if a water using unit wastes water, it shall be ordered by the water administration department or other relevant departments to make corrections within a time limit; if it fails to do so within the time limit, the water administrative department may reduce the corresponding water consumption quota.

Article 63 Whichever, in violation of the provisions of Article 51 of these Measures, if a water consuming unit fails to install or use recycling water facilities, or a car washing enterprise fails to use reclaimed water as required, the water administrative department shall order it to make corrections within a time limit and impose a fine of 10,000 yuan; if it fails to do so, the water supply unit shall be ordered to stop water supply.

Article 64 Anyone who violates the provisions of Article 54 of these Measures and fails to obtain the temporary water consumption quota shall be ordered to stop the illegal act, go through the formalities within a time limit, and be fined not more than 50,000 yuan.

Article 65 Those who violate the provisions of Article 55 of these Measures and fail to install water metering facilities in accordance with the relevant provisions of the state and this Municipality and implement the lump sum system for water use, the water administrative department shall order the responsible unit to make corrections and impose a fine according to the standard between 200 yuan and 500 yuan per household.

第八章 附 则

第六十六条 本办法自 2004 年 10 月 1 日起施行。1991 年 9 月 14 日北京市第九届人民代表大会常务委员会第二十九次会议通过的《北京市城市节约用水条例》、1991 年 11 月 9 日北京市第九届人民代表大会常务委员会第三十次会议通过的《北京市水资源管理条例》、1992 年 5 月 29 日北京市人民政府第 12 号令发布的《〈北京市水资源管理条例〉罚款处罚办法》、1992 年 10 月 20 日北京市人民政府第 15 号令发布的《北京市农村节约用水管理规定》同时废止。

Chapter VIII Supplementary Provisions

Article 66 These Measures shall come into force as of October 1, 2004. The regulations of Beijing Municipality on urban water conservation adopted at the 29th meeting of the Standing Committee of the 9th Beijing Municipal People's Congress on September 14, 1991, the regulations of Beijing Municipality on water resources management adopted at the 30th meeting of the Standing Committee of the Ninth Beijing Municipal People's Congress on November 9, 1991, and the Beijing Municipal Water Resources Management Ordinance issued by the order No. 12 of the Beijing Municipal People's Government on May 29, 1992 The regulations on the management of resources, the measures for fines and the regulations of Beijing Municipality on the administration of water conservation in rural areas promulgated by order No. 15 of the Beijing Municipal People's Government on October 20, 1992, shall be repealed at the same time.

北京市河湖保护管理条例

(2012年7月27日北京市第十三届人民代表大会常务委员会第三十四次会议通过 根据2016年11月25日北京市第十四届人民代表大会常务委员会第三十一次会议通过的《关于修改部分地方性法规的决定》修正 根据2019年7月26日北京市第十五届人民代表大会常务委员会第十四次会议通过的《关于修改〈北京市河湖保护管理条例〉〈北京市农业机械化促进条例〉等十一部地方性法规的决定》修正)

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第一章 总 则

第一条 为加强河湖保护和管理,保持河湖水域面积,改善水生态和水环境,保障河湖防洪、供水功能,维护河湖健康,促进经济社会全面、协调、可持续发展,根据有关法律、法规,制定本条例。

第二条 本条例适用于本市行政区域内的河流、湖泊、水库、塘坝、人工水道工程设施及其水体(以下统称河湖)的保护和管理。

第三条 河湖保护管理坚持统一规划、综合治理、科学管理、保护优先、合理利用的原则。

河湖的规划、建设、治理应当维护古都风貌,与首都城乡整体环境相协调。

Regulations of Beijing Municipality on the Protection and Administration of Rivers and Lakes

(Adopted at the 34th Meeting of the Standing Committee of the Thirteenth Beijing Municipal People's Congress on July 27, 2012, amended by the Decision on Revising Certain Local Regulations adopted at the 31st Meeting of the Standing Committee of the Fourteenth Beijing Municipal People's Congress on November 25, 2016, and amended by the Decision on Revising the Regulations of Beijing Municipality on the Protection and Administration of Rivers and Lakes, the Regulations of Beijing Municipality on the Promotion of Agricultural Mechanization and Other Nine Local Regulations adopted at the 14th Meeting of the Standing Committee of the 15th Beijing Municipal People's Congress on July 26, 2019)

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Chapter I General Provisions

Article 1 These Regulations are formulated in accordance with the relevant laws and regulations, for the purposes of strengthening the protection and administration of rivers and lakes, maintaining the water area of rivers and lakes, improving water ecology and water environment, ensuring the flood control and water supply functions of rivers and lakes, protecting the health of rivers and lakes, and promoting all-round, coordinated and sustainable development of economy and society.

Article 2 These Regulations shall apply to the protection and administration of the rivers, lakes, reservoirs, embankments and artificial watercourse engineering facilities, as well as the water body thereof, within the administrative area of this Municipality (hereinafter collectively referred to as “rivers and lakes”).

Article 3 The protection and administration of rivers and lakes shall follow the principles of unified planning, comprehensive harnessing, scientific management, protection first and rational utilization.

In the planning, construction and harnessing of rivers and lakes, consideration shall be given to maintaining the style and features of the centuries-old capital and the harmony with

第四条 市和区人民政府应当加强对河湖保护管理工作的组织领导，将河湖保护管理纳入国民经济和社会发展规划，保证河湖公共基础设施建设所需资金和管护经费；并建立健全水生态保护的补偿制度。

第五条 在国家有关部门的指导下，本市与相关省市建立健全河湖保护管理协作机制，加强河湖保护管理的统筹协调。

第六条 市、区、乡镇、街道建立河长制，分级分段组织领导本行政区域内河流、湖泊的水资源保护、水域岸线管理、水污染防治、水环境治理等工作。

本市河湖保护管理工作实行目标责任制和考核评价制度，上级人民政府应当加强对下级人民政府河湖保护管理工作落实情况的监督。

市人民政府应当根据本市河湖保护管理目标制定考核评价指标，纳入对市人民政府有关部门和区人民政府及其负责人考核评价的内容。

第七条 本市河湖保护管理实行流域管理和行政区域管理相结合的管理体制。

市水行政主管部门对全市河湖保护管理工作实施统一监督管理。

市水行政主管部门在永定河、北运河、潮白河等跨区重要水系设置流域管理机构，在管辖范围内依照国家和本市的规定履行监督管理及行政执法职责，统筹协调流域内的河湖保护管理工作。

区水行政主管部门按照管辖权限，对本行政区域内河湖保护管理工作实施统一监督管理。

乡、镇人民政府应当按照管辖权限，建立健全管理机构或者确定管理人员，落实河湖管护责任。街道办事处按照管辖权限做好河湖保护管理的有关工作。

第八条 水行政主管部门组织编制河湖治理、养护、保护管理标准、规范和规程，建立河湖保护监督管理体系，对工程设施的运行情况进行监督检查，完善监测预警管理制度，组织水文机构对河湖水量、水质定期进行监测，加强执法队伍建设，规范执法行为，履行河湖保护管理的执法职责。

the overall urban and rural environment of the capital.

Article 4 The municipal and district people's governments shall strengthen the organization and leadership of the protection and administration of rivers and lakes, incorporate the protection and administration of rivers and lakes in the plan for national economic and social development, ensure the funds needed for construction of public infrastructure of rivers and lakes as well as the expenses for management and maintenance thereof, and establish a sound compensation system for the protection of water ecology.

Article 5 Under guidance of the relevant departments of the State, this Municipality shall establish a sound cooperation mechanism for the protection and administration of rivers and lakes with the relevant provinces and municipalities, so as to strengthen the overall coordination in the protection and administration of rivers and lakes.

Article 6 The river chief system shall be established in cities, districts, towns or townships and sub-districts to organize and lead the water resource protection, water area and shoreline management, water pollution prevention and control, water environment treatment and other work in rivers and lakes within their respective administrative areas at different levels and in different sections.

This Municipality shall adopt a target responsibility system and an assessment and evaluation system in the protection and administration of rivers and lakes, whereby the people's governments at higher levels exercise stricter supervision on the people's governments at lower levels in respect of the protection and administration of rivers and lakes.

The municipal people's government shall develop assessment and evaluation indexes on the basis of the targets of this Municipality in the protection and administration of rivers and lakes, and include such indexes in the assessment and evaluation of the relevant departments of the municipal people's government, and of the district people's governments, as well as the leaders thereof.

Article 7 This Municipality shall adopt an administration system combining river basin administration with administrative area administration for the protection and administration of rivers and lakes.

The municipal water administration department shall, in a unified manner, supervise the protection and administration of rivers and lakes in this Municipality.

The municipal water administration department shall set up river basin administration agencies for such important waters as the Yongding River, the Chaobai River and the North Grand Canal that go through different districts; and these agencies shall, within the limits of authority, perform their supervision and administration as well as administrative law enforcement duties in accordance with the provisions of the State and this Municipality and, in an overall manner, coordinate the protection and administration of rivers and lakes in the respective river basins.

The district water administration departments shall, in a unified manner, supervise the protection and administration of rivers and lakes within their administrative areas in accordance with the limits of authority.

The township and town people's governments shall, in accordance with the limits of authority, set up and improve the administration agencies or designate managing staff to perform the responsibilities for management and maintenance of rivers and lakes. The sub-district offices shall bring success to the work related to the protection and administration of rivers and lakes in accordance with the limits of authority.

Article 8 The water administration departments shall organize the formulation of the standards, good practices and procedures for the harnessing, maintenance, protection and administration of rivers and lakes, establish a supervision and administration system

市和区发展改革、财政、生态环境、规划自然资源、城市管理、园林绿化、农业农村、市场监督管理、公安、城市管理综合执法、文物、文化旅游、教育等有关部门按照各自职责做好河湖保护的相关工作。

第九条 公园、能源、电力、旅游、院校等单位管理的湖泊，由其负责建立健全管理制度，确定管理人员，落实河湖管护责任，并报水行政主管部门备案。

第十条 本市鼓励和支持河湖保护管理领域科学技术的研究和应用，提高河湖保护管理的精细化、智能化水平。

本市各级人民政府及有关部门和新闻媒体应当加强河湖保护宣传教育，增强公民河湖环境保护的意识，引导公众和村、社区以及其他社会组织参与河湖保护管理的有关活动。

对保护河湖水环境、水工程、水文化做出突出贡献的单位和个人，由人民政府或者水行政主管部门给予表彰或者奖励。

第二章 规划编制与管理

第十一条 市水行政主管部门负责编制全市河湖治理及保护管理规划，报市人民政府批准。

市水行政主管部门会同相关部门按照全市河湖治理及保护管理规划以及相关要求，编制永定河、北运河、潮白河等跨区重要水系的流域治理及保护管理规划，报市人民政府或者其授权的部门批准。经批准的流域治理及保护管理规划，由流域管理机构实施监督、管理。

区水行政主管部门应当依据全市河湖治理及保护管理规划和所处水系的流域治理及保护管理规划，按照管辖权限组织编制本区河湖治理及保护管理规划，经市水行政主管部门审查后，报区人民政府批准，并报市水行政主管部门备案。

for river and lake protection, conduct supervision and inspection on the operation of engineering facilities, improve the management system for monitoring and early-warning, organize hydrological institutions to regularly monitor the water quantity and quality of rivers and lakes, reinforce the building of law enforcement teams, standardize law enforcement, and perform the law enforcement duties in the protection and administration of rivers and lakes.

The municipal and district administrative departments for development and reform, departments for finance, departments for ecological environment, departments for city management, departments for gardening and greening, departments for agriculture, departments for planning and natural resources, departments for market supervision and administration, departments for public security, comprehensive law enforcement in city management, cultural heritage, departments for culture and tourism and education shall bring success to the work related to river and lake protection in accordance with their respective functions and duties.

Article 9 Parks, colleges and universities, as well as the units for energy, power supply and tourism, shall be responsible for establishing sound management systems and designating managing staff to perform the responsibilities for management and maintenance of the lakes under their administration, and shall make a report thereon to the water administration department for the record.

Article 10 This Municipality encourages and supports the research on, and application of, science and technologies in the field of the protection and administration of rivers and lakes, so as to improve the levels of meticulousness and intelligence in the protection and administration of rivers and lakes.

The people's governments at various levels in this Municipality and their relevant departments as well as the media shall strengthen the publicity and education of the protection and administration of rivers and lakes, heighten the awareness of citizens in this regard, and guide the public, villages, communities and other social organizations to participate in the protection and administration of rivers and lakes.

The people's governments or the water administration departments shall commend or reward the units and individuals that have made outstanding contributions to protecting the water environment of rivers and lakes, waterworks and water culture.

Chapter II Planning Formulation and Administration

Article 11 The municipal water administration department shall be responsible for formulating the plan for the harnessing, protection and administration of rivers and lakes in this Municipality, and shall report it to the municipal people's government for approval.

The municipal water administration department shall, in conjunction with the relevant departments and in accordance with the plan for the harnessing, protection and administration of rivers and lakes in this Municipality and the relevant requirements, formulate the plan for river basin harnessing, protection and administration of such important waters as the Yongding River, the Chaobai River and the North Grand Canal that go through different districts or counties, and report the same to the municipal people's government or its authorized department for approval. The river basin administration agencies shall exercise supervision and administration of the approved plan for river basin harnessing, protection and administration.

The district water administration department shall, in accordance with the plan for the harnessing, protection and administration of rivers and lakes in this Municipality as well as the plan for river basin harnessing, protection and administration of the waters within its administrative area, formulate the plan for the harnessing, protection and administration

乡、镇人民政府可以按照管辖权限组织编制本乡、镇河湖治理及保护管理规划，报区水行政主管部门批准。

第十二条 河湖治理及保护管理规划应当包括河湖现状分析，防洪标准及除涝、排水要求，河湖开发利用原则、水功能区划及水质保护目标，河湖治理及保护管理任务、措施和实施方案，限制或者禁止开发、利用的项目等内容。

第十三条 河湖治理及保护管理规划应当结合城乡发展的需要，坚持以人为本、人水和谐的理念，兴利与除害相结合，统筹协调上下游、左右岸、干支流和有关地区之间的利益，兼顾水资源保护、水生态恢复、水文化保护及合理利用，充分发挥河湖综合效益。

第十四条 河湖治理及保护管理规划应当符合北京城市总体规划和海河流域综合规划，并与国民经济和社会发展规划、土地利用总体规划及环境保护、水资源、防洪排水和水土保持等规划相协调。

有关部门编制各类专业规划涉及河湖的，应当征求水行政主管部门的意见。

第十五条 河湖治理及保护管理规划是河湖保护、开发、利用和管理的依据。编制区域发展规划、新城和重点发展区规划以及重大建设项目布局，应当符合全市河湖治理及保护管理规划和流域治理及保护管理规划。

经批准的河湖治理及保护管理规划应当向社会公开，严格执行；确需修改的，必须经原批准机关批准。

市和区人民政府应当对河湖治理及保护管理规划的实施情况进行检查。

任何单位和个人不得违反河湖治理及保护管理规划从事开发、利用活动。

第十六条 建设水工程，依照《中华人民共和国水法》及相关法律、法规的规定执行。

of rivers and lakes within its administrative area in accordance with the limits of authority, report the same to the district people's government for approval after being examined by the municipal water administration department, and submit the same to the municipal water administration department for the record.

The township or town people's government may, in accordance with the limits of authority, formulate the plan for the harnessing, protection and administration of rivers and lakes its administrative area, and report the same to the district water administration department for approval.

Article 12 The plan for the harnessing, protection and administration of rivers and lakes shall include such contents as status quo analysis of rivers and lakes; flood control standards and requirements for water log control and drainage; principles for development and utilization of rivers and lakes; water functional zoning and water quality protection targets; tasks, measures and implementation plans for the harnessing, protection and administration of rivers and lakes; and items restricted or prohibited in the development and utilization.

Article 13 The plan for the harnessing, protection and administration of rivers and lakes shall give consideration to the demands of urban and rural development; adhere to the concepts of people first as well as harmony between people and waters; combine promotion of benefits with elimination of disasters; make overall planning and coordinate the interests between upper streams and lower streams, between left bank and right bank, between mainstream and branches, and among the relevant areas; take into account the protection of water resources, the restoration of water ecology as well as the protection and rational utilization of water culture; and bring into full play the comprehensive benefits of rivers and lakes.

Article 14 The plan for the harnessing, protection and administration of rivers and lakes shall accord with the overall city plan of this Municipality and the comprehensive plan for the Haihe river basin, and shall coordinate with the plan for national economic and social development, the overall plan for land utilization, the plans for water resources, flood control and drainage and water and soil conservation, etc.

When formulating all kinds of specialized plans involves rivers and lakes, the opinions of the water administration department shall be solicited.

Article 15 The plan for the harnessing, protection and administration of rivers and lakes shall be the basis for the protection, development, utilization and administration of rivers and lakes. The formulation of regional development plan and the plan for new towns and key development areas as well as the layout of major construction projects shall accord with the plan for the harnessing, protection and administration of rivers and lakes in this Municipality and the plan for river basin harnessing, protection and administration .

The approved plan for the harnessing, protection and administration of rivers and lakes shall be made public and strictly implemented; where any modification is really needed, it shall be approved by the original approving authority.

The municipal, district people's governments shall inspect the implementation of the plan for the harnessing, protection and administration of rivers and lakes.

No unit or individual may engage in development and utilization activities in violation of the plan for the harnessing, protection and administration of rivers and lakes.

Article 16 The construction of water projects shall be carried out in accordance with the Water Law of the People's Republic of China and other relevant laws and regulations.

第三章 河湖工程保护与管理

第十七条 本市各级人民政府应当按照河湖治理及保护管理规划要求划定河湖管理范围和保护范围。

水库、塘坝、人工水道和其他水工程及附属的土地、山场属于该工程的管理范围。有堤防的河流（含湖泊），其管理范围为两岸堤防之间的水域、沙洲、滩地（含可耕地）、行洪区，岸边堤防及护堤地；无堤防的河流（含湖泊），其管理范围根据设计洪水位或者参照历史最高洪水位确定。

在河湖管理范围的周围，根据河湖重要程度、保护河湖功能的需要，确定河湖保护范围的具体边界。

第十八条 市和区管理河湖的管理范围、保护范围，由水行政主管部门按照管辖权限提出方案，征求相关部门意见后，报同级人民政府批准。

乡、镇管理河湖的管理范围、保护范围，由乡、镇人民政府提出具体方案，经所在区水行政主管部门审核，报区人民政府批准。

河湖的管理范围、保护范围划定后，应当向社会公告，并标图立界。

第十九条 在河湖管理范围内，禁止下列行为：

- （一）在河道、渠道、湖泊、水库和其他水工程管理范围内采砂；
- （二）建设妨碍行洪的建筑物、构筑物；
- （三）倾倒垃圾和渣土、堆放非防汛物资；
- （四）在行洪河道内种植有碍行洪的林木和高秆作物；
- （五）损毁堤防、护岸、闸坝等水工程建筑物、构筑物及防汛、水工水文监测和测量、河岸地质监测、通讯、照明、滨河道路以及其他附属设备与设施，损毁护堤护岸林木；
- （六）在堤防和护堤地，从事放牧、葬坟、晒粮、开渠、打井、挖窖、取土、存放物料、开办集市贸易、开采地下资源、进行考古发掘等活动；

Chapter III Protection and Administration of Rivers and Lakes Engineering

Article 17 The people's governments at various levels in this Municipality shall demarcate the scope for administration and protection of rivers and lakes in accordance with the requirements in the plan for the harnessing, protection and administration of rivers and lakes.

The reservoir, embankment, artificial watercourses or any other waterworks and the auxiliary land and mountainous areas are within the scope for administration of the waterworks. The scope for administration of rivers (including lakes) with dykes shall include the water area, shoal, floodland (including arable land) and flood diversion area between the dykes on both sides as well as the dykes and dyke-protection zones on the banks; the scope for administration of rivers (including lakes) without dykes shall be determined in accordance with the designed flood level or by referring to the highest flood level in the history.

The specific boundary of the scope for protection of a river or lake shall be demarcated around such scope on the basis of the importance of the river or lake and the demands for protecting its functions.

Article 18 The water administration departments shall, in accordance with the limits of authority, put forward proposals for demarcating the scope for administration and protection of rivers and lakes under the administration of this Municipality and its districts, and submit such proposals to the people's governments at the corresponding levels for approval after soliciting the opinions of relevant departments.

The township and town people's governments shall put forward proposals for demarcating the scope for administration and protection of rivers and lakes under the administration of townships and towns, and submit such proposals to the district people's governments for approval after such proposals are verified by the local district water administration departments.

The scope for administration and protection of rivers and lakes shall be made public after being demarcated, marks shall be made on the maps accordingly and the boundary markers shall be set up.

Article 19 Within the scope of river and lake management, the following acts are prohibited:

- (1) sand quarrying within the scope of management of river courses, channels, lakes, reservoirs and other water projects;
- (2) constructing buildings and structures that impede flood discharge;
- (3) dumping garbage and dregs and stacking non-flood control materials;
- (4) planting trees and high stalk crops that impede flood discharge in river courses for flood discharge;
- (5) destroying the buildings and structures of water projects such as embankments, revetments and dams, as well as the equipment and facilities for flood control, hydrological monitoring and measurement, geological monitoring of river banks, communications, lighting, and riverside roads and other ancillary equipment and facilities, and damaging the trees for embankments and revetments;
- (6) engaging in such activities as grazing, setting up graves, drying grain, digging channels, wells and pits, collecting soil, storing materials, opening markets for trading, exploiting underground resources, and carrying out archaeological excavations in

- (七) 围堤或者修建阻水渠道、阻水道路;
- (八) 非管理人员开启、关闭河湖工程设备与设施;
- (九) 行驶履带车辆、超过限载标准的车辆;
- (十) 其他影响河势稳定、危害水工程河岸堤防安全和妨碍河道行洪的行为。

第二十条 在河湖管理范围、保护范围内进行下列活动的, 必须报经有管辖权的水行政主管部门批准; 涉及其他部门的, 按照有关规定执行:

- (一) 填湖、填河造地、明河改暗河;
- (二) 围河、挖筑鱼塘、挖坑开槽、勘探, 或者设立线杆、线塔、无线通信塔、标识;
- (三) 设置固定停车场所;
- (四) 修路, 或者修建园林小品、管理房及其附属设施, 或者建设临时性建筑物、构筑物;
- (五) 爆破、打井、挖窖、挖取沙土、堆放物料;
- (六) 开采地下资源、进行考古发掘。

在堤防和护堤地以外的河道、湖泊和其他水工程管理范围内, 在不影响河势稳定或者防洪安全的情况下, 经过批准可以取土、开采地下资源、进行考古发掘等活动。永定河、潮白河、北运河等市管河道、湖泊和其他水工程由市水行政主管部门或者其授权的河道管理单位审批, 其他河道、湖泊和水工程由区水行政主管部门审批。

河道改线、开挖人工湖泊, 必须报经有管辖权的水行政主管部门批准。

第二十一条 在河湖上新建、扩建以及改建开发水利、防治水害、整治河湖的各类工程和河湖管理范围、保护范围内修建桥梁、道路、管道、缆线、闸房、码头、渡口、取水、排水等工程设施及其附属设施需要临河、跨河、穿堤、破堤、筑坝、围堰的, 建设单位应当向有管辖权的水行政主管部门提出申请, 报送工程建设方案。水行政主管部门应当在收到申请之日起 30 个工作日内作出同意或者不同意的决定, 不同意的应当说明理由。

经批准的建设项目开工前, 建设单位应当与河湖管理机构签订管理协议; 工程竣

embankments and revetments;

(7) enclosing dikes or building water-retarding channels or roads;

(8) opening or closing equipment and facilities of river and lake projects by non-management personnel;

(9) driving caterpillar vehicles or vehicles exceeding the load limit standard;

(10) other acts affecting the stability of the river regime, endangering the safety of river banks and embankments of water projects, and impeding the flood discharge of river courses.

Article 20 The following activities in the scope for administration and protection of rivers and lakes must be reported to the water administration department for approval; where other departments are involved, the relevant provisions shall apply:

(1) filling up lakes or rivers for land-reclamation or changing ground rivers into underground rivers;

(2) enclosing rivers, digging fish ponds, digging holes or troughs, prospecting or setting up wire poles or towers, or wireless communication towers or signs;

(3) building fixed parking lots;

(4) building roads; building small garden ornaments, managing rooms or their auxiliary facilities; or building temporary buildings or structures;

(5) demolition, digging wells or cellars, sand or land dredging, sand excavation, or piling up materials; and

(6) exploiting underground resources or conducting archaeological excavation.

Within the scope of management of river courses, lakes and other water projects other than embankments and revetments, and without affecting the stability of the river regime or the safety of flood control, it is allowed to collect soil, exploit underground resources, conduct archaeological excavations and carry out other activities upon approval. The Yongding River, Chaobai River, Beiyun River and other municipal river courses, lakes and other water projects shall be examined and approved by the municipal administrative department for water or its authorized river course administration unit, while other river courses, lakes and water projects shall be examined and approved by the district administrative departments for water.

The change of river course or the digging of artificial lakes must be reported to the water administration department for approval.

Article 21 Where the construction, expansion or alteration of all kinds of engineering projects on rivers and lakes for the development of water resources, prevention and control of water disasters and harnessing of rivers and lakes or the construction of such engineering facilities as bridges, roads, pipelines, cables, sluice rooms, docks, ferries and those for water supply and drainage as well as their auxiliary facilities need to be conducted near the rivers, go across the rivers or dykes, damage the dykes, build or coffer dams, the project owner shall make an application and submit the project construction plan to the water administration department. The water administration department shall make a decision on approval or disapproval within 30 working days after receiving the application, and shall give reasons in case of disapproval.

Before commencement of the construction of an approved project, the developer shall sign a management agreement with the river and lake administrative department; after completion of the project, it shall apply to the water administrative department for

工后，应当报水行政主管部门验收。验收不合格的，不得投入使用。

第二十二条 本市建立健全建设项目占用河湖工程设施和水域等补偿制度。

在河湖管理范围、保护范围内，经批准的建设项目占用水利设施和水域，或者对原有河湖工程设施和水域有不利影响的，建设主体应当采取相应的补救措施，依法承担经济补偿责任。补偿费用专项用于河湖保护工作。具体办法由市水行政主管部门会同发展改革、财政等有关部门制定。

第二十三条 河湖管理范围、保护范围内依法修建的非河湖工程建筑物及其他设施，其产权单位或者管理单位应当定期检查、维护，确保运行安全。

水行政主管部门应当加强日常监督检查，对不符合河湖保护管理标准规范的，责令及时改正。

第二十四条 水行政主管部门应当会同文物、规划自然资源等有关部门制定具有重要历史文化价值的河道、水域及桥、闸等水工建筑物、构筑物和遗址保护名录，明确保护范围和标准，建立相关档案；对河湖非物质文化遗产进行挖掘、整理，保护和弘扬河湖文化。

任何单位和个人不得毁坏、拆除列入保护名录中的水工建筑物、构筑物或者遗址。

第四章 河湖水环境保护与管理

第二十五条 本市各级人民政府应当按照河湖治理及保护管理规划开展河湖综合治理和水网建设，修复水体生态功能，提高水体自然净化能力，涵养和保护水资源。

第二十六条 市水行政主管部门会同有关部门按照河湖治理及保护管理规划确定本市重点河段和重点湖泊生态环境用水量，提出具体生态环境用水保障方案并组织实施。

河湖生态环境用水应当充分利用雨水和再生水。

acceptance. In the case that the project fails to be accepted, it shall not be put into use.

Article 22 This Municipality shall establish a sound compensation mechanism for the occupation of facilities and water areas of rivers and lakes engineering by construction projects.

Where any approved construction project occupies water conservancy facilities and water areas or adversely affects the original engineering facilities and water areas of rivers and lakes in the scope for administration and protection of rivers and lakes, the construction party shall take corresponding remedy measures and assume the liability for compensation in accordance with law. The compensation shall be exclusively used for the protection of rivers and lakes. The specific measures therefor shall be formulated by the municipal water administration department in conjunction with the departments for development and reform and finance, etc.

Article 23 As to the buildings and other facilities not for rivers and lakes engineering projects that are constructed in accordance with law in the scope for administration and protection of rivers and lakes, their property owners or managing units shall make regular inspection and maintenance, so as to ensure their safe operation.

The water administration departments shall strengthen the daily supervision and examination, and order timely correction of any incompliance with the standards and good practice for the protection and administration of rivers and lakes.

Article 24 The water administration department shall formulate a directory for protection of river courses, water areas as well as such hydraulic buildings and structures and relics as bridges and sluices with important historic and cultural value in conjunction with relevant departments for cultural heritage and departments for planning and natural resources, make clear the scope and standards for protection, and establish the relevant archives; and shall excavate and sort out the non-material cultural heritage of rivers and lakes so as to protect and carry forward the rivers and lakes culture.

No unit or individual may damage or dismantle the hydraulic buildings and structures and relics in the directory for protection.

Chapter IV Protection and Administration of the Water Environment of Rivers and Lakes

Article 25 The people's governments at various levels in this Municipality shall, in accordance with the plan for the harnessing, protection and administration of rivers and lakes, carry out the comprehensive harnessing of rivers and lakes and the construction of water network, so as to restore the ecological functions of the waters, improve the natural purification capacity of the waters, and reserve and protect water resources.

Article 26 The municipal water administration department shall, in conjunction with the relevant departments, decide on the amount of the water to be used for protecting the eco-environment of key river sections and lakes in this Municipality in accordance with the plan for the harnessing, protection and administration of rivers and lakes, and put forward the specific water supply plan for eco-environment protection and organize the implementation thereof.

Rainwater and recycled water shall be fully utilized to protect the eco-environment of rivers and lakes.

第二十七条 向河湖排水的，入河水体水质应当达到规定的排放标准，并实行雨水、污水分流。

任何单位或者个人不得直接或者间接向河湖排放未经处理或者经处理未达到规定标准的污水，不得向路边雨水口、雨水管线及其附属设施排放或者倾倒污水、污物和其他有毒、有害物质。

第二十八条 需要在河湖管理范围内新建、改建或者扩大排水口的，应当经有管辖权的水行政主管部门审查批准。

排水管网覆盖范围地区，不得设置排污口。

第二十九条 本市建立河湖断面考核制度，严格落实流域统一管理下的河湖保护属地管理责任。

水行政主管部门和生态环境部门应当运用信息化手段对河湖水质实施动态监测，定期公布水质监测结果。

第三十条 市和区水行政主管部门应当会同生态环境部门按照保护饮用水源安全和人身安全的要求，依法划定并公布禁止游泳、滑冰等水上活动的水域，设置警示标志；在未禁止游泳、滑冰等水上活动的水域，活动人员或组织者应当采取安全防护措施。

新、改、扩建河湖工程时，河湖管理机构应当在陡岸、直墙等危险地段设置必要的安全防护设施。

第三十一条 利用河湖开办旅游项目或者从事其他利用活动的，应当符合水功能区划要求，保证河湖工程、行洪、河湖生态环境、水体、水质的安全，不得使用以柴油、汽油为动力的游船。

利用河湖进行开发利用活动，法律、行政法规设立了行政许可的，必须报有管辖权的水行政主管部门批准；涉及其他部门的，按照有关规定执行。

第三十二条 在河湖管理范围、保护范围内从事种植业的，区、乡镇人民政府应当推广测土配方施肥、精准施药、病虫害生物防治等农业生产技术，减少农药、化肥使用量，发展绿色生态农业，有效控制农业面源污染。

在河流两岸和湖泊、水库、塘坝周边从事规模畜禽养殖的，应当符合全市畜牧业

Article 27 Where water is discharged into a river or lake, the quality of the water discharged shall reach the stipulated discharge standards, with rainwater and sewage flowing separately.

No unit or individual may directly or indirectly discharge into rivers or lakes untreated sewage or treated sewage not reaching the stipulated standards, nor discharge or dump sewage, pollutants or other noxious or hazardous substances into roadside rainwater outlets, rain pipelines or the auxiliary facilities thereof.

Article 28 Where any sewage outlet needs to be constructed, altered or expanded in the scope for administration of rivers and lakes, the matter shall be examined and approved by the water administration department.

No sewage outlet shall be constructed in the areas within the coverage of drainage pipelines.

Article 29 This Municipality shall establish an appraisal system for the cross-sections of rivers and lakes, and strictly implement the localized management responsibility for the protection of rivers and lakes under the uniform administration of river basins.

The water administration department and the administrative department for environmental protection shall carry out dynamic monitoring on the water quality of rivers and lakes by means of information technology, and regularly publish the water quality monitoring results.

Article 30 The municipal, district water administration departments shall, in conjunction with the administrative departments for environmental protection and in accordance with the requirements for protecting the safety of drinking water sources and the personal safety, designate and make public the water areas where such water activities as swimming and skating are prohibited in accordance with law and set up warning signs; the participants and organizers of such waterborne activities as swimming and skating in the water areas where such activities are not prohibited shall take safety protection measures.

Where any river or lake engineering is to be constructed, altered or expanded, the river and lake management institution shall adopt necessary safety protection measures in such dangerous sectors as steep banks and vertical walls.

Article 31 Where rivers and lakes are used for tourism or other activities, the requirements on water function zones shall be satisfied; the safety of rivers and lakes engineering, flood diversion, rivers and lakes ecological environment, waters and water quality shall be ensured; and pleasure boats powered by diesel oil or gasoline shall not be used.

If an administrative license has been established by laws and administrative regulations, the exploitation and utilization of rivers and lakes must be reported to the competent administrative department for water for approval; if other departments are involved, the relevant provisions shall be followed.

Article 32 Where plantation is carried out in the scope for administration and protection of rivers and lakes, the district, township and town people's governments shall spread the use of such agricultural production technologies as testing soil for formulated fertilization, precision fertilization, biological prevention and control of plant diseases and insect pests, reduce the usage of pesticides and fertilizers, develop green and ecological agriculture, and effectively control the pollution by agriculture.

Where scaled livestock breeding is carried out on river banks or around lakes, reservoirs

发展规划，并对畜禽粪便、废物进行无害化处理，实行污水达标排放，保证水源质量。

区、乡镇人民政府应当加强对河湖流域水产养殖的管理，合理确定水产养殖规模和布局，推广循环水养殖、不投饵养殖等生态养殖技术，限制围网养殖，减少水产养殖污染。

第三十三条 河湖管理范围、保护范围内的环境卫生管理，按照本市环境卫生责任制执行。

各责任单位应当落实河湖环境卫生责任，城市管理部门负责监督管理。

第三十四条 河湖管理范围和保护范围内在确保防洪安全的前提下，应当进行绿化，建设滨河绿化带、绿色步道和亲水健身休闲设施。

河湖沿岸的绿化、岸坡及河底防护应当按照河湖功能、生态和环保景观要求及绿化技术标准，进行统一规划、设计。

河湖管理范围的绿化及其管理维护由河湖管理机构负责；河湖保护范围的绿化及其管理维护分别由园林绿化、公路、水行政主管部门负责；林木的抚育、更新和维护依照有关法律、法规的规定执行。

第三十五条 河湖管理机构应当依法制定河湖突发事件应急预案，并定期演练。

河湖发生突发事件时，河湖管理机构应当启动应急预案，迅速到达事故现场进行处置，采取有效措施，防止损失扩大；可能影响公共安全的，应当及时告知受影响的单位和公众，同时向水行政主管部门报告。

第三十六条 水行政主管部门和流域管理机构应当建立和完善河湖违法行为举报制度，向社会公布受理举报的途径和方式，并为举报人保密。

水行政主管部门和流域管理机构收到举报应当登记、及时核实处理，并定期公布处理结果。

or embankments, it shall comply with the development plan of this Municipality for animal husbandry, the hazard-free treatment shall be carried out to excrements of livestock and waste, and the discharged sewage shall reach the stipulated standards, so as to ensure the quality of water sources.

The district, county, township and town people's governments shall strengthen the administration of aquaculture in rivers and lakes basins, rationally decide the scale and layout of aquaculture, spread the use of such ecological technologies as recirculating aquaculture and no-feeding aquaculture, restrict the enclosure aquaculture, and reduce the pollution of aquaculture.

Article 33 The environmental sanitation responsibility system of this Municipality shall apply to the environmental sanitation administration in the scope for administration and protection of rivers and lakes.

All responsible units shall perform their responsibility for preserve the environmental sanitation of rivers and lakes, and the administrative department for municipal administration and city appearance shall be responsible for supervision and administration.

Article 34 Under the premise of ensuring flood control and safety, afforestation shall be carried out in the scope for administration and protection of rivers and lakes, and river-side greenbelts, green walks, water-side fitness and leisure facilities shall be constructed.

Uniform planning and design shall be carried out for the afforestation of rivers and lakes banks and the protection of bank slopes and riverbeds in accordance with the functions of rivers and lakes, the requirements on ecological and environmental landscapes as well as the technological standards of afforestation.

The river and lake management institution shall be responsible for the afforestation and relevant management and maintenance in the scope for administration of rivers and lakes; the administrative departments for gardening, roads and water shall be respectively responsible for the afforestation and relevant management and maintenance in the scope for protection of rivers and lakes; the provisions of relevant laws and regulations shall apply to the tending, replacement and maintenance of woods.

Article 35 The river and lake management institution shall formulate the preparedness plans for emergencies related to rivers and lakes in accordance with law, and shall organize drills on a regular basis.

Upon occurrence of an emergency related to rivers and lakes, the river and lake management institution shall activate the corresponding preparedness plan, arrive at the accident site immediately for disposal, and take effective measures to prevent the expansion of loss; where public security is likely to be affected, the said institution shall, in a timely manner, notify the units that are likely to be affected and the public, and report the matter to the water administration departments.

Article 36 The water administration department and the river basin administration agency shall establish and improve the system for reporting illegal activities related to rivers and lakes, make public the channels and manners for accepting reports, and keep the reporting persons confidential.

Upon receipt of a report, the water administration department or the river basin administration agency shall keep records thereon and take confirmation and disposal measures in a timely manner, and shall regularly announce the results of disposal.

第五章 法律责任

第三十七条 违反本条例第二十七条、第三十条规定的，依照水、防洪、水污染防治、水土保持等法律、法规的有关规定进行处罚。

第三十八条 违反本条例第十九条规定，由水行政主管部门责令停止违法行为，排除阻碍或者采取其他补救措施，有第（一）项规定行为的，处1万元以上5万元以下罚款；有其他项规定行为的，可以处5万元以下罚款，有违法所得的，没收违法所得。

第三十九条 违反本条例第二十条规定，未经水行政主管部门批准，擅自在河湖管理范围、保护范围内从事以下活动的，由水行政主管部门按照管辖权限责令停止违法行为，限期补办行政许可手续，并按以下规定予以处罚；逾期未能取得行政许可手续的，责令限期恢复原状，赔偿损失或者采取补救措施。逾期不恢复原状的，按程序依法强制清除，所需费用由当事人承担：

（一）围河、挖筑鱼塘、挖坑开槽、勘探或者设立线杆、线塔、无线通信塔、标识，或者建设临时性建筑物、构筑物的，处1万元以上5万元以下的罚款；

（二）设置固定停车场所的，处5万元以下的罚款；

（三）修路，或者修建园林小品、管理房及其附属设施的，处1万元以上10万元以下的罚款；

（四）取土、开采地下资源、进行考古发掘的，可以处1万元以上5万元以下的罚款；

（五）河道改线、开挖人工湖泊的，处1万元以上5万元以下的罚款；

（六）爆破、打井、挖窖、挖取沙土、堆放物料的，依照水、防洪、水污染防治、水土保持等法律、法规的有关规定进行处罚。

第四十条 违反本条例第二十一条规定，建设单位的工程建设方案未经水行政主管部门同意擅自开工的，由水行政主管部门责令停止违法行为，限期补办有关手续；逾期不补办或者补办未被批准的，责令限期拆除违法建筑物、构筑物，恢复原状；逾

Chapter V Legal Liability

Article 37 Whoever violates the provisions of Articles 27 and 30 of the Regulations shall be punished in accordance with the relevant provisions of laws and regulations on water, flood control, water pollution prevention and control, water and soil conservation, etc.

Article 38 Whoever violates the provisions of Article 19 of the Regulations shall be ordered by the administrative departments for water to stop the illegal act, remove obstacles or take other remedial measures. If there is any act specified in Item (1), a fine of not less than 10,000 yuan but not more than 50,000 yuan shall be imposed; if there is any act specified in other items, a fine of not more than 50,000 yuan may be imposed. If there is any illegal gain, such illegal gain shall be confiscated.

Article 39 Where any unit or individual, in violation of the provisions of Article 20 of these Regulations, conducts the following activities in the scope for administration or protection of rivers and lakes without the approval of the water administration department, the water administration department shall, in accordance with the limits of authority, order it or him to stop the illegal activities and supplement the administrative licensing formalities within a specified time limit, and punish it or him in accordance with the following provisions; if it or he fails to obtain the administrative licensing within the specified time limit, it or he shall be ordered to restore the original conditions within a prescribed time limit, compensate the losses or take remedy measures; if it or he fails to restore the original conditions within the specified time limit, forced removal shall be carried out in accordance with the relevant procedures, and the expenses thus incurred shall be borne by the parties concerned.

(1) Whoever encloses a river, digs a fish pond, digs a pit or a trench, explores or establishes a pole, a wire tower, a wireless communication tower or a sign, or constructs a temporary building or structure shall be fined not less than 10,000 yuan but not more than 50,000 yuan;

(2) a fine of not more than 50,000 yuan shall be imposed for setting up fixed parking lots;

(3) a fine of not less than 10,000 yuan but not more than 100,000 yuan shall be imposed for building roads or building small garden ornaments, managing rooms and their auxiliary facilities;

(4) Whoever collects soil, exploits underground resources or carries out archaeological excavations may be fined not less than 10,000 yuan but not more than 50,000 yuan;

(5) a fine of not less than 10,000 yuan but not more than 50,000 yuan shall be imposed for changing watercourses or digging artificial lakes; or

(6) Whoever uses explosives, digs wells and pits, collects soil or piles up materials shall be punished in accordance with the relevant provisions of laws and regulations on water, flood control, water pollution prevention and control, soil and water conservation, etc.

Article 40 In the event that, in violation of provisions of Article 21 of this regulation, a developer commences construction of a project without consent of the water administrative department with respect to its construction engineering plan, the developer shall be demanded by the water administrative department to discontinue its illegal acts and undergo relevant approval procedures within a stipulated time limit; if the developer

期不拆除、不恢复原状的，强制拆除，所需费用由违法单位或者个人负担，并处1万元以上10万元以下的罚款。

建设单位未按照经批准的工程建设方案修建工程设施，影响河势稳定、危害河岸堤防安全和其他妨碍河道行洪，但尚可采取补救措施的，责令限期采取补救措施；逾期不采取补救措施或者未达到要求的，由水行政主管部门责令停止违法行为，限期拆除违法建筑物、构筑物，恢复原状；逾期不拆除、不恢复原状的，强制拆除，所需费用由违法单位或者个人负担，并处1万元以上10万元以下的罚款。

第四十一条 违反本条例第二十三条规定，非河湖工程及相关设施不符合河湖保护管理标准规范，且产权单位或者管理单位未按规定及时改正的，由水行政主管部门按照管辖权限责令限期改正或者采取补救措施，可以处1万元以上10万元以下的罚款。

第四十二条 违反本条例第二十四条规定，毁坏或者拆除保护名录中的河道、水域和水工建筑物、构筑物、遗址的，由水行政主管部门按照管辖权限责令其停止违法行为，限期恢复原状，处10万元以上50万元以下的罚款。

第四十三条 违反本条例第二十八条第一款规定，未经水行政主管部门批准，擅自在河湖管理范围内新建、改建或者扩大排水口的，由水行政主管部门按照管辖权限责令停止违法行为，限期恢复原状，处5万元以上10万元以下的罚款。

第四十四条 违反本条例第三十一条第一款规定，开展水上旅游项目或者其他利用活动时使用以柴油、汽油为动力的游船的，由水行政主管部门按照管辖权限责令停止违法行为，限期改正，处8000元以上8万元以下的罚款；造成损失的，依法赔偿损失或者采取补救措施。

违反本条例第三十一条第二款规定，未经批准擅自进行开发利用活动的，由水行政主管部门按照管辖权限责令停止违法行为，限期改正，处2万元以上10万元以下的罚款。

第四十五条 水行政主管部门的执法人员在依法行使监督检查职责时，发现被检

fails to do so within the time frame or does so but is denied approval, it shall be ordered to dismantle the illegal structure or architecture and restore the construction site within a prescribed time limit; and if the developer still fails to do so, the structure or architecture shall be dismantled by force at the expense of the violating organization or individual and a fine of more than 10,000 yuan but less than 100,000 yuan will be concurrently imposed on the same entity.

Where a project owner fails to construct engineering facilities in accordance with the approved engineering construction plan, thus affecting the river regime, endangering the safety of banks and dykes or otherwise hindering the flood diversion in watercourses, it shall be ordered to take remedy measures within a specified time limit where such remedy measures are still possible; if it fails to take remedy measures or the relevant requirements are not satisfied, the water administration department shall order it to stop the illegal activities and dismantle the illegal buildings or structures and restore the original conditions within a specified time limit; if it fails to dismantle and restore within the specified time limit, forced dismantlement shall be carried out and the expenses thus incurred shall be borne by the law-breaking units or individuals, and a fine of not less than 10,000 yuan but not more than 100,000 yuan shall be imposed.

Article 41 Where, in violation of the provisions of Article 23 of these Regulations, any project other than rivers and lakes engineering and its relevant facilities is in compliance with the standards and good practice for the protection and administration of rivers and lakes and the property owner or managing unit fails to make timely corrections as stipulated, the water administration department shall, in accordance with the limits of authority, order such unit to make corrections or take remedy measures within a specified time limit, and may impose on it a fine of not less than 10,000 yuan but not more than 100,000 yuan.

Article 42 Where any unit or individual, in violation of the provisions of Article 24 of these Regulations, damages or dismantles the river courses, water areas, hydraulic buildings and structures or relics in the directory for protection, the water administration department shall, in accordance with the limits of authority, order it or him to stop illegal activities and restore the original conditions within a specified time limit, and impose on it or him a fine of not less than 100,000 yuan but not more than 500,000 yuan.

Article 43 Where any unit or individual, in violation of the provisions of the first paragraph of Article 28 of these Regulations, constructs, alters or expands sewage outlets in the scope for administration of rivers and lakes without the approval of the water administration department, the water administration department shall, in accordance with limits of authority, order it or him to stop illegal activities and restore the original conditions within a specified time limit, and impose on it or him a fine of not less than 50,000 yuan but not more than 100,000 yuan.

Article 44 Whoever, in violation of the provisions of Paragraph 1 of Article 31 of the Regulations, uses cruise ships powered by diesel or gasoline in carrying out water tourism projects or other utilization activities shall be ordered by the administrative departments for water, within their powers, to stop the illegal act and make corrections within a time limit and be fined not less than 8,000 yuan but not more than 80,000 yuan; in case of any loss, he or she shall compensate for the loss or take remedial measures according to law.

Whoever, in violation of the provisions of Paragraph 2 of Article 31 of the Regulations, conducts development and utilization activities without approval shall be ordered by the administrative departments for water, within their powers, to stop the illegal act and make corrections within a time limit and be fined not less than 20,000 yuan but not more than 100,000 yuan.

Article 45 Where any law-enforcement official of the water administration department, when performing his duties of supervision and inspection in accordance with

查单位或者个人有违反本条例第十九条、第二十条、第二十一条、第二十四条、第二十八条规定违法情形且拒不停止违法行为的，经水行政主管部门批准，可以查封、扣押实施违法行为的工具及机械设备等。

第四十六条 水行政主管部门和其他有关部门不履行河湖保护管理职责，造成严重后果的，由同级人民政府追究该行政主管部门主要负责人的行政责任。

在河湖保护管理工作中，公务人员滥用职权、徇私舞弊、玩忽职守的，由其所在单位或者上级主管部门给予行政处分；构成犯罪的，依法追究刑事责任。

第六章 附 则

第四十七条 本条例自2012年10月1日起施行。1999年6月24日北京市第十一届人民代表大会常务委员会第十一次会议通过的《北京市城市河湖保护管理条例》同时废止。

law, discovers that the unit or individual under inspection violates the provisions of Article 19, 20, 21, 24 or 28 of these Regulations and refuses to stop the illegal activities, the tools, machinery and equipment used for the illegal activities may be sealed or impounded upon the approval of the water administration department.

Article 46 Where the water administration department or any other relevant department fails to perform its duties in the protection and administration of rivers and lakes and serious consequences are thus caused, the head of the said department shall be investigated for administrative accountability by the people's government at the corresponding level.

Where any government functionary abuses his power, commits illegalities for personal gains or neglects his duties in the protection and administration of rivers and lakes, he shall be given an administrative sanction by his unit or the competent department at the higher level; where a crime is constituted, he shall be investigated for criminal liability in accordance with law.

Chapter VI Supplementary Provision

Article 47 These Regulations shall be effective as of October 1, 2012. The Regulations of Beijing Municipality on the Protection and Administration of Urban Rivers and Lakes adopted at the 11th Session of the Standing Committee of the Eleventh People's Congress of Beijing Municipality on June 24, 1999 shall be repealed simultaneously.

北京市水土保持条例

(2015年5月29日北京市第十四届人民代表大会常务委员会第十九次会议通过 根据2019年7月26日北京市第十五届人民代表大会常务委员会第十四次会议通过的《关于修改〈北京市河湖保护管理条例〉〈北京市农业机械化促进条例〉等十一部地方性法规的决定》修正)

第一条 为了预防和治理水土流失，严格保护和合理利用水土资源，改善首都生态环境，建设和谐宜居城市，根据《中华人民共和国水土保持法》，结合本市实际情况，制定本条例。

第二条 本条例适用于本市行政区域内的水土保持活动。

第三条 水土保持工作坚持预防为主、保护优先、全面规划、综合治理、公众参与、损害担责的原则，采取经济、技术、管理等政策和措施，保障首都生态安全。

第四条 市和区人民政府加强对水土保持工作的统一领导，完善水土保持管理体制，实行严格的水土资源保护制度，将水土保持工作纳入本级国民经济和社会发展规划及年度计划，组织实施水土保持规划确定的任务。

本市实行水土保持目标责任制和考核奖惩制度。市和区人民政府将水土保持任务完成情况纳入考核内容，考核结果作为考核奖惩的重要依据。

乡、镇人民政府和街道办事处应当协助水行政部门做好本地区水土保持工作。

第五条 市水行政部门负责全市水土保持工作。区水行政部门按照管理权限负责本行政区域内的水土保持工作。

Regulations of Beijing Municipality on Water and Soil Conservation

(Adopted at the 19th Meeting of the Standing Committee of the Fourteenth Beijing Municipal People's Congress on May 29, 2015; amended by the Decision on Revising the Regulations of Beijing Municipality on the Protection and Administration of Rivers and Lakes, the Regulations of Beijing Municipality on the Promotion of Agricultural Mechanization and Other Nine Local Regulations adopted at the 14th Meeting of the Standing Committee of the 15th Beijing Municipal People's Congress on July 26, 2019)

Article 1 These Regulations are formulated for the purposes of preventing and controlling soil erosion, strictly protecting and reasonably utilizing water and soil resources, improving the ecological environment of the capital as well as building a harmonious and livable city in accordance with the Law of the People's Republic of China on Water and Soil Conservation, and in light of the actual circumstances of this Municipality.

Article 2 These Regulations shall apply to water and soil conservation activities within the administrative area of this Municipality.

Article 3 The work of water and soil conservation shall adhere to the principles of prevention first, protection foremost, overall planning, comprehensive rehabilitation, public participation and accountability for damage, as well as shall adopt economic, technological and management policies and measures, so as to ensure the ecological safety of the capital.

Article 4 The people's governments at the municipal and the district level shall strengthen the unified leadership of water and soil conservation, improve the management system of water and soil conservation, implement strict systems for the protection of water and soil resources, incorporate the work of water and soil conservation into the national economic and social development plans and annual plans at the corresponding levels, and organize the implementation of tasks determined by the water and soil conservation planning.

This Municipality adopts the target-oriented responsibility system as well as the system of assessment, reward and punishment for water and soil conservation. The people's governments at the municipal and the district level shall take the completion of water and soil conservation tasks as a content of the assessment, and the assessment result shall act as an important basis for reward and punishment.

The people's governments at the township or town level and sub-district offices shall assist administrative department for water affairs in bringing success to water and soil conservation within their respective administrative areas.

Article 5 The municipal administrative department for water affairs shall be in charge of the work of water and soil conservation in this Municipality. District administrative departments for water affairs shall be in charge of the work of water and soil conservation

发展改革、规划自然资源、农业农村、园林绿化、城市管理、生态环境、住房城乡建设、市场监督管理和财政等有关部门，按照各自职责做好有关的水土流失预防和治理工作。

第六条 企业、事业单位和其他生产经营者应当防止和减少水土流失，对造成的水土流失结果依法承担责任。

任何单位和个人应当依法履行保护水土资源、预防和治理水土流失的义务，有权向水行政部门举报破坏水土资源、造成水土流失的行为。对举报并查证属实、为查处水土保持重大违法案件提供关键线索或者证据的，由水行政部门予以奖励。

第七条 本市各级人民政府应当组织开展保护水土资源、预防和治理水土流失的宣传教育活动，普及相关科学知识，提高公民的水土保持意识。

学校应当将水土保持知识纳入教育内容，增强学生的水土保持意识。

新闻媒体应当加强水土保持法律、法规的宣传，普及水土保持知识；对违反水土保持法律、法规的行为进行监督；市属新闻媒体应当刊播水土保持公益宣传内容。

第八条 市人民政府建立健全与相关省市的水土保持工作协作机制，推进水土保持规划、水土保持政策措施和技术标准、重点工程、监督防控的协调一致，逐步实现防治进展和监测信息共享，共同预防和治理水土流失。

第九条 市水行政部门会同有关部门制定生产建设项目水土流失预防和治理、生态清洁小流域建设和水土保持监测等水土保持技术标准。

第十条 市水行政部门应当每五年组织全市水土流失调查并公告调查结果；因重大自然灾害造成严重水土流失的，应当及时开展相关区域的水土流失调查。

市水行政部门会同有关部门根据水土流失调查结果，编制全市水土保持规划；区水行政部门会同有关部门根据全市水土保持规划，编制本行政区域水土保持规划。水土保持规划报经本级人民政府批准后向社会公布，并由水行政部门组织实施。

within their respective administrative areas according to their administration authority.

Relevant departments for development and reform, departments for planning and natural resources, departments for agriculture and rural areas, departments for landscaping, departments for city management, departments for ecological environment, departments for housing and urban-rural development, departments for market supervision and administration and departments for finance shall bring success to the prevention and control of soil erosion according to their respective duties.

Article 6 Enterprises, public institutions and other persons engaged in production and business operation shall prevent and reduce soil erosion, and shoulder the responsibility for soil erosion caused by them in accordance with law.

Any unit or individual shall perform the obligation of protecting water and soil resources as well as preventing and controlling soil erosion in accordance with law, and shall be entitled to report activities damaging water and soil resources or causing soil erosion to the administrative department for water affairs. Administrative departments for water affairs shall reward the units or individuals whose reports are verified through investigation and provide key clues or evidences for the investigation of major cases involving illegal acts related to water and soil conservation.

Article 7 The people's governments at various levels in this Municipality shall organize and implement publicity and education activities related to the protection of water and soil resources as well as the prevention and control of soil erosion, and popularize the relevant scientific knowledge, so as to enhance the citizens' consciousness of water and soil conservation.

Schools shall include the knowledge about water and soil conservation in the education content, so as to enhance the students' consciousness of water and soil conservation.

News media shall strengthen the publicity of laws and regulations on water and soil conservation, popularize the knowledge about water and soil conservation; supervise the acts in violation of laws and regulations on water and soil conservation; news media subordinate to this Municipality shall publish or broadcast public welfare publicity contents related to water and soil conservation.

Article 8 The Municipal People's Government shall establish a sound coordination mechanism with relevant provinces and cities for the work of water and soil conservation, promote the consistence of planning, policies, measures, technical standards, key projects related to water and soil conservation as well as relevant supervision, prevention and control work, gradually realize the sharing of information about the prevention and control progress and monitoring, so as to jointly prevent and control soil erosion.

Article 9 The municipal administrative department for water shall, together with relevant departments, formulate technical standards for water and soil conservation, such as prevention and control of water and soil loss in production and construction projects, construction of ecological and clean small watersheds and monitoring of water and soil conservation.

Article 10 The municipal administrative department for water affairs shall organize the survey of soil erosion in this Municipality and announce the survey results every five years; and shall timely carry out the survey of soil erosion in relevant regions if serious soil erosion is caused by a major natural disaster.

The municipal administrative department for water affairs shall, together with relevant departments and according to the survey results of soil erosion, formulate the water and soil conservation planning of this Municipality; the district administrative department for water affairs shall, together with relevant departments and in accordance with the water and soil conservation planning of this Municipality, formulate the water and soil conservation planning of its respective administrative area. The water and soil conservation planning shall be promulgated to the public after being approved by the people's government at

水土保持规划应当划定水土保持功能区，确定水土资源保护目标和措施布局、水土保持控制性和约束性指标，明确水土保持监督管理、监测和生态清洁小流域建设目标及任务。

第十一条 城乡规划、土地利用总体规划、主体功能区规划、水资源规划和环境保护规划等综合性规划，组织编制部门在编制规划时，应当对水土流失的预防和治理进行专项论证。

有关基础设施建设、矿产资源开发、城镇建设、公共服务设施建设、旅游开发建设等方面的规划，组织编制部门应当在规划中编制水土保持篇章，根据国家和本市水土保持技术标准和用地竖向控制的要求，提出预防和治理水土流失的对策和措施，并在规划报请审批时附具水行政部门的意见。

第十二条 市和区人民政府应当根据水土流失防治需要，将河湖、湿地、生态公益林、绿化隔离带、公共绿地、郊野公园、滨河森林公园、绿道和崩塌滑坡危险区、泥石流易发区、蓄滞洪区等区域纳入城乡规划确定的禁止建设地区、限制建设地区进行管理，并将具体范围向社会公告。

第十三条 禁止在二十五度以上陡坡地开垦、放牧和种植农作物。

在二十五度以上陡坡地种植经济林的，应当科学选择树种，合理确定规模，采取林下植被保护、修建梯田和树盘、蓄水保墒、节水灌溉、控制化肥和农药施用等水土保持措施，防止造成水土流失。

在五度以上二十五度以下坡地种植农作物的，应当采取免耕、等高耕作、轮耕轮作、控制化肥和农药施用等水土保持措施，防止造成水土流失。

对在二十五度以上陡坡地种植经济林和在五度以上二十五度以下坡地种植农作物的，区人民政府应当采取措施鼓励退出种植，对坡地实施生态修复，并对退出种植的主体给予补助。具体范围由区人民政府划定并公告。

第十四条 市和区人民政府应当以小流域为单元，以控制土壤侵蚀、保护水源、

the corresponding level, and shall be organized for implementation by the administrative department for water affairs.

The water and soil conservation planning shall delimit functional areas for water and soil conservation, determine the purpose and the arrangement of measures for the protection of water and soil resources as well as the controlling and binding indexes for water and soil conservation, and clarify purposes and tasks for the supervision, administration and monitoring of water and soil conservation as well as the construction of ecological and clean small watersheds.

Article 11 When formulating a comprehensive planning such as the urban-rural planning, the overall planning of land utilization, the planning of main functional areas, the planning of water resources and the planning of environmental protection, the organizing department shall carry out the special argumentation on the prevention and control of soil erosion.

When formulating a planning related to such aspects as infrastructure construction, development of mineral resources, urban construction, construction of public service facilities and tourism development, the organizing department shall include a chapter on water and soil conservation in such planning, shall propose counter plans and measures for the prevention and control of soil erosion in accordance with the technical standards on water and soil conservation and the requirements on vertical control of land use of the State and this Municipality, and shall attach the opinions of the administrative department for water affairs when submitting such planning for examination and approval.

Article 12 The people's governments at the municipal and the district level shall, according to the need for the prevention and control of soil erosion, incorporate such areas as rivers, lakes, wetlands, ecological forests, green belts, public green spaces, suburb parks, riverside forest parks, greenways, hazardous areas of landslide, susceptible areas of debris flow and flood storage areas into the administration of areas where construction is prohibited or restricted as determined in the urban-rural planning, and shall make public announcement on the specific scopes of such areas.

Article 13 It is prohibited to plant crops on hillsides with a slope of over 25 degrees.

Where economic forests are planted on hillsides with a slope of over 25 degrees, the varieties of trees shall be chosen in a scientific manner, the scale of plantation shall be reasonably determined, and measures for water and soil conservation such as undergrowth vegetation protection, building terraced fields and mulches around trees, water retention, water-saving irrigation as well as controlled use of chemical fertilizers and pesticides shall be adopted, so as to prevent soil erosion.

Where crops are planted on hillsides with a slope of over 5 degrees but below 25 degrees, measures for water and soil conservation such as zero tillage, contour ploughing, rotation tillage as well as controlled use of chemical fertilizers and pesticides shall be adopted, so as to prevent soil erosion.

Where economic forests are planted on hillsides with a slope of over 25 degrees or crops are planted on hillsides with a slope of over 5 degrees but below 25 degrees, the people's government at the district or county level shall take measures to encourage the stop of plantation, carry out the ecological restoration of hillsides, and give allowances to those who stop the plantation. The specific scope shall be delimited and announced by the people's government at the district or county level.

Article 14 The people's governments at the municipal and the district level shall take a small watershed as a unit and carry out the comprehensive governance of hills, waters,

预防和治理水土流失为重点，按照生态清洁小流域建设标准，综合治理山、水、林、田、路，使流域范围内水土资源得到有效保护和合理利用，沟道基本保持自然生态状态。

市和区人民政府应当制定生态清洁小流域建设中长期规划，建立健全有关部门和属地政府参与的统筹协调机制，整合河湖水系治理、湿地建设、园林绿化、市政基础设施建设、农业面源污染防治、沟域经济发展等方面的政策和措施，推进生态清洁小流域建设，并将建设和管护费用纳入财政预算。

第十五条 山区生态清洁小流域建设应当明确实施生态修复、生态治理和生态保护的範圍，采取植物措施、工程措施和保护性耕作等措施，对污水、垃圾、厕所、沟道和面源污染进行同步治理。

平原生态清洁小流域建设应当以调控地表径流、涵养地下水为重点，采取集蓄利用、径流排导、水系沟通等措施，控制泥沙和面源污染物进入河道和管网。

水行政部门应当统筹本行政区域内生态清洁小流域建设，并会同有关部门因地制宜制定生态清洁小流域建设方案。

第十六条 编制生态清洁小流域建设方案应当听取流域所在地相关单位和个人的意见，并根据意见对方案进行修改。生态清洁小流域建设方案确定后应当予以公布。

流域所在地单位和个人应当为生态清洁小流域建设提供便利。

第十七条 在集体土地上建设生态清洁小流域的，应当与村民委员会和农村村民协商一致；村民委员会和农村村民可以按照规定承接工程建设和水土保持设施管护工作。

村民委员会和农村村民应当做好生态清洁小流域建设和管护工作。

第十八条 生态清洁小流域建设项目竣工后，项目建设单位应当及时组织验收。经验收合格的，项目建设单位应当列明生态清洁小流域工程和设施清单，并与管护主体签订管护协议，明确管护的权利和义务。项目建设单位应当将清单和管护协议报市水行政部门备案。具体办法由市水行政部门制定。

forests, fields and roads in it according to the standards for building ecological and clean small watersheds with the prevention of soil denudation, the protection of water sources as well as the prevention and control of soil erosion as emphases, so as to ensure that water and soil resources are effectively protected and reasonably utilized and that gullies generally maintain their natural ecological conditions within the scope of the watershed.

The people's governments at the municipal and the district level shall formulate the medium and long-term planning for the construction of ecological and clean small watersheds, establish a sound mechanism of overall planning and coordination participated by relevant departments and local governments, integrate policies and measures for such aspects as governance of river and lake water systems, construction of wetlands, landscaping, construction of municipal infrastructure, prevention and control of non-point source pollution in agriculture as well as development of valley economy, promote the construction of ecological and clean small watersheds, and include the construction and maintenance expenses in the fiscal budget.

Article 15 For the construction of ecological and clean small watersheds in mountainous areas, the scope for the implementation of ecological restoration, ecological management and ecological protection shall be specified, measures related to plants; engineering and protective farming shall be taken; and the synchronized governance of sewage, garbage, toilets, gullies and non-point source pollutions shall be carried out.

For the construction of ecological and clean small watersheds in plains, the emphasis shall be put on the regulation of surface runoffs and the conservation of underground water, the measures for water collection, storage and utilization, runoff drainage and water system connection shall be taken, and the mud, sand and non-point source pollutants shall be prevented from entering waterways and pipe networks.

The administrative department for water affairs shall make an overall planning for the construction of ecological and clean small watersheds within its respective administrative area, and shall formulate the plan for the construction of an ecological and clean small watershed together with relevant departments and in line with local conditions.

Article 16 When formulating the plan for the construction of an ecological and clean small watershed, the opinions of relevant units and individuals in the place where such watershed is located shall be listened to, and the plan shall be modified according to such opinions. After being confirmed, the plan for the construction of the ecological and clean small watershed shall be promulgated.

Units and individuals in the place where the relevant watershed is located shall provide convenience to the construction of the ecological and clean small watershed.

Article 17 If an ecological and clean small-watershed is to be built on collectively-owned land, the agreement of the villagers' committee and the villagers shall be obtained through consultation; the villagers' committee and the villagers may undertake the engineering construction as well as the management and protection of water and soil conservation facilities in accordance with regulations.

The villagers' committee and the villagers should do a good job in the construction, management and protection of the ecological and clean small-watershed.

Article 18 After the ecological and clean small-watershed project is completed, the project construction unit shall timely organize the acceptance check. For the project that has passed the acceptance check, the project construction unit shall make a list of the ecological and clean small watershed engineering and facilities, and sign a management and protection agreement with the unit responsible for such work to clarify the rights and obligations. The project construction unit shall submit the list and the management and protection agreement to the municipal water administrative department for the record. The specific measures shall

第十九条 生态清洁小流域范围内的污水和生活垃圾处理等公共设施的运行、管护和监督，由区或者乡、镇人民政府负责；其他水土保持工程和设施的管护，由管护协议确定的主体负责。

水行政部门应当加强对生态清洁小流域管护工作的指导和监督，建立健全管护工作考核奖励制度，对参与生态清洁小流域管护的村民委员会和农村村民进行技术指导和培训。

第二十条 在生态清洁小流域范围内禁止从事下列行为：

- （一）在沟道内私搭乱建、堆放物品；
- （二）随意取土、挖砂、倾倒垃圾、排放污水；
- （三）破坏水土保持设施或者干扰其正常运行；
- （四）其他影响水土保持设施正常功能的行为。

生态清洁小流域范围由市水行政部门组织划定并向社会公布。

第二十一条 本市建立水土保持生态效益补偿制度，加强对饮用水水源保护区和水源涵养区水土流失的预防和治理工作，公平分担水土流失预防和治理责任。具体办法由市水行政部门会同有关部门制定，报市人民政府批准后执行。

第二十二条 涉及土石方挖填的生产建设项目或者其他生产建设活动，包括土地储备和一级开发项目，生产建设单位应当减少地表扰动范围和地表裸露面积、降低地表径流外排量、限制施工降水，有效控制泥沙进入水体、河道和排水管网，防止施工扬尘，避免产生新的危害。

生产建设单位应当根据实际情况选用再生建筑材料，减少砂、石、土的使用量和排弃量。

第二十三条 生产建设单位应当按照国家和本市有关规定编制水土保持方案，报水行政部门批准，并按照经批准的水土保持方案，采取水土流失预防和治理措施。

be formulated by the municipal water administrative department.

Article 19 The people's governments at the district and the township or town level shall be responsible for the operation, maintenance and supervision of public facilities such as those for the treatment of sewage and domestic waste within the scope of ecological and clean small watersheds; the bodies determined by maintenance agreements shall be responsible for the maintenance of other water and soil conservation engineering and facilities.

Administrative departments for water affairs shall strengthen the guidance and supervision of the maintenance of ecological and clean small watersheds, establish a sound assessment, reward and punishment system for the maintenance, as well as provide technical guidance and training to villagers' committees and villagers participating in the maintenance of ecological and clean small watersheds.

Article 20 The following acts are prohibited within the scope of an ecological and clean small watershed:

- (1) unapproved constructions and piling up of goods in gullies;
- (2) arbitrary earth taking, sand excavation, dumping of garbage and discharge of sewage;
- (3) destroying water and soil conservation facilities or interfering with their normal operation; and
- (4) other acts that affect the normal functions of water and soil conservation facilities.

The municipal administrative department for water affairs shall organize the delimitation of the scope of an ecological and clean small watershed and make public announcement.

Article 21 This Municipality shall establish the ecological benefit compensation system for water and soil conservation, so as to strengthen the prevention and control of soil erosion in drinking water source protection areas and water source conservation areas as well as realize the equitable burden-sharing of the responsibility for the prevention and control of soil erosion. The specific measures shall be formulated by the municipal administrative department for water affairs together with relevant departments, and shall be implemented after being reported to and approved by the Municipal People's Government.

Article 22 With regard to production and construction projects or other production and construction activities involving the excavation and filling of earthwork, including land reservation and first-class development projects, production and construction units shall reduce the scope of disturbance to the earth's surface and the bare area on the earth's surface, decrease the outflow of surface runoffs, restrict the construction precipitation, effectively prevent mud and sand from entering water bodies, waterways and drainage networks, and control construction dust, so as to avoid new hazards.

Production and construction units shall select and use recyclable building materials according to the practical situation, as well as reduce the use and discard of sand, stone and earth.

Article 23 Production and construction units shall formulate water and soil conservation plans in accordance with relevant provisions of the State and this Municipality, report such plans to administrative departments for water affairs for approval, as well as take measures for the prevention and control of soil erosion in accordance with the approved water and soil conservation plans.

水行政部门应当简化行政审批程序要求，合并水土保持方案、洪水影响评价等行政审批程序。

第二十四条 经批准的水土保持方案应当由水行政部门通过互联网进行公示，相关批准文件应当由生产建设单位在施工场所显著位置进行公示。

水土保持方案应当执行国家和本市有关技术标准，明确表土利用率、土石方利用率、雨水利用率、施工降水利用率、硬化地面控制率、林草覆盖率等水土流失防治目标。

第二十五条 依法应当编制水土保持方案的生产建设项目，项目建设单位和工程设计编制单位应当按照水土保持法律、法规、技术标准和批准的水土保持方案进行设计，并将水土保持设施纳入项目主体工程设计。

生产建设项目投产使用前，生产建设单位应当按照经批准的水土保持方案组织对水土保持设施进行竣工验收，列明水土保持设施清单，形成水土保持设施验收材料，并报送水土保持方案审批机关。水土保持方案审批机关应当加强对生产建设单位水土保持设施自主验收的监督检查。

水土保持设施的管护单位应当建立健全日常管护制度，保障设施正常运行，并保存水土保持设施清单和管护记录。

第二十六条 涉及土石方挖填的生产建设项目所产生的地表土和废弃的砂、石、土等，应当采取现场堆放、适度调配、集中存放、临时防护等措施，对土石方进行分类处理和综合利用，减少土石方转运。地表土应当分层剥离，优先用于农业种植和园林绿化等生产建设活动。

生产建设单位承担土石方堆放、转运和综合利用等责任，应当采取有效措施加强土石方管理，避免造成水土流失。

本市建立生产建设项目土石方信息服务平台，为土石方堆放、转运和综合利用提供信息服务。生产建设单位应当如实报送相关信息。

第二十七条 生产建设单位应当采取帷幕隔水等技术方法，隔断地下水进入施工

The municipal administrative department for water shall, together with relevant departments, formulate technical standards for water and soil conservation, such as prevention and control of water and soil loss in production and construction projects, construction of ecological and clean small watersheds and monitoring of water and soil conservation.

Article 24 Approved water and soil conservation plans shall be publicized by administrative departments for water affairs through the Internet; relevant approval documents shall be publicized by production and construction units at conspicuous positions in construction sites.

Water and soil conservation plans shall apply relevant technical standards of the State and this Municipality, and shall specify the targets for the prevention and control of soil erosion such as topsoil use ratio, earthwork use ratio, rain water use ratio, construction precipitation use ratio, hardened ground control rate as well as forest and grass coverage rate.

Article 25 With regard to a production and construction project whose water and soil conservation plan shall be formulated in accordance with law, the project development unit and the engineering design unit shall carry out the design in accordance with the laws and regulations on and technical standards for water and soil conservation as well as the approved water and soil conservation plan, and incorporate water and soil conservation facilities into the design of the project's main works.

Before a production and construction project is put into operation, the production and construction unit shall, in accordance with the approved water and soil conservation plan, organize the completion acceptance of the water and soil conservation facilities, list the water and soil conservation facilities, form the acceptance materials of the water and soil conservation facilities, and submit them to the examination and approval authority for water and soil conservation plans. The examination and approval authority for water and soil conservation plans shall strengthen the supervision and inspection of the independent acceptance of the water and soil conservation facilities of the production and construction unit.

The maintenance unit of water and soil conservation facilities shall establish a sound daily maintenance system so as to ensure the normal operation of facilities, and shall keep the list of water and soil conservation facilities and maintenance records.

Article 26 With regard to production and construction projects involving the excavation and filling of earthwork, such measures as on-site piling up, proper deployment, concentrated storage and temporary protection shall be taken to the topsoil produced and the discarded sand, stone and earth, so as to realize the classified treatment and comprehensive utilization of earthwork as well as reduce the transportation of earthwork. The topsoil shall be stripped by layers, and shall be preferentially used for agriculture plantation, landscaping and other production and construction activities.

Production and construction units shall shoulder the responsibility for the piling up, transportation and comprehensive utilization of earthwork, and shall take effective measures to strengthen the management of earthwork, so as to avoid soil erosion.

This Municipality shall establish the information service platform for earthwork in production and construction projects, so as to provide information service for the piling up, transportation and comprehensive utilization of earthwork. Production and construction units shall report the relevant information strictly according to the facts.

Article 27 A production and construction unit shall adopt technical methods such

区域。因技术等原因无法实施的，可以采用管井、井点等方法进行施工降水。施工降水应当综合利用，并在水土保持方案中予以明确。

第二十八条 依法应当编制水土保持方案的生产建设项目，生产建设单位应当自行或者委托水土保持监测机构按照国家有关规定实施监测，并定期向水行政部门报送监测情况。

生产建设单位或者其委托的水土保持监测机构应当自土石方挖填工程施工之日起，按月向水行政部门报送土石方堆放、转运和综合利用等监测情况。

第二十九条 水行政部门应当建立健全水土保持方案跟踪检查制度，对水土保持措施设计的实施或者重大变更、施工单位水土流失预防和治理情况、水土保持监理和水土流失监测等情况进行检查。发现未落实水土保持方案、造成严重水土流失的，应当依法处理。

第三十条 本市加强雨水控制与利用工作，充分利用雨水资源，建设海绵城市，改善生态环境。鼓励在已建成的居住小区、公园、绿地、道路、下凹式立交桥及其他人口密集、地势低洼场所等区域建设雨水控制与利用工程。

新建、改建和扩建生产建设项目，生产建设单位应当按照本市有关规定建设集雨式绿地、透水铺装、雨水集蓄利用等设施，对公共停车场、人行道、步行街和休闲广场、室外庭院等场所进行透水铺装，有效控制地表径流，充分利用雨水资源。雨水控制与利用工程应当纳入水土保持方案，与主体工程同时设计、同时施工、同时投入使用。

第三十一条 开办生产建设项目或者从事其他生产建设活动，损坏水土保持设施、地貌植被，降低或者丧失原有水土保持功能的，生产建设单位应当按照国家规定缴纳水土保持补偿费。水土保持补偿费应当专项用于水土流失预防和治理等工作。

第三十二条 水行政部门应当完善水土保持监测网络，合理设置监测站点，对水土流失状况进行动态监测。市水行政部门应当每年向社会公告水土流失重要指标监测情况和预防、治理情况。

as waterproof curtains to prevent underground water from entering construction areas. Where such methods cannot be adopted due to technical or other reasons, the construction precipitation shall be realized by using tube wells and well points. The construction precipitation shall be comprehensively utilized, which shall be specified in the water and soil conservation plan.

Article 28 With regard to a production and construction project whose water and soil conservation plan shall be formulated in accordance with law, the project development unit shall carry out the monitoring itself or entrust a water and soil conservation monitoring institution to carry out the monitoring in accordance with relevant provisions of the State, and shall report monitoring results to the administrative department for water affairs at regular intervals.

The project development unit or the water and soil conservation monitoring institution entrusted by it shall, starting from the date when the construction of earthwork excavation and filling begins, report monitoring results about the piling up, transportation and comprehensive utilization of earthwork to the administrative department for water affairs monthly.

Article 29 Administrative departments for water affairs shall establish a sound follow-up inspection system for water and soil conservation plans, and shall inspect the implementation of or major change to the design of water and soil conservation measures, the prevention and control of soil erosion by construction units, the supervision of water and soil conservation and the monitoring of soil erosion. Where they discover that any water and soil conservation plan fails to be implemented and serious soil erosion is caused, they shall deal with the matter in accordance with law.

Article 30 This Municipality shall strengthen rainwater control and utilization, make full use of rainwater resources, build a sponge city and improve the ecological environment. Construction of rainwater control and utilization projects in built residential areas, parks, green areas, roads, concave flyovers and other densely populated and low-lying areas shall be encouraged.

With regard to any newly built, rebuilt or expanded production and construction project, the production and construction unit shall construct facilities such as rainwater collecting green spaces, water permeable paving as well as rainwater collection, storage and utilization facilities, and shall adopt water permeable paving to such places as public parking lots, footways, pedestrian streets, leisure squares and outdoor courtyards, so as to effectively control surface runoffs and make full use of rainwater resources.

The engineering for the control and utilization of rainwater shall be included in the water and soil conservation plan, and shall be simultaneously designed, constructed and put into use with the main works.

Article 31 Where any production and construction unit damages water and soil conservation facilities, landform or vegetation and causes degradation or loss of the original water and soil conservation functions when engaging in a production and construction project or other production and construction activities, it shall pay the water and soil conservation compensation fee in accordance with the provisions of the State. The water and soil conservation compensation fee shall be specially used for the prevention and control of soil erosion.

Article 32 Administrative departments for water affairs shall perfect the water and soil conservation monitoring network and rationally set up monitoring stations, so as to realize the dynamic monitoring of soil erosion. The municipal administrative department for

第三十三条 水政监督检查人员开展水土保持监督执法，应当统一着装、佩戴统一标志，出示行政执法证件。

第三十四条 水行政部门应当建立生产建设项目水土保持违法行为信息记录制度，将生产建设单位和水土保持设计单位、施工单位、监测单位、监理单位的违法行为信息纳入本市企业信用信息系统；对情节严重的，可以向社会公布。

第三十五条 水行政部门或者有关部门及其工作人员违反本条例规定，不履行、违法履行或者不当履行行政职责，有下列行为之一的，由监察机关责令改正，按照国家和本市有关规定对直接负责的主管人员和其他直接责任人员给予行政问责和行政处分；构成犯罪的，依法追究刑事责任：

- （一）违法作出水土保持方案行政审批决定的；
- （二）违反跟踪检查制度、对水土保持方案实施情况不履行监督检查责任的；
- （三）对水土保持违法行为不予查处的；
- （四）不按规定公开水土流失调查、监测等信息的；
- （五）滥用职权、玩忽职守等其他违法行为。

第三十六条 违反本条例第二十条规定，有禁止行为之一的，由水行政部门责令改正，对个人可处 500 元以上 5000 元以下罚款；对单位可处 1 万元以上 10 万元以下罚款。

第三十七条 违反本条例第二十五条第一款规定，未将水土保持设施纳入项目主体工程设计的，由水行政部门责令改正，处 5 万元以上 50 万元以下罚款。

违反本条例第二十五条第三款规定，水土保持设施管护单位未保存水土保持设施清单和管护记录的，由水行政部门责令改正，可处 5000 元罚款。

第三十八条 违反本条例第二十六条规定，生产建设单位造成水土流失的，由水行政部门责令改正，处 5 万元以上 50 万元以下罚款。

water affairs shall make public monitoring results of key soil erosion indexes as well as the relevant prevention and control work every year.

Article 33 When carrying out the supervision and law enforcement related to water and soil conservation, the supervision and inspection personnel of water affairs shall wear uniforms, put on uniform badges and show their administrative law enforcement certificates.

Article 34 Administrative departments for water affairs shall establish the information recording system for illegal acts related to water and soil conservation in production and construction projects, and shall include the information about illegal acts of production and construction units, water and soil conservation design units, construction units, monitoring units and supervision units in the enterprise credit information system of this Municipality; and may make public such information where the circumstances are serious.

Article 35 Where any administrative department for water affairs, another relevant department or any of their functionaries violates these Regulations, fails to perform, illegally performs or improperly perform its or his administrative duties, and commits any of the following acts, the supervision organ shall order it or him to make corrections, and the person in charge with direct responsibility and other directly responsible persons shall be subject to administrative accountability and administrative sanctions in accordance with relevant provisions of the State and this Municipality; where a crime is constituted, the criminal liability shall be investigated for in accordance with law:

- (1) illegally making decisions on the approval of water and soil conservation plans;
- (2) violating the follow-up inspection system and failing to perform the supervision and inspection duty on the implementation of water and soil conservation plans;
- (3) failing to investigate and punish illegal acts related to water and soil conservation;
- (4) failing to make public the information about the investigation and monitoring of soil erosion as stipulated; and
- (5) committing other acts such as abuse of power or dereliction of duty.

Article 36 Those who violate Article 20 of these Regulations and commit any of the prohibited acts shall be ordered by administrative departments for water affairs to make corrections, a fine of not less than 500 Yuan but not more than 5,000 Yuan may be imposed on individuals, and a fine of not less than 10,000 Yuan but not more than 100,000 Yuan may be imposed on units.

Article 37 Those who violate Paragraph 1, Article 25 of these Regulations and fail to incorporate water and soil conservation facilities into the design of the project's main works shall be ordered by administrative departments for water affairs to make corrections, and a fine of not less than 50,000 Yuan but not more than 500,000 Yuan shall be imposed.

Any maintenance unit of water and soil conservation facilities which violates Paragraph 3, Article 25 of these Regulations and fail to keep the list of water and soil conservation facilities and maintenance records shall be ordered by the administrative department for water affairs to make corrections, and a fine of 5,000 Yuan may be imposed.

Article 38 Any maintenance unit of water and soil conservation facilities which violates Article 26 of these Regulations and causes soil erosion shall be ordered by the administrative department for water affairs to make corrections, and a fine of not less than 50,000 Yuan but not more than 500,000 Yuan may be imposed.

第三十九条 违反本条例第二十八条规定，未按时报送监测情况的，由水行政部门责令限期改正，处 5000 元以上 2 万元以下罚款。

第四十条 违反本条例第三十条第二款规定，未建设集雨式绿地、透水铺装、雨水集蓄利用等设施的，由水行政部门责令改正，处 5 万元以上 50 万元以下罚款。

第四十一条 本条例自 2016 年 1 月 1 日起施行。1992 年 6 月 19 日北京市第九届人民代表大会常务委员会第三十四次会议通过，1997 年 4 月 15 日北京市第十届人民代表大会常务委员会第三十六次会议《关于修改〈北京市实施中华人民共和国水土保持法办法〉的决定》第一次修正，2010 年 12 月 23 日北京市第十三届人民代表大会常务委员会第二十二次会议《关于修改部分地方性法规的决定》第二次修正的《北京市实施〈中华人民共和国水土保持法〉办法》同时废止。

Article 39 Those who violate Article 28 of these Regulations and fail to report monitoring results on time shall be ordered by administrative departments for water affairs to make corrections within a specified time limit, and a fine of not less than 5,000 Yuan but not more than 20,000 Yuan shall be imposed.

Article 40 Those who violate Paragraph 2, Article 30 of these Regulations and fail to construct facilities such as rainwater collecting green spaces, water permeable paving as well as rainwater collection, storage and utilization facilities shall be ordered by administrative departments for water affairs to make corrections, and a fine of not less than 50,000 Yuan but not more than 500,000 Yuan shall be imposed.

Article 41 These Regulations shall be effective as of January 1, 2016. The Measures of Beijing Municipality for Implementing the Law of the People's Republic of China on Water and Soil Conservation adopted at the 34th Meeting of the Standing Committee of the Ninth People's Congress of Beijing Municipality on June 19, 1992, amended for the first time by the Decision on Revising the Measures of Beijing Municipality for Implementing the Law of the People's Republic of China on Water and Soil Conservation of the 36th Meeting of the Standing Committee of the Tenth People's Congress of Beijing Municipality on April 15, 1997, and amended for the second time by the Decision on Revising Some Local Regulations of the 22nd Meeting of the Standing Committee of the Thirteenth People's Congress of Beijing Municipality on December 23, 2010 shall be repealed simultaneously.

北京市节约用水办法

(2012年4月12日北京市人民政府第244号令公布)

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第一章	总 则
第二章	用水管理
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第一章 总 则

第一条 为加强节约用水管理，科学合理利用水资源，建设节水型社会，根据《中华人民共和国水法》和《北京市实施〈中华人民共和国水法〉办法》，制定本办法。

第二条 本市行政区域内的节约用水和节约用水管理工作，适用本办法。

第三条 本市坚持经济社会发展与水环境状况和水资源承载能力相适应的用水方针，实行用水总量和用水效率控制，采取法律、行政、经济、工程、科技等措施，促进节约用水。

区域发展规划、新城和重点发展区域规划的编制、重大建设项目的布局，应当进行水资源论证。

第四条 本市建立健全节约用水责任和考核制度。各级人民政府应当把节约用水工作纳入国民经济和社会发展规划；健全节约用水社会化服务体系，推广节水新技术、新工艺、新设备，培育和发展节水产业；组织开展节约用水宣传，提高全社会的节约用水意识。

单位和个人都有节约用水的义务。

第五条 市人民政府水行政主管部门（以下简称市节水管理部门）负责全市节约

Measures of Beijing Municipality for Water Conservation

(Promulgated by Decree No. 244 of the People's Government of Beijing Municipality on April 12, 2012)

Contents

Chapter I	General Provisions
Chapter II	Administration of Water Use
Chapter III	Safeguard Measures
Chapter IV	Supervision and Inspection
Chapter V	Legal Liability
Chapter VI	Supplementary Provisions

Chapter I General Provisions

Article 1 These Measures are formulated for the purposes of strengthening administration of water conservation, utilizing water resources in a scientific and reasonable way and building a water-saving society in accordance with the Water Law of the People's Republic of China and the Measures of Beijing Municipality for Implementing the Water Law of the People's Republic of China.

Article 2 These Measures shall apply to water conservation and administration of water conservation within the administrative area of this Municipality.

Article 3 This Municipality shall stick to the water-using principles of making economic and social development corresponding to the situation of water environment and bearing capacity of water resources, implement control over the total consumption of water and efficiency of water use, and promote water conservation by taking legal, administrative, economic, engineering and scientific measures.

The water resource assessment shall be carried out for the compilation of regional development plans, plans for new cities and plans for key development areas and the geographical layout of major construction projects.

Article 4 This Municipality shall establish a sound responsibility and examination system for water conservation. The people's governments at various levels shall include the work of water conservation in the national economic and social development plans; perfect the socialized service systems for water conservation, spreads the use of new technologies, techniques and equipment for water-saving, cultivate and develop water-saving industries; and organize the development of publicity of water conservation to improve the whole society's consciousness of water conservation.

All units and individuals shall have the obligation of conserving water.

Article 5 The administrative department for water resources of the Municipal People's Government (hereinafter referred to as the administrative department for water

用水的统一监督管理工作，负责拟订、编制节约用水政策、规划、标准并监督、组织实施，指导节水型社会建设。

区、县人民政府水行政主管部门和未设置水行政主管部门的区人民政府指定的节约用水管理机构（以下简称区、县节水管理部门）按照规定的权限，负责本行政区域内的节约用水监督管理工作。

市和区、县人民政府有关部门按照各自职责分工，负责本行政区域内节约用水的有关工作。

第六条 乡、镇人民政府和街道办事处应当做好本辖区内的节约用水工作，组织开展节约用水宣传、教育，推进节水型村镇、节水型社区建设；发现违反本办法的行为，应当予以制止，并向有关部门报告。

村民委员会、居民委员会协助乡、镇人民政府和街道办事处开展节约用水相关工作；发现违反本办法的行为，应当进行劝阻，并向有关部门报告。

第七条 对在节约用水和节约用水管理工作中做出突出贡献的单位和个人，给予表彰奖励。具体办法由市节水管理部门会同有关部门制定。

第八条 本市逐步建立居民生活用水节水激励机制。

第二章 用水管理

第九条 本市实行行政区域和行业用水总量控制。市节水管理部门应当会同有关部门，按照生活用新水适度增长、环境用新水控制增长、工业用新水零增长、农业用新水负增长的原则，根据区域功能定位和行业可持续发展的要求，科学配置水资源，逐级分解用水总量指标；对已经超过用水总量指标的区域或者行业，不再增加该区域或者行业的用水指标。

市节水管理部门应当编制全市节约用水规划，征求有关部门意见后，报市人民政府批准后组织实施。区、县节水管理部门应当依据全市节约用水规划，编制本行政区

conservation at the municipal level) shall be responsible for supervision and administration of water conservation in this Municipality in a unified way, drafting and compiling the policies, planning and standards on water conservation and supervising and organizing the implementation thereof, and guiding the building of a water-saving society.

The administrative departments for water resources of the people's governments at the district level and the organs for administration of water conservation designated by the people's governments at the district level without administrative departments for water resources (hereinafter referred to as the administrative departments for water conservation at the district level) shall be responsible for supervising and administering the work of water conservation within their respective administrative areas according to their stipulated powers.

Relevant departments of the people's governments at the municipal and the district level shall be responsible for the work related to water conservation within their respective administrative areas according to their respective functions and duties.

Article 6 The people's governments at the township or town level and sub-district offices shall bring success to the work of water conservation within the areas under their jurisdiction, organize the development of publicity and education on water conservation, and promote the building of water-saving villages, towns and communities; stop the violations of these Measures discovered and report to relevant departments.

The villagers' committees and residents' committees shall assist the people's governments at the township or town level and sub-district offices in developing the work related to water conservation; persuade the violators found committing violations of these Measures and report to relevant departments.

Article 7 The units and individuals who have made outstanding contributions to water-saving and administration of water conservation shall be commended and rewarded. The specific measures shall be formulated by the administrative department for water conservation at the municipal level together with relevant departments.

Article 8 This Municipality shall gradually establish the incentive mechanism for water-saving in the residents' domestic water use.

Chapter II Administration of Water Use

Article 9 This Municipality shall implement the control over the total consumption of water in different administrative areas and Industries. The administrative department for water conservation at the municipal level shall, together with relevant departments and in accordance with the principles of moderate increase of new water used for living, controlled increase of new water used for environment, zero increase of new water used for industry and negative increase of new water used for agriculture, scientifically allocate water resources and break own the quotas of total water use level by level according to the functional orientation of different regions and demands for sustainable development of different industries; for any region or industry which has exceeded the quota of total water use, the quotas of water use for such region or industry shall no longer be increased.

The administrative department for water conservation at the municipal level shall compile the planning for water conservation of this Municipality, and organize the implementation of such planning after soliciting the opinions of relevant departments and reporting it to the Municipal People's Government for approval. The administrative departments for water conservation at the district level shall compile the planning for water

域的节约用水规划，征求有关部门意见后，报本级人民政府批准后组织实施。

市和区、县节水管理部门应当依据节约用水规划，制定年度节约用水计划并组织实施。

节约用水规划和计划应当符合本市用水总量控制的要求。

第十条 本市实行产业用水效率准入制度。市发展改革部门应当会同市节水管理部门和其他有关部门，根据水资源状况，制定并公布本市工业、农业、服务业的投资项目指导目录和限制发展项目名录。

本市建立健全高耗水项目和单位重点监控机制，强化用水监控管理；严格限制以水为原料的生产企业、人造滑雪场、高尔夫球场、高档洗浴场所等高耗水项目发展。对已有高耗水项目，不再增加用水指标。

本办法所称高档洗浴场所，是指市商务主管部门公布的大众便民浴池以外的洗浴场所。

市节水管理部门会同有关部门定期进行用水效率评估，并向社会公布评估结果。

第十一条 本市相关行业产品生产和服务的用水定额由市有关行业主管部门组织制订，报市节水管理部门和市质量技术监督部门审核同意；无行业主管部门的行业用水定额，由市节水管理部门和市质量技术监督部门组织制订。行业用水定额由市人民政府批准后向社会公布。

有关部门制订行业用水定额，应当考虑本市水资源承载能力、供水能力和经济社会发展情况。

第十二条 节水管理部门应当根据年度用水计划、相关行业用水定额和用水单位的生活、生产经营需要，核定用水单位的用水指标，在每年3月底前将年度用水指标和月度用水指标下达到相关用水单位。

新增用水单位或者用水单位需要调整用水指标的，应当到节水管理部门申请核定或者调整用水指标。

conservation for their respective administrative areas in accordance with the planning for water conservation of this Municipality, and organize the implementation of such planning after soliciting the opinions of relevant departments and reporting them to the people's governments at the corresponding level for approval.

The administrative departments for water conservation at the municipal and the district or county level shall, in accordance with the planning for water conservation, formulate the annual plans for water conservation and organize the implementation of such plans.

The planning and annual plans for water conservation shall conform to the requirements of this Municipality on control over the total water use.

Article 10 This Municipality shall adopt the industry access system concerning the efficiency of water use. The department for development and reform at the municipal level shall, together with the administrative department for water conservation and other relevant departments at the municipal level, formulate and publicize the guidance catalogue of investment projects and the catalogue of restricted development projects for the industrial, agricultural and service sectors of this Municipality according to the situation of water resources.

This Municipality shall establish and improve the mechanism for focusing on monitoring the projects and units with high water-consumption and strengthen the administration of water use monitoring; and strictly restrict the development of projects with high water-consumption, such as production enterprises using water as the raw material, artificial ski resorts, golf courts and high-grade bath places. The quota for water use for any existing project with high water-consumption shall no longer be increased.

As mentioned in these Measures, high-grade bath places refer to the bath places other than the convenience bathhouses for the public that are publicized by the competent department for commerce at the municipal level.

The administrative department for water conservation at the municipal level shall, together with relevant departments, periodically carry out the appraisal of water use efficiency and publicize the appraisal results to the society.

Article 11 The competent departments for relevant industries at the municipal level shall organize the determination of quotas for water use in product manufacture and services by different industries, and submit such quotas to the administrative department for water conservation and the department for quality and technical supervision at the municipal level for examination and permission; and the administrative department for water conservation and the department for quality and technical supervision at the municipal level shall organize the determination of quotas for water use by the industries without competent departments. The quotas for water use by different industries shall be publicized to the society after being approved by the Municipal People's Government.

When determining the quotas for water use by different industries, the relevant departments shall take into consideration of the bearing capacity of water resources, water supply capacity and situation of economic and social development in this Municipality.

Article 12 The administrative departments for water conservation shall, in accordance with the annual plans for water use, quotas for water use by different industries and demands for living, production and operation by water-using units, verify the quotas for water use by water-using units, and release the annual and monthly quotas for water use to the relevant water-using units by the end of March every year.

Where there are new water-using units or the water-using units need to adjust the quotas for water use, they shall apply to the administrative departments for water

工程施工、园林绿化、环境卫生等需要临时用水的，应当向节水管理部门申请临时用水指标。

供水单位不得向未取得用水指标的用水单位供水。

第十三条 供水单位应当与用水单位签订供用水合同，明确双方权利义务，约定用水单位违反节水法律、法规、规章拒不改正的，经节水管理部门通知后，供水单位停止供水；因采取停止供水措施而发生的管道改造等费用由违法用水单位承担。

第十四条 用水单位在本市行政区域内迁移的，应当及时到市或者相关区、县节水管理部门申请重新核定用水指标。

第十五条 用水应当计量、缴费。

供水单位和用水户应当安装水计量设施，并加强对水计量设施的检查与日常维护，保证计量准确。供水单位应当对水计量设施定期进行校验，发现水计量设施损坏的，应当及时修理或者更换。

用水单位无水计量设施的，由节水管理部门责令限期安装，并自取水之日起，按照工程设计取水能力或者取水设备额定流量全时程运行计算取水量，直至安装水计量设施为止。

第十六条 用水单位有两类以上用水性质类别需要执行不同用水价格计价的，应当根据不同用水性质类别分别安装水计量设施。

用水单位未按照不同用水性质类别分别安装水计量设施单独计价缴费，或者擅自改动供水管线，逃避分类计量的，按照该单位用水性质类别中水价最高的标准缴费。

第十七条 节水管理部门应当加强对直接从河流、湖泊或者地下取用水资源的单位水计量设施的查验，按时收取水资源费。供水单位应当完善用水计量和查表制度，准确记录用水量，按时收取水费。

用水单位和个人应当配合节水管理部门和供水单位工作人员的查表、收费工作。

第十八条 用水单位应当按照节水管理部门下达的用水指标用水，节水管理部门

conservation for verification or adjustment of the quotas for water use.

Where it is necessary to use water temporarily for engineering construction, landscaping and environmental sanitation, the quotas for temporary water use shall be applied to the administrative departments for water conservation.

No water-supplying unit may supply water to the water-using units which have not acquired the quotas for water use.

Article 13 The water-supplying units shall enter into contracts with the water-using units on the supply and use of water to specify both parties' rights and obligations, and it shall be agreed that if the water-using units violate the laws, regulations and rules on water conservation and refuse to make corrections, the water-supplying units shall suspend the supply of water upon notification by the administrative department for water conservation; and the expenses of pipeline reconstruction etc. caused by the suspension of water supply shall be shouldered by the units which illegally use water.

Article 14 Where any water-using unit removes within the administrative area of this Municipality, it shall timely apply to the administrative department for water conservation at the municipal, or the district level for re-verification of the quota for water use.

Article 15 The amount of water used shall be measured and charged.

The water-supplying units and water-using households shall have water measurement facilities installed and strengthen examination and daily maintenance of such facilities so as to ensure accurate measurement. The water-supplying units shall regularly calibrate the water measurement facilities and make timely repair or replacement where any water measurement facility is found damaged.

Where there is no water measurement facility in any water-using unit, the administrative department for water conservation shall order it to have the facilities installed within a prescribed time limit, and calculate the amount of water taken according to the designed water-taking capacity of the project or the rated volume of flow of the water-taking equipment operating without stop from the date of water-taking until the date when the facilities are installed.

Article 16 Where different water prices shall be adopted for more than two types of water use in nature in any water-using unit, the water measurement facilities shall be separately installed according to the different types of water use in nature.

Where the water-using unit fails to have the water measurement facilities separately installed for separate pricing and payment according to the different types of water use in nature, or alter the water-supplying pipelines without authorization to avoid separate measurement, the unit shall be charged as to the highest water price standard for different types of water use in nature.

Article 17 The administrative departments for water conservation shall strengthen inspection of the water measurement facilities of the units taking water resources directly from rivers, lakes or underground and collect the water resource fee on time. The water-supplying units shall perfect the systems for water use measurement and meter checking, accurately record the amount of water used and collect the water fee on time.

The water-using units and individuals shall cooperate with the staff members of the administrative departments for water conservation and water-supplying units in meter checking and fee collection.

Article 18 The water-using units shall use water as to the quotas for water use

每两个月对用水单位进行一次考核。

公共管网供水的用水单位超出用水指标用水的，除据实缴纳水费外，由节水管理部门根据该单位用水实际执行的水价标准，按照下列倍数收取累进加价费用：超出规定数量 20%（含本数）以下的部分，按照水价的一倍标准收取；超出规定数量 20% 至 40%（含本数）的部分，按照水价的二倍标准收取；超出规定数量 40% 以上的部分，按照水价的三倍标准收取。

自备水源供水的用水单位超出用水指标用水的，除据实缴纳水资源费外，由节水管理部门根据该单位用水实际执行的水资源费标准，按照下列倍数收取累进加价水资源费：超出规定数量 20%（含本数）以下的部分，按照水资源费的五倍标准收取；超出规定数量 20% 至 40%（含本数）的部分，按照水资源费的十倍标准收取；超出规定数量 40% 以上的部分，按照水资源费的十五倍标准收取。

第十九条 供水单位、再生水生产企业和其他直接从河流、湖泊或者地下取用水资源的单位应当按照节水管理部门的要求，及时、准确报送供水情况或者实际用水量。

第二十条 市和区、县节水管理部门应当建立用水情况通报制度，定期公布区域和行业用水情况，指导产业合理布局，引导企事业单位和社会节约用水。

第三章 保障措施

第二十一条 新建、改建、扩建建设项目直接从河流、湖泊或者地下取水的，应当依法进行水资源论证；对取用公共管网水或者再生水的建设项目，节水管理部门逐步建立水资源评价制度。

第二十二条 新建、改建、扩建建设项目的节水设施应当与主体工程同时设计、同时施工、同时投入使用。规划设计单位应当按照国家和本市的节水标准和规范进行节水设施设计，并单独成册；施工图审查单位应当严格审查节水相关内容。节水设施

released by the administrative departments for water conservation and the administrative departments for water conservation shall carry out examination of the water-using units every two months.

Where any water-using unit supplied by the public pipeline network uses water exceeding the quota for water use, apart from the water fee which shall be charged actually, the administrative department for water conservation shall charge the progressive surcharge as to the following multiples according to the actual water price standard applicable to the unit: the amount less than 20% (included) exceeding the stipulated quota shall be charged at one time of the applicable water price; the amount between 20% to 40% (included) exceeding the stipulated quota shall be charged at two times of the applicable water price; and the amount more than 40% exceeding the stipulated quota shall be charged at three times of the applicable water price.

Where any water-using unit supplied by its own water source uses water exceeding the quota for water use, apart from the water resource fee which shall be charged actually, the administrative department for water conservation shall charge the progressive surcharge as to the following multiples according to the actual water resource fee standard applicable to the unit: the amount less than 20% (included) exceeding the stipulated quota shall be charged at five times of the applicable water resource fee; the amount between 20% to 40% (included) exceeding the stipulated quota shall be charged at ten times of the applicable water resource fee; and the amount more than 40% exceeding the stipulated quota shall be charged at fifteen times of the applicable water resource fee.

Article 19 The water-supplying units, recycled water production units and other units taking water resources directly from rivers, lakes or underground shall, in accordance with the requirements of the administrative departments for water conservation, timely and accurately submit the situation of water-supply or the amount of water actually used .

Article 20 The administrative departments for water conservation at the municipal and the district level shall establish the system for notification of water use and regularly publicize the situation of regional and industrial water-using to direct the rational layout of industries and guide the economical use of water by enterprises, public institutions and the society.

Chapter III Safeguard Measures

Article 21 For the newly constructed, reconstructed or expanded construction projects taking water directly from rivers, lakes or underground, the water resource assessment shall be carried out in accordance with law; for the construction projects taking water from the public pipeline network or taking recycled water, the administrative departments for water conservation shall gradually establish the system for water resource appraisal.

Article 22 The water-saving facilities in a newly constructed, reconstructed or expanded construction project shall be designed, constructed and put into use simultaneously with the principal part of such project. The planning and design unit shall carry out the design of water-saving facilities in accordance with the standards and norms of the State and this Municipality on water conservation, and such design shall constitute a separate document; the unit examining the construction drawings shall strictly examine the contents related to water conservation. The design schemes of water-saving facilities shall be submitted to the administrative department for water conservation for review, and if it is not

设计方案应当报经节水管理部门审核，未经节水管理部门审核或者审核不合格的，该建设项目的立项文件不得作为发放建设工程规划许可证等后续许可的依据。

节水设施竣工后，建设单位应当向节水管理部门申报验收。未经验收或者验收不合格的，建设项目不得使用，节水管理部门不予核定用水指标，供水单位不得供水。

节水设施包括节水器具、工艺、设备、计量设施、再生水回用系统和雨水收集利用系统。

第二十三条 房屋拆迁时拆迁人应当根据拆迁施工进度，与供水单位签订停止供水协议，明确拆迁施工现场的节水管理责任。

供水单位应当配合拆迁施工进度，采取措施及时关闭拆迁施工现场的供水管线。

第二十四条 工业用水单位应当采用先进技术、工艺和设备，增加循环用水次数，提高水的重复利用率。水的重复利用率应当达到国家和本市规定的标准。未达到规定标准的，由节水管理部门责令其限期进行技术改造。改造后仍未达到标准的，由节水管理部门核减用水指标。

再生水输配水管线覆盖地区内的工业用水，应当使用再生水。

间接冷却水应当循环使用，循环使用率不得低于 98%。

第二十五条 以水为原料的生产企业应当采用节水型生产工艺和技术，减少水资源的损耗。纯净水生产企业产水率不得低于原料水的 70%。

以水为原料的生产企业生产后的尾水应当回收利用，不得直接排放。

第二十六条 现场制、售饮用水的单位或者个人应当安装尾水回收设施，对尾水进行利用，不得直接排放，并依照本市有关规定向设备所在地卫生行政主管部门备案。对未安装尾水回收设施的，任何单位和个人不得提供水源；违反规定提供水源的，由节水管理部门责令限期改正。

对本办法实施前已经安装的现场制、售饮用水设备，有关单位或者个人应当自本办法实施之日起 6 个月内安装尾水回收设施。

reviewed or fails to pass the review by the administrative department for water conservation, the initiation document of the construction project can not serve as the basis for issuance of the planning permit for construction project and other follow-up licenses.

After the completion of water-saving facilities, the building unit shall apply to the administrative department for water conservation for acceptance upon check. If such facilities do not undergo or fail to go through acceptance upon check, the construction project can not be put into use, the administrative department for water conservation shall not verify the quota for water use and the water-supplying unit shall not supply water.

The water-saving facilities include utensils, techniques and equipment for water conservation, measurement facilities, system for reusing recycled water and system for collecting and utilizing rainwater.

Article 23 While demolishing houses, the units in charge of demolishing shall, according to the demolition progress, sign agreements on suspension of water supply with the water-supplying units and make clear the responsibility for water conservation at the construction sites.

The water-supplying units shall take measures concertedly with the demolition progress to close down the water supply pipelines at the construction sites without delay.

Article 24 Industrial water-using units shall adopt advanced technologies, techniques and equipment to increase the number of times of recycled use of water so as to raise the repeated utilization rate of water. The repeated utilization rate of water shall reach the standards stipulated by the State and this Municipality. If the stipulated standards are not reached, the administrative departments for water conservation shall order them to carry out technological transformation within a specified time limit. If the stipulated standards still are not reached after the transformation, the departments administrative for water conservation shall decrease their quotas for water use.

The recycled water shall be used for industrial purposes in the areas covered by the recycled water transmission and distribution pipelines.

The indirect cooling water shall be recycled for use and the rate of recycle shall not be lower than 98%.

Article 25 The production enterprises using water as the raw material shall adopt water-saving techniques and technologies so as to decrease the consumption of water resources. The rate of water productivity of the enterprises producing purified water shall not be lower than 70% of the raw material water.

The tail water produced by the production enterprises using water as the raw material shall be recycled for use and shall not be directly emitted.

Article 26 Any unit or individual engaged in on-site production or sale of drinking water shall install the facilities for collecting the tail water so as to utilize the tail water instead of directly emitting it, and file the registration for the record at the local competent administrative department for public health of the place where the equipment is located in accordance with the relevant provisions of this Municipality. No unit or individual may provide water sources to the unit or individual that has not installed the facilities for collecting the tail water; anyone providing water sources in violation of provisions shall be ordered to make corrections within a prescribed time limit by the administrative department for water conservation.

With respect to the equipment for on-site production or sale of drinking water that has been installed before these Measures are effective, relevant unit or individual shall install the facilities for collecting the tail water within six months after these Measures are effective.

第二十七条 市农业、园林绿化行政主管部门应当会同有关部门调整农业生产布局和林、牧、渔业用水结构。

区、县人民政府应当根据本行政区域内的水资源状况，指导农业生产经营单位和个人合理调整作物种植结构，发展高效益节水型农业，限制并压缩耗水量大、效益低的农作物种植面积。

第二十八条 农业生产超过用水定额取地下水的，应当缴纳水资源费；农村生活用水不得实行包费制。未安装计量设施的，由乡、镇人民政府责令限期安装。

种植业应当采取管道输水、渠道防渗、喷灌、微灌、滴灌等先进的节水灌溉方式，提高用水效率；鼓励非食用农产品生产使用再生水；养殖业应当使用节水器具。

第二十九条 农业用井改为非农业用途的，用水单位应当到节水管理部门办理变更手续，重新核定用水指标，并按照新的用水性质类别计价缴费。

第三十条 鼓励绿化使用雨水和再生水，逐步减少使用自来水。

城镇地区的绿地、树木、花卉应当采用喷灌、微灌、滴灌等节水灌溉方式，并严格执行园林绿化灌溉制度，提高绿化用水效率。

住宅小区、单位内部的景观环境用水和其他市政杂用用水，应当使用雨水或者再生水，不得使用自来水。

第三十一条 新建、改建、扩建建设项目应当按照本市有关规定配套建设雨水收集利用设施，建设单位可以按照有关规定申请减免防洪费。

鼓励已建成的工程项目补建雨水收集利用设施；鼓励农村地区单位和个人因地制宜建设雨水收集利用设施。

第三十二条 新建、改建、扩建建设项目的建设单位应当采取措施，限制施工降水；确需进行施工降水的，应当按照本市有关规定执行，并按照地下水资源费标准缴费。

第三十三条 提供洗车服务的用水单位应当建设循环用水设施；再生水输配水管线覆盖地区内的，应当使用再生水。

Article 27 The administrative departments for agriculture and afforestation and landscaping at the municipal level shall, together with relevant departments, adjust the layout of agricultural production and structure of water use in forestry, animal husbandry and fishery.

The people's governments at the district level shall, according to the situation of water resources within their respective administrative areas, guide units and individuals engaged in agricultural production and operation to rationally adjust the structure of crop plantation, develop highly efficient and water-saving agriculture, restrict and reduce the planting areas of crops with huge water consumption and low profits.

Article 28 Where the amount of water taken from underground in agricultural production exceeds the quota for water use, the water resource fee shall be charged; the package system shall not be adopted for the domestic water use in rural areas. Where the measurement facilities are not installed, the people's government at the township or town level shall order to have them installed within a prescribed time limit.

Such advanced water-saving irrigation manners as water transmission in pipelines, channel seepage control, spray irrigation, micro irrigation and drip irrigation shall be adopted in plantation sector so as to increase the efficiency of water use; it is encouraged to use recycled water in production of non-edible agricultural products; and water-saving utensils shall be used in breeding sector.

Article 29 Where a well for agricultural purposes is changed to be used for non-agricultural purposes, the water-using unit shall handle the procedures for the change at the administrative department for water conservation, the quota for water use shall be re-verified and the water price shall be calculated and charged as to the new type of water use in nature.

Article 30 It is encouraged to use rainwater and recycled water for landscaping, and the use of tap water shall be gradually decreased.

Such water-saving irrigation manners as spray irrigation, micro irrigation and drip irrigation shall be adopted for greenery patches, trees and flowers in urban areas and the irrigation system for afforestation and landscaping shall be strictly implemented so as to increase the efficiency of water use by landscaping.

The rainwater or recycled water shall be used as water for internal scenery and environment purposes within residential quarters and units and for other municipal purposes, and the tap water shall not be used.

Article 31 The supporting facilities for collecting and utilizing rainwater shall be constructed in the newly constructed, reconstructed and expanded construction projects in accordance with relevant provisions of this Municipality, and the building units may apply for the reduction and exemption of the flood protection fee in accordance with relevant provisions.

It is encouraged to construct supplementary facilities for collecting and utilizing rainwater in the completed engineering projects; units and individuals in rural areas are encouraged to construct facilities for collecting and utilizing rainwater in line with the local conditions.

Article 32 The building units of newly constructed, reconstructed or expanded construction projects shall take measures to limit dewatering in construction; where dewatering is really needed, relevant provisions of this Municipality shall be implemented and the fee shall be charged as to the standard for groundwater resource fee.

Article 33 The water-using units providing car-washing services shall set up water recycling facilities; and the recycled water shall be used in the areas covered by recycled water transmission and distribution pipelines.

提供洗车服务的用水单位，应当向节水管理部门报送已建成循环用水设施的登记表，登记表的格式由市节水管理部门制定；再生水输配水管线覆盖地区内的，应当按照要求向节水管理部门报送再生水供水合同。

第三十四条 供水单位或者节水管理部门应当逐步为以水为原料的生产企业、人造滑雪场、高尔夫球场、高档洗浴场所等高耗水单位及年用水量 5 万立方米以上的用水户，安装用水数据远传设备。

按照前款规定安装用水数据远传设备的高耗水单位和用水户，应当保证设备正常使用，不得擅自停止使用或者拆除。

第三十五条 禁止生产、销售或者使用国家明令淘汰的耗水量高的设备、产品以及不符合本市节水标准的用水器具。

市节水管理部门应当会同市质量技术监督部门根据地方性节水器具标准，确认“节水器具名录”和“明令淘汰用水器具名录”，并向社会公布。

第三十六条 供水单位应当加强供水管网改造和日常巡查、维护管理，如实记录巡查和维护管理情况，提高供水管网监测和维护管理水平，降低供水管网的漏失率。

公共供水单位应当向社会公布抢修电话，出现故障应当及时抢修。

供水单位应当按规定如实向市节水管理部门报送用水单位和用水变化情况。

第三十七条 节水管理部门和相关单位应当建立水资源实时监控、资源优化配置和节水信息管理系统，完善用水信息统计、报告制度。

用水单位用水可能超出用水指标时，节水管理部门应当给予预警提示。

第三十八条 用水单位三个考核期超出规定用水指标 50% 的，由市节水管理部门责令限期改正，逾期不改的，市节水管理部门责成供水单位采取措施，按照批准的用水指标供水。

第三十九条 在发生特别重大、重大城市供水突发事件或者用水量达到日供水能力 90% 时，经市人民政府批准，可以停止对本办法第三十四条所列高耗水单位的生产

A water-using unit providing car-washing services shall submit the registration form of constructed facilities for recycling water to the administrative department for water conservation, and the format of the registration form shall be made by the administrative department for water conservation; a water-using unit providing car-washing services in the areas covered by recycled water transmission and distribution pipelines shall submit the recycled water supply contract to the administrative department for water conservation.

Article 34 The water-supplying units or the administrative departments for water conservation shall gradually install the remote data transfer equipment concerning water use for such units with high water-consumption as production enterprises using water as the raw material, artificial ski resorts, golf courts and high-grade bath places as well as water users with the amount of water use of more than 50,000 m³ annually.

The units with high water-consumption and water users where the remote data transfer equipment concerning water use are installed in accordance with the provisions in the preceding paragraph shall ensure normal use of such equipment, and shall not stop the use of or dismantle such equipment without authorization.

Article 35 It is prohibited to manufacture, sell or use the equipment and products with high water-consumption declared obsolete by formal decree of the State or the water-using utensils failing to conform to the standards of this Municipality on water conservation.

The administrative department for water conservation at the municipal level shall, together with the department for quality and technical supervision at the municipal level confirm the catalogue of water-saving utensils and catalogue of water-using utensils declared obsolete by formal decree according to the local standards on water-saving utensils, and publicize them to the society.

Article 36 The water-supplying units shall strengthen transformation of the water-supply pipeline network and daily patrol, maintenance and management, truthfully record the situation of patrol, maintenance and management and improve the level of monitoring, maintenance and management of the water-supply pipeline network so as to decrease the leakage rate of the water-supply pipeline network.

The public water-supplying unit shall publicize the rush repair telephone number and timely make rush repairs in case of breakdowns.

The water-supplying units shall report the changes of water-using units and water use to the administrative department for water conservation in accordance with provisions.

Article 37 The administrative departments for water conservation and relevant units shall establish the information management systems for real-time monitoring, optimized allocation of water resources and water conservation and perfect the systems for information concerning water use accounting and reporting.

Where the amount of water use by any water-using unit is possible to exceed its quota for water use, the administrative department for water conservation shall provide early warning to the unit.

Article 38 Where any water-using unit exceeds the stipulated quota for water use by 50% in three examination periods, the administrative department for water conservation at the municipal level shall order it to make corrections within a prescribed time limit; if it fails to make corrections within the specified time limit, the administrative department for water conservation at the municipal level shall order the water-supplying unit to take measures to supply water as to the approved quota for water use.

Article 39 In case of extremely serious or serious emergent events in urban water supply or the amount of daily water use reaches 90% of the daily water supply capacity, the water supply to the production and operation of such units with high water-consumption

经营供水。

第四十条 用水单位应当采取措施加强节约用水管理，做好下列工作：

- （一）建立健全节约用水责任制，建设节水型单位；
- （二）设立节水专门机构或者指定专人负责节约用水工作；
- （三）建立用水台账，开展用水统计分析，明确用水计划、节水目标、节水措施，

定期进行合理用水分析或者水平衡测试；

- （四）加强用水设施的日常维护管理；
- （五）开展节约用水宣传。

公共机构应当厉行节约，加强节约用水的内部管理，杜绝浪费，带头使用节水产品、设备、工艺，提高节约用水水平。

第四十一条 本市支持农村管水组织依据章程开展节约用水工作；农村管水组织可以接受委托承办有关节约用水管理事项。

第四十二条 公共供水设施、消防设施的管理责任人应当加强对供水设施和消防设施的日常维护管理，采取有效措施，防止单位和个人浪费用水或者擅自取水。

第四十三条 新闻媒体应当加强节约用水宣传，播放和刊登节约用水公益广告。

教育行政主管部门应当将节约用水知识列入学校教育内容。

旅行社接待游客时，应当进行节约用水宣传，提高游客的节约用水意识。

饭店、影剧院、体育场馆、医院、学校、展览馆、博物馆、图书馆、候车室、候机厅等公共场所应当设置节约用水宣传标语，宣传节约用水知识。

第四十四条 本市加快建立节水技术开发推广体系和节水设备、节水器具研制生产体系。

政府有关部门应当组织开展节水科学技术研究，整合节水科技资源。

鼓励单位和个人开发研制节水型生活用水器具以及节水技术、工艺、设备和产品。

listed in Article 34 of these Measures may be suspended with the approval of the Municipal People's Government.

Article 40 The water-using units shall take measures to strengthen management of water conservation and bring success to the following work:

- (1) establishing a sound responsibility system for water conservation, and building water-saving units;
- (2) setting up special organs or designating special personnel specifically responsible for the work of water conservation;
- (3) establishing the ledger for water use, developing statistics and making analysis of water use, making clear water use plan and the goal and measures of water conservation, and regularly carrying out the analysis of rational water use or test on water balance;
- (4) strengthening daily maintenance and management of water-using facilities; and
- (5) carrying out the publicity on water conservation.

Public institutions shall make great efforts to save water, strengthen internal management of water conservation, put an end to waste, take the lead in using water-saving products, equipment and techniques, and improve the level of water conservation.

Article 41 This Municipality supports the water management organizations in rural areas to carry out the work of water conservation; the water management organizations in rural areas may accept entrustment to undertake matters related to the management of water conservation.

Article 42 The responsible persons for management of public water-supply facilities and fire-fighting facilities shall strengthen daily maintenance and management of water-supply facilities and fire-fighting facilities and take effective measures to prevent units and individuals from wasting water or taking water without authorization.

Article 43 The news media shall strengthen the publicity on water conservation, broadcast and publish public welfare advertisements on water conservation.

The administrative departments for education shall include the knowledge about water conservation in the contents of school education.

When receiving tourists, the travel agencies shall carry out the publicity on water conservation so as to improve the consciousness of tourists about water conservation.

Such public places as restaurants, cinemas and theatres, sports venues, hospitals, schools, exhibition halls, museums, libraries and waiting rooms in railway stations and airports shall set up the publicity slogans on water conservation to publicize the knowledge about water conservation.

Article 44 This Municipality shall speed up establishment of the system for development and promotion of water-saving technologies and the system for research and production of water-saving equipment and utensils.

Relevant government departments shall organize the implementation of scientific research on water conservation and integrate the scientific resources for water conservation.

Units and individuals are encouraged to research and develop domestic water-saving utensils and water-saving technologies, techniques, equipment and products.

第四章 监督检查

第四十五条 节水管理部门以及其他有关部门应当依法履行职责，切实加强对供水单位、用水单位和用水户节约用水情况的监督检查。

第四十六条 节约用水监督检查人员履行监督检查职责时，有权采取下列措施：

- （一）进入现场开展检查，调查了解有关情况；
- （二）要求被检查单位或者个人就节约用水有关问题作出说明；
- （三）要求被检查单位或者个人提供有关文件、证照、资料并有权复制；
- （四）责令被检查单位或者个人停止违法行为，履行法定义务。

监督检查人员在履行监督检查职责时，应当出示行政执法证件。有关单位或者个人对监督检查工作应当给予配合，不得拒绝或者阻挠。

第四十七条 节水管理部门应当加强对用水量较大单位用水的日常监督管理，增加对高耗水单位的检查频次，对发现的浪费用水行为及时处理；需要有关部门配合的，应当实行联合检查。

第四十八条 鼓励单位和个人向节水管理部门或者节水执法部门举报浪费用水行为，有关部门接到举报后应当及时调查处理。

接到举报的有关部门应当为举报人保密，并对举报属实、为查处重大浪费用水行为提供主要线索和证据的举报人给予奖励。具体奖励办法由市节水管理部门会同市发展改革、财政等有关部门制定。

节水管理部门应当公布举报电话、信箱或者电子邮件地址，受理举报。

第五章 法律责任

第四十九条 违反本办法第十二条第一款、第二款规定，用水单位未取得用水指标擅自用水的，由节水管理部门责令限期改正、补缴水费，处2万元以上10万元以

Chapter IV Supervision and Inspection

Article 45 The administrative departments for water conservation and other relevant departments shall perform their duties in accordance with law and earnestly strengthen supervision and inspection of water conservation in water-supplying units, water-using units and water users.

Article 46 The personnel for supervision and inspection of water conservation shall have the power to take the following measures when performing their duties of supervision and inspection:

- (1) to enter the scenes for inspection, and investigate and find out relevant information;
- (2) to require the units or individuals being inspected to make explanations on the issues related to water conservation;
- (3) to require the units or individuals being inspected to provide relevant documents, certificates and materials, and to copy them; and
- (4) to order the units or individuals being inspected to stop illegal acts and perform their statutory obligations.

When performing their duties of supervision and inspection, the personnel for supervision and inspection shall present their certificates for administrative law enforcement. Relevant units or individuals shall render cooperation and shall not refuse or hinder the supervision and inspection work.

Article 47 The administrative departments for water conservation shall strengthen daily supervision and administration of water use by the units with rather high water-consumption, increase the frequency of inspections of the units with high water-consumption and timely deal with the behaviors of wasting water; where cooperation of relevant departments is needed, the joint inspection shall be carried out.

Article 48 Units and individuals are encouraged to report the behaviors of wasting water to the administrative departments for water conservation or the law enforcement departments for water conservation, and relevant departments shall make timely investigation and disposal after receiving such reports.

The departments receiving the reports shall keep secret for the reporters, and reward the reporters whose reports are authentic and who have provide major clues to the investigation of serious behaviors of wasting water as well as evidences. The specific rewarding measures shall be formulated by the administrative department for water conservation at the municipal level together with the departments for development and reform, finance, etc. at the municipal level.

The administrative departments for water conservation shall publicize the telephone numbers, mailboxes and addresses of e-mail for receiving reports to accept such reports.

Chapter V Legal Liability

Article 49 Where any water-using unit, in violation of the provisions of Paragraph 1 or 2, Article 12 of these Measures, uses water without authorization and without acquiring the quota for water use, the administrative department for water conservation shall order it to make corrections within a prescribed time limit, make supplementary payment of the water fee, and impose upon it a fine of not less than 20,000 Yuan but not more than 100,000 Yuan.

下罚款。

违反本办法第十二条第三款规定，用水单位未取得临时用水指标或者超过批准期限用水的，由节水管理部门责令限期改正，处 5 万元以下罚款。

违反本办法第十二条第四款规定，供水单位擅自向未取得用水指标的用水单位供水的，由节水管理部门责令限期改正，处 1 万元以上 10 万元以下罚款；造成严重后果的，由有关部门对直接负责的主管人员和其他直接责任人员依法给予行政处分。

第五十条 违反本办法第十六条第二款规定，用水单位擅自改动供水管线，逃避分类计量的，由节水管理部门责令限期改正，处 1 万元以上 5 万元以下罚款。

第五十一条 违反本办法第十八条第二款、第三款规定，用水单位不按时缴纳累进加价费用的，由节水管理部门责令限期改正，按日加收滞纳金部分千分之二的滞纳金。

第五十二条 违反本办法第十九条规定，供水单位、再生水生产企业和其他直接从河流、湖泊或者地下取用水资源的单位未按照规定及时向节水管理部门报送供水情况、实际用水量或者提供虚假资料的，由节水管理部门责令限期改正，处 1000 元以上 1 万元以下罚款。

第五十三条 违反本办法第二十三条第一款规定，拆迁人未与供水单位签订停止供水协议或者未按照协议要求擅自施工造成水资源严重浪费的，除补缴相应费用外，由节水管理部门处以应缴水费 3 倍以上 15 倍以下罚款。

违反本办法第二十三条第二款规定，供水单位没有正当理由故意拖延、不与拆迁人签订停止供水协议或者未及时采取措施停止供水造成水资源浪费的，由节水管理部门责令限期改正，处 1 万元以上 5 万元以下罚款。

第五十四条 违反本办法第二十四条第二款规定，再生水输配水管线覆盖地区内的工业用水单位未使用再生水的，由节水管理部门责令限期改正，处 1 万元以上 5 万元以下罚款。

违反本办法第二十四条第三款规定，间接冷却水直接排放或者循环使用率低于

Where any water-using unit, in violation of the provisions of Paragraph 3, Article 12 of these Measures, uses water without acquiring the quota for temporary water use or exceeding the approved period, the administrative department for water conservation shall order it to make corrections within a prescribed time limit and impose upon it a fine of not more than 50,000 Yuan.

Where any water-supplying unit, in violation of the provisions of Paragraph 4, Article 12 of these Measures, supplies water without authorization to any water-using unit which has not acquired the quota for water use, the administrative department for water conservation shall order it to make corrections within a prescribed time limit and impose upon it a fine of not less than 10,000 Yuan but not more than 100,000 Yuan; where serious consequences are caused, relevant departments shall give administrative sanctions to the persons in charge with direct responsibility and other directly responsible persons in accordance with law.

Article 50 Where any water-using unit, in violation of the provisions of Paragraph 2, Article 16 of these Measures, alters the water-supplying pipelines without authorization so as to avoid separate measurement, the administrative department for water conservation shall order it to make corrections within a prescribed time limit and impose upon it a fine of not less than 10,000 Yuan but not more than 50,000 Yuan.

Article 51 Where any water-using unit, in violation of the provisions of Paragraph 2 or 3, Article 18 of these Measures, fails to pay the progressive surcharge on time, the administrative department for water conservation shall order it to make corrections within a prescribed time limit and collect the overdue fine for the overdue amount at the daily rate of 2‰.

Article 52 Where any water-using unit, recycled water production unit or other unit taking water resources directly from rivers, lakes or underground, in violation of the provisions of Article 19 of these Measures, fails to timely report the situation of water-supply or amount of water actually used to the administrative department for water conservation, or provides false materials, the administrative department for water conservation shall order it to make corrections within a prescribed time limit and impose upon it a fine of not less than 1,000 Yuan but not more than 10,000 Yuan.

Article 53 Where any unit in charge of demolishing, in violation of the provisions of Paragraph 1, Article 23 of these Measures, fails to sign an agreement on suspension of water supply with the water-supplying unit or carries out construction without authorization against the requirements of the agreement causing serious waste of water resources, apart from making supplementary payment of the corresponding fees, the administrative department for water conservation shall impose upon it a fine of not less than three times but not more than 15 times of the due water fee.

Where any water-using unit, in violation of the provisions of Paragraph 2, Article 23 of these Measures, intentionally delays or refuses to sign an agreement on suspension of water supply with the unit in charge of demolishing without proper reasons or fails to timely take measures to suspend water supply causing waste of water resources, the administrative department for water conservation shall order it to make corrections within a prescribed time limit and impose upon it a fine of not less than 10,000 Yuan but not more than 50,000 Yuan.

Article 54 Where any industrial water-using unit in the areas covered by the recycled water transmission and distribution pipelines, in violation of the provisions of Paragraph 2, Article 24 of these Measures, fails to use recycled water, the administrative department for water conservation shall order it to make corrections within a prescribed time limit and impose upon it a fine of not less than 10,000 Yuan but not more than 50,000 Yuan.

Where any water-using unit, in violation of the provisions of Paragraph 3, Article 24 of these Measures, directly emits indirect cooling water or has a rate of recycled use lower than

98% 的，由节水管理部门责令限期改正，处 1 万元以上 5 万元以下罚款。

第五十五条 违反本办法第二十五条第一款规定，纯净水生产企业产水率低于 70% 的，由节水管理部门责令限期改正；逾期仍不能达标的，核减用水指标，可处 1 万元以上 10 万元以下罚款。

违反本办法第二十五条第二款规定，以水为原料的生产企业直接排放尾水的，由节水管理部门责令限期改正，处 1 万元以上 10 万元以下罚款。

第五十六条 违反本办法第二十六条规定，现场制、售饮用水单位或者个人未备案的，由卫生行政主管部门责令限期改正，可处 1000 元以上 5000 元以下罚款；未安装尾水回收设施的，由节水管理部门责令限期改正，拒不改正的，责令拆除，可处 2000 元以上 2 万元以下罚款。

第五十七条 违反本办法第二十八条第一款规定，农村生活用水实行包费制的，由节水管理部门责令限期改正，并按照每包费一户 200 元以上 500 元以下的标准处以罚款。

违反本办法第二十八条第二款规定，种植业用水不计量或者大水漫灌造成浪费用水的，由节水管理部门责令限期改正，可处 5000 元以下罚款。

第五十八条 违反本办法第二十九条规定，擅自改变农业用井用途的，由节水管理部门责令限期改正，处 2 万元以上 10 万元以下罚款。

第五十九条 违反本办法第三十条第三款规定，住宅小区和单位内部的景观环境用水使用自来水的，由节水管理部门责令限期改正，处 1 万元以上 3 万元以下罚款。

第六十条 违反本办法第三十三条第一款规定，提供洗车服务的用水单位未建设、使用循环用水设施，或者未按规定使用再生水的，由节水管理部门责令限期改正，处 1 万元以下罚款。

违反本办法第三十三条第二款规定，提供洗车服务的用水单位，未向节水管理部门报送已建成循环用水设施的登记表或者再生水供水合同的，由节水管理部门责令限

98%, the administrative department for water conservation shall order it to make corrections within a prescribed time limit and impose upon it a fine of not less than 10,000 Yuan but not more than 50,000 Yuan.

Article 55 Where any enterprise producing purified water, in violation of the provisions of Paragraph 1, Article 25 of these Measures, has a water production rate lower than 70%, the administrative department for water conservation shall order it to make corrections within a prescribed time limit; where it still fails to reach the standard beyond the specified time limit, its quota for water use shall be decreased and it may be imposed upon a fine of not less than 10,000 Yuan but not more than 100,000 Yuan.

Where any production enterprise using water as the raw material, in violation of the provisions of Paragraph 2, Article 25 of these Measures, directly emits the tail water, the administrative department for water conservation shall order it to make corrections within a prescribed time limit and impose upon it a fine of not less than 10,000 Yuan but not more than 100,000 Yuan.

Article 56 Where any unit or individual engaged in on-site production or sale of drinking water, in violation of the provisions of Article 26 of these Measures, fails to file the registration for the record, the administrative department for public health shall order it to make corrections within a prescribed time limit and may impose upon it or him a fine of not less than 1,000 Yuan but not more than 5,000 Yuan; where it or he fails to install the facilities for collecting tail water, the administrative department for water conservation shall order it or him to make corrections within a prescribed time limit, and where it or he refuses to make corrections, it or he shall be ordered to dismantle the equipment and may be imposed upon a fine of not less than 2,000 Yuan but not more than 20,000 Yuan.

Article 57 Where the package system is adopted for the domestic water consumption in rural areas in violation of the provisions of Paragraph 1, Article 28 of these Measures, the administrative department for water conservation shall make an order to make corrections within a prescribed time limit and impose fines at the standard of not less than 200 Yuan but not more than 500 Yuan for each household.

Whichever, in violation of the provisions of Paragraph 2, Article 28 of these Measures, fails to measure the amount of water use or adopts flood irrigation causing waste of water resources in the plantation sector shall be ordered to make corrections within a prescribed time limit and may be imposed upon a fine of not more than 5,000 Yuan by the administrative department for water conservation.

Article 58 Whichever, in violation of the provisions of Article 29 of these Measures, changes the purpose of a well for agricultural use without authorization shall be ordered to make corrections within a prescribed time limit and imposed upon a fine of not less than 20,000 Yuan but not more than 100,000 Yuan by the administrative department for water conservation.

Article 59 Where the tap water is used for internal scenery and environment purposes within residential quarters and units in violation of the provisions of Paragraph 3, Article 30 of these Measures, the administrative department for water conservation shall make an order to make corrections within a prescribed time limit and impose a fine of not less than 10,000 Yuan but not more than 30,000 Yuan.

Article 60 Where any water-using unit providing car-washing services, in violation of the provisions of Paragraph 1, Article 33 of these Measures, fails to set up or use water recycling facilities or fails to use the recycled water as stipulated, the administrative department for water conservation shall order it to make corrections within a prescribed time limit and impose upon it a fine of not more than 10,000 Yuan.

Where any water-using unit providing car-washing services, in violation of the provisions of Paragraph 2, Article 33 of these Measures, fails to submit the registration form of the water recycling facilities already set up or the recycled water supply contract to the

期改正，可处 1000 元以下罚款。

第六十一条 违反本办法第三十四条规定，高耗水单位和用水户未保证设备正常使用，或者擅自停止使用或者拆除设备的，由节水管理部门责令限期改正，处 1 万元以上 10 万元以下罚款。

第六十二条 违反本办法第三十五条第一款规定，生产或者销售不符合本市节水标准用水器具的，由质量技术监督部门或者工商行政管理部门按照各自职责，责令停止生产、销售，并按每套（件、台）100 元以上 500 元以下的标准处以罚款。

第六十三条 违反本办法第三十六条第三款规定，供水单位未按规定如实向市节水管理部门报送用水单位和用水变化情况的，由节水管理部门责令限期改正，有关部门应当依法给予行政处分。

第六十四条 违反本办法第四十条第一款规定，用水单位不落实节约用水管理责任的，由节水管理部门责令限期改正，逾期不改或者造成浪费用水等不良后果的，处 5000 元以上 5 万元以下罚款。

第六十五条 违反本办法第四十二条规定，擅自从公共供水设施、消防设施取水的，由节水管理部门责令限期改正，对单位处 1 万元以上 10 万元以下罚款，对个人处 100 元以上 1000 元以下罚款；造成设施损坏的，由责任人负责修复或者赔偿损失。

第六十六条 用水单位违反本办法规定浪费用水的，节水管理部门应当根据用水总量控制的要求，核减下一年度用水指标。

第六十七条 市节水管理部门应当建立用水单位违法违规行为信息记录，如实记录用水单位违法违规用水行为；用水单位为企业的，其违法违规用水行为信息应当按照本市有关规定同时纳入本市企业信用信息系统，对严重浪费用水的企业，可以通过媒体公布。

第六十八条 节水管理部门或者其他有关部门及其工作人员违反本办法规定，有下列行为之一的，由有关部门对直接负责的主管人员和其他直接责任人员依法给予行

administrative department for water conservation, the administrative department for water conservation shall order it to make corrections within a prescribed time limit and impose upon it a fine of not more than 1,000 Yuan.

Article 61 Where any unit or water user with high water-consumption, in violation of the provisions of Article 34 of these Measures, fails to ensure the normal use of relevant equipment or stops the use of or dismantle such equipment without authorization, the administrative department for water conservation shall order it to make corrections within a prescribed time limit and impose upon it a fine of not less than 10,000 Yuan but not more than 100,000 Yuan.

Article 62 Whichever, in violation of the provisions of Paragraph 1, Article 35 of these Measures, manufactures or sells the water-using utensils not reaching the standards of this Municipality on water conservation shall be ordered to stop the manufacture or sale and imposed upon fines at the standard of not less than 100 Yuan but not more than 500 Yuan for each set (piece) by the department for quality and technical supervision or the administrative department for industry and commerce according to their respective duties.

Article 63 Where any water-supplying unit, in violation of the provisions of Paragraph 3, Article 36 of these Measures, fails to truthfully submit the changes of water-using units and water use to the administrative department for water conservation at the municipal level in accordance with provisions, the administrative department for water conservation shall order it to make corrections within a prescribed time limit and relevant department shall give administrative sanctions in accordance with law.

Article 64 Where any water-using unit, in violation of the provisions of Paragraph 1, Article 40 of these Measures, fails to implement its responsibility in management of water conservation, the administrative department for water conservation shall order it to make corrections within a prescribed time limit, and where it fails to make corrections within the prescribed time limit or causes such bad consequences as the waste of water, it shall be imposed upon a fine of not less than 5,000 Yuan but not more than 50,000 Yuan.

Article 65 Where any unit or individual, in violation of the provisions of Article 42 of these Measures, takes water from the public water-supply facilities or fire-fighting facilities without authorization, the administrative department for water conservation shall make an order to make corrections within a prescribed time limit, and impose a fine of not less than 10,000 Yuan but not more than 100,000 Yuan on the unit and a fine of not less than 100 Yuan but not more than 1,000 Yuan on the individual; where damages are caused to relevant facilities, the responsible person shall be responsible for making repair or compensating the losses.

Article 66 Where any water-using unit wastes water in violation of these Measures, the administrative department for water conservation shall reduce its quota for water use for the next year according to the requirements of total water-consumption control.

Article 67 The administrative department for water conservation at the municipal level shall establish the records of information about the illegal or rule-breaking behaviours of water-using units, and truthfully record the illegal or rule-breaking water use behaviours of water-using units; where the water-using unit is an enterprise, the information about its illegal or rule-breaking water use behaviours shall simultaneously be included in the enterprise credit information system of this Municipality in accordance with relevant provisions of this Municipality, and the enterprises seriously wasting water may be publicized through the media.

Article 68 Where the administrative departments for water conservation, other relevant departments or their functionaries commit one of the following acts, relevant department shall give administrative sanctions to the persons in charge with direct

政处分：

- （一）未按照有关规定编制或者履行节约用水规划、计划的；
- （二）未依法履行节约用水监督管理职责的；
- （三）未依法核定或者调整用水单位用水指标的；
- （四）未依法收取累进费用的；
- （五）其他不履行或者不依法履行职责的。

第六章 附 则

第六十九条 本办法自 2012 年 7 月 1 日起施行。

responsibility and other directly responsible persons in accordance with law:

- (1) failing to formulate or implement the planning or plans for water conservation in accordance with relevant provisions;
- (2) failing to perform their duties in supervision and administration of water conservation in accordance with law;
- (3) failing to verify or adjust the quotas for water use of water-using units in accordance with law;
- (4) failing to collect the progressive surcharge in accordance with law; or
- (5) otherwise failing to perform their duties or failing to perform their duties in accordance with law.

Chapter VI Supplementary Provisions

Article 69 These Measures shall be effective as of July 1, 2012.

（三）动植物资源

北京市实施《中华人民共和国野生动物保护法》办法

（1989年4月2日北京市第九届人民代表大会常务委员会第十次会议通过 根据1997年4月15日北京市第十届人民代表大会常务委员会第三十六次会议《关于修改〈北京市实施中华人民共和国野生动物保护法办法〉的决定》修正 根据2018年3月30日北京市第十五届人民代表大会常务委员会第三次会议通过的《关于修改〈北京市大气污染防治条例〉等七部地方性法规的决定》修正）

第一条 为实施《中华人民共和国野生动物保护法》（以下简称《野生动物保护法》），结合本市实际情况，制定本办法。

第二条 凡在本市行政区域内从事野生动物的保护、驯养繁殖和利用活动，必须遵守《野生动物保护法》和本办法。

第三条 本办法所保护的野生动物是指：

- （一）国务院批准公布的国家重点保护野生动物；
- （二）北京市人民政府公布的市一级保护野生动物；
- （三）北京市野生动物行政主管部门公布的市二级保护野生动物。

第四条 公民有保护野生动物资源的义务，对侵占或者破坏野生动物资源的行为有权检举和控告。

第五条 市和区林业、渔业行政主管部门（以下简称野生动物行政主管部门）分别负责本行政区域内陆生、水生野生动物保护管理工作。

第六条 各级野生动物行政主管部门每10年组织一次野生动物资源调查，建立野

iii. Animal and Plant Resources

Measures of Beijing Municipality for Implementing the Law of the People's Republic of China on the Protection of Wildlife

(Adopted at the 10th Meeting of the Standing Committee of the 9th People's Congress of Beijing Municipality on April 2, 1989, revised in accordance with the Decisions on Revising the "Measures of Beijing Municipality for Implementing the Law of the People's Republic of China on the Protection of Wildlife" adopted at the 36th Meeting of the Standing Committee of the 10th People's Congress of Beijing Municipality on April 15, 1997, and revised in accordance with the Decisions on Revising Seven Local Regulations including the Regulations of "Beijing Municipality on the Prevention and Control of Air Pollution" adopted at the 3rd Meeting of the Standing Committee of the 15th People's Congress of Beijing Municipality on March 30, 2018)

Article 1 The Measures are formulated for the purpose of implementing the Law of the People's Republic of China on the Protection of Wildlife (hereinafter referred to as the Law on Wildlife Protection) in light of the actual circumstances of this Municipality.

Article 2 All activities within the administrative area of this Municipality concerning the protection, domestication, breeding and utilization of species of wildlife must be conducted in conformity with the Law on Wildlife Protection and the Measures.

Article 3 The wildlife protected in the Measures refers to:

- (1) the wildlife under special state protection as approved and announced by the State Council;
- (2) the wildlife under first class municipal protection as announced by the People's Government of Beijing Municipality; and
- (3) the wildlife under second class municipal protection as announced by the competent department for wildlife of Beijing Municipality.

Article 4 Citizens shall have the obligation to protect wildlife resources, and the right to report and charge against the acts of seizing or destroying wildlife resources.

Article 5 The municipal and district competent departments for forestry and fishery (hereinafter referred to as the competent departments for wildlife) shall be respectively responsible for the protection and management of terrestrial and aquatic wildlife within their respective administrative areas.

Article 6 The competent departments for wildlife at all levels shall organize an

生动物资源档案。

第七条 公园、林场、风景游览区应当悬挂巢箱，设置鸟食台、水浴场等，对野生动物进行人工招引和保护。

第八条 各级人民政府或者各级野生动物行政主管部门对有下列事迹之一的单位和个人，给予表彰或者奖励：

- （一）拯救国家、本市重点保护野生动物的；
- （二）检举揭发非法捕杀国家、本市重点保护野生动物的；
- （三）保护管理和驯养繁殖野生动物成效显著的；
- （四）野生动物科学研究工作成绩突出的；
- （五）招鸟工作成绩显著的；
- （六）执行《野生动物保护法》和本办法成绩显著的。

第九条 保护野生动物生存环境。禁止任何单位和个人破坏野生动物生存环境。

破坏野生动物主要生息繁衍场所的，由区野生动物行政主管部门责令停止破坏行为，限期恢复原状，可以并处恢复原状所需费用 3 倍以下的罚款。

第十条 禁止任何单位和个人非法猎捕、杀害国家、本市重点保护野生动物。因科学研究、驯养繁殖、展览或者其他特殊情况，需要捕捉国家、本市重点保护野生动物的，按下列规定办理：

- （一）捕捉国家一级保护野生动物的，经市野生动物行政主管部门审核同意，向国务院野生动物行政主管部门申请特许猎捕证；
- （二）捕捉国家二级保护野生动物和本市一级保护野生动物的，必须向市野生动物行政主管部门申请特许猎捕证；
- （三）猎捕本市二级保护野生动物的，必须向狩猎地所在区野生动物行政主管部门申请狩猎证。

第十一条 非法捕杀国家重点保护野生动物的，依照《野生动物保护法》相关规定处理。

第十二条 持枪猎捕野生动物的，必须取得区公安机关核发的持枪证。未取得持枪证持枪猎捕的，由公安机关依照《中华人民共和国治安管理处罚法》的规定处罚。

investigation of wildlife resources every 10 years and establish archives of wildlife resources.

Article 7 In parks, forest farms and scenic spots, nesting boxes shall be hung, and birdfeeders and bathing grounds shall be set up to attract and protect wildlife.

Article 8 The people's governments at all levels or the competent departments for wildlife at all levels shall commend or reward the units and individuals that have one of the following deeds:

- (1) rescuing wildlife under special protection of the State or this Municipality;
- (2) reporting or exposing the illegal hunting or killing of wildlife under special protection of the State or this Municipality;
- (3) having achieved remarkable results in the protection, management, domestication and breeding of wildlife;
- (4) having made outstanding achievements in scientific research on wildlife;
- (5) having made outstanding achievements in attracting birds; or
- (6) having made remarkable achievements in the implementation of the Law on Wildlife Protection and the Measures.

Article 9 The habitats of wildlife shall be protected. Any unit or individual shall be prohibited from destroying the habitats of wildlife.

Whoever damages the main places for the survival and breeding of wildlife shall be ordered to stop the act and restore to the original state within a specified time limit by the district competent departments for wildlife, and a fine of not more than 3 times the expenses required for the restoration may be imposed concurrently.

Article 10 Any unit or individual shall be prohibited from illegally hunting, catching or killing wildlife under special protection of the State or this Municipality. Where it is necessary to catch wildlife under special protection of the State or this Municipality for scientific research, domestication, breeding, exhibition or other special purposes, the following provisions shall apply:

- (1) For catching wildlife under first class state protection, an application shall be submitted to the competent department for wildlife under the State Council for a special hunting and catching license after being examined and approved by the municipal competent department for wildlife;
- (2) For catching wildlife under second class state protection and under first class protection of this Municipality, an application shall be submitted to the municipal competent department for wildlife for a special hunting and catching license; and
- (3) For hunting or catching wildlife under second class protection of this Municipality, an application shall be submitted to the competent department for wildlife of the district where the hunting place is located for a hunting license.

Article 11 Whoever illegally hunts or kills wildlife under special state protection shall be dealt with in accordance with the relevant provisions of the Law on Wildlife Protection.

Article 12 Anyone who intends to hunt wildlife with a gun must obtain a gun license issued by the district public security organs. Whoever hunts with guns without obtaining a gun license shall be punished by the public security organs in accordance with the provisions of the Law of the People's Republic of China on Penalties for Administration of Public Security.

第十三条 每年3月至5月、9月至11月禁止狩猎。

城、近郊区，远郊区城镇，公园、风景游览区，自然保护区，国营林场，市和区野生动物行政主管部门或者公安部门划定的其他禁猎地区禁止狩猎。

禁止使用毒药、爆炸物、电击或者电子诱捕装置以及猎套、猎夹、地弓、地枪、排铳、汽枪、粘网、军用武器等工具进行猎捕，禁止使用非人为直接操作并危害人畜安全的狩猎装置、夜间照明行猎、歼灭性围猎、捣毁巢穴、火攻、烟熏、网捕、挖洞、陷阱等方法进行猎捕，但因科学研究确需网捕、电子诱捕的除外。

违反本条第一、二、三款规定的，由区野生动物行政主管部门没收猎捕工具，并按法律、行政法规的规定处以罚款；情节严重，构成犯罪的，依法追究刑事责任。

第十四条 本市鼓励驯养繁殖野生动物。

驯养繁殖国家、本市重点保护野生动物的单位和个人，应当持有驯养繁殖许可证。

国家重点保护野生动物驯养繁殖许可证的核发办法，按照国务院野生动物行政主管部门的规定执行。本市重点保护野生动物驯养繁殖许可证核发办法，由市野生动物行政主管部门制定。

第十五条 禁止出售、收购国家、本市重点保护野生动物或者其产品。因科学研究、驯养繁殖、展览等特殊情况，需要出售、收购、利用国家一级保护野生动物或者其产品的，经市野生动物行政主管部门审核同意，报国务院野生动物行政主管部门或者其授权单位批准；出售、收购、利用国家二级、本市重点保护野生动物或者其产品的，由市野生动物行政主管部门或者其授权单位批准。

驯养繁殖的国家、本市受保护的野生动物及其产品销售管理办法，由市人民政府制定。

第十六条 本市各级工商行政管理部门、野生动物行政主管部门应当对出售、收购、运输、携带野生动物及其产品的活动进行监督管理。

对违反本办法规定，非法出售、收购、运输、携带国家重点保护野生动物或者其

Article 13 Hunting is prohibited from March to May and September to November every year.

Hunting is prohibited in urban areas, suburbs, towns in the outer suburbs, parks, scenic spots, nature reserves, state-owned forest farms, and other areas closed to hunting designated by the municipal and district competent departments for wildlife or public security departments.

The hunting or catching of wildlife by the use of poisons, explosives, electric shock or electronic trapping devices, hunting traps, hunting clips, ground bows, ground guns, muskets, air guns, sticky nets, military weapons and other tools shall be prohibited. It is prohibited to hunt by hunting devices that are not directly operated by people and endanger the safety of people and livestock, hunting by lighting at night, annihilating hunting, nest ruin, fire attack, smoke attack, net catching, hole digging, trapping, etc., except for net catching and electronic trapping which are necessary for scientific research.

Whoever violates the provisions of Paragraphs 1, 2 and 3 of this Article shall have the hunting and catching tools confiscated by the district competent departments for wildlife and fined in accordance with the provisions of laws and administrative regulations; if the circumstances are serious enough to constitute a crime, criminal responsibility shall be investigated for according to law.

Article 14 This Municipality shall encourage the domestication and breeding of wildlife.

Units and individuals that domesticate and breed wildlife under special protection of the State and this Municipality shall hold domestication and breeding licenses.

Measures for the issuance of licenses for domestication and breeding of wildlife under special state protection shall be implemented in accordance with the provisions of the competent department for wildlife under the State Council. Measures for the issuance of licenses for domestication and breeding of wildlife under special protection of this Municipality shall be formulated by the municipal competent department for wildlife.

Article 15 It is prohibited to sell or purchase wildlife under special protection of the State or this Municipality or the products thereof. If it is necessary to sell, purchase or utilize wildlife under first class state protection or the products thereof for scientific research, domestication and breeding, exhibition or other special purposes, the approval of the competent department for wildlife under the State Council or the unit authorized thereby shall be obtained after the examination and approval by the municipal competent department for wildlife; the sale, purchase or utilization of wildlife under second class protection of the State or under special protection of this Municipality shall be subject to the approval of the municipal competent department for wildlife or the unit authorized thereby.

Measures for the administration of the sale of wildlife under the protection of the State or this Municipality domesticated and bred and the products thereof shall be formulated by the Municipal People's Government.

Article 16 The departments for industry and commerce and the competent departments for wildlife at all levels in this Municipality shall supervise and manage the activities of selling, purchasing, transporting and carrying wildlife and the products thereof.

Whoever, in violation of the provisions of the Measures, illegally sells, purchases,

产品的，没收实物和违法所得，并处相当于野生动物及其制品价值 2 倍以上 10 倍以下的罚款；情节严重，构成犯罪的，依法追究刑事责任。

对违反本办法规定，非法出售、收购、运输、携带本市重点保护野生动物或者其产品的，没收实物和违法所得，并处相当于野生动物及其制品价值 1 倍以上 5 倍以下的罚款；情节严重，构成犯罪的，依法追究刑事责任。

第十七条 伪造、倒卖、转让特许猎捕证、狩猎证、驯养繁殖许可证或者允许进出口证明书的，由野生动物行政主管部门或者工商行政管理部门吊销证件，没收违法所得，并按法律、行政法规的规定处以罚款；构成犯罪的，依法追究刑事责任。

第十八条 野生动物行政主管部门工作人员在野生动物保护管理工作中玩忽职守、滥用职权、徇私舞弊的，由其所在单位或者上级主管机关给予行政处分；情节严重，构成犯罪的，依法追究刑事责任。

第十九条 当事人对行政处罚决定不服的，可以在接到处罚通知之日起 15 日内，向作出处罚决定机关的上一级机关申请复议，但对没收猎获物、猎捕工具的决定，必须立即执行；对上一级机关复议决定不服的，可以在接到复议决定通知之日起 15 日内，向人民法院起诉。当事人也可以在接到处罚通知之日起 15 日内，直接向人民法院起诉。当事人逾期不申请复议或者不向人民法院起诉，又不履行处罚决定的，由作出处罚决定的机关申请人民法院强制执行。

第二十条 本办法自 1989 年 6 月 1 日起施行。

transports or carries wildlife under special state protection or the products thereof shall have such wildlife and products and the illegal gains confiscated, and be fined not less than twice but not more than 10 times the value of wildlife and the products thereof; if the circumstances are serious enough to constitute a crime, criminal responsibility shall be investigated for according to law.

Whoever, in violation of the provisions of the Measures, illegally sells, purchases, transports or carries wildlife under special protection of this Municipality or the products thereof shall have such wildlife and products and the illegal gains confiscated, and be fined not less than one time but not more than 5 times the value of wildlife and the products thereof; if the circumstances are serious enough to constitute a crime, criminal responsibility shall be investigated for according to law.

Article 17 If anyone forges, sells or resells, or transfers a special hunting and catching license, a hunting license, a domestication and breeding license, or an import or export permit, his license or permit shall be revoked and his illegal gains shall be confiscated and he may concurrently be fined by the competent departments for wildlife or the departments for industry and commerce; if a crime is constituted, criminal responsibility shall be investigated for according to law.

Article 18 Any staff member of the competent departments for wildlife who neglects his duty, abuses his power or engages in malpractices for personal gains in the work of wildlife protection and management shall be given administrative sanctions by the unit to which he belongs or the competent authority at the next higher level; if the circumstances are serious enough to constitute a crime, he shall be investigated for criminal responsibility according to law.

Article 19 Any party who is dissatisfied with the decision on an administrative sanction may, within 15 days of receiving the notification on the sanction, make a request for reconsideration to the authority at the level next higher to the one that has made the decision on the sanction, but the decision of confiscating the hunting and catching objects and tools must be executed immediately; if he is dissatisfied with the decision on reconsideration made by the authority at the next higher level, he may, within 15 days of receiving the notification on the reconsideration decision, institute legal proceedings in the court. The party may also directly institute legal proceedings in the court within 15 days of receiving the notification on the sanction. If the party neither makes a request for reconsideration, nor institutes legal proceedings in the court, nor complies with the decision on the sanction upon expiry of the time limit, the authority that has made the decision on the sanction shall request the court to effect a compulsory execution of the decision.

Article 20 The Measures shall come into force as of June 1, 1989.

北京市古树名木保护管理条例

(1998年6月5日北京市第十一届人民代表大会常务委员会第三次会议通过 根据2019年7月26日北京市第十五届人民代表大会常务委员会第十四次会议通过的《关于修改〈北京市河湖保护管理条例〉〈北京市农业机械化促进条例〉等十一部地方性法规的决定》修正)

第一条 为了加强古树名木的保护管理,维护古都风貌,根据本市实际情况,制定本条例。

第二条 本条例所称古树,是指树龄在百年以上的树木。凡树龄在三百年以上的树木为一级古树;其余的为二级古树。

本条例所称名木,是指珍贵、稀有的树木和具有历史价值、科学价值、纪念意义的树木。

本市古树名木由市园林绿化部门确认和公布。

第三条 市和区园林绿化部门负责本行政区域内古树名木的保护管理工作。

第四条 本市鼓励单位和个人资助古树名木的管护。

第五条 园林绿化部门应当对管护古树名木成绩显著的单位或者个人给予表彰和奖励。

第六条 任何单位和个人都有保护古树名木及其附属设施的义务。对损伤、破坏古树名木的行为,有权劝阻、检举和控告。

第七条 园林绿化部门应当加强对古树名木保护的科学研究,推广应用科研成果,普及保护知识,提高保护和管理水平。

Regulations of Beijing Municipality on the Protection and Administration of Ancient and Famous Trees

(Adopted at the 3rd Meeting of the Standing Committee of the 11th People's Congress of Beijing Municipality on June 5, 1998, and revised in accordance with the Decisions on Revising Eleven Local Regulations including the "Regulations of Beijing Municipality on the Protection and Administration of Rivers and Lakes" and the "Regulations of Beijing Municipality on the Promotion of Agricultural Mechanization" adopted at the 14th Meeting of the Standing Committee of the 15th People's Congress of Beijing Municipality on July 26, 2019)

Article 1 The Regulations are formulated for the purposes of strengthening the protection and administration of ancient and famous trees and maintaining the style and features of the ancient capital in light of the actual circumstances of this Municipality.

Article 2 The term "ancient trees" in the Regulations shall refer to trees with a tree age of more than 100 years. All trees with a tree age of more than 300 years are first-class ancient trees; the rest are second-class ancient trees.

The term "famous trees" in the Regulations shall refer to precious and rare trees and trees with historical, scientific and commemorative values.

The ancient and famous trees in this Municipality shall be confirmed and announced by the municipal department for landscaping.

Article 3 The municipal and district departments for landscaping shall be responsible for the protection and management of the ancient and famous trees within their respective administrative areas.

Article 4 This Municipality shall encourage units and individuals to subsidize the management and protection of ancient and famous trees.

Article 5 The units or individuals that have made outstanding achievements in the management and protection of ancient and famous trees shall be commended and rewarded by the departments for landscaping.

Article 6 All units and individuals shall have the obligation to protect ancient and famous trees and their auxiliary facilities, as well as the right to dissuade, report and charge against any act of damaging or destroying ancient and famous trees.

Article 7 The departments for landscaping shall strengthen the scientific research on the protection of ancient and famous trees, promote the application of scientific research results, popularize protection knowledge, and improve the level of protection and management.

第八条 园林绿化部门应当对本行政区域内的古树名木进行调查登记、鉴定分级、建立档案、设立标志、制定保护措施、确定管护责任者。

园林绿化部门应当规范古树名木标志管理，加强古树名木历史、科学、文化等价值的宣传，提高公众参与保护的意识。

园林绿化部门应当定期对古树名木生长和管护情况进行检查；对长势濒危的古树名木提出抢救措施，并监督实施。

第九条 国家所有和集体所有的古树名木的管护责任，按下列规定承担：

（一）生长在机关、团体、部队、企业、事业单位或者公园、风景名胜区和坛庙寺院用地范围内的古树名木，由所在单位管护；

（二）生长在铁路、公路、水库和河道用地管理范围内的古树名木，分别由铁路、公路等单位和水务部门管护；

（三）生长在城市道路、街巷、绿地的古树名木，由园林管理单位管护；

（四）生长在居住小区内或者城镇居民院内的古树名木，由物业管理部门或者街道办事处指定专人管护；

（五）生长在农村集体所有土地上的古树名木，由村经济合作社管护或者由乡镇人民政府指定专人管护。

个人所有的古树名木，由个人管护。

变更古树名木管护责任单位或者个人，应当到园林绿化部门办理管护责任转移手续。

第十条 古树名木管护费用由管护责任单位或者个人负担；抢救、复壮费用，管护责任单位或者个人负担确有困难的，由园林绿化部门给予补贴。

第十一条 古树名木的管护责任单位或者个人，应当按照技术规范养护管理，保障古树名木正常生长。

古树名木受害或者长势衰弱，管护责任单位或者个人应当及时报告园林绿化部门，

Article 8 The departments for landscaping shall investigate, register, identify and classify the ancient and famous trees within their respective administrative areas, and establish archives, set up signs, formulate protective measures and determine the persons responsible for management and protection therefor.

The departments for landscaping shall standardize the management of the signs of ancient and famous trees, strengthen the publicity of the historical, scientific and cultural values of ancient and famous trees, and raise the awareness of the public to participate in the protection.

The departments for landscaping shall regularly inspect the growth, management and protection of ancient and famous trees, put forward rescue measures for the endangered ancient and famous trees, and supervise the implementation thereof.

Article 9 The responsibility for the management and protection of ancient and famous trees owned by the State and the collective shall be undertaken in accordance with the following provisions:

(1) The ancient and famous trees growing within the scope of land for government organs, organizations, troops, enterprises, institutions, parks, scenic spots and temples shall be managed and protected by the units to which they belong;

(2) The ancient and famous trees growing within the scope of management of the land for railways, highways, reservoirs and river courses shall be managed and protected by the railway and highway units and the departments for water respectively;

(3) The ancient and famous trees growing on urban roads, streets, lanes and green spaces shall be managed and protected by the garden management units;

(4) The ancient and famous trees growing in residential quarters or urban residential areas shall be managed and protected by a specially assigned person designated by the property management departments or sub-district offices; and

(5) The ancient and famous trees growing on the collectively owned land in rural areas shall be managed and protected by the village economic cooperative or by a specially assigned person designated by the town or township people's governments.

The ancient and famous trees owned by individuals shall be under the personal protection.

The change of the unit or individual responsible for the management and protection of ancient and famous trees shall go through the procedures for the transfer of management and protection responsibilities with the departments for landscaping.

Article 10 The cost of the management and protection of ancient and famous trees shall be borne by the unit or individual responsible for the management and protection; if it is really difficult for any unit or individual to bear the cost of rescue and rejuvenation, subsidies may be provided by the departments for landscaping.

Article 11 The units or individuals responsible for the management and protection of ancient and famous trees shall, in accordance with the technical specifications, maintain and manage them to ensure their normal growth.

If the ancient and famous trees are damaged or do not grow well, the unit or individual responsible for the management and protection shall report to the departments for landscaping in a timely manner and carry out treatment and rejuvenation in accordance with

并按照园林绿化部门的要求进行治理、复壮。

古树名木死亡，应当报经市园林绿化部门确认，查明原因、责任，方可处理。

第十二条 禁止下列损害古树名木的行为：

- （一）在树上刻划钉钉、缠绕绳索，攀树折枝、剥损树皮；
- （二）借用树干做支撑物；
- （三）擅自采摘果实；
- （四）在园林绿化部门按相关技术标准划定的范围内挖坑取土、动用明火、排放烟气、倾倒污水污物、堆放危害树木生长的物料、修建建筑物或者构筑物；
- （五）擅自移植；
- （六）砍伐；
- （七）其他损害行为。

第十三条 对影响和危害古树名木生长的生产、生活设施，由园林绿化部门责令有关单位或者个人限期采取措施，消除影响和危害。

第十四条 制定城乡建设详细规划，应当在古树群周围划出一定的建设控制地带，保护古树群的生长环境和风貌。

第十五条 建设项目涉及古树名木的，在规划、设计和施工、安装中，应当采取避让保护措施。避让保护措施由建设单位报园林绿化部门批准，未经批准，不得施工。

因特殊情况确需迁移古树名木的，应当经市园林绿化部门审核，报市人民政府批准后，办理移植许可证，按照古树名木移植的有关规定组织施工。移植所需费用，由建设单位承担。

第十六条 古树名木保护措施与其他文物保护单位的保护措施相关时，由园林绿化部门和文物行政主管部门共同制定保护措施。

第十七条 违反本条例第八条规定，损坏古树名木标志和其他附属设施的，由城市管理综合执法部门责令恢复原貌，赔偿损失，并可处以损失额1倍以下的罚款。

the requirements of the departments for landscaping.

The death of ancient and famous trees shall be reported to the municipal department for landscaping for confirmation, and the cause and responsibility shall be found out before handling.

Article 12 The following acts of damaging ancient and famous trees are prohibited:

(1) carving, driving nails and winding ropes on trees, climbing trees, breaking branches, and peeling trees;

(2) using trunk as support;

(3) picking fruits without authorization;

(4) digging pits for soil, using open fire, discharging flue gas, dumping sewage, stacking materials endangering the growth of trees, and constructing buildings or structures within the area defined by the departments for landscaping according to relevant technical standards;

(5) transplanting without authorization;

(6) felling trees; and

(7) other acts of damage.

Article 13 For the production and living facilities that affect and endanger the growth of ancient and famous trees, the departments for landscaping shall order the relevant units or individuals to take measures within a specified time limit to eliminate the effects and hazards.

Article 14 In formulating detailed plans for urban and rural construction, a certain construction control zone shall be delimited around the group of ancient trees to protect the growth environment and features of the group of ancient trees.

Article 15 In the planning, design, construction and installation of construction projects involving ancient and famous trees, measures of avoidance and protection shall be taken. The construction units shall report the avoidance and protection measures to the departments for landscaping for approval. Construction is not allowed without approval.

If it is really necessary to relocate ancient and famous trees due to special circumstances, the matter shall be examined and approved by the municipal department for landscaping and submitted to the Municipal People's Government for approval before applying for a transplantation license and organizing the construction in accordance with the relevant provisions on the transplantation of ancient and famous trees. The cost of transplantation shall be borne by the construction units.

Article 16 When the protection measures for ancient and famous trees are related to the protection measures of other cultural relic protection units, the departments for landscaping shall formulate the protection measures together with the competent departments for cultural relics.

Article 17 Whoever, in violation of the provisions of Article 8 of the Regulations, damages the signs of ancient and famous trees and other ancillary facilities shall be ordered by the departments for city management and law enforcement to restore the original appearance and compensate for the losses, and a fine of not more than one time the amount

第十八条 违反本条例第十一条第一款、第二款规定，不按技术规范养护管理或者不按要求治理、复壮的，由城市管理综合执法部门责令改正；造成古树名木损伤的，每株可以处 500 元至 2000 元的罚款；造成死亡的，每株可以处 1 万元至 5 万元的罚款。

违反本条例第十一条第三款规定，未经确认擅自处理死亡古树名木的，由城市管理综合执法部门每株处以 2000 元至 1 万元的罚款。

第十九条 违反本条例第十二条第（一）项、第（二）项、第（三）项、第（四）项规定，损害古树名木的，由城市管理综合执法部门责令改正，并处以罚款：

（一）对古树名木损害较轻的，每株处以 200 元至 1000 元的罚款；

（二）损害枝干或者根系的，处以损失额 1 倍至 2 倍的罚款；

（三）造成死亡的，处以损失额 2 倍至 3 倍的罚款。

第二十条 违反本条例第十二条第（六）项规定，砍伐古树名木的，由城市管理综合执法部门处以损失额 3 倍至 5 倍的罚款。

第二十一条 违反本条例第十五条第一款规定，未采取避让保护措施的，避让保护措施未经批准或者不按批准的避让保护措施施工的，城市管理综合执法部门有权责令停止施工。造成古树名木损害的，依照本条例有关规定处理。

第二十二条 违反本条例第十二条第（五）项和第十五条第二款规定，擅自移植古树名木的，由城市管理综合执法部门处以损失额 1 倍至 2 倍的罚款；造成死亡的，处以损失额 2 倍至 3 倍的罚款。原古树名木保护范围不得擅自作为建设用地。

第二十三条 违反本条例规定，损害古树名木的，应当向所有者赔偿损失。

古树名木损失鉴定办法由市城市管理综合执法部门制定。

第二十四条 砍伐、毁坏古树名木，构成犯罪的，依法追究刑事责任。

第二十五条 园林绿化、城市管理综合执法部门及其他有关部门的工作人员在古树名木的保护管理工作中，滥用职权、玩忽职守、徇私舞弊的，由其所在单位或者上级机关给予行政处分；情节严重，构成犯罪的，依法追究刑事责任。

of the losses may be imposed.

Article 18 Whoever, in violation of the provisions of Paragraphs 1 and 2, Article 11 of the Regulations, fails to conduct management in accordance with the technical specifications, or fails to conduct treatment and rejuvenation in accordance with the requirements shall be ordered by the departments for city management and law enforcement to make corrections; if damage to ancient and famous trees is caused, a fine of 500 yuan to 2,000 yuan may be imposed for each tree; if death is caused, a fine of 10,000 yuan to 50,000 yuan may be imposed for each tree.

Whoever, in violation of the provisions of Paragraph 3, Article 11 of the Regulations, deals with dead ancient and famous trees without confirmation shall be fined 2,000 yuan to 10,000 yuan for each tree by the departments for city management and law enforcement.

Article 19 Whoever, in violation of the provisions of Items (1), (2), (3) and (4), Article 12 of the Regulations, damages ancient and famous trees shall be ordered by the departments for city management and law enforcement to make corrections and be fined at the same time:

(1) If the damage to ancient and famous trees is relatively minor, a fine of 200 yuan to 1,000 yuan shall be imposed for each tree;

(2) If damage is caused to branches or roots, a fine of one time to twice the amount of loss shall be imposed; and

(3) If death is caused, a fine of twice to 3 times the amount of loss shall be imposed.

Article 20 Whoever, in violation of the provisions of Item (6), Article 12 of the Regulations, fells ancient and famous trees shall be fined 3 times to 5 times the amount of loss by the departments for city management and law enforcement.

Article 21 Where any unit or individual, in violation of the provisions of Paragraph 1, Article 15 of the Regulations, fails to take the measures of avoidance and protection, fails to have the measures of avoidance and protection approved, or fails to conduct construction in accordance with the approved measures of avoidance and protection, the departments for city management and law enforcement shall have the right to order to stop the construction. Damages to ancient and famous trees shall be dealt with in accordance with the relevant provisions of the Regulations.

Article 22 Whoever, in violation of the provisions of Item (5), Article 12 and Paragraph 2, Article 15 of the Regulations, transplants ancient and famous trees without authorization shall be fined one time to twice the amount of loss by the departments for city management and law enforcement; if death is caused, a fine of twice to 3 times the amount of loss shall be imposed. The original scope of protection of ancient and famous trees shall not be used as construction land without authorization.

Article 23 Whoever, in violation of the provisions of the Regulations, damages ancient and famous trees shall compensate the owners for the losses.

Measures for the assessment of the loss of ancient and famous trees shall be formulated by the municipal department for city management and law enforcement.

Article 24 Whoever fells or destroys ancient and famous trees shall be investigated for criminal responsibility according to law if a crime is constituted.

Article 25 Where the functionaries of the departments for landscaping, the departments for city management and law enforcement, and other relevant departments abuse their power, neglect their duties, or engage in malpractices for personal gains in the

第二十六条 本条例自 1998 年 8 月 1 日起施行。1986 年 5 月 14 日市人民政府发布的《北京市古树名木保护管理暂行办法》同时废止。

protection and management of ancient and famous trees, they shall be given administrative sanctions by the units to which they belong or by the authorities at the next higher level; if the circumstances are serious enough to constitute a crime, they shall be investigated for criminal responsibility according to law.

Article 26 The Regulations shall come into force as of August 1, 1998. The Interim Measures of Beijing Municipality on the Protection and Administration of Ancient and Famous Trees promulgated by the Municipal People's Government on May 14, 1986 shall be repealed at the same time.

北京市森林资源保护管理条例

(1999年9月16日北京市第十一届人民代表大会常务委员会第十三次会议通过 根据2010年12月23日北京市第十三届人民代表大会常务委员会第二十二次会议通过的《关于修改部分地方性法规的决定》修正 根据2016年11月25日北京市第十四届人民代表大会常务委员会第三十一次会议通过的《关于修改部分地方性法规的决定》修正 根据2018年3月30日北京市第十五届人民代表大会常务委员会第三次会议通过的《关于修改〈北京市大气污染防治条例〉等七部地方性法规的决定》修正)

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第一章 总 则

第一条 为了保护、管理和合理利用森林资源，巩固绿化成果，改善生态环境，根据《中华人民共和国森林法》，结合本市实际情况，制定本条例。

第二条 本条例适用于本市行政区域内森林、林木、林地等森林资源的保护管理。

Regulations of Beijing Municipality on Conservation and Administration of Forest Resources

(Adopted at the 13th Session of the Standing Committee of the 11th Beijing Municipal People's Congress on September 16, 1999, amended according to The Decision of the Standing Committee of Beijing Municipal People's Congress on Amending Certain Local Regulations adopted at the 22nd Session of the Standing Committee of the 13th Beijing Municipal People's Congress on December 23, 2010, amended according to The Decision of the Standing Committee of Beijing Municipal People's Congress on Amending Certain Local Regulations adopted at the 31st Session of the Standing Committee of the 14th Beijing Municipal People's Congress on November 25, 2016, and amended according to The Decision of the Standing Committee of Beijing Municipal People's Congress on Amending the Regulations of Beijing Municipality on Atmospheric Pollution Prevention and Control and Other Six Local Regulations adopted at the 3rd Session of the Standing Committee of the 15th Beijing Municipal People's Congress on March 30, 2018)

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Chapter I General Provisions

Article 1 These Regulations are formulated for the purposes of preserving, managing and rationally utilizing forest resources, consolidating greening achievements and improving ecological environment in accordance with the Forest Law of the People's Republic of China and in light of the actual conditions of this Municipality.

Article 2 These Regulations apply to the preservation and management of forest resources such as forests, woods and woodland in the administrative areas of this Municipality.

绿化的规划、建设、保护、监督和管理，依照《北京市绿化条例》执行。

第三条 市和区园林绿化行政主管部门主管本行政区域内森林资源保护管理工作。乡、镇林业工作站在乡、镇人民政府的领导下，负责本乡、镇的森林资源保护管理工作。

乡、镇林业工作站受区园林绿化行政主管部门的业务指导。

第四条 森林资源所有者和使用者的合法权益受法律保护，任何单位和个人不得侵犯。

第五条 本市根据国家规定，建立林业基金和森林生态效益补偿基金。

第六条 森林资源实行分类经营，森林和林木划分为生态公益林和商品林。

生态公益林包括防护林和特种用途林；商品林包括经济林、用材林和薪炭林。生态公益林范围的划定由区园林绿化行政主管部门提出方案，经市园林绿化行政主管部门审核，报市人民政府批准。

生态公益林建设纳入本市国家基本建设项目计划；人民政府对营造商品林给予扶持。

第七条 市和区园林绿化行政主管部门每五年进行一次森林资源清查，掌握森林资源消长情况，建立森林资源档案。

第八条 本市森林公安机关负责保护辖区内的森林资源，依法行使行政处罚权。

第九条 村民委员会或者农村集体经济组织以及国有林场、铁路、公路、水利、矿务、园林等有林单位应当建立护林组织，划定护林责任区，订立护林公约，配备护林员。

第十条 任何单位和个人不得破坏森林资源，对破坏森林资源的行为有权进行劝阻、检举和控告。

第十一条 本市各级人民政府对在森林资源保护管理工作中做出突出贡献的单位或者个人，给予表彰或者奖励。

The planning, construction, protection, supervision and management of urban greening shall follow the Regulations of Beijing Municipality on Urban Greening.

Article 3 The competent administrative departments for urban greening at the municipal and district levels are in charge of the preservation and management of forest resources in their respective administrative areas. The town and township forestry work stations, under the leadership of the town and township people's governments, take charge of the preservation and management of forest resources in their respective town and township.

The town and township forest work stations shall receive professional guidance from the competent district administrative department for urban greening.

Article 4 Legal rights of forest resource owners and users are protected by law and may not be infringed upon by any unit or individual.

Article 5 This Municipality establishes the forestry fund and forest ecological benefit compensation fund according to State provisions.

Article 6 Forest resources shall be managed and exploited by classification; and forests and woods are classified into ecological public welfare forests and commercial forests.

Ecological public welfare forests can be further classified into protection forests and forests with special uses; commercial forests can be further classified into economic forests, timber stands and firewood forests. For determining the scope of ecological public welfare forest, the competent district administrative department for urban greening shall propose and submit the plans to the competent municipal administrative department for urban greening for examination and to the Municipal People's Government for approval.

The construction of ecological public welfare forests shall be included in the State capital construction project plan of this Municipality; and the people's governments shall give support to the construction of commercial forests.

Article 7 The competent administrative departments for urban greening at the municipal and district levels shall survey forest resources once every five years, keep abreast of the growth and decline of forest resources and establish forest resource archives.

Article 8 The forest public security organs of this Municipality are responsible for the preservation of forest resources in their jurisdiction and exercise administrative penalty power according to law.

Article 9 Villagers' committees or rural collective economic organizations and State-owned forest farms as well as units of railways, highways, water conservancy, mining, and gardens that have forests must establish forest-protecting organizations, designate forest-protecting responsibility areas, make forest-protecting conventions and staff forest rangers.

Article 10 No units or individuals shall destroy forest resources and any unit or individual has the right to halt, report and denounce any actions of destroying forest resources.

Article 11 The people's governments at all levels of this Municipality shall commend and reward units or individuals that make outstanding contributions to the protection and management of forest resources.

第二章 权属管理

第十二条 森林、林木，按照下列规定确定权属：

（一）国家所有的土地上自然生长的森林、林木，所有权属于国家，经营单位按规定支配林木收益；

（二）国有企业事业单位、机关、团体、部队营造的林木，由营造单位经营，并按照国家规定支配林木收益；

（三）法律、法规规定属于集体所有的森林、林木和集体所有制单位营造的森林、林木，归该单位所有；

（四）单位与单位、单位与个人、个人与个人合作营造的森林、林木，归合作各方共有；

（五）在国家所有的土地上义务栽植的林木，归国家所有；在集体所有的土地上义务栽植的林木，归该集体所有；

（六）承包林地、租赁荒山、荒滩栽植的林木，归承包方、承租方所有，合同另有约定的，按合同规定确定林木所有权；

（七）私营企业事业单位在其合法使用的土地上营造的林木，归该单位所有；

（八）农村居民在房前屋后、自留地、自留山上栽植的林木，归该农村居民所有。林地所有权和使用权依照有关法律、法规确定。

第十三条 国家所有和集体所有的森林、林木、林地，个人所有的林木和使用的林地，由区人民政府登记造册，发放证书，确认所有权或者使用权。

第十四条 林木、林地所有权和使用权发生争议，依照《中华人民共和国森林法》和有关法律、法规的规定处理。在林木、林地权属争议解决以前，任何一方不得砍伐有争议的林木。

第十五条 用材林、经济林、薪炭林以及用材林、经济林、薪炭林的林地、火烧迹地、采伐迹地的林地使用权，可以依法转包、转让、互换、作价入股或者作为合资、合作造林、

Chapter II Management Of Ownership

Article 12 Ownership of forests and woods is specified according to the following provisions:

(1) The ownership of forests and woods growing naturally on the State-owned land belongs to the State; and the operating units shall distribute earnings from woods according to relevant provisions;

(2) Woods planted by State-owned enterprises and institutions, organs, organizations and military units are operated by the said units, who shall distribute earnings from woods according to State provisions;

(3) Forests and woods that belong to collective units as stipulated by relevant laws and regulations as well as forests and woods planted by collectively-owned units belong to the said units;

(4) Forests and woods planted in the form of unit-and-unit or unit-and-individual or individual- and-individual cooperation shall belong to all parties involved;

(5) Woods planted voluntarily on State-owned land belong to the State; and woods planted voluntarily on collectively-owned land belong to the collective units;

(6) Woods planted on contracted woodland and leased barren hills and waste beaches belong to the contractors or the lessees; where otherwise stipulated by contracts, the ownership of woods shall be determined according to the stipulations of the contracts;

(7) Woods planted by private enterprises and institutions on their legally used land belong to the said units; and

(8) Woods planted by rural residents in front of and behind their houses and on their private plots or hills belong to the said rural residents.

The ownership and use-rights of woodland shall be determined according to relevant laws and regulations.

Article 13 For State-owned and collectively-owned forests, woods and woodland, and woods owned by individuals and woodland used by individuals, the district people's governments shall compile a register and issue certificates to confirm the ownership or use rights.

Article 14 Disputes concerning the ownership and use-rights of woods and woodland shall be settled according to the Forest Law of the People's Republic of China and the provisions of relevant laws and regulations. Prior to the settlement of such disputes, no party may cut the woods in dispute.

Article 15 Use-rights of timber stands, economic forests, firewood forests and heir woodland, stump lands, burned areas may be sub-contracted, transferred, exchanged, priced and converted into shares or made as contributions to and cooperation conditions for joint equities and cooperative afforestation and wood business, but woodland shall not be converted into non-woodland.

经营林木的出资、合作条件，但不得将林地改为非林地。

第十六条 利用森林资源开发旅游项目的，应当持林权证书、开发规划、保护森林资源方案及其评估意见和其他有关文件，向市或者区园林绿化行政主管部门提出申请，经批准后，方可办理其他手续。

第十七条 本市对林地用途实行管制，严格限制将林地改为非林地。

建设工程和勘查、采矿征收、征用或者占用林地的，须经市园林绿化行政主管部门审核同意，核定林木和地上物补偿费，依照土地管理法律、法规办理征收、征用或者占用手续。

征收、征用或者占用林地，用地单位应当按照规定缴纳森林植被恢复费，专款用于植树造林、森林植被恢复和森林资源管护。

第十八条 未经市园林绿化行政主管部门审核同意并报市人民政府批准，任何单位或者个人不得改变国有林业企业事业单位林木、林地的权属和用途。

第三章 森林防火

第十九条 本市实行森林防火责任制。

各级人民政府应当加强森林防火工作，根据实际需要组织有关部门和当地驻军，设立森林防火指挥部，负责本辖区森林防火工作。

第二十条 林地划分为三级防火区：

一级防火区是指自然保护区、风景游览区、特种用途林地和千亩以上的有林地。

二级防火区是指一级防火区以外的成片有林地。

三级防火区是指护路林、护岸林、宜林地和农田林网。

第二十一条 有林单位应当建设森林防火设施，建立防火组织；一级、二级防火区所在区人民政府应当建立森林扑火队。

第二十二条 每年 11 月 1 日至次年 5 月 31 日为本市森林防火期。

Article 16 Those who want to develop tourism with forest resources shall apply to the competent administrative department for urban greening at the municipal or district level for approval with forest ownership certificates, development plans, schemes for protection of forest resources and their appraisal opinions and other relevant documents before going through other formalities.

Article 17 This Municipality puts the use of woodland under control and strictly control the conversion of woodland to non-woodland.

Expropriation, requisition or occupation of woodland for construction projects and prospecting and mining must be examined and approved by the competent municipal administrative department for urban greening who will appraise and decide the compensation fees for woods and above-ground objects and process the requisition or occupation formalities according to land administration laws and regulations.

For expropriation, requisition or occupation of woodland, land-using units shall, according to relevant provisions, pay forest vegetation recovery fees, which are earmarked for afforestation, forest vegetation recovery and forest resource administration and protection.

Article 18 Without examination and consent of the competent municipal administrative department for urban greening and submission to the Municipal People's Government for approval, no unit or individual may change the ownership and use of woods and woodland of State-owned forestry enterprises and institutions.

Chapter III Forest Fire Prevention

Article 19 This Municipality implements a responsibility system for forest fire prevention.

The people's governments at all levels shall strengthen fire prevention, and may make arrangements for relevant departments and local stationed military forces to establish fire prevention headquarters responsible for forest fire prevention in their respective jurisdictions according to actual needs.

Article 20 Woodland is divided into three classes of fire prevention zones:

Class-1 fire prevention zone refers to nature reserves, scenic areas, woodland with special uses and forest land of over 1,000 mu.

Class-2 fire prevention zone refers to stretches of forest land outside Class-1 fire prevention zone.

Class-3 fire prevention zone refers to road protection belts, river bank protection belts, land appropriate for forestation and farmland forest net.

Article 21 Owners of forests shall construct fire prevention facilities and establish fire prevention organizations; and district people's governments in Class-1 and Class-2 fire prevention zones shall set up forest fire-fighting teams.

Article 22 The forest fire prevention period of this Municipality is from November 1 of each year to May 31 of the following year.

森林防火期内，按下列规定实行用火管制：

（一）一级防火区禁止擅自野外用火，并对居民生活用火加强管理；

（二）二级、三级防火区禁止烧荒、点篝火、烧香烧纸、野外烧烤；

（三）在山区林地作业和通行的机动车辆，必须严防漏火、喷火；严禁司乘人员丢弃火种。

因特殊需要在一级防火区生产性用火的，须经区园林绿化行政主管部门批准，核发用火许可证。在一级、二级防火区组织大型群众活动的，应当制定防火措施，并报区森林防火指挥部批准。

第二十三条 在森林防火期内，根据高温、干旱、大风等天气预报，由市森林防火指挥部确定并公布本市森林高火险期。

在森林高火险期内，各级森林防火区禁止一切野外用火，禁止携带火种进入森林和林地。

第二十四条 任何单位或者个人发现森林火情，应当及时向当地人民政府或者森林防火指挥部报告。当地人民政府或者森林防火指挥部必须立即组织扑救，并迅速逐级上报市森林防火指挥部。

第二十五条 森林公安机关应当加强森林防火工作检查，对有森林火灾隐患的单位，责令限期改正、消除隐患。

第二十六条 森林防火经费纳入各级人民政府的财政预算。

第四章 森林病虫害防治

第二十七条 本市各级园林绿化行政主管部门应当组织建立无检疫对象的林木种苗繁育基地和母树林基地；依法实行产地和调运检疫，防止检疫对象传播；对新传入的危险性病虫害采取封锁和扑灭措施。

营林单位育苗或者造林，不得使用带有危险性病、虫的林木种苗。

During the forest fire prevention period, fire control is exercised according to the following provisions:

(1) In Class-1 fire prevention zones, making a fire outdoors without permission is prohibited and the administration of fire for daily use by local residents shall be strengthened;

(2) In Class-2 and Class-3 fire prevention zones, burning grass, joss sticks and paper, making a camp fire, or activities of barbecuing are prohibited; and

(3) Motor vehicles operating and running in woodland in mountain areas must be strictly guarded against leakage or gush of fire; drivers and passengers are strictly prohibited from discarding tinder.

Making a fire for production in Class-1 fire prevention zone due to special needs must be approved by the competent district administrative department for urban greening and have a fire making permit issued by the department. Where large-scale public events are organized in Class-1 and Class-2 fire prevention zones, fire prevention measures shall be formulated and reported to the district forest fire prevention headquarters for approval.

Article 23 During the forest fire prevention period, when the weather forecast predicts high temperature, drought, or strong wind, the municipal fire prevention headquarters shall specify and announce high forest fire risk periods.

During high forest fire risk periods, making a fire outdoors and taking any tinder into forest and woodland are prohibited in fire prevention zones of all classes.

Article 24 Upon discovering any forest fire, units or individuals shall report to the local people's government or forest fire prevention headquarters without any delay and the latter must immediately organize a fire fighting and report quickly and progressively to the municipal fire prevention headquarters.

Article 25 Forest public security organs shall enhance inspection on forest fire prevention and order units with potential risks of forest fires to make corrections within a prescribed time limit to eliminate the potential fire risks.

Article 26 Forest fire prevention expenses are included in fiscal budgets of the people's governments at all levels.

Chapter IV Control Of Forest Diseases And Pests

Article 27 The competent administrative departments for urban greening in this Municipality at all levels shall organize the establishment of breeding bases of quarantine-free wood seedlings and parent forest bases; they shall make a quarantine at place of origin and during allocation and transportation according to law to prevent the spread of quarantined subjects; and they must take measures to cordon off and wipe out dangerous pests and diseases newly introduced from abroad.

In growing seedlings or afforestation, the forest operators must not use seedlings with dangerous diseases and pests.

第二十八条 森林病虫害防治机构应当加强森林病虫害的预测预报，发布森林病虫害趋势预报，提出防治方案。

第二十九条 森林病虫害防治，按照“谁经营、谁防治”的原则，由营林单位或者个人负责。

发生暴发性或者危险性的森林病虫害时，当地人民政府应当根据实际需要，组织有关部门建立森林病虫害防治临时指挥机构，采取紧急除治措施。

第三十条 生态公益林病虫害防治费用纳入市和区财政预算，商品林病虫害防治费用由营林单位或者个人负担。

发生大面积暴发性和危险性的森林病虫害，由市或者区人民政府和营林单位或者个人共同负担防治费用。

第五章 森林采伐

第三十一条 禁止采伐具有特殊保护价值的天然林，其他森林、林木采伐应当严格控制，实行限额管理。

市和区园林绿化行政主管部门必须在采伐限额内核发采伐许可证，不得超限额审批。

采伐单位或者个人必须按采伐许可证规定的数量、地点、树种进行采伐，不得超采。

第三十二条 采伐林木必须申请林木采伐许可证；农村居民采伐自留地、房前屋后个人所有的零星林木以及采伐薪炭林除外。

市园林绿化、公路、铁路、水务、矿务等部门和部队采伐林木，由市园林绿化行政主管部门核发林木采伐许可证；其他机关及企业事业单位、团体、组织或者个人采伐林木，由所在区园林绿化行政主管部门核发林木采伐许可证。

采伐林木的审批权限由市人民政府规定。

林木采伐许可证由市园林绿化行政主管部门统一印制。

Article 28 Forest pest and disease control institutions shall strengthen prediction and forecast of forest diseases and pests, release forecast of forest disease and pest trends and put forward prevention and control plans.

Article 29 Adhering to the principle of “the operator shall be responsible for the prevention and control”, forest operating units or individuals shall take charge of the prevention and control of forest diseases and pests.

Where fulminant or dangerous forest pests and diseases break out, the local people's government must, according to actual needs, organize the relevant departments to set up interim commanding agencies for forest disease and pest prevention and control and take emergency elimination-and-treatment measures.

Article 30 The expenses of pest and disease prevention and control of ecological public welfare forests are included in fiscal budgets at the municipal and district levels; and the expenses of pest and disease prevention and control of commercial forests shall be born by forest operating units or individuals.

Where fulminant and dangerous forest pests and diseases break out in a large area, the municipal or district people's government and forest operating units or individuals shall share the expenses of prevention and control.

Chapter V Forest Felling

Article 31 Felling of natural forests with special conservation value is prohibited; felling of other forests and woods shall be under strict control and managed with quota.

The competent administrative departments for urban greening at municipal and district levels must approve and issue felling permits within the felling quota and may not grant approval beyond the set quota.

Felling units or individuals must control their cutting according to the quantity, place and tree species provided by the felling permits and may not exceed the limit.

Article 32 An application for wood felling permit is a must for wood felling; the cases where rural residents cut privately-owned trees scattered on private plots and around their houses and cut firewood forests are excluded.

Where the municipal departments for urban greening, highway, railway, water conservancy and mining as well as military forces cut woods, the competent municipal administrative department for urban greening shall be in charge of the approving and issuing wood felling permits. Where other organs, enterprises and institutions, groups, organizations or individuals cut woods, the local competent district administrative department for urban greening shall be responsible for approving and issuing the wood felling permits.

The examination and approving power for wood felling is decided by the Municipal People's Government.

Wood felling permits shall be uniformly printed by the competent municipal administrative department for urban greening.

第三十三条 采伐森林和林木必须遵守下列规定：

（一）成熟的用材林应当根据不同情况，分别采取择伐、皆伐和渐伐方式，皆伐应当严格控制，并在采伐的当年或者次年内完成更新造林；

（二）防护林和特种用途林中的国防林、母树林、环境保护林、风景林、实验林，只准进行抚育和更新性质的采伐；

（三）特种用途林中的名胜古迹和革命纪念地的林木、自然保护区的森林，禁止采伐。

第三十四条 国有林场申请林木采伐许可证时，必须持林权证书并提交伐区调查设计文件和国家规定的其他文件。其他单位申请林木采伐许可证时，必须持林权证书并提交具有采伐目的、地点、林种、树种、林龄、株数（或者面积）、蓄积、方式、更新抚育措施等内容的文件和国家规定的其他文件。

第三十五条 采伐林木的单位或者个人，必须按照国家有关规定缴纳育林费。

第三十六条 因特殊情况需要移植林木的，应当经市或者区园林绿化行政主管部门批准，并按照有关技术规范施工。

第三十七条 根据国家规定设立的木材检查站，应当加强木材运输检查和森林植物检疫检查。

第三十八条 禁止毁林开垦和毁林采石、挖砂、取土、筑坟、堆物堆料及其他毁林行为。

禁止在幼林地、特种用途林地和封山育林区内砍柴、放牧。

第六章 法律责任

第三十九条 盗伐森林或者其他林木的，依法赔偿损失；由市或者区园林绿化行政主管部门责令补种盗伐株数 10 倍的树木，没收盗伐的林木或者变卖所得，并处盗伐林木价值 3 倍以上 10 倍以下的罚款。

Article 33 The following provisions shall be observed in the course of forest and wood felling:

(1) For mature timber stands, selection cutting, clear cutting and shelter wood cutting shall be applied respectively in light of different circumstances. Clear cutting shall be put under strict control and the reforestation shall be completed in the same or next year of the felling;

(2) National defense forests, parent stands, environmental protection forests, scenic forests and experimental forests among protection forests and forests with special uses may only be cut for the purpose of fostering and renewal; and

(3) Forests in scenic spots and historical sites and places of revolutionary memorial and forests in natural conservation areas among the forests with special uses are prohibited to be cut.

Article 34 State-owned forest farms, when applying for wood felling permits, must carry forest ownership certificates and submit cutting area survey and design documents as well as other documents as required by the State. Other units, when applying for wood felling permits, must carry forest ownership certificates and submit documents containing cutting purpose, place, forest species, wood species, wood age, quantity (or area), stock, approach, renewal and fostering measures as well as other documents required by the State.

Article 35 Units or individuals that fell woods must pay afforestation fees according to relevant provisions of the State.

Article 36 Those that need to transplant woods for special reasons must be approved by the competent administrative department for urban greening at the municipal or district level and conduct the transplantation according to relevant technical standards.

Article 37 Timber inspection posts established according to relevant State provisions shall strengthen timber transport inspection and forest plant quarantine inspection.

Article 38 Land reclamation at the expense of deforestation, rock quarrying, sand quarrying, soil extracting, grave building, object and material piling and other activities at the expense of deforestation shall be prohibited.

Firewood cutting and grazing are prohibited in seedling forests, forests with special uses and mountainous areas marked off for afforestation.

Chapter VI Legal liabilities

Article 39 Losses caused by unlawfully cutting forests or other woods shall be compensated according to law; the competent administrative department for urban greening at the municipal or district level shall give the order to replant trees 10 times as many as the unlawfully cut trees, confiscate the unlawfully cut trees or the proceeds from selling such trees, and impose a fine of 3 to 10 times as much as the value of the unlawfully cut trees.

滥伐森林或者其他林木，由市或者区园林绿化行政主管部门责令补种滥伐株数 5 倍的树木，并处滥伐林木价值 2 倍以上 5 倍以下的罚款。

盗伐、滥伐森林或者其他林木，构成犯罪的，依法追究刑事责任。

第四十条 违反本条例第十五条、第十七条规定，擅自将林地改为非林地的，由市或者区园林绿化行政主管部门责令停止违法行为；未经批准将林地改为建设用地的，由规划国土行政主管部门按照有关法律、法规的规定处理。

第四十一条 违反本条例第十六条规定，未经市或者区园林绿化行政主管部门批准，擅自利用森林资源开发旅游项目造成林木损害的，由市或者区园林绿化行政主管部门责令停止经营，没收违法所得，可以并处 5000 元至 5 万元的罚款。

第四十二条 违反本条例第二十二条、第二十三条用火规定的，按照《森林防火条例》有关规定处罚。

第四十三条 违反本条例第二十五条规定，未在规定期限内消除森林火灾隐患的，由市或者区园林绿化行政主管部门对单位处以 5000 元以上 1 万元以下的罚款，对责任人可以处 500 元以下的罚款。

第四十四条 违反本条例第二十七条、第二十九条规定的，按照《森林病虫害防治条例》有关规定处罚。

第四十五条 违反本条例第三十一条规定，超过批准的年采伐限额发放林木采伐许可证、越权发放林木采伐许可证的，由上一级园林绿化行政主管部门责令纠正，对直接负责的主管人员和其他直接责任人员依法给予行政处分；构成犯罪的，依法追究刑事责任。

第四十六条 违反本条例第三十三条规定，采伐林木的单位或者个人没有按照规定完成更新造林任务的，发放林木采伐许可证的部门有权不再核发林木采伐许可证，直到其完成更新造林为止；情节严重的，可以由市或者区园林绿化行政主管部门处以应完成而未完成造林任务所需费用 2 倍以下的罚款，对直接负责的主管人员和其他直接责任人员依法给予处分。

For wanton cutting of forests or other woods, the competent administrative department for urban greening at the municipal or district level shall give the order to replant trees 5 times as many as those cut wantonly and impose a fine of 2 to 5 times as much as the value of the trees cut wantonly.

Whoever cuts forests or other trees unlawfully or wantonly, which constitutes a crime, shall be subject to criminal liabilities.

Article 40 Where woodland is converted into non-woodland, in violation of Article 15 and 17 of these Regulations, without approval, the competent administrative department for urban greening at the municipal or district level shall order the termination of the illegal activities; where woodland is converted into construction land without approval, the administrative department for urban planning and land shall handle the case according to provisions of relevant laws and regulations.

Article 41 Where the forest resources are used for tourism, in violation of Article 16 of these Regulations, without approval from the competent administrative department for urban greening at the municipal or district level, as a result of which the trees are damaged, the competent administrative department for urban greening at the municipal or district level shall order the termination of the business, and confiscate the illegal gains, and may impose a fine of 5,000 yuan to 50,000 yuan.

Article 42 Where Article 22 and 23 of these Regulations are violated, the violator shall be punished according to the Regulations on Forest Fire Prevention.

Article 43 Where potential forest fire risks are not eliminated within the prescribed time limit in violation of Article 25 of these Regulations, the competent administrative department for urban greening at the municipal or district level shall impose a fine of 5,000 yuan to 10,000 yuan on the unit and under 500 yuan on the individual held responsible.

Article 44 Where Article 27 and 29 of these Regulations are violated, the violator shall be punished according to relevant provisions of the Regulation on the Prevention and Control of Forest Diseases and Pests.

Article 45 Where the wood felling permits are issued, in violation of Article 31 of these Regulations, beyond the approved annual felling quota or beyond the scope of authorization, the directly liable chief and other directly liable persons shall be ordered corrective actions and given administrative sanctions by the competent administrative department for urban greening at a higher level according to law; and if any crime is constituted, they shall be subject to criminal liabilities.

Article 46 Where wood cutting units or individuals fail to complete reforestation as required in violation of Article 33 of these Regulations, the department issuing wood felling permits shall have the right to issue no more wood felling permits before the completion of reforestation; under serious circumstances, the competent administrative department for urban greening at the municipal or district level may impose fines of less than twice of the expenses to complete reforestation and the directly liable chief and other directly liable persons shall be punished according to law.

第四十七条 违反本条例第三十六条规定，未经批准移植林木的，由市或者区园林绿化行政主管部门责令补种；情节严重的，按照滥伐林木的有关规定处理。

第四十八条 违反本条例第三十八条第一款规定，毁林开垦或者毁林采石、挖砂、取土、筑坟、堆物堆料及其他毁林行为，致使森林、林木受到毁坏的，依法赔偿损失；由市或者区园林绿化行政主管部门责令停止违法行为，补种毁坏株数1倍以上3倍以下的树木，可以处毁坏林木价值1倍以上5倍以下的罚款。

违反本条例第三十八条第二款规定，在幼林地、特种用途林地和封山育林区内砍柴、放牧，致使森林、林木受到毁坏的，依法赔偿损失；由市或者区园林绿化行政主管部门责令停止违法行为，补种毁坏株数1倍以上3倍以下的树木。

第四十九条 从事森林资源保护、林业监督管理工作的园林绿化主管部门的工作人员和其他国家机关的有关工作人员滥用职权、玩忽职守、徇私舞弊，构成犯罪的，依法追究刑事责任；尚不构成犯罪的，依法给予处分。

第五十条 森林资源的损失鉴定，由市园林绿化行政主管部门认定的专业机构承担。鉴定标准，由市园林绿化行政主管部门制定。

第七章 附 则

第五十一条 本条例自1999年11月1日起施行。

1985年8月3日市第八届人大常委会第二十二次会议通过、1997年10月15日市第十届人大常委会第四十次会议修正的《北京市农村林木资源保护管理条例》同时废止。

Article 47 Where the trees are transplanted, in violation of Article 36 of these Regulations, without approval, the competent administrative department for urban greening at the municipal or district level shall order the violator to replant trees; serious cases shall be dealt with according to provisions relevant to wanton felling.

Article 48 Where land reclamation at the expense of deforestation, rock quarrying, sand quarrying, soil extracting, grave building, object and material piling and other activities at the expense of deforestation are conducted in violation of Article 38 (1) of these Regulations, as a result of which the forests and trees are damaged, the violator shall make compensation for losses according to law; and the competent administrative department for urban greening at the municipal or district level shall order the termination of the illegal activities, and to replant trees 1 to 3 times as many as those destroyed, and may impose a fine of 1 to 5 times as much as the value of trees destroyed.

Where cutting firewood and grazing are conducted in seedling forests, forests with special uses and mountainous areas marked off for afforestation in violation of Article 38 (2) of these Regulations, as a result of which the forests and trees are damaged, compensation for losses shall be made according to law. The competent administrative department for urban greening at the municipal or district level shall order the termination of the illegal activities, and to replant trees 1 to 5 times as many as the trees destroyed.

Article 49 Where functionaries of the competent administrative departments for urban greening engaged in the forest resources preservation and forestry supervision and management and relevant functionaries of other State organs abuse power, neglect duties or commit illegalities for personal benefits with circumstances serious enough to constitute a crime, they shall be subject to criminal liabilities; and where the circumstances are not serious enough to constitute a crime, punishments shall be given according to law.

Article 50 The appraisal of forest resource losses shall be undertaken by professional agencies accredited by the competent municipal administrative department for urban greening. The appraisal criteria shall be formulated by the competent municipal administrative department for urban greening.

Chapter VII Supplementary Provision

Article 51 These Regulations shall become effective as of November 1, 1999.

The Regulations of Beijing Municipality on Protection and Administration of Forest Resources in Rural Areas, adopted at the 22nd Session of the Standing Committee of the 8th Beijing Municipal People's Congress on August 3, 1985 and amended at the 40th Session of the Standing Committee of the 10th Beijing Municipal People's Congress on October 15, 1997, shall be repealed simultaneously.

北京市野生动物保护管理条例

(2020年4月24日北京市第十五届人民代表大会常务委员会
第二十一次会议通过)

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- 第一章 总 则
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第一章 总 则

第一条 为了加强野生动物保护管理,维护生物多样性和生态平衡,保障人民群众身体健康和公共卫生安全,推进首都生态文明建设,促进人与自然和谐共生,根据《中华人民共和国野生动物保护法》《全国人民代表大会常务委员会关于全面禁止非法野生动物交易、革除滥食野生动物陋习、切实保障人民群众生命健康安全的决定》等法律、行政法规,结合本市实际,制定本条例。

第二条 本市行政区域内野生动物及其栖息地保护、野生动物危害预防,及其监督管理等相关活动,适用本条例。

本条例规定的野生动物及其制品,是指野生动物的整体(含卵、蛋)、部分及其衍生物。

渔业、畜牧、传染病防治、动物防疫、实验动物管理、进出境动植物检疫等有关法律法规另有规定的,从其规定。

Regulations of Beijing Municipality on the Protection and Management of Wildlife

(Adopted at the 21st Meeting of the Standing Committee of the 15th People's Congress of Beijing Municipality on April 24, 2020)

Contents

- Chapter I General Provisions
- Chapter II Protection of Wildlife and Their Habitats
- Chapter III Prevention and Administration of Wildlife Hazards
- Chapter IV Supervision and Law Enforcement
- Chapter V Legal Liability
- Chapter VI Supplementary Provisions

Chapter I General Provisions

Article 1 The Regulations are formulated to strengthen protection and management of wildlife, maintain biodiversity and ecological balance, ensure the people's health and public health, advance the capital's ecological civilization construction, and promote the harmonious coexistence between human and nature in accordance with the Law of the People's Republic of China on the Protection of Wildlife, the Decision of the Standing Committee of the National People's Congress on Comprehensively Prohibiting Illegal Wildlife Trade, Abolishing the Bad Habit of Excessive Consumption of Wildlife, and Effectively Protecting the Health and Safety of the People and other laws and administrative regulations and in light of actual conditions of this Municipality.

Article 2 The Regulations shall apply to the protection of wildlife and their habitats, prevention of wildlife hazards, and supervision and management over such activities within the administrative area of this Municipality.

The term "wildlife and its products" in the Regulations means whole wildlife (including spawn and eggs), wildlife parts and wildlife derivatives.

Where the laws and regulations on fishery, animal husbandry, prevention and control of infectious diseases, animal epidemic prevention, management of laboratory animals, and entry & exit animal and plant quarantine have provided otherwise, such provisions shall prevail.

第三条 本市野生动物保护管理坚持依法保护、禁止滥食、保障安全、全面监管的原则，鼓励依法开展野生动物科学研究，培育全社会保护野生动物的意识，促进人与自然和谐共生。

第四条 市、区人民政府应当加强对野生动物保护管理工作的领导，建立健全机制，明确责任，将工作纳入生态文明建设考核体系，并将经费纳入财政预算。

乡镇人民政府、街道办事处协助做好本行政区域内野生动物保护管理的相关工作。

第五条 市、区园林绿化和农业农村部门（以下统称为野生动物主管部门）分别负责陆生野生动物和水生野生动物的保护管理工作。

市场监督管理、卫生健康、公安、交通、邮政管理等有关政府部门按照各自职责，做好野生动物保护管理的相关工作。

第六条 单位和个人应当树立尊重自然、顺应自然、保护自然的理念，履行保护野生动物及其栖息地的义务，不得违法从事猎捕、交易、运输、食用野生动物等法律法规规定的禁止性行为，不得违法破坏野生动物栖息地。

鼓励单位和个人依法通过捐赠、资助、志愿服务、提出意见建议等方式参与野生动物保护管理活动。野生动物主管部门及其他有关部门应当依法公开信息，制定和实施公众参与的措施。

支持社会公益组织依法对破坏野生动物资源及其栖息地，造成生态环境损害的行为提起公益诉讼。

第七条 市、区人民政府及其有关部门、新闻媒体、学校应当积极组织开展野生动物保护和公共卫生安全宣传、教育，引导全社会增强生态保护和公共卫生安全意识，移风易俗，革除滥食野生动物陋习，养成文明健康、绿色环保的生活方式。

每年的4月为本市野生动物保护宣传月，4月的第3周为爱鸟周。

第八条 市野生动物主管部门应当加强与毗邻省市的协作，联合开展野生动物及其栖息地调查、名录制定、收容救护、疫源疫病监测、监督执法等野生动物保护管理

Article 3 This Municipality shall, in the protection and management of wildlife, adhere to the principles of law-based protection, prohibition of excessive consumption, security guarantee, and comprehensive supervision, encourage scientific research on wildlife according to law, develop the awareness of wildlife protection of the whole society, and promote the harmonious coexistence between human and nature.

Article 4 The municipal and district people's governments shall strengthen leadership over the protection and management of wildlife, establish and improve the mechanism, clarify the responsibility, incorporate the work into the assessment system of ecological civilization construction, and incorporate the funds into the fiscal budget.

The township or town people's governments and sub-district offices shall assist in the protection and management of wildlife within their respective administrative areas.

Article 5 The municipal and district government departments for landscaping and for agriculture and rural affairs (hereinafter collectively referred to as the wildlife departments) shall be responsible for the protection and management of terrestrial wildlife and aquatic wildlife respectively.

The relevant government departments for market supervision and management, health, public security, transportation, postal management, etc. shall exercise their respective duties and functions and do a good job in the protection and management of wildlife.

Article 6 Units and individuals shall establish the concept of respecting nature, living in harmony with nature and protecting nature, and fulfill the obligation of protecting wildlife and their habitats, and shall not illegally commit acts of hunting, trading in, transporting, or consuming wildlife prohibited by laws and regulations, or destroy wildlife habitats in violation of laws.

Units and individuals shall be encouraged to participate in wildlife protection and management activities through donation, financial assistance, voluntary services and suggestions according to law. The wildlife departments and other relevant departments shall make information public according to law, and formulate and implement measures for public participation.

Public welfare organizations shall be supported in filing public interest lawsuits against acts that destroy wildlife resources and habitats and cause damage to the ecological environment in accordance with the law.

Article 7 The municipal and district people's governments and their relevant departments, news media and schools shall actively organize publicity and education on wildlife protection and public health, guide the whole society to enhance the awareness of ecological protection and public health, transform outmoded customs, abolish the bad habit of excessive wildlife consumption, and develop a civilized, healthy, green and environment-friendly way of life.

April is the wildlife protection publicity month in this Municipality, and the third week of April is the bird-loving week.

Article 8 The municipal wildlife department shall strengthen cooperation with

工作。

第二章 野生动物及其栖息地保护

第九条 本市依法对野生动物实行分级分类保护。

本市严格按照国家一级、二级重点保护野生动物名录和有重要生态、科学、社会价值的陆生野生动物名录，对珍贵、濒危的野生动物和有重要生态、科学、社会价值的陆生野生动物实施重点保护和有针对性保护。

市野生动物主管部门对在本市行政区域内生息繁衍的国家重点保护野生动物名录以外的野生动物，制定《北京市重点保护野生动物名录》，报市人民政府批准后公布，并实施重点保护。

本条第二款、第三款规定保护的野生动物统称为列入名录的野生动物。

第十条 市野生动物主管部门应当会同规划自然资源、生态环境、水务等有关部门，对野生动物的物种、数量、分布、生存环境、主要威胁因素、人工繁育等情况进行日常动态监测，建立健全野生动物及其栖息地档案和数据库，每五年组织一次野生动物及其栖息地状况普查；根据监测和普查结果，开展野生动物及其栖息地保护评估，适时提出《北京市重点保护野生动物名录》调整方案。

第十一条 市野生动物主管部门应当会同发展改革、生态环境、水务等有关部门编制全市野生动物及其栖息地保护规划，经市规划自然资源部门审查后，报市人民政府批准后向社会公布。保护规划应当与生态环境保护相关规划相协调，并符合北京城市总体规划。区野生动物主管部门应当落实保护规划的相关内容。

野生动物及其栖息地保护规划应当包括保护对象、栖息地修复、种群恢复、迁徙洄游通道和生态廊道建设等内容。

第十二条 市野生动物主管部门根据全市野生动物及其栖息地保护规划，编制并

neighboring provinces and cities to jointly carry out wildlife protection and management through investigation of wildlife and their habitats, list formulation, sheltering and rescue, monitoring of epidemic focuses and diseases, supervision and law enforcement, etc.

Chapter II Protection of Wildlife and Their Habitats

Article 9 This Municipality shall protect wildlife by levels and categories in accordance with the law.

This Municipality shall, in strict accordance with the list of wildlife under first-class and second-class state protection and the list of terrestrial wildlife with significant ecological, scientific and social values, implement key and targeted protection for rare and endangered wildlife and terrestrial wildlife with significant ecological, scientific and social values.

For the wildlife outside the list of wildlife under special state protection that lives and breeds within the administrative area of this Municipality, the municipal wildlife department shall work out the List of Wildlife under Special Protection of Beijing Municipality, which shall be reported to the Municipal People's Government for approval before being made public, and implement special protection.

The wildlife under protection specified in the second and third paragraphs of this Article shall be collectively referred to as the wildlife on the lists.

Article 10 The municipal wildlife department shall, together with the relevant government departments for planning and natural resources, ecological environment, water affairs, etc., conduct daily dynamic monitoring on the species, quantity, distribution, habitats, main threats and artificial breeding of wildlife, establish and improve the archives and databases of wildlife and their habitats, organize a general survey of wildlife and their habitats every 5 years, carry out assessment of the protection of wildlife and their habitats according to the monitoring and general survey results, and timely put forward an adjustment plan for the List of Wildlife under Special Protection of Beijing Municipality.

Article 11 The municipal wildlife department shall, together with the relevant government departments for development and reform, ecological environment, water affairs, etc., formulate a plan for the protection of wildlife and their habitats in this Municipality, which shall be examined by the municipal government department for planning and natural resources and submitted to the Municipal People's Government for approval before being announced to the public. The protection plan shall be consistent with the relevant plans for ecological environmental protection and conforms to the Beijing Urban Master Plan. The district wildlife departments shall implement the relevant contents of the protection plan.

The plan for the protection of wildlife and their habitats shall include, among others, protection targets, habitat restoration, repopulation, migration routes, and ecological corridor construction.

Article 12 The municipal wildlife department shall, in accordance with the plan for the protection of wildlife and their habitats in this Municipality, prepare and publish a list of important habitats for wildlife in this Municipality, define the protection scope of important

公布本市野生动物重要栖息地名录，明确野生动物重要栖息地保护范围，确定并公布管理机构或者责任单位。

对本市野生动物重要栖息地名录以外的区域且有列入名录的野生动物生息繁衍的，由区野生动物主管部门确定并公布管理机构或者责任单位。

第十三条 野生动物栖息地管理机构或者责任单位，应当采取下列措施保护野生动物：

- （一）制定并实施野生动物保护管理工作制度；
- （二）设置野生动物保护标识牌，明确保护范围、物种和级别；
- （三）采取种植食源植物，建立生态岛或者保育区，配置巢箱、鸟食台、饮水槽等多种方式，营造适宜野生动物生息繁衍的环境；
- （四）避免开展影响野生动物生息繁衍环境的芦苇收割、植被修剪、农药喷洒等活动；
- （五）制止追逐、惊扰、随意投食、引诱拍摄、制造高分贝噪声、闪烁射灯等干扰野生动物生息繁衍的行为；
- （六）野生动物主管部门确定的其他保护措施。

第十四条 野生动物主管部门设立的野生动物收容救护机构或者委托的相关机构，负责野生动物收容救护工作。

市野生动物主管部门负责组织制定本市野生动物收容救护技术规范，并公布本市野生动物收容救护机构或者受托机构信息。

第十五条 野生动物收容救护机构或者受托机构开展野生动物收容救护工作，应当遵守下列规定：

- （一）建立收容救护档案，记录种类、数量、措施和状况等信息；
- （二）执行国家和本市收容救护技术规范；
- （三）提供适合生息繁衍的必要空间和卫生健康条件；
- （四）不得虐待收容救护的野生动物；
- （五）不得以收容救护为名从事买卖野生动物及其制品等法律法规规定的禁止行为；
- （六）按照国家和本市有关规定处置收容救护的野生动物；
- （七）定期向野生动物主管部门报告收容救护情况。

habitats for wildlife, and determine and announce the management agencies or responsible units.

For areas outside the list of important habitats for wildlife in this Municipality inhabited by the wildlife on the lists, the district wildlife departments shall determine and announce the management agencies or responsible units.

Article 13 The management agencies or responsible units for wildlife habitats shall take the following measures to protect wildlife:

- (1) formulating and implementing wildlife protection and management systems;
- (2) setting up wildlife protection signs to define the protection scope, protected species and protection level;
- (3) creating an environment suitable for wildlife to live and breed by planting food-source plants, establishing eco-islands or conservation areas, and providing nesting boxes, birdfeeders and water tanks;
- (4) avoiding activities such as reed harvesting, vegetation pruning and pesticide spraying that affect the living and breeding environment of wildlife;
- (5) stopping acts of chasing, disturbing or feeding wildlife at will, photographing wildlife by lure, making high-decibel noise, or flashing spotlights that interfere with the living and breeding of wildlife; and
- (6) other protective measures determined by the wildlife departments.

Article 14 The wildlife sheltering and rescue institutions established by the wildlife departments or relevant institutions entrusted thereby shall be responsible for sheltering and rescuing wildlife.

The municipal wildlife department shall be responsible for organizing formulation of the technical specifications for sheltering and rescuing wildlife in this Municipality, and announce the information of the wildlife sheltering and rescue institutions or entrusted institutions in this Municipality.

Article 15 The wildlife sheltering and rescue institutions or entrusted institutions shall, when sheltering and rescuing wildlife, abide by the following provisions:

- (1) establishing sheltering and rescue archives to record the type, quantity, measures, conditions and other information;
- (2) implementing the technical specifications for sheltering and rescue of the State and this Municipality;
- (3) providing the necessary space and sanitary conditions suitable for living and breeding;
- (4) not maltreating the sheltered and rescued wildlife;
- (5) not trading in wildlife and its products or committing other acts prohibited by laws and regulations in the name of sheltering and rescuing wildlife;
- (6) treating the sheltered and rescued wildlife in accordance with relevant provisions of the State and this Municipality; and
- (7) regularly reporting to the wildlife departments on the sheltering and rescue.

第十六条 野生动物主管部门可以会同有关社会团体根据野生动物保护等需要，组织单位和个人进行野生动物放归、增殖放流活动。

禁止擅自实施放生活动。

第三章 野生动物危害预防管理

第十七条 市、区人民政府及其园林绿化、农业农村、生态环境、卫生健康等有关部门应当采取措施，预防、控制野生动物可能造成的危害，保障人畜安全和农业、林业生产。

第十八条 野生动物主管部门应当根据实际需要，在野生动物集中分布区域、迁徙洄游通道、人工繁育场所、收容救护场所，以及其他野生动物疫病传播风险较大的场所，设立野生动物疫源疫病监测站点，组织开展野生动物疫源疫病监测、预测和预报等工作。

第十九条 野生动物主管部门和卫生健康部门应当及时互相通报人畜共患传染病疫情风险以及相关信息。

第二十条 发现野生动物疫情可能感染人群的，卫生健康部门应当对区域内易感人群进行监测，并采取相应的预防和控制措施；属于突发公共卫生事件的，依照有关法律法规和应急预案的规定，由市、区人民政府及有关部门采取应急控制措施。

第二十一条 单位和个人应当采取适当的防控措施，防止野生动物造成人身伤亡和财产损失。因采取防控措施误捕、误伤野生动物的，应当及时放归或者采取收容救护措施。因保护列入名录的野生动物造成人身伤亡、农作物或者其他财产损失的，由区人民政府给予补偿。具体补偿办法由市人民政府制定。

本市鼓励保险机构开展野生动物致害赔偿保险业务。

第二十二条 禁止猎捕、猎杀列入名录的野生动物，禁止以食用为目的猎捕、猎

Article 16 The wildlife departments may, together with relevant social organizations, organize units and individuals to free captive wildlife and carry out reproduction and releasing activities according to the needs of wildlife protection.

It is prohibited to free captive animals without authorization.

Chapter III Prevention and Administration of Wildlife Hazards

Article 17 The municipal and district people's governments and their relevant departments for landscaping, agriculture and rural affairs, ecological environment, health, etc. shall take measures to prevent and control the hazards that may be caused by wildlife, so as to ensure the safety of human beings and livestock as well as agricultural and forestry production.

Article 18 The wildlife departments shall, in light of the actual needs, establish monitoring stations for epidemic focuses and diseases of wildlife in areas densely inhabited by wildlife, migration routes, artificial breeding places, places for sheltering and rescuing wildlife, and other places with high risk of transmission of epidemic diseases of wildlife, and organize the work of monitoring, predicting and forecasting epidemic focuses and diseases of wildlife.

Article 19 The wildlife departments and the departments of health shall inform each other of the epidemic risks of zoonotic diseases and relevant information in a timely manner.

Article 20 In case of a wildlife epidemic that may infect people, the department of health shall monitor the susceptible people within the corresponding area and take corresponding preventive and control measures; in case of a public health emergency, the municipal or district people's governments and relevant departments shall take emergency control measures in accordance with relevant laws, regulations and emergency plans.

Article 21 Units and individuals shall take appropriate preventive and control measures to prevent wildlife from causing personal injuries and property losses. Where wildlife is caught or injured by mistake due to preventive and control measures, units and individuals shall promptly free captive wildlife or take sheltering and rescue measures. The district people's governments shall make compensation for the loss of life, crops or other property caused by the wildlife on a protection list, and specific compensation measures shall be formulated by the Municipal People's Government.

This Municipality shall encourage insurance institutions to provide compensation insurance against damages caused by wildlife.

Article 22 It is prohibited to hunt or kill the wildlife on the lists, or to hunt or kill other terrestrial wildlife for the purpose of consumption, except under special circumstances otherwise provided by laws and regulations such as scientific research, population control,

杀其他陆生野生动物，但因科学研究、种群调控、疫源疫病监测等法律法规另有规定的特殊情况除外，具体管理办法由市野生动物主管部门制定。

第二十三条 人工繁育列入名录的野生动物仅限于科学研究、物种保护、药用、展示等特殊情况。

因前款规定的特殊情况从事人工繁育野生动物活动的单位，应当向市野生动物主管部门申请人工繁育许可证，按照许可证载明的地点和物种从事人工繁育野生动物活动。

禁止在本市中心城区、城市副中心、生活饮用水水源保护区设立陆生野生动物人工繁育场所。

市野生动物主管部门应当及时公开获准从事人工繁育野生动物活动的单位的有关信息。

第二十四条 从事人工繁育野生动物活动的单位，应当遵守下列规定：

（一）建立人工繁育野生动物档案，记载人工繁育的物种名称、数量、来源、繁殖、免疫和检疫等情况；

（二）建立溯源机制，记录物种系谱；

（三）有利于物种保护及其科学研究，使用人工繁育子代种源，不得破坏野外种群资源，因物种保护、科学研究等特殊情况确需使用野外种源的，应当提供合法来源证明；

（四）根据野生动物习性确保其具有必要的活动空间、卫生健康和生息繁衍条件；

（五）提供与繁育目的、种类、发展规模相适应的场所、设施、技术；

（六）按照有关动物防疫法律法规的规定，做好动物疫病的预防、控制、疫情报告和病死动物无害化处理等工作；

（七）执行相关野生动物人工繁育技术规范；

（八）不得虐待野生动物；

（九）定期向野生动物主管部门报告人工繁育情况，按月公示人工繁育野生动物的流向信息，并接受监督检查。

and monitoring of epidemic focuses and diseases. Specific administrative measures shall be formulated by the municipal wildlife department.

Article 23 Artificial breeding of the wildlife on the lists shall be limited to scientific research, species protection, medicinal use, exhibition and other special circumstances.

Units engaging in artificial breeding of wildlife under the special circumstances mentioned in the preceding paragraph shall apply to the municipal wildlife department for a permit for artificial breeding, and engage in artificial breeding of wildlife at the place and for the species specified in the permit.

The establishment of artificial breeding places for terrestrial wildlife in this Municipality's central urban area, sub-center and protection zones of drinking water source shall be prohibited.

The municipal wildlife department shall timely disclose relevant information of the units approved to engage in artificial breeding of wildlife.

Article 24 Units engaging in artificial breeding of wildlife shall abide by the following provisions:

- (1) establishing artificial breeding archives of wildlife to record the name, quantity, source, reproduction, immunization and quarantine of artificially bred species;
- (2) establishing a traceability mechanism and recording pedigrees of species;
- (3) benefiting species protection and scientific research, using artificially bred progeny provenance, not damaging wild population resources, and providing the proof of legitimate source of wild provenance required under special circumstances such as species protection and scientific research;
- (4) ensuring necessary activity space, sanitary conditions, and living and breeding conditions for wildlife according to its habits;
- (5) providing places, facilities and technologies suitable for breeding purposes, species and development scale;
- (6) doing a good job in the prevention, control, epidemic reporting and harmless treatment of dead animals in respect of animal epidemic diseases in accordance with the provisions of the laws and regulations on animal epidemic prevention;
- (7) implementing relevant technical specifications for artificial breeding of wildlife;
- (8) not abusing wildlife; and
- (9) reporting the situation of artificial breeding to the wildlife departments on a regular basis, publicizing the flow information on the wildlife under artificial breeding on a monthly

第二十五条 对列入名录的野生动物，人工繁育技术成熟稳定，依法列入畜禽遗传资源目录的，属于家禽家畜，依照有关畜牧法律法规的规定执行。

第二十六条 禁止下列行为：

（一）食用陆生野生动物及其制品、列入名录的水生野生动物及其制品；

（二）食用以陆生野生动物及其制品、列入名录的水生野生动物及其制品为原材料制作的食品；

（三）以食用为目的生产、经营、运输、寄递列入名录的野生动物及其制品和其他陆生野生动物及其制品，以及以前述野生动物及其制品为原材料制作的食品。

第二十七条 酒楼、饭店、餐厅、民宿、会所、食堂等餐饮服务提供者，对禁止食用的野生动物及其制品不得购买、储存、加工、出售或者提供来料加工服务。

第二十八条 禁止商场、超市、农贸市场等商品交易场所、网络交易平台，为违法买卖陆生野生动物及其制品、列入名录的水生野生动物及其制品，以及以陆生野生动物及其制品、列入名录的水生野生动物及其制品为原材料制作的食品，提供交易服务。

第二十九条 对列入名录的野生动物进行非食用性利用仅限于科学研究、药用、展示、文物保护等特殊情况，需要出售、利用列入名录的野生动物及其制品的，应当经市野生动物主管部门批准，并按照规定取得和使用专用标识、检疫证明，保证全程可追溯。

第三十条 以非食用性目的运输、携带、寄递列入名录的野生动物及其制品的，应当持有或者附有特许猎捕证、狩猎证、人工繁育许可证等相关许可证、批准文件或者专用标识、检疫证明、进出口证明等合法来源证明。

第三十一条 禁止为违反野生动物保护管理法律法规的行为制作、发布广告。

basis, and accepting supervision and inspection.

Article 25 The wildlife on the lists which has mature and stable artificial breeding technologies and has been included in the list of livestock and poultry genetic resources according to law shall belong to poultry and livestock, and shall be handled in accordance with the provisions of the laws and regulations on animal husbandry.

Article 26 The following acts shall be prohibited:

(1) consuming terrestrial wildlife and its products, or aquatic wildlife on the lists and its products;

(2) consuming foods made from terrestrial wildlife and its products, or aquatic wildlife on the lists and its products; or

(3) producing, trading in, transporting or delivering wildlife on the lists and its products or other terrestrial wildlife and its products for the purpose of consumption, as well as foods made from such wildlife and its products.

Article 27 Restaurants, hotels, guest houses, clubs, canteens and other catering service providers shall not purchase, store, process, sell or provide material processing services for wildlife and its products that are prohibited from consumption.

Article 28 Shopping malls, supermarkets, open fairs and other commodity trading places and online trading platforms shall be prohibited from providing trading services for illegal trading of terrestrial wildlife and its products, aquatic wildlife on the lists and its products, and foods made from such wildlife and its products.

Article 29 The non-edible use of wildlife on the lists shall be limited to scientific research, medicinal use, exhibition, preservation of cultural relics, and other special circumstances. Where it is necessary to sell or use wildlife on the lists and its products, an approval shall be obtained from the municipal wildlife department, and special marks and quarantine certificates shall be obtained and used as stipulated so as to ensure the traceability of the whole process.

Article 30 The transportation, carrying or delivery of the wildlife on the lists and its products for non-edible purposes shall be accompanied by relevant licenses such as special hunting licenses, hunting licenses and artificial breeding licenses, approval documents, or certificates of legitimate sources such as special marks, quarantine certificates and import and export certificates.

Article 31 It is prohibited to make or publish advertisements for acts in violation of laws and regulations on wildlife protection and management.

第四章 监督执法

第三十二条 野生动物主管部门负责依法对破坏野生动物资源及其栖息地的违法行为进行监督管理。

卫生健康部门会同野生动物主管部门按照职责分工依法开展与人畜共患传染病相关的动物传染病的防治管理。

农业农村部门负责依法对野生动物及其制品进行检疫监管。

市场监督管理部门负责依法对商品交易市场、网络交易平台为野生动物及其制品经营提供交易服务以及餐饮服务场所经营野生动物及其制品的行为进行监督管理。

公安机关负责依法受理有关部门移送的野生动物案件及举报线索，依法查处涉及野生动物及其制品的违法犯罪行为。

科技、经济信息化、城市管理、交通、邮政管理、城市管理综合执法、海关、网信、电信管理等部门和机构应当按照职责分工依法对野生动物及其制品出售、购买、利用、运输、寄递等活动进行监督管理。

铁路、航空等单位应当依法协助做好野生动物管理相关工作。

第三十三条 野生动物主管部门会同有关部门建立健全执法协调机制，实现执法信息共享、执法协同、信用联合惩戒，及时解决管辖争议，依法查处违法行为。

市野生动物主管部门应当会同财政部门制定罚没野生动物及其制品处置办法。

第三十四条 野生动物主管部门和其他有关政府部门应当设立举报电话、电子信箱等，及时受理举报并依法查处。行业内部人员举报涉嫌严重违反野生动物保护管理法律法规行为，经查实的，有关政府部门应当提高奖励额度。

第五章 法律责任

第三十五条 违反本条例的行为，法律、行政法规已经规定法律责任的，依照其

Chapter IV Supervision and Law Enforcement

Article 32 The wildlife departments shall be responsible for supervision and administration of the illegal acts of destroying wildlife resources and their habitats according to law.

The departments of health shall, together with the wildlife departments, exercise their respective duties and functions and carry out the prevention and control of animal-borne diseases related to zoonotic infectious diseases.

The departments of agriculture and rural affairs shall be responsible for quarantine and supervision of wildlife and its products according to law.

The departments of market supervision and management shall be responsible for supervision and administration of the trading services provided by commodity trading markets and online trading platforms for the operation of wildlife and its products, and of the operation of wildlife and its products in catering service places according to law.

Public security organs shall be responsible for accepting wildlife cases and reporting clues transferred by relevant departments according to law, and investigating and dealing with illegal and criminal acts involving wildlife and its products according to law.

The departments and agencies of science and technology, economy and information technology, urban management, transportation, postal management, urban management and comprehensive law enforcement, customs, network telecom, and telecom management shall exercise their respective duties and functions and carry out supervision and management of the sale, purchase, utilization, transportation and delivery of wildlife and its products according to law.

Railway, aviation and other units shall assist in wildlife management according to law.

Article 33 The wildlife departments shall, together with relevant departments, establish and improve the coordination mechanism for law enforcement, realize the sharing of law enforcement information, coordination of law enforcement, and joint credit-based punishment, solve the disputes over jurisdiction in a timely manner, and investigate and deal with illegal acts according to law.

The municipal wildlife department shall, together with the department of finance, formulate measures for the disposal of confiscated wildlife and its products.

Article 34 The wildlife departments and other relevant government departments shall establish hotlines and e-mail addresses to receive reports in a timely manner and investigate and deal with them according to law. Where an internal staff member in an industry reports a suspected serious violation of the laws and regulations on wildlife protection and management, the relevant government department shall, upon verification, increase the amount of reward.

Chapter V Legal Liability

Article 35 Where laws and administrative regulations have provided for the legal liability for violations of the Regulations, these provisions shall be followed in investigating

规定追究相关单位、个人的法律责任。

第三十六条 市、区人民政府及有关部门不依法履行职责的，依法依规追究责任。

第三十七条 违反本条例第十五条第五项规定，以收容救护为名从事买卖野生动物及其制品的，没收野生动物及其制品、没收违法所得，并处野生动物及其制品价值五倍以上二十倍以下罚款；有买卖以外的其他禁止行为的，依照本条例的规定处理。

违反本条例第十五条其他规定之一，未按照规定开展野生动物收容救护工作的，处一万元以上五万元以下罚款。

第三十八条 违反本条例第十六条第二款规定，擅自实施放生活动的，处二千元以上一万元以下罚款。

第三十九条 违反本条例第二十二条规定，猎捕、猎杀野生动物的，没收猎获物，并处罚款。属于国家重点保护野生动物的，并处猎获物价值五倍以上二十倍以下罚款；属于其他重点保护野生动物，或者以食用为目的猎捕其他陆生野生动物的，并处猎获物价值二倍以上十倍以下罚款。没有猎获物的，处五千元以上二万元以下罚款。

第四十条 违反本条例第二十三条第二款、第三款规定，未取得人工繁育许可证或者未按照许可证载明的地点和物种从事人工繁育野生动物活动的，没收野生动物及其制品，并处野生动物及其制品价值一倍以上五倍以下罚款。

第四十一条 违反本条例第二十四条规定，未按照规定从事人工繁育野生动物活动的，处二万元以上十万元以下罚款。

第四十二条 违反本条例第二十六条第一项、第二项规定，食用国家重点保护野生动物的，处野生动物及其制品价值五倍以上二十倍以下罚款；食用其他重点保护野生动物或者其他陆生野生动物的，处野生动物及其制品价值二倍以上十倍以下罚款。

违反本条例第二十六条第三项、第二十七条规定，以食用为目的生产、经营、运输、寄递的，没收野生动物及其制品或者食品、违法所得，并处罚款。属于国家重点保护野生动物的，并处野生动物及其制品价值五倍以上二十倍以下罚款；属于其他重点保

for the legal liability of relevant units and individuals.

Article 36 Where the municipal or district people's governments or relevant departments fail to perform their duties according to law, they shall be held accountable in accordance with the provisions of laws and regulations.

Article 37 Where an institution, in violation of the provisions of Item (5) of Article 15 of the Regulations, trades in wildlife and its products in the name of sheltering and rescuing wildlife, the wildlife and its products and the illegal income, if any, shall be confiscated, and a fine of not less than 5 times but not more than 20 times the value of the wildlife and its products shall be imposed concurrently; any other prohibited act other than trading shall be dealt with in accordance with the provisions of the Regulations.

Where an institution, in violation of any other provision of Article 15 of the Regulations, fails to shelter and rescue wildlife as stipulated, a fine of not less than 10,000 yuan but not more than 50,000 yuan shall be imposed.

Article 38 Whoever, in violation of the provisions of Paragraph 2, Article 16 of the Regulations, frees captive animals without authorization shall be fined not less than 2,000 yuan but not more than 10,000 yuan.

Article 39 Whoever, in violation of the provisions of Article 22 of the Regulations, hunts or kills wildlife shall have the prey confiscated and be concurrently fined. In the case of wildlife under special state protection, a fine of not less than 5 times but not more than 20 times the value of the prey shall be imposed concurrently; in the case of other wildlife under special protection or other terrestrial wildlife for the purpose of consumption, a fine of not less than twice but not more than 10 times the value of the prey shall be imposed concurrently. In the absence of prey, a fine of not less than 5,000 yuan but not more than 20,000 yuan shall be imposed.

Article 40 Where a unit, in violation of the provisions of Paragraph 2 or 3, Article 23 of the Regulations, fails to obtain an artificial breeding permit or fails to engage in artificial breeding of wildlife at the place and for the species specified in the permit, the wildlife and its products shall be confiscated and a fine of not less than one time but not more than 5 times the value of the wildlife and its products shall be imposed concurrently.

Article 41 Where a unit, in violation of the provisions of Article 24 of the Regulations, fails to engage in artificial breeding of wildlife as stipulated, a fine of not less than 20,000 yuan but not more than 100,000 yuan shall be imposed.

Article 42 Whoever, in violation of the provisions of Item 1 or 2 of Article 26 of the Regulations, consumes wildlife under special state protection shall be fined not less than 5 times but not more than 20 times the value of the wildlife and its products; whoever consumes other wildlife under special protection or other terrestrial wildlife shall be fined not less than twice but not more than 10 times the value of the wildlife and its products.

Where a unit, in violation of the provisions of Item 3 of Article 26 and Article 27 of the Regulations, produces, trades in, transports or delivers wildlife and its products or foods made therefrom for the purpose of consumption, the wildlife and its products or foods and the illegal income, if any, shall be confiscated, and a fine shall be concurrently imposed. In

护野生动物或者其他陆生野生动物的，并处野生动物及其制品价值二倍以上十倍以下罚款。餐饮服务提供者违法经营的，从重处罚。

第四十三条 违反本条例第二十八条规定，为违法买卖陆生野生动物及其制品、列入名录水生野生动物及其制品提供交易服务，或者为违法买卖以陆生野生动物及其制品、列入名录水生野生动物及其制品为原材料制作的食品提供交易服务的，没收违法所得，并处违法所得二倍以上五倍以下罚款；没有违法所得的，处一万元以上五万元以下罚款。

第四十四条 违反本条例第二十九条规定，未经批准对列入名录的野生动物及其制品进行出售、利用，或者未按照规定取得和使用专用标识的，没收野生动物及其制品、没收违法所得，并处罚款。属于国家重点保护野生动物的，并处野生动物及其制品价值五倍以上二十倍以下罚款；属于其他重点保护野生动物的，并处野生动物及其制品价值二倍以上十倍以下罚款。情节严重的，撤销批准文件、收回专用标识。

第四十五条 违反本条例第三十条规定，以非食用性目的运输、携带、寄递列入名录的野生动物及其制品，未持有、未附有合法来源证明的，没收野生动物及其制品、违法所得，并处罚款。属于国家重点野生动物的，并处野生动物及其制品价值二倍以上十倍以下罚款，属于其他重点保护野生动物的，并处野生动物及其制品价值一倍以上五倍以下罚款。

第四十六条 违反本条例第三十一条规定，为违反野生动物保护管理法律法规的行为制作、发布广告的，依照《中华人民共和国广告法》的规定处罚。

第四十七条 违反本条例规定的行为，构成犯罪的，依法追究刑事责任。

有关政府部门实施行政检查或者案件调查发现违法行为涉嫌构成犯罪，依法需要追究刑事责任的，应当依照本市有关规定向公安机关移送。

第四十八条 野生动物主管部门和市场监督管理等部门应当将单位或者个人受到行政处罚的信息，共享到本市公共信用信息平台。有关政府部门可以根据本市公共信

the case of wildlife under special state protection, a fine of not less than 5 times but not more than 20 times the value of the wildlife and its products shall be imposed concurrently; in the case of other wildlife under special protection or other terrestrial wildlife, a fine of not less than twice but not more than 10 times the value of the wildlife and its products shall be imposed concurrently. A catering service provider engaging in illegal operation shall be given a heavier punishment.

Article 43 Where a unit, in violation of the provisions of Article 28 of the Regulations, provides trading services for illegal trading of terrestrial wildlife and its products, or aquatic wildlife on the lists and its products, or provides trading services for illegal trading of foods made from such wildlife and its products, the illegal income, if any, shall be confiscated and a fine of not less than twice but not more than 5 times the illegal income shall be imposed concurrently; if there is no illegal income, a fine of not less than 10,000 yuan but not more than 50,000 yuan shall be imposed.

Article 44 Where anyone, in violation of the provisions of Article 29 of the Regulations, sells or makes use of the wildlife on the lists and its products without approval, or fails to obtain and use special marks as stipulated, the wildlife and its products and the illegal income, if any, shall be confiscated, and a fine shall be imposed concurrently. In the case of wildlife under special state protection, a fine of not less than 5 times but not more than 20 times the value of the wildlife and its products shall be imposed concurrently; in the case of other wildlife under special protection, a fine of not less than twice but not more than 10 times the value of the wildlife and its products shall be imposed concurrently. If the circumstances are serious, the approval documents shall be revoked and the special marks shall be recovered.

Article 45 Where anyone, in violation of the provisions of Article 30 of the Regulations, transports, carries or delivers the wildlife on the lists and its products for non-edible purposes without a certificate of legitimate origin, the wildlife and its products and the illegal income, if any, shall be confiscated, and a fine shall be imposed concurrently. In the case of wildlife under special state protection, a fine of not less than twice but not more than 10 times the value of the wildlife and its products shall be imposed concurrently; in the case of other wildlife under special protection, a fine of not less than one time but not more than 5 times the value of the wildlife and its products shall be imposed concurrently.

Article 46 Whoever, in violation of the provisions of Article 31 of the Regulations, makes or publishes advertisements for acts in violation of laws and regulations on wildlife protection and management shall be punished in accordance with the provisions of the Advertising Law of the People's Republic of China.

Article 47 Where any violation of the provisions of the Regulations constitutes crime, criminal liability shall be investigated for according to law.

Where relevant government departments, in administrative inspection or case investigation, find an illegal act which is suspected of constituting a crime and for which criminal liability shall be investigated for according to law, it shall be transferred to the public security organ in accordance with relevant provisions of this Municipality.

Article 48 The wildlife departments and the departments of market supervision and management shall share on the public credit information platform of this Municipality the

用信息管理规定，对单位或者个人采取惩戒措施。

第六章 附 则

第四十九条 本条例自 2020 年 6 月 1 日起施行。1989 年 4 月 2 日北京市第九届人民代表大会常务委员会第十次会议通过，根据 1997 年 4 月 15 日北京市第十届人民代表大会常务委员会第三十六次会议《关于修改〈北京市实施中华人民共和国野生动物保护法办法〉的决定》修正，根据 2018 年 3 月 30 日北京市第十五届人民代表大会常务委员会第三次会议通过的《关于修改〈北京市大气污染防治条例〉等七部地方性法规的决定》修正的《北京市实施〈中华人民共和国野生动物保护法〉办法》同时废止。

information about the administrative penalty imposed on units or individuals. Relevant government departments may take disciplinary measures against units or individuals in accordance with the provisions of this Municipality on the administration of public credit information.

Chapter VI Supplementary Provisions

Article 49 The Regulations shall come into force as of June 1, 2020. The Measures of Beijing Municipality for Implementing the Law of the People's Republic of China on the Protection of Wildlife adopted at the 10th Meeting of the Standing Committee of the 9th People's Congress of Beijing Municipality on April 2, 1989, revised in accordance with the Decisions on Amending the Measures of Beijing Municipality for Implementing the Law of the People's Republic of China on the Protection of Wildlife adopted at the 36th Meeting of the Standing Committee of the 10th People's Congress of Beijing Municipality on April 15, 1997, and revised in accordance with the Decisions on Amending Seven Local Regulations Including the Regulations of Beijing Municipality on the Prevention and Control of Air Pollution adopted at the 3rd Meeting of the Standing Committee of the 15th People's Congress of Beijing Municipality on March 30, 2018 shall be repealed simultaneously.

《北京市森林资源保护管理条例》实施办法

(2003年8月21日北京市人民政府第133号令发布 根据
2007年11月23日北京市人民政府第200号令第一次修改 根据
2014年7月9日北京市人民政府第259号令第二次修改)

第一条 为实施《北京市森林资源保护管理条例》(以下简称《条例》),制定本办法。

第二条 本市森林、林木分为生态公益林和商品林。

生态公益林分为国家公益林和市级公益林。

国家公益林的范围按国家有关规定确定。市级公益林的范围由市林业行政主管部门划定,报市人民政府批准后公布。

商品林的范围由区、县林业行政主管部门根据国家关于林种划分的规定和本市林业发展总体规划认定,报区、县人民政府批准后公布。

第三条 市和区、县林业行政主管部门应当依照《中华人民共和国森林法》(以下简称《森林法》)及其实施条例和《条例》办理林木、林地权属登记的具体工作。

第四条 市和区、县林业行政主管部门应当会同有关部门制定林地保护利用规划,报同级人民政府批准后实施。

第五条 因扑救森林火灾、防洪抢险、防治检疫性森林病虫害等紧急情况需要采伐林木的,组织抢险的单位或者部门应当自紧急情况结束之日起30日内,将采伐林木的情况报告当地区、县林业行政主管部门。

第六条 因工程建设需要申请林木采伐许可证的,应当符合《森林法》第三十四条第一款的规定,并提交工程建设批准文件、林地现状图、工程规划设计方案、补偿协议、绿化方案等资料。

Measures for Implementing the Regulations of Beijing Municipality on Administration of Forest Resource Protection

(Promulgated by Decree No. 133 of the People's Government of Beijing Municipality on August 21, 2003, revised for the first time in accordance with Decree No.200 of the People's Government of Beijing Municipality on November 23,2007, and revised for the second time in accordance with Decree No. 259 of the People's Government of Beijing Municipality on July 9, 2014)

Article 1 These Measures are formulated for the purpose of implementing the Regulations of Beijing Municipality on Administration of Forest Resource Protection (hereinafter referred to as the Regulations).

Article 2 The forests and forest trees in this Municipality are classified into ecological forests for public welfare and commercial forests.

Ecological forests for public welfare are classified into forests for public welfare at the national level and forests for public welfare at the municipal level.

The scope of forests for public welfare at the national level shall be determined in accordance with relevant provisions of the State. The scope of forests for public welfare at the municipal level shall be delimited by the administrative department for forests at the municipal level, and published after being reported to and approved by the Municipal People's Government.

The scope of commercial forests shall be confirmed by the administrative departments for forests at the district or county level in accordance with the provisions of the State on classification of forest types and the overall plan for forest development in this Municipality, and published after being reported to and approved by the people's governments at the district level.

Article 3 The administrative departments for forests at the municipal and the district level shall carry out the specific work of the ownership registration of forest trees or forest land in accordance with the Forest Law of the People's Republic of China (hereinafter referred to as the Forest Law) and its implementing regulations as well as the Regulations.

Article 4 The administrative departments for forests at the municipal and the district level shall, together with relevant departments, formulate the plans for protection and utilization of forest land, which shall be implemented after being reported to and approved by the people's governments at the corresponding levels.

Article 5 Where there is a need to fell forest trees due to such emergencies as fighting against forest fire, preventing flood, dealing with emergent dangers and curing quarantined forest diseases and pests, the units or departments organizing such activities shall, within 30 days as of the end of such emergencies, submit reports on the deforestation to the local administrative departments for forests at the district level.

Article 6 Where it is necessary to apply for a logging permit due to a project construction, the provisions of Paragraph 1, Article 34 of the Forest Law shall be conformed to and the approval document of the engineering construction, map of the forest land under current situation, design scheme for the project planning, arrangement on compensation,

因占用或者征用林地申请林木采伐许可证的，除提交前款规定的文件外，还需提交使用林地审核手续。

本市工程建设项目立项和规划选址应当符合林业总体规划。有关部门在办理工程建设项目立项、规划审批手续时应当征求林业行政主管部门的意见。在工程施工时，施工单位应当采取必要措施保护林木。

第七条 因农村产业结构调整在非规划林地新造的用材林，林木所有者申请采伐利用的，林业行政主管部门应当及时办理采伐手续。

因农村产业结构调整在耕地上种植的经济林，林木所有者可以自主采伐、移植。

第八条 因工程建设或者其他原因需要移植林木的，移植的单位或者个人应当依照有关技术规范编制移植方案，并向林业行政主管部门申请办理林木移植审批手续。

第九条 林业行政主管部门应当对本市木材经营加工的原料进行监督管理。

木材（含外省市在本市的落地材）运出本市的，应当办理出省木材运输证和植物检疫证。

本条所称木材包括原木、锯材、竹材、木片和以木材为主要原料的半成品。

第十条 森林防火期内，在一级、二级防火区组织一百人以上大型群众活动的，主办单位应当在活动举办日 15 日前将防火方案报举办地的区、县森林防火指挥部审批。森林防火指挥部应当在收到主办单位防火方案之日起 5 个工作日内予以答复。

第十一条 利用森林资源开发旅游项目的单位，应当严格执行保护森林资源方案。市和区、县林业行政主管部门应当定期监督检查，定期公布检查结果。

第十二条 市和区、县林业行政主管部门应当加强森林植被恢复费和育林费征收工作的管理，收取的森林植被恢复费和育林费应当专项用于植树造林、恢复森林植被和森林资源的保护管理。

第十三条 工程建设占用或者征用林地采伐林木的，按下列标准给予补偿：

（一）特种用途林、防护林按木材价值 3 倍计算；

afforestation plan and other materials shall be submitted.

Where a logging permit is applied due to appropriation or requisition of forest land, the approval and verification documents for use of forest land shall be submitted apart from the documents stipulated in the preceding paragraph.

The initiation of engineering construction projects and the selection of planned places in this Municipality shall conform to the overall plan for forest development. When handling the examination and approval procedures for initiation and planning of engineering construction projects, relevant departments shall solicit the opinions of the administrative departments for forests. In the course of project construction, the construction units shall take necessary measures to protect forests.

Article 7 As to the timber forests newly planted in non-planned forest land due to the readjustment of agricultural structure, where the owners of forest trees apply for logging and utilization, the administrative departments for forests shall timely handle the formalities for logging.

As to the economic forests planted in cultivated land due to the readjustment of agricultural structure, the owners of forest trees may fell or transplant the trees at their own discretion.

Article 8 Where it is necessary to transplant forest trees due to engineering construction or other reasons, the unit or individual intending to make such transplantation shall draw up a transplantation plan in accordance with relevant technical regulations, and submit an application to the administrative department for forests for examination and approval of such transplantation.

Article 9 The administrative departments for forests shall carry out supervision and administration of raw materials used for timber operation and processing in this Municipality.

Where timbers (including those from other provinces or cities that are planted in this Municipality) are transported out of this Municipality, an out-of-province timber transportation certificate and a plant quarantine certificate shall be handled.

As used in this Article, the term “timbers” includes logs, sawn timbers, bamboos, wood chips and semi-finished products principally made of wood materials.

Article 10 During the forest fire prevention period, if there is any mass activity involved with more than 100 participants to be held in the fire prevention zones of Grade I or II, the organizing unit shall submit a fire prevention plan to the fire prevention headquarter located in the district or county where the activity is to be held for approval 15 days prior to the date of such activity. The fire prevention headquarter shall give a reply to the organizing unit within five working days as of the date of receipt of such plan.

Article 11 Any unit applying forest resources to develop tourism shall strictly implement the plan for protection of forest resources. The administrative departments for forests at the municipal and the district or county level shall regularly supervise and inspect its implementation and publish the results of inspection.

Article 12 The administrative departments for forests at the municipal and the district level shall strengthen the administration of collection of fees for recovery of forest vegetation as well as for afforestation. The fees for recovery of forest vegetation as well as for afforestation collected shall be specifically used for afforestation, recovery of forest vegetation, and protection and administration of forest resources.

Article 13 Where forest trees are to be felled due to appropriation or requisition of forest land as a result of engineering construction, compensation shall be made according to the following standards:

- (1) three times of the value of timbers for forests with special usage or shelter-forests;

(二)用材林、薪炭林按木材价值 2.5 倍计算；

(三)经济林以前 3 年平均产值为基数，鲜果按 5 至 6 倍计价，干果按 7 至 8 倍计价，有材值的另加材值计价；未形成产量的，按实际投入计算。

工程建设占用或者征用苗圃地的，苗木的补偿标准按市场价格计算。

第十四条 盗伐、毁坏林木，造成林木损失的，赔偿金额依照前条规定的标准计算。

第十五条 违反本办法第十条的规定，组织大型群众活动未采取防火措施或者未按批准的方案采取防火措施，尚未造成森林火灾的，由举办地的区、县林业行政主管部门处 2000 元以上 5000 元以下罚款。

组织大型群众活动造成森林火灾的，依照有关法律、法规处罚。

第十六条 《条例》第四十七条所称的“情节严重”是指未经批准移植 100 株以上的林木。

第十七条 森林、林木、林地的损失鉴定由市林业行政主管部门认定公布的具有林业调查设计资质的中介组织承担。

森林资源资产评估，由市林业行政主管部门认定公布的具有森林资源评估资质的组织承担。

第十八条 本市木材价值的计算方法，由市林业行政主管部门会同市价格行政主管部门制定；木材材积，依照市林业行政主管部门公布的标准计算。

第十九条 本办法自 2003 年 10 月 1 日起施行。1987 年 8 月 20 日北京市人民政府发布的《北京市人民政府关于实施〈北京市农村林木资源保护管理条例〉若干规定》同时废止。

(2)two and a half times of the value of timbers for timber forests or fuel-wood forests; and

(3)for economic woods, the value of the average output in the previous three years shall be taken as the base value, for fresh fruits, five to six times shall be calculated as compensation; for dried fruits, seven to eight times shall be calculated as compensation, plus the value of timbers if any; for the forests without yielding any output, the actual inputs shall be calculated as compensation.

For the nursery land appropriated or requisitioned due to engineering construction, the market price shall be treated as the standard for compensation for nursery stocks.

Article 14 The amount of compensation for losses of forest trees due to unlawful chopping down trees or destroying trees shall be calculated according to the standards stipulated in the preceding paragraph.

Article 15 Any unit which, in violation of the provisions of Article 10 of these Measures, organizes a mass activity without taking fire prevention measures or failing to take fire prevention measures in accordance with the approved plan, shall be imposed upon a fine of not less than 2,000 Yuan but not more than 5,000 Yuan by the administrative department for forests located in the place where the activity is held if no forest fire is caused.

Any unit which organizes a mass activity causing a forest fire shall be punished in accordance with relevant laws or regulations.

Article 16 As used in Article 47 of the Regulations, the sentence “the circumstances are serious” refers to the circumstances where more than 100 trees are transplanted without approval.

Article 17 The losses of forests, forest trees or forest land shall be appraised by the intermediary institutions with the qualification of forest surveying and designing recognized and published by the administrative department for forests at the municipal level.

The asset assessment of forest resources shall be undertaken by the organizations with the qualification of forest resources assessment recognized and published by the administrative department for forests at the municipal level.

Article 18 The methods for calculating the value of timbers in this Municipality shall be determined by the administrative department for forests together with the administrative department for price at the municipal level; the volume of timbers shall be calculated according to the standards published by the administrative department for forests at the municipal level.

Article 19 These Measures shall be effective as of October 1, 2003. The Several Provisions of the People's Government of Beijing Municipality on Implementing the Regulations of Beijing Municipality on Protection and Administration of Forest Resources in Rural Areas promulgated by the Municipal People's Government on August 20, 1987 shall be repealed simultaneously.

北京市重点保护陆生野生动物造成损失补偿办法

(2009 年 2 月 2 日北京市人民政府第 211 号令公布)

第一条 为补偿单位和个人因保护国家和本市重点保护陆生野生动物造成的损失，预防和控制野生动物危害，根据《中华人民共和国野生动物保护法》和《中华人民共和国陆生野生动物保护实施条例》，制定本办法。

第二条 在本市行政区域内，受到本市确定给予补偿的陆生野生动物（以下简称野生动物）造成损失的单位和个人，可以依照本办法申请补偿。

前款所称确定给予补偿的野生动物范围，由市园林绿化行政主管部门根据国家和本市“重点保护陆生野生动物名录”确定并向社会公布。

第三条 市园林绿化行政主管部门负责全市野生动物造成损失补偿的组织指导和监督工作。

区（县）林业行政主管部门负责本行政区域内野生动物造成损失的认定、核实和补偿工作。

乡（镇）人民政府、街道办事处应当做好野生动物造成损失情况的调查工作，村民委员会、居民委员会配合做好相关工作。

第四条 市和区（县）人民政府应当将野生动物造成损失的预防控制、宣传培训和损失补偿等经费列入本级财政预算。

野生动物造成财产损失的补偿费用，由区（县）财政负担。发生较大范围野生动物损害造成较大数额财产损失的，市级财政对相关区（县）给予适当补助。

第五条 市园林绿化行政主管部门和区（县）林业行政主管部门应当做好下列工作，预防和控制野生动物可能造成的损失：

Measures of Beijing Municipality on Compensation for Losses Caused by Terrestrial Wildlife under Special Protection

(Promulgated by Decree No. 211 of the People's Government of Beijing Municipality on February 2, 2009)

Article 1 These Measures are formulated in accordance with the Law of the People's Republic of China on Protection of Wildlife and Regulation of the Peoples' Republic of China on the Protection of Terrestrial Wildlife, for the purposes of providing compensation to units and individuals that suffer losses for protection of terrestrial wildlife under special protection by the State or this Municipality, and preventing and controlling the harm caused by wildlife.

Article 2 The units and individuals that, within the administrative area of this Municipality, suffer losses caused by terrestrial wildlife which are shortlisted by this Municipality to compensate for losses caused thereby (hereinafter referred to as wildlife) may apply for compensation in accordance with these Measures.

The municipal competent administrative department for urban greening shall, in accordance with the list of terrestrial wildlife under special protection of the state and that of this Municipality, determine and make public the list of the wildlife, as referred to in the preceding paragraph, which are shortlisted by this Municipality to compensate for the losses caused thereby.

Article 3 The municipal competent administrative department for urban greening organizes, directs and supervises the compensation for losses caused by wildlife throughout this Municipality.

The district (county) competent administrative departments for forestry identify, verify and provide compensation for the losses caused by wildlife within their respective administrative areas.

People's governments at the township level and sub-district offices shall investigate the losses caused by wildlife, and villagers' committees and residents' committees shall make joint efforts to assist and cooperate with them.

Article 4 The municipal and district (county) people's governments shall incorporate the funds of prevention, control and compensation of losses caused by wildlife and of publicity and training into their respective budgets.

Funds of compensation for property losses caused by wildlife shall be borne by finance departments of districts (counties). When great property losses caused by wildlife on a relatively large scale occurs, the municipal finance department shall provide appropriate subsidies to the district (county) concerned.

（一）组织开展相关野生动物物种资源调查，制定防范措施；

（二）设置警示牌，发放宣传手册，利用电视、广播、报刊宣传野生动物保护的法律、法规和保护防护知识；

（三）组织开展有关野生动物生物习性、防护技术等内容的培训工作；

（四）研究并综合运用预防和控制野生动物可能造成损失的工程技术和生物技术。

对采取有效防护措施的单位和个人，市园林绿化行政主管部门和区（县）林业行政主管部门应给予扶持。

第六条 当事人发现野生动物造成农作物损毁、圈养的家禽家畜受伤或者死亡的，应当在 5 个工作日内向当地乡（镇）人民政府或者街道办事处提出补偿申请。

当事人提出补偿申请，应当填写全市统一制式的申请表，并提交下列材料：

（一）损失的财产种类、数量、所在地点等基本情况的说明；

（二）财产损失现场情况的证明材料；

（三）采取预防控制措施的证明材料。

第七条 接到补偿申请的乡（镇）人民政府或者街道办事处应当在 3 个工作日内到现场进行调查；损失情况调查清楚的，应当提出初步处理意见，并在 5 个工作日内将补偿申请相关材料和初步处理意见一并转报本区（县）林业行政主管部门。

第八条 区（县）林业行政主管部门收到申请材料后，应当及时进行核查确认，在 10 个工作日内提出补偿或者不予补偿的意见，并将意见内容在本部门网站和损害事件发生地村民委员会、居民委员会现场进行公示，公示期为 10 个工作日。

公示期内，对公示内容有异议的，可以向当地区（县）林业行政主管部门或者市园林绿化行政主管部门提出。区（县）林业行政主管部门或者市园林绿化行政主管部门应当及时进行调查核实；必要时，可以重新组织调查。

公示期满，没有异议的，由损害事件发生地区（县）林业行政主管部门做出补偿决定，向申请人一次性发放补偿费。

Article 5 In order to prevent and control losses caused by wildlife, the municipal competent administrative department for urban greening and district (county) competent administrative departments for forestry shall:

(1) organize investigations of resources for relevant wildlife species and draw up precautionary measures;

(2) set up warning signboards, distribute publicity manuals and use televisions, radios, newspapers or periodicals to disseminate knowledge of laws and regulations on protection of wildlife and knowledge of how to protect wildlife and to guard people against attacks thereof;

(3) organize knowledge training events about habits and characteristics of wildlife, protection techniques against wildlife attack, etc; and

(4) conduct researches and comprehensively utilize engineering technologies and biological technologies that can prevent and control losses caused by wildlife.

The municipal competent administrative department for urban greening and district (county) competent administrative departments for forestry shall provide support to units and individuals that take effective precautionary measures against potential losses caused by wildlife.

Article 6 Upon finding crops damaged or destroyed or livestock or poultry in pens injured or killed by wildlife, the party concerned shall, within 5 working days, file an application for compensation to the local town (township) people's governments or sub-district offices.

The party concerned shall, in filing the application for compensation, fill out a standard formatted application form of this Municipality and hand in documents below:

(1) profile of property losses in regard of categories, quantities or locations thereof;

(2) certified documents relating to the scene where the loss occurs; and

(3) certified documents of adoption of preventive and control measures.

Article 7 People's governments of township-level or sub-district offices that receive applications for compensation shall, within 3 working days as of receipt thereof, conduct on-site investigations; when losses are ascertained through investigations, governments or offices shall put forth preliminary opinions on the disposition and, within 5 working days therefrom, forward application materials together with preliminary opinions to competent administrative departments in the same district (county).

Article 8 District (county) competent administrative departments for forestry shall, upon receipt of the application materials, effectuate verification and identification in good time and, within 10 working days, put forth opinions on whether or not to grant compensation, which shall be published for 10 working days on the official website of the said department or of the villagers' or residents' committee where the loss occurs.

During the period of publication, anyone who has objections to the contents published may submit such objections to local district (county) competent administrative departments for forestry or the municipal competent administrative department for urban greening, which shall verify the objections submitted in time and, when necessary, may organize a reinvestigation.

Where there are no objections upon expiry of the period of publication, competent administrative departments for forestry of the district (county) where the losses occur shall make a decision on compensation and provide compensation fee to the applicant in a lump sum.

第九条 野生动物造成财产损失的补偿费，根据预防控制措施采取情况，按照以下规定计算：

（一）农作物损失，按照核实的损失量和当地区（县）上一年度该类农作物的市场平均价格计算，补偿全部损失的 60% 至 80%；

（二）家禽家畜受伤的，补偿实际发生治疗费的 50% 至 70%，最高额不超过该类家禽家畜价值的 50%；

（三）家禽家畜死亡的，补偿费按该类家禽家畜当时的市场价格计算，补偿全部损失的 60% 至 80%。

第十条 因保护重点保护陆生野生动物造成损失，导致家庭生活困难的，可以依法向当地民政部门申请救助。符合社会救助条件的，当地民政部门应当适时给予救助。

第十一条 财政、审计和监察部门应当对野生动物造成损失的补偿、调查勘验、宣传培训、预防控制等工作经费的使用情况加强监督检查。

第十二条 国家工作人员违反本办法规定，有下列情形之一的，由其主管部门或者监察机关给予行政处分；涉嫌犯罪的，移送司法机关依法查处：

（一）刁难、拖延、不按规定时限调查野生动物造成损害事件或者发放补偿费，造成严重后果的；

（二）徇私舞弊，为他人虚报、冒领补偿费提供帮助的；

（三）渎职、失职，造成补偿费被冒领的；

（四）贪污挪用补偿费的。

第十三条 虚报、冒领补偿费的，由区（县）林业行政主管部门予以警告，责令退回；构成犯罪的，依法追究刑事责任。

当事人拒不退回的，由当地乡（镇）人民政府或者街道办事处负责追回。

第十四条 野生动物造成人身伤亡的，由市园林绿化行政主管部门会同市财政部门参照本办法有关规定予以适当补偿。

第十五条 本办法自 2009 年 4 月 1 日起施行。

Article 9 The rate of the compensation fee for property losses caused by wildlife shall, by taking into consideration the protective and control measures adopted, be fixed in accordance with the following provisions:

(1) for the losses of crops, the compensation fee shall be 60% to 80% of the total losses as computed on the basis of confirmed crop losses and the average market prices of such crops in the preceding year in the district (county) concerned;

(2) for the injury to livestock or poultry, the compensation fee shall be 50% to 70% of medical treatment expenses actually incurred and shall not exceed 50% of the value of the livestock or poultry in question; and

(3) for deaths of livestock or poultry, the compensation fee shall be 60% to 80% of the total losses as computed on the basis of the market prices of the livestock or poultry in question.

Article 10 When a family suffers losses for protecting terrestrial wildlife under special protection and losses lead to economic difficulties thereof, the family may, in accordance with law, apply for relief to local civil affairs departments, which shall grant appropriate relief to the families that meet the criteria for social relief.

Article 11 The departments of finance, audit and supervision shall enhance oversight and inspection on the use of funds for compensation, investigation and on-site examination, publicity and training, and prevention and control of the losses caused by wildlife.

Article 12 When a State functionary, in violation of the provisions of these Measures, commits any of the following acts, competent departments thereof or the supervisory organs shall impose an administrative sanction; if the functionary is suspected of committing a crime, the case shall be referred to an appropriate judicial organ for investigation according to law:

(1) deliberately creating difficulties in, procrastinating, or failing to complete within a specified time limit of investigations of losses caused by wildlife or distribution of compensation fee to the parties concerned and thus causing severe consequences;

(2) committing malpractice for selfish ends including, but not limited to assist with material misstatement or fraudulent claim of compensation fees;

(3) neglecting his duties, which results in that compensation fee is falsely obtained; or

(4) embezzling compensation fee.

Article 13 When an individual makes a fake report on losses caused by wildlife and falsely claims compensation fee, the competent administrative department for forestry of the district (county) shall give a warning and order the person to return the compensation fee thus obtained; if any crime is constituted, the individual shall be subject to criminal liabilities.

When the individual in question refuses to return the compensation fee illegally obtained, the local town (township) people's government or sub-district office shall recover such compensation fee.

Article 14 When a wildlife attack causes an injury or death of an individual, the municipal competent administrative department for urban greening shall, in conjunction with the municipal finance department, provide appropriate compensation in accordance with relevant provisions of these Measures.

Article 15 These Measures shall be effective as of April 1, 2009.

北京市森林防火办法

(2011年9月29日北京市人民政府第238号令公布)

第一条 为了有效预防和扑救森林火灾，保障人民生命财产安全，保护森林资源，维护生态安全，根据《森林防火条例》等法律、法规，结合本市实际情况，制定本办法。

第二条 本市行政区域内森林火灾的预防和扑救，应当遵守《森林防火条例》（以下简称《条例》）和本办法。

第三条 森林防火工作实行预防为主、积极消灭的方针。

各级人民政府、有关部门、新闻媒体应当组织和开展经常性的森林防火宣传，普及森林防火法律、法规和安全避险知识，提高全社会森林防火意识。

每年11月为森林防火宣传月。

第四条 森林防火工作实行市、区县、乡镇人民政府行政首长负责制。街道办事处按照本级人民政府的要求承担森林防火工作。

市、区县、乡镇人民政府设立的森林防火指挥机构，负责组织、协调和指导本行政区域内的森林防火工作。

第五条 市和区县园林绿化行政部门负责本行政区域内森林防火的监督管理工作，承担本级人民政府森林防火指挥机构的日常工作。

发展改革、财政、公安等部门按照职责分工，负责森林防火有关工作。

第六条 森林、林木、林地及其林缘外侧一定范围内划分为三级防火区：

一级防火区是指自然保护区、风景游览区、特种用途林地和千亩以上的有林地；

二级防火区是指一级防火区以外的成片有林地；

三级防火区是指护路林、护岸林、宜林地和农田林网。

防火区的具体范围由区县人民政府划定、公布，并设置醒目的标识。

Measures of Beijing Municipality for Forest Fire Prevention

(Promulgated by Decree No. 238 of the People's Government of Beijing Municipality on September 29, 2011)

Article 1 These Measures are formulated for the purposes of effectively preventing and suppressing forest fires, ensuring safety of people's lives and property, protecting forest resources and safeguarding ecological security in accordance with the Regulations on Forest Fire Prevention and other laws and regulations and in light of the actual circumstances of this Municipality.

Article 2 The Regulations on Forest Fire Prevention (hereinafter referred to as the Regulations) and these Measures shall be obeyed in the prevention and suppression of forest fires within the administrative area of this Municipality.

Article 3 In forest fire prevention, the principle of prevention first and proactive suppression shall be followed.

The people's governments at various levels relevant departments and news media shall organize and carry out regular publicity activities for forest fire prevention and popularize the laws and regulations on forest fire prevention and the knowledge of safe avoidance of dangers so as to improve the whole society's awareness of forest fire prevention.

November of each year is the publicity month for forest fire prevention.

Article 4 The administrative chiefs of the people's governments at the municipal, the district or county, and the township or town level shall assume overall responsibility for forest fire prevention. The sub-district offices shall undertake the work of forest fire prevention in accordance with the requirements of the people's governments at the same level.

The forest fire prevention headquarters established by the people's governments at the municipal, the district or county, and the township or town level shall be responsible for organizing, coordinating and guiding forest fire prevention within their respective administrative areas.

Article 5 The administrative departments for landscape and afforestation at the municipal and the district or county level shall be responsible for supervising and administering forest fire prevention within their respective administrative areas and undertake the day-to-day work of the forest fire prevention headquarters of the people's governments at the same level.

The departments for development and reform, finance and public security shall, in accordance with their respective functions and duties, be responsible for the tasks related to forest fire prevention.

Article 6 The forests' trees, forestlands and a certain scope outside their edges shall be demarcated as fire prevention zones of three grades.

Fire prevention zones of Grade I refer to natural reserves, scenic sites, forestlands for special purposes and lands with trees larger than 1,000 mu;

Fire prevention zones of Grade II refer to tracts of lands with trees other than fire prevention zones of Grade I;

Fire prevention zones of Grade III refer to tree belts for road protection, tree belts for river bank protection, lands suitable for tree planting and farmland shelterbelts.

The specific scopes of fire prevention zones shall be demarcated and promulgated by

一级防火区为森林高火险区。

第七条 禁止在防火区吸烟、燃放烟花爆竹、燃放孔明灯等可能引发森林火灾的行为。

第八条 在一级防火区依法设立企事业单位、开发旅游项目的，应当按照本市森林防火设施建设规范建设或者配备森林防火设施设备。本市森林防火设施建设规范由市园林绿化行政部门组织有关部门制定，并向社会公布。

企事业单位、旅游项目开办者应当在企事业单位设立或者旅游项目开办至少 30 日前告知所在地区县园林绿化行政部门，园林绿化行政部门应当对其预防森林火灾提供指导和服务。

第九条 每年 11 月 1 日至次年 5 月 31 日为森林防火期。其中，每年 1 月 1 日至 4 月 15 日为森林高火险期。

区县人民政府可以根据实际情况，将本行政区域内的森林防火期或者森林高火险期提前或者延后，并向社会公布。

第十条 森林防火期内，经市人民政府批准，园林绿化行政部门可以在一、二级防火区入口处设立临时性的森林防火检查站，开展森林防火宣传，对进入防火区的车辆和人员进行森林防火检查。

第十一条 森林防火期内，未经批准不得在防火区野外用火。

因防治病虫害、冻害等特殊情况确需在防火区野外用火的，用火单位或者个人应当持用火方案和防火方案，经所在地区县园林绿化行政部门审核后，报本级人民政府批准。审核、批准的时限不得超过 5 个工作日。

需要在防火区进行实弹演习、爆破等活动的，相关单位或者个人应当持活动方案和防火方案，报市园林绿化行政部门批准。市园林绿化行政部门应当在 20 个工作日内作出决定。

第十二条 森林高火险期内，在森林高火险区严禁一切野外用火。

第十三条 森林、林木、林地的经营管理者，在其经营管理范围内承担森林防火

the people's governments at the district or county level, and conspicuous signs shall be set up.

Fire prevention zones of Grade I are high forest fire risk zones.

Article 7 Such acts as smoking, setting off fireworks, lightning Kongming lanterns and other acts that may cause forest fires are prohibited in fire prevention zones.

Article 8 Whoever, in accordance with law, establishes any enterprise or public institutions or develops any tourism project within the fire prevention zone of Grade I, shall construct or equip facilities and equipment for forest fire prevention in accordance with the norms of this Municipality for the construction of facilities and equipment for forest fire prevention. The administrative department for landscape and afforestation at the municipal level shall organize relevant departments to formulate the norms of this Municipality for the construction of facilities and equipment for forest fire prevention, and make them public to the society.

The initiator of the enterprise, public institution or tourism project shall notify the administrative department for landscape and afforestation at the district or county level of its locality at least 30 days prior to the establishment of the enterprise or public institution, or operation of the tourism project, and the administrative departments for landscape and afforestation shall provide guidance and services related to forest fire prevention.

Article 9 The period from November 1 every year to May 31 of the next year is the forest fire prevention period, and the period from January 1 to April 15 every year is the high forest fire risk period.

The people's governments at the district or county level may, according to the actual situation of their respective administrative areas, move up or postpone the forest fire prevention period or high forest fire risk period, and make it public to the society.

Article 10 During the forest fire prevention periods, the administrative department for landscape and afforestation may, upon approval of the Municipal People's Government, set up temporary forest fire prevention checkpoints at the entrances of fire prevention zones of Grade I and II to disseminate knowledge about forest fire prevention and check the vehicles and persons entering the fire prevention zones.

Article 11 Within the forest fire prevention periods, using fire in field in fire prevention zones without approval is prohibited.

Where using fire in field in fire prevention zones is necessitated under such special circumstances as prevention and control of wood diseases, pests, mice or frost damage, the units or individuals intending to use fire shall, on the strength of the plans for using fire and fire prevention, report to the people's governments at the corresponding level for approval after the administrative departments for landscape and afforestation at the district or county level of their localities complete verification. The time limit for verification and approval shall not exceed five working days.

Where such activities as live ammunition maneuvers or blasting operations are to be conducted in fire prevention zones, relevant units or persons shall report, on the strength of the plans for activities and fire prevention, report to the administrative department for landscape and afforestation at the municipal level for approval. The administrative department for landscape and afforestation at the municipal level shall make decisions within 20 working days.

Article 12 Within the high forest fire risk period, any use of fire in field is strictly prohibited within the high forest fire risk zones.

Article 13 The operators and managers of forests, trees and forestlands shall assume

责任。

森林、林木、林地的经营管理者应当制定森林防火方案，设置防火宣传牌、防火标识，营建防火隔离带，配备专职或者兼职护林员、防火设施设备及必要的交通、通讯工具，开展经常性的森林火灾隐患排查，组织和参加扑救森林火灾应急演练，落实森林防火责任。

任何单位和个人不得损坏或者擅自移动、拆除森林防火设施设备、标识。

第十四条 森林防火期外，在森林、林木、林地开展生产性野外用火的，应当经森林、林木、林地的经营管理者同意。

森林防火期外，森林、林木、林地的经营管理者允许有关人员在其经营管理范围内开展野炊、烧烤等活动需要野外用火的，应当划定活动区域，设置醒目的用火界限，公示野外用火要求和注意事项，配备森林防火设备，确保用火安全。

森林、林木、林地的经营管理者应当加强对用火行为的监督检查，预防森林火灾。

第十五条 森林、林木、林地的经营管理者配备的专职或者兼职护林员和本市设立的生态林管护员，负责巡视、管理野外用火，及时报告火情，协助有关机关调查森林火灾案件。

区县园林绿化行政部门应当建立健全管理机构，明确生态林管护员的防火责任区域，完善生态林管护员的培训、考核和奖惩等制度，加强对生态林管护员的管理。

第十六条 无民事行为能力人或者限制民事行为能力人的监护人，应当依法履行对被监护人的监护义务，防止因被监护人的不当用火引发森林火灾。

第十七条 市、区县、乡镇人民政府，国有有林企业、事业单位应当根据实际需要，成立专业森林消防队。

专业森林消防队按照总队、大队、中队的建制设立。具体设立按照本市专业森林消防队建设标准执行。

第十八条 任何单位和个人发现森林火灾，应当立即报警。相关单位和个人不得阻碍报警。报警属实的，森林防火指挥机构应当对报警人给予奖励。

the responsibility of forest fire prevention within the area's under their operation and management.

The operators and managers of forests, trees and forestlands shall work out the plans for forest fire prevention, set up the boards and signs for publicity of fire prevention, set up the forest fire breaks, equip full-time or part-time forest rangers, facilities and equipment for fire prevention, and necessary transport and communication tools, carry out regular search for hidden dangers to forest fires, organize and participate in emergency drills on forest fire fighting, and perform their responsibility for forest fire prevention.

No unit or individual may damage or move or dismantle the facilities equipment and signs for forest fire prevention without authorization.

Article 14 Using fire in field for production beyond the forest fire prevention period shall be consented by the operators or managers of forests, trees and forestlands.

Where the operators or managers of forests, trees and forestlands allow relevant persons to use fire in field in such activities as picnic and barbecue within the areas under their operation and management beyond the forest fire prevention period, they shall demarcate the areas for such activities, set up conspicuous limits for using fire, publicize the requirements and points for attention in using fire in field, equip equipment for forest fire prevention so as to ensure the safety in using fire.

The operators and managers of forests, trees and forestlands shall strengthen supervision and inspection of the acts of using fire so as to prevent forest fires.

Article 15 The full-time or part-time forest rangers equipped by the operators and managers of forests, trees and forestlands and the keepers of ecological forests appointed by this Municipality shall be responsible for patrolling, administering the use of fire in field, timely reporting the fires, and assisting relevant organs to investigate into cases of forest fires.

The administrative departments for landscape and afforestation at the district or county level shall set up and perfect the management institutions, specify the responsibility scope of fire prevention for the keepers of ecological forests, perfect the systems on training, assessment reward and punishment of the keepers of ecological forests so as to strengthen administration of the keepers of ecological forests.

Article 16 The guardians of the persons with no or limited capacity for civil conduct shall perform their obligation of guardianship in accordance with law, and prevent the improper use of fire by the persons under their guardian from causing forest fires.

Article 17 The people's governments at the municipal, the district or county and the township or town level, State-owned enterprises and public institutions with woods shall establish professional forest fire fighting teams according to the actual needs.

The professional forest fire fighting teams shall be established as the corps, bridges and squadrons. The specific establishment shall be in conformity with the standards of this Municipality for the construction of professional forest fire fighting teams.

Article 18 Any unit or individual shall report immediately upon detection of a forest fire. Relevant units and individuals shall not obstruct such reporting. If the report is authentic, the forest fire prevention headquarter shall reward the reporter.

第十九条 森林防火指挥机构接到森林火灾报警后，应当立即按照规定启动森林火灾应急预案。应急预案由市和区县园林绿化行政部门按照有关规定编制，报本级人民政府批准。

第二十条 森林防火指挥机构按照森林火灾应急预案，统一组织和指挥森林火灾的扑救。

森林火灾主要由专业森林消防队扑救。专业森林消防队扑救森林火灾不得收取费用。

第二十一条 森林防火专用车辆执行扑救森林火灾任务时，在确保安全的前提下，不受行驶速度、路线、方向和指挥信号的限制，其他车辆和行人应当让行。

第二十二条 森林火灾扑灭后，专业森林消防队应当将火场交给火灾发生地的乡镇人民政府，在办理交接手续后，方可撤离。

火灾发生地的乡镇人民政府应当组织人员对火灾现场进行清理，看守火场，经区县森林防火指挥机构验收合格后，方可撤出看守人员。

第二十三条 对因扑救森林火灾负伤、致残或者死亡的人员，按照国家和本市有关规定给予医疗、抚恤。

组建专业森林消防队的市、区县、乡镇人民政府和市园林绿化行政部门，应当分别为专业森林消防队员和从事森林防火的森林公安民警投保人身意外伤害保险，所需经费纳入本级部门预算。

鼓励组建专业森林消防队的国有有林企业、事业单位为专业森林消防队员投保人身意外伤害保险。

第二十四条 森林火灾造成森林、林木等森林资源损失的，损失鉴定由市园林绿化行政部门认定的林业调查设计机构承担。

第二十五条 各级人民政府及其森林防火指挥机构、园林绿化行政部门或者其他有关部门及其工作人员违反《条例》和本办法，违法履行、不履行或者不当履行行政职责的，按照国家和本市有关规定给予行政问责和行政处分；构成犯罪的，依法追究

Article 19 After receiving reports of forest fires, the forest fire prevention headquarters shall immediately implement the emergency response plans for forest fires as stipulated. The emergency response plans shall be compiled by the administrative departments for landscape and afforestation at the municipal and the district or county level and reported to the people's government at the corresponding levels for approval.

Article 20 The forest fire prevention headquarters shall uniformly organize and command the suppression of forest fires in accordance with the emergency response plans.

The forest fires shall mainly be suppressed by professional forest fire fighting teams. The professional forest fire fighting teams shall not charge any fee for suppressing forest fires.

Article 21 Under the precondition of ensured safety, the special vehicles for forest fire prevention shall be free from the restrictions on the speed, route-direction and traffic signals when performing the tasks of suppressing forest fires, and other vehicles and pedestrians shall make way.

Article 22 After a forest fire is suppressed, the professional forest fire fighting team shall turn over the fire scene to the people's government at the township or town level of the locality, and may only evacuate the scene after handling the takeover procedures.

The people's government at the township or town level of the locality where a forest fire occurs shall organize relevant personnel to clean up the scene of fire and guard the scene, and may only evacuate these personnel after the forest fire prevention headquarter check the scene and accept it as up to requirements.

Article 23 Where a person is injured, disabled or killed in suppression of a forest fire, the expenses for medical treatment and the pension for him shall be provided in accordance with the relevant provisions of the State and this Municipality.

The people's governments at the municipal, the district or county and the township or town level and the administrative department for landscape and afforestation at the municipal level establishing professional forest fire fighting teams shall respectively buy the life accident insurance for the members of professional forest fire fighting teams and the forest policemen for public security engaged in forest fire prevention, and the funds needed shall be included in the department budget at the corresponding levels.

The State-owned enterprises and public institutions with woods establishing professional forest fire fighting teams are encouraged to buy the life accident insurance for the members of professional forest fire fighting teams.

Article 24 Where a forest fire causes any loss of forests, trees and other forest resources, the authentication of such loss shall be undertaken by forestry investigation and design institutions designated by the administrative department for landscape and afforestation at the municipal level.

Article 25 Where the people's governments at various levels and the forest fire prevention headquarter thereof the administrative departments for landscape and afforestation or other relevant departments and the working staff thereof, in violation of the Regulations and these Measures, fail to perform, illegally perform or improperly perform their administrative duties, the administrative accountability and administrative sanctions shall be imposed in accordance with the relevant provisions of the State and this Municipality, where a crime is constituted, criminal liability shall be investigative for in accordance with law.

刑事责任。

第二十六条 违反本办法第七条规定，有在防火区吸烟、燃放烟花爆竹、燃放孔明灯等可能引发森林火灾行为的，由区县园林绿化行政部门责令改正，给予警告，可处 100 元以上 1000 元以下罚款；法律、法规、规章另有规定的，按照其规定执行。

第二十七条 违反本办法第八条第一款规定，企事业单位、旅游项目开办者未按照本市森林防火设施建设规范建设或者配备森林防火设施设备的，由区县园林绿化行政部门责令限期改正；逾期不改的，可处 1 万元以上 10 万元以下罚款。

第二十八条 违反本办法第十三条第三款规定，损坏或者擅自移动、拆除森林防火设施设备、标识的，由区县园林绿化行政部门责令限期改正，可处 500 元以上 5000 元以下罚款。

第二十九条 违反本办法第十四条规定，不接受森林、林木、林地的经营管理者对用火的管理、要求和检查，引起森林火灾的，由区县园林绿化行政部门处 1000 元以上 1 万元以下罚款。

第三十条 违反本办法规定，引起森林火灾，构成犯罪的，依法追究刑事责任；尚不构成犯罪的，除依照本办法的规定承担行政责任外，还应当依法承担民事责任。

第三十一条 单位和个人违反本办法规定，《条例》规定有法律责任的，按照其规定执行。

第三十二条 本办法自 2011 年 11 月 1 日起施行。1989 年 10 月 24 日北京市人民政府第 29 号令发布、根据 2002 年 2 月 11 日北京市人民政府第 92 号令修改的《北京市实施〈森林防火条例〉办法》和 1991 年 3 月 29 日北京市人民政府批准、1991 年 4 月 1 日北京市林业局发布的《北京市林地防火区护林防火戒严期火源管制办法》同时废止。

Article 26 Any person who, in violation of the provisions of Article 7 of these Measures, commits such acts as smoking, setting off fireworks, lightning Kongming lanterns, or other acts that may cause forest fires in fire prevention zones, shall be ordered to make corrections, given a warning and may imposed upon a fine of not less than 100 Yuan but not more than 1,000 Yuan simultaneously by the administrative department for landscape and afforestation at the district or county level, where there are otherwise provisions in laws, regulations or rules, Such provisions shall prevail.

Article 27 Any initiator of enterprises, public institutions or tourism projects who, in violation of the provisions of Paragraph 1 of Article 8 of these Measures, fails to construct or equip facilities and equipment for forest fire prevention in accordance with the norms of this Municipality for the construction of facilities and equipment for forest fire prevention, shall be ordered to make corrections within a specified time limit by the administrative department for landscape and afforestation at the district or county level; where he fails to make corrections within the specified time limits a fine of not less than 10,000 Yuan but not more than 100,000 Yuan may be imposed.

Article 28 Anyone who, in violation of the provisions of Paragraph 3 of Article 13 of these Measures, damages, moves or dismantles without authorization the facilities, equipment and signs for forest fire prevention shall be ordered to make corrections within a specified time limit and may be imposed upon a fine of not less than 500 Yuan but not more than 5,000 Yuan simultaneously by the administrative department for landscape and afforestation at the district or county level.

Article 29 Anyone who, in violation of the provisions of Article 14 of these Measures, refuses to accept the administration, requirements and inspection of the use of fire by the operators or managers of forests, streets and forestlands resulting in a forest fire, shall be imposed upon a fine of not less than 1,000 Yuan but not more than 10,000 Yuan by the administrative department for landscape and afforestation at the district or county level.

Article 30 Anyone who in violation of the provisions of these Measures, causes a forest fire constituting a crime, shall be investigated for criminal liability in accordance with law; where a crime is not constituted, he shall apart from the administrative liability in accordance with the provisions of these Measures, assume civil liability in accordance with law.

Article 31 With respect to the violations of these Measures by units and individuals, where there are provisions on legal liability, such provisions shall prevail.

Article 32 These Measures shall be effective as of November 1, 2011. The Measures of Beijing Municipality for Implementing the Regulations on Forest Fire Prevention, promulgated by Decree No. 29 of the People's Government of Beijing Municipality on October 24, 1989 and revised in accordance with Decree No. 92 of the People's Government of Beijing Municipality on February 11, 2002, and the Measures of Beijing Municipality for Control of Fire Starters during Forest Protection & Fire Control Curfew Period in Fire Prevention Zones of Forestlands, approved by the People's Government of Beijing Municipality on March 29, 1991 and promulgated by Beijing Municipal Bureau of Forestry on April 1, 1991 shall be repealed simultaneously.

（四）河湖工程

北京市水利工程保护管理条例

（1986年4月30日北京市第八届人民代表大会常务委员会第二十二次会议通过 根据1997年4月15日北京市第十届人民代表大会常务委员会第三十六次会议通过的《关于修改〈北京市水利工程保护管理条例〉的决定》修正 根据2010年12月23日北京市第十三届人民代表大会常务委员会第二十二次会议通过的《关于修改部分地方性法规的决定》修正 根据2016年11月25日北京市第十四届人民代表大会常务委员会第三十一次会议通过的《关于修改部分地方性法规的决定》修正 根据2018年3月30日北京市第十五届人民代表大会常务委员会第三次会议通过的《关于修改〈北京市大气污染防治条例〉等七部地方性法规的决定》修正）

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- 第五章 附 则

第一章 总 则

第一条 为加强水利工程的保护和管理，充分发挥工程效益，促进工农业生产发展，保障城乡人民生活用水，确保首都防洪安全，特制定本条例。

第二条 本市行政区域内的水利工程，包括河道、湖泊、防洪排涝工程，水库、蓄水、

iv. River and Lake Project

Regulations of Beijing Municipality on the Protection and Administration of Water Conservancy Projects

(Adopted at the 22nd Meeting of the Standing Committee of the 8th People's Congress of Beijing Municipality on April 30, 1986, revised in accordance with the Decisions on Revising the "Regulations of Beijing Municipality on the Protection and Administration of Water Conservancy Projects" adopted at the 36th Meeting of the Standing Committee of the 10th People's Congress of Beijing Municipality on April 15, 1997, revised in accordance with the Decisions on Revising Some Local Regulations adopted at the 22nd Meeting of the Standing Committee of the 13th People's Congress of Beijing Municipality on December 23, 2010, revised in accordance with the Decisions on Revising Some Local Regulations adopted at the 31st Meeting of the Standing Committee of the 14th People's Congress of Beijing Municipality on November 25, 2016, and revised in accordance with the Decisions on Revising Seven Local Regulations including the "Regulations of Beijing Municipality on the Prevention and Control of Air Pollution" adopted at the 3rd Meeting of the Standing Committee of the 15th People's Congress of Beijing Municipality on March 30, 2018)

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- Chapter IV Reward and Punishment
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Chapter I General Provisions

Article 1 The Regulations are formulated for the purposes of strengthening the protection and management of water conservancy projects, giving full play to the benefits of projects, promoting the development of industrial and agricultural production, ensuring the domestic water consumption of urban and rural people, and ensuring the flood control safety of the capital.

Article 2 Water conservancy projects within the administrative area of this Municipality, including river courses, lakes, flood control and drainage projects, reservoirs,

引水、提水工程，农田排灌、农村人畜饮水工程，水行政主管部门管理的水力发电工程以及附属于上述工程的土地、山场和设施，均按本条例管理。

第三条 市和区水行政主管部门是市和区人民政府管理水利工程的主管机关。

市水行政主管部门主管全市水利工程管理工作。区水行政主管部门主管本区管辖的水利工程管理工作。乡（镇）人民政府设水利助理员，负责本乡（镇）管辖的水利工程管理工作。

第四条 各级人民政府应制定水利建设、管理的规划和年度计划，用于水利工程建设和管理的资金，应占市和区、乡（镇）财政年度预算的适当比例。

实行计划供水，有偿供水。水费收入用于水利工程的保护管理、更新改造，不得挪作他用。

集体经济组织管理的小型农田水利工程维护、更新、兴建所需资金，由受益的集体经济组织自筹。经济困难的，市和区、乡（镇）人民政府可给予适当补助。

第五条 集体经济组织管理的水利工程应当加强统一管理，建立、完善管理责任制。未经区水行政主管部门批准不得擅自拆毁、变卖或分给个人。

第六条 一切单位和个人都有保护水利工程设施的责任和参加防洪抢险的义务，并有权制止和检举损害水利工程的行为。

第二章 工程保护与管理

第七条 市和区管理的水利工程和跨越区、乡（镇）的水利工程，分别由市和区水行政主管部门负责建立、健全管理机构。园林绿化、城市管理部门和国营农场（林场、牧场）负责建立和健全所属水利工程的管理组织。乡（镇）设水利管理服务站。村集体经济组织管理的蓄水、引水和机井、扬水站、排灌渠道等水利工程，必须建立、健全管理组织或确定管理人员。

water storage, diversion and lifting projects, farmland drainage and irrigation, drinking water projects for rural people and livestock, hydroelectric power projects under the administration of the competent departments for water, as well as the land, mountain farms and facilities attached to the said projects, shall be managed in accordance with the Regulations.

Article 3 The municipal and district competent departments for water are the competent authorities of the municipal and district people's governments in charge of water conservancy projects.

The municipal competent department for water shall be in charge of the administration of water conservancy projects of the whole city. The district competent departments for water shall be in charge of the administration of water conservancy projects within their respective administrative areas. The town or township people's governments shall have water conservancy assistants who are responsible for the administration of water conservancy projects in areas under the jurisdiction of towns or townships.

Article 4 The people's governments at all levels shall formulate planning and annual plans for the construction and management of water conservancy projects. The funds used for the construction and management of water conservancy projects shall account for an appropriate proportion of the annual budgets at the municipal, district and township (town) level.

Water shall be supplied in a planned way and on a paid-use basis. The income from water charge shall be used for the protection, management and renovation of water conservancy projects and shall not be used for other purposes.

The funds needed for the maintenance, renovation and construction of small-scale farmland water conservancy projects managed by collective economic organizations shall be raised by the benefited collective economic organizations themselves. In case of economic difficulties, the people's governments at the municipal, district and township (town) level may give appropriate subsidies.

Article 5 The management responsibility system shall be established and improved to strengthen the unified management of water conservancy projects under the administration of collective economic organizations, which, without the approval of the district competent departments for water, shall not be dismantled, sold off or distributed to individuals.

Article 6 All units and individuals shall have the responsibility to protect water conservancy projects and facilities, the obligation to participate in flood control and emergency rescue, and the right to stop and report any act of damaging water conservancy projects.

Chapter II Project Protection and Administration

Article 7 The municipal and district competent departments for water shall be responsible for establishing and improving the management organs for the water conservancy projects under the municipal and district administration, and the water conservancy projects involving different districts and townships (towns). Landscaping and city management departments and state-owned farms (forest farms and pastures) shall be responsible for establishing and improving the management organizations for the subordinate water conservancy projects. Water conservancy management service stations shall be established in townships (towns). The management organizations shall be established and improved or

水利工程管理机构、组织和管理人员的基本职责是：依照国家有关法律、法规和本条例，加强工程保护，预防和制止偷盗、损毁、哄抢等破坏水利工程设施的行为，并及时上报主管部门查处；维护、保养工程设施，确保工程完好；合理用水、节约用水，执行供水计划和防洪调度命令；建立各项管理制度，提高管理水平，充分发挥水利工程综合效益。

第八条 市和区管理的水库、引水渠和其他水利工程及附属的土地、山场属于该工程的管理范围；两堤之间的河道及护堤地和无堤河道的设计行洪范围为河道的管理范围；排灌渠道及护渠地为渠道的管理范围。

市和区管理的河道、渠道管理范围，由市和区水行政主管部门提出方案，报同级人民政府批准。集体经济组织管理的水利工程，包括机井、扬水站、渠道等小型农田水利工程的管理范围，按管理权限，分别由乡（镇）人民政府和集体经济组织划定。跨乡工程由区水行政主管部门划定。

水利工程管理范围与公路等其他工程管理范围重叠交叉时，由双方协商解决，达不成协议的，按管辖权限报人民政府决定。

各类水利工程的管理范围，应标图立界，由水利工程管理单位管理。

第九条 在水利工程的管理范围内，禁止下列行为：

- （一）毁损水利工程、水工水文观测设施及通讯、照明、交通等附属设备；
- （二）擅自建筑房屋和在河道及引水、排水渠内筑坝，在库区内填库造地；
- （三）倾倒垃圾、渣土、工矿废弃物，修造坟墓和其他构筑物，堆放物料，围河养殖，挤占河道、沟渠；
- （四）擅自爆破、采石、取土、打井、采伐林木；
- （五）在坝顶、水闸交通桥行驶履带车辆、超重车辆；
- （六）非管理人员开关、启闭水利设备；
- （七）在堤防上及大型渠道内垦植、放牧；

management personnel shall be determined for water conservancy projects such as water storage, water diversion, motor-pumped wells, water pumping stations, and drainage and irrigation channels managed by the village collective economic organizations.

The basic functions and duties of the management organizations and organs and management personnel for water conservancy projects are: to follow the relevant laws and regulations of the State and the Regulations to strengthen project protection, prevent and stop acts of stealing, damaging, destroying and looting water conservancy projects and facilities, and timely report to the competent departments for investigation and handling; to maintain projects and facilities to ensure the integrity of projects; to reasonably use and save water, and implement the water supply plan and flood control operation order; and to establish various management systems to improve the management level and give full play to the comprehensive benefits of water conservancy projects.

Article 8 The reservoirs, water diversion channels and other water conservancy projects under the municipal and district administration, as well as the land and mountain farms attached to them, fall within the scope and boundaries of administration of respective projects; the designed flood discharge scope of the river courses between two dikes, the land for dike protection and the river courses without dikes fall within the scope and boundaries of administration of the river courses; the drainage and irrigation channels and the land for channel protection fall within the scope and boundaries of administration of the channels.

The municipal and district competent departments for water shall put forward plans for the scope and boundaries of management of the river courses and channels under the municipal and district administration, and submit them to the people's governments at the corresponding levels for approval. The scope and boundaries of management of the water conservancy projects managed by collective economic organizations, including small-scale farmland water conservancy projects such as motor-pumped wells, water pumping stations and channels, shall be determined by the town or township people's governments and collective economic organizations respectively within the scope of powers. Projects involving different townships shall be designated by the district competent departments for water.

When the scope and boundaries of management of water conservancy projects overlaps with that of other projects, such as roads, the matter shall be solved by both parties through consultation. If no agreement can be reached, the matter shall be reported to the people's government for decision within the scope of powers.

Signs shall be set up to determine the scope and boundaries of management of all kinds of water conservancy projects, which shall be managed by the water conservancy project management units.

Article 9 Within the scope and boundaries of management of water conservancy projects, the following acts are prohibited:

- (1) damaging water conservancy projects, hydraulic and hydrological observation facilities, as well as communication, lighting, traffic and other ancillary equipment;
- (2) building houses, building dams in river courses and within water diversion and drainage channels, or reclaiming land from reservoirs without authorization;
- (3) dumping rubbish, muck, industrial and mining wastes, building graves and other structures, stacking materials, enclosing rivers for breeding and occupying river courses and ditches;
- (4) blasting, quarrying, borrowing earth, digging wells or felling trees without authorization;
- (5) driving tracked vehicles and overweight vehicles on access bridges over the dam crest and sluice gate;
- (6) opening or closing water conservancy equipment by non-management personnel;
- (7) farming and grazing on dikes and within large channels; and

(八) 在河道内修建套堤、高渠、高路。

第十条 在重要河道、引水渠、排灌渠道管理范围的周围，市和区水行政主管部门根据保护水利工程的需要，可以提出水利工程保护范围，报同级人民政府批准。在保护范围内，不得从事挖沙取土、修建鱼池、擅自建房和爆破等危害水利工程的活动。违反的，除批评制止外，责令恢复原状。

第十一条 确有必要在水利工程管理范围和保护范围内进行建设的，应当按照保护水利工程安全的要求提出设计，根据水利工程管理权限分别报经市和区水行政主管部门审核同意，依照《北京市城乡规划条例》的规定报批。

工程建设单位应按照批准的设计施工，按期竣工。不按设计施工或不能按期竣工，影响蓄水、供水、排水和行洪的，水利工程管理机构可以责令建设单位停止施工、拆除或者采取其他保护措施。

建设施工如确需阻断或损坏排灌沟渠、涵闸、管道、堤坝、桥梁等工程的，建设单位应当事先报水行政主管部门批准，采取临时措施，保证原水利工程的效能，并在限期内修复或修建相应的工程设施。

第十二条 在同一个排灌系统内，未经上下游双方协商和区水行政主管部门批准，不准阻断、扩大或缩小原有排灌沟渠。

第十三条 扩建、改建和新建水利工程，必须服从水利工程管理的统一规划，按管理权限报市和区水行政主管部门批准或经市和区水行政主管部门审核，依照国家有关规定报上级主管机关批准。

需要废除的水利工程，应当报原批准建设的机关核准，原有设备和物资必须妥善保管，可以由市和区水行政主管部门和乡（镇）人民政府有偿调剂使用。

第十四条 由水行政主管部门供水的用水户必须按规定缴纳水费。逾期不缴纳的，加收滞纳金。经催缴仍不缴纳的，由市和区水行政主管部门申请人民法院强制执行。

水费的核定、计收和管理办法，由市人民政府制定。

(8) building supporting dikes, high channels and high roads in river courses.

Article 10 The municipal and district competent departments for water may, in light of the need of protecting water conservancy projects, put forward the scope and boundaries of protection of water conservancy projects around the scope and boundaries of management of important river courses, diversion channels and drainage and irrigation channels, and submit it to the people's governments at the corresponding levels for approval. Within the scope and boundaries of protection, the activities endangering water conservancy projects, such as excavating sand, borrowing earth, building fish ponds, building houses without authorization and blasting, are prohibited. In case of violation, the violator shall be ordered to restore to the original state, in addition to criticism and stop.

Article 11 If it is really necessary to carry out construction within the scope and boundaries of management and protection of water conservancy projects, the design shall be put forward in accordance with the requirements for protecting the safety of water conservancy projects, submitted to the municipal and district competent departments for water for examination and approval respectively according to the authority of management of water conservancy projects, and submitted for approval in accordance with the Regulations of Beijing Municipality on Urban and Rural Planning.

The construction units shall carry out the construction according to the approved design and complete the projects on schedule. If the construction is not carried out in accordance with the design or cannot be completed on time, thus affecting the water storage, water supply, drainage and flood discharge, the water conservancy project management organs may order the construction units to stop the construction, dismantle the built part or take other protective measures.

If it is really necessary to block or damage drainage and irrigation ditches, sluice gates, pipelines, dikes, bridges and other projects during construction, the construction units shall report to the competent departments for water for approval in advance, take temporary measures to ensure the effectiveness of the original water conservancy projects, and repair or build corresponding project facilities within a specified time limit.

Article 12 In the same drainage and irrigation system, it is not allowed to block, expand or narrow the original drainage and irrigation ditches without consultation between the upstream and downstream parties and approval of the district competent departments for water.

Article 13 The expansion, reconstruction and construction of water conservancy projects must be subject to the unified planning of water conservancy project management, submitted to the municipal and district competent departments for water for approval within the scope of powers, or examined by the municipal and district competent departments for water before submitted to the authorities at the next higher level for approval in accordance with the relevant provisions of the State.

The water conservancy projects that need to be abolished shall be submitted to the original approval authorities for approval. The existing equipment and materials must be kept properly and may be used by the municipal and district competent departments for water and the town or township people's governments on a paid-use basis.

Article 14 Users of water supplied by the competent departments for water must pay water fees as stipulated. In case of failure to pay within the specified time limit, a late fee shall be charged. If the payment is still not made after a reminder, the municipal and district competent departments for water may apply to the people's court for compulsory execution.

Measures for the determination, collection and management of water fees shall be formulated by the Municipal People's government.

第三章 防洪与清障

第十五条 河道、水库按国家规定的防洪标准设防。

永定河、潮白河、北运河、温榆河按 50 年一遇行洪标准清除行洪障碍物，清障范围由市水行政主管部门提出，报市人民政府批准。永定河卢沟桥以上分洪道和其他中、小河道的行洪清障标准及范围，由市和区水行政主管部门提出，报同级人民政府批准。

凡应当清除的行洪障碍物，本着“谁设障，谁清除”的原则，由市和区水行政主管部门向设障单位发出清障通知书，限期清除。设障单位有异议时，应当在接到清障通知书 10 日内向市和区人民政府提出，由市和区人民政府决定。逾期不清除行洪障碍物的，由市和区水行政主管部门申请人民法院强制执行。清除费用由设障单位或个人负担。

第十六条 不符合防洪设防标准严重壅水的桥梁、引路和其他跨河工程设施，有关水行政主管部门可以报请区级以上人民政府按照管辖权限责令建设单位限期改建或者拆除。

第十七条 河道内不得种植树木，经市和区水行政主管部门批准在滩地种植树木除外。现有影响行洪和水文测验的树木，应当限期清除。

第十八条 大、中型河道堤顶，除防汛、公安、消防、救护等特许车辆外，禁止其他机动车、兽力车通行。市和区水行政主管部门和交通部门确定的堤路结合地段不在此限。

汛期交通应当服从市和区防汛抗旱指挥部的统一指挥。

第十九条 防洪工作应统一指挥、统一调度，分级、分段负责。任何单位和个人必须执行防洪调度命令。

永定河、北运河、温榆河、潮白河、城市河湖及大、中型水库防洪调度命令，根据国务院有关规定由市防汛抗旱指挥部下达，其他河道和水库的防洪调度命令由区防汛抗旱指挥部下达。

Chapter III Flood Control and Obstacle Removal

Article 15 River courses and reservoirs shall be fortified in accordance with the flood control standards stipulated by the State.

The Yongding River, Chaobai River, Beiyun River and Wenyu River shall be cleared of flood discharge barriers according to the 50-year flood discharge standard. The scope and boundaries of clearing the barriers shall be proposed by the municipal competent department for water and submitted to the Municipal People's Government for approval. The standards and scope and boundaries of flood discharge and obstacle removal for the spillway and other medium and small river courses in the upper reaches of the Lugou Bridge over the Yongding River shall be proposed by the municipal and district competent departments for water and submitted to the people's governments at the corresponding levels for approval.

All flood discharge barriers that are required to be removed shall be removed within a specified time limit in accordance with the principle of "Whoever places the barriers shall remove them" upon a notice of removal issued by the municipal and district competent departments for water to the units which have placed the barriers. If there is any objection from the units which have placed the barriers, they shall, within 10 days after receiving the removal notice, put it forward to the municipal and district people's governments for decision. If the obstacles to flood discharge are not removed within the time limit, the municipal and district competent departments for water shall apply to the people's court for compulsory execution. The cost of removal shall be borne by the unit or individual that has placed the barrier.

Article 16 For bridges, approaches and other project facilities across a river that do not meet the flood control standards and seriously intercept water, the relevant competent departments for water may report to the people's governments at or above the district level that will, within the scope of powers, order the construction units to rebuild or dismantle them within a specified time limit.

Article 17 No trees shall be planted in river courses, except for those approved by the municipal and district competent departments for water to be planted on river beaches. Existing trees that affect flood discharge and hydrological testing shall be removed within a specified time limit.

Article 18 Except for the special vehicles for flood control, public security, fire fighting and rescue, no other motor vehicles or animal drawn vehicles are allowed to pass through the dam crest of large and medium-sized river courses. This restriction does not apply to the sections serving as dikes and roads determined by the municipal and district competent departments for water and the transportation departments.

Traffic during a flood season shall be subject to the unified command of the municipal and district flood control and drought relief headquarters.

Article 19 The work of flood control shall be subject to coordinated and harmonized command and control, with different levels and different sections responsible for part of work. Any unit or individual must execute flood control operation orders.

The flood control operation orders for the Yongding River, Beiyun River, Wenyu River, Chaobai River, urban rivers and lakes and large and medium-sized reservoirs shall be issued by the municipal flood control and drought relief headquarters in accordance with the relevant provisions of the State Council, and the flood control operation orders for other river courses and reservoirs shall be issued by the district flood control and drought relief headquarters.

第四章 奖励与惩罚

第二十条 对认真贯彻执行本条例、积极参加防洪抢险，保护管理水利工程设施成绩显著的单位和个人，由各级人民政府或市和区水行政主管部门给予奖励。

第二十一条 有下列行为之一的单位或个人，给予处罚：

（一）违反本条例第九条第一项规定的，责令停止违法行为，采取补救措施，可以处 5 万元以下罚款；造成损坏的，依法承担民事责任。

（二）违反本条例第九条第二项、第三项、第八项规定的，责令排除阻碍或者采取其他补救措施，可以处 5 万元以下罚款。

（三）违反本条例第九条第四项规定的，责令停止违法行为，采取其他补救措施，处 5 万元以下罚款；擅自采伐林木的，按本市森林资源保护管理法规处理。

（四）违反本条例第九条第五项、第六项、第七项和第十九条规定的，除责令纠正违法行为、赔偿损失、采取补救措施外，并可以处警告、200 元以下罚款。在堤坝及大型渠道垦植的，还应令其恢复地貌。

（五）毁坏、盗窃或以其他方式破坏水利工程设施及附属设备，情节显著轻微的，追回赃物或照价赔偿。违反治安管理的，依照《中华人民共和国治安管理处罚法》处理；构成犯罪的，依法追究刑事责任。

第二十二条 根据第二十一条处以罚款的，行政处罚决定按照水利工程管理权限，分别由市和区水行政、园林绿化、城市管理主管机关作出。当事人对罚款决定不服的，可以依法申请行政复议或者提起行政诉讼。逾期不申请复议、不起诉又不履行的，由作出决定的机关申请人民法院强制执行。

第二十三条 对拒不执行防洪调度命令，尚未造成后果的，应当追究责任人员的行政责任；构成犯罪的，依法追究刑事责任。

第二十四条 在水利工程管理工作中，滥用职权、徇私舞弊、玩忽职守的，视情

Chapter IV Reward and Punishment

Article 20 The units and individuals that conscientiously implement the Regulations, actively participate in flood control and emergency rescue, and have made outstanding achievements in the protection and management of water conservancy project facilities shall be rewarded by the people's governments at all levels or the municipal and district competent departments for water.

Article 21 Any unit or individual that commits any of the following acts shall be punished:

(1) Any unit or individual that violates Item 1, Article 9 of the Regulations shall be ordered to stop the illegal act and take remedial measures, and may be fined not more than 50,000 yuan; civil liability shall be borne according to law if damages are caused.

(2) Any unit or individual that violates Items 2, 3 and 8, Article 9 of the Regulations shall be ordered to remove obstacles or take other remedial measures, and may be fined not more than 50,000 yuan.

(3) Any unit or individual that violates Item 4, Article 9 of the Regulations shall be ordered to stop the illegal act, take other remedial measures and be fined not more than 50,000 yuan; those felling trees without authorization shall be dealt with in accordance with the regulations of this Municipality on the protection and management of forest resources.

(4) Any unit or individual that violates Items 5, 6 and 7, Article 9 and Article 19 of the Regulations shall be ordered to correct the illegal act, compensate for the loss and take remedial measures, and may also be given a warning and fined not more than 200 yuan. In case of cultivation in dikes and large channels, the landform shall be restored.

(5) In case of damage, theft or other destruction of water conservancy project facilities and auxiliary equipment, if the circumstance is obviously minor, the stolen goods shall be recovered or compensation shall be made according to the cost. Those violating the administration of public security shall be dealt with in accordance with the Law of the People's Republic of China on Penalties for Administration of Public Security; if a crime is constituted, criminal responsibility shall be investigated for according to law.

Article 22 Where a fine is imposed in accordance with Article 21, the decision on the administrative penalty shall be made by the municipal and district competent departments for water, landscaping and city management, respectively, within the scope of powers for the administration of water conservancy projects. If a party is not satisfied with the decision on the fine, it may apply for administrative reconsideration or file an administrative lawsuit according to law. In case of failure to apply for reconsideration, bring a suit or perform the decision within the time limit, the organ that has made the decision shall apply to the people's court for compulsory execution.

Article 23 Those who refuse to execute flood control operation orders and no consequence has been caused shall be held accountable for their administrative responsibility; if a crime is constituted, criminal responsibility shall be investigated for according to law.

Article 24 In the management of water conservancy projects, if any person abuses his power, engages in malpractices for personal gains or neglects his duty, he shall be held

节和后果，追究责任人员的行政责任或刑事责任。

第二十五条 拒绝、阻碍水利工程管理人员依法执行职务，未使用暴力、威胁方法的，依照《中华人民共和国治安管理处罚法》处理；构成犯罪的，依法追究刑事责任。

第五章 附 则

第二十六条 本条例自1986年6月1日起施行。《北京市水利工程管理办法》和《北京市革命委员会关于保护水利工程的布告》同时废止。

accountable for administrative or criminal responsibility depending on the circumstances and consequences.

Article 25 Whoever refuses or obstructs the administrative personnel of water conservancy projects from performing their duties according to law, without resorting to violence or threat, shall be dealt with in accordance with the Law of the People's Republic of China on Penalties for Administration of Public Security; if a crime is constituted, criminal responsibility shall be investigated for according to law.

Chapter V Supplementary Provisions

Article 26 The Regulations shall come into force as of June 1, 1986. The Measures of Beijing Municipality for Administration of Water Conservancy Projects and the Notice of Beijing Municipal Revolutionary Committee on the Protection of Water Conservancy Projects shall be repealed at the same time.

关于划定郊区主要河道保护范围的规定

(1986年5月26日北京市人民政府京政办发51号文件发布)

根据2010年11月27日北京市人民政府第226号令修改)

为加强本市郊区主要河道的保护和管理，确保河道行洪安全和供水、排水通畅，根据《北京市水利工程保护管理条例》的规定，特将本市郊区主要河道（含引水渠、排灌渠道）两侧划定保护范围，并作以下规定：

一、本市郊区各主要河道保护范围起止地点

- (一) 永定河：自三家店拦河闸起，左岸至梁各庄（含新北堤），右岸至金门闸；
- (二) 潮白河：自潮白河汇合口起，左岸至市界，右岸至牛牧屯引河；
- (三) 怀河：怀柔水库坝下至潮白河；
- (四) 温榆河：沙河闸至北关拦河闸；
- (五) 北运河：自北关拦河闸起，左岸至牛牧屯引河口，右岸至市界；
- (六) 运潮减河：北关分洪闸至师姑庄闸；
- (七) 凉水河：马驹桥闸至北运河；
- (八) 京密引水渠：宫庄子进水闸至绣漪闸；
- (九) 潮河总干渠：提辖庄至唐指山水库；
- (十) 港沟河：许各庄节制闸经军屯排污闸至市界。

二、河道保护范围的宽度，根据保护水利工程的需要和各河段的实际情况，沿两侧河堤中心线（无堤段河道沿河槽上口线或清障线）水平外延三十米至二百米，因特殊情况，外延宽度可作必要的增减。本市郊区主要河道各河段保护范围的宽度，详见附表。

永定河北京水泥制品厂老堤段仍作为第二道防洪线；东河沿及刘庄子分洪道至小

Provisions on Defining the Scope and Boundaries of Protection of Main River Courses in Suburbs

(Promulgated by Document Jing Zheng Ban Fa No. 51 of the People's Government of Beijing Municipality on May 26, 1986, and revised in accordance with Decree No. 226 of the People's Government of Beijing Municipality on November 27, 2010)

The scope and boundaries of protection is hereby defined for both sides of the main river courses (including diversion channels and drainage and irrigation channels) in the suburbs of this Municipality, and the following provisions are formulated for the purposes of strengthening the protection and management of the main river courses in the suburbs of this Municipality, and ensuring the safety of flood discharge and smooth water supply and drainage in river courses in accordance with the provisions of the Regulations of Beijing Municipality on the Protection and Administration of Water Conservancy Projects:

1. Start and end point of the scope and boundaries of protection of main river courses in the suburbs of this Municipality.

(1) Yongding River: from Sanjiadian Sluice Gate, to Lianggezhuang (including Xinbei Dike) on the left bank, and to Jinmen Sluice Gate on the right bank;

(2) Chaobai River: from the junction of Chaobai River, to the municipal boundary on the left bank, and to Niumutun Irrigation Channel on the right bank;

(3) Huaihe River: from the dam of Huairou Reservoir to Chaobai River;

(4) Wenyu River: from Shahe Sluice Gate to Beiguan Sluice Gate;

(5) Beiyun River: from Beiguan Sluice Gate, to Niumutun Irrigation Channel on the left bank, and to the municipal boundary on the right bank;

(6) Yunchaojian River: from Beiguan Flood Diversion Sluice Gate to Shiguzhuang Sluice Gate;

(7) Liangshui River: from Majuqiao Sluice Gate to Beiyun River;

(8) Jingmi Diversion Channel: from Gongzhuangzi Intake Gate to Xiuyi Sluice Gate;

(9) Chaohe River Main Channel: from Tixiazhuang to Tangzhishan Reservoir;

(10) Ganggou River: from Xugezhuang Check Gate, through Juntun Sewage Draining Gate, to the municipal boundary.

2. The width of the protection area of river courses shall, in light of the needs of water conservancy project protection and the actual circumstance of each river section, be extended horizontally for 30 to 200 meters along the central line of the river levees on both sides (or along the upper edge line of the river channel or the obstacle removal line in river courses without river levees). Due to special circumstances, the extended width may be increased or decreased as necessary. See the attached table for the width of the protection

哑叭河地区为行洪保护范围。

三、在河道保护范围内，严格执行《北京市水利工程保护管理条例》的规定，不得从事挖砂取土、修建鱼池、擅自建房堆料和爆破等危害水利工程的活动；违反的，除批评制止外，责令恢复原状。因特殊情况确需在河道保护范围内进行建设的（包括改建、扩建和翻建），应当按照保护水利工程安全的要求提出设计，根据河道管理权限分别报经市、县（区）水行政主管部门审核同意，依照城乡规划管理的有关规定报批。

四、县（区）水行政主管部门可对本县（区）所辖中、小河道划定保护范围，报县（区）人民政府批准，并报市水行政主管部门和市规划行政主管部门备案。

五、本规定由市水行政主管部门监督执行，并对执行中的具体问题，负责解释。

六、本规定经市人民政府批准，自 1986 年 6 月 1 日起施行。

area of each river section of the main river courses in the suburbs of this Municipality.

The old dike section of Beijing Cement Products Factory of Yongding River still serves as the second flood prevention line; the area from Dongheyan and Liuzhuangzi spillway to Xiaoyaba River falls within the protection area for flood discharge.

3. Within the scope and boundaries of protection of river courses, the provisions of the Regulations of Beijing Municipality on the Protection and Administration of Water Conservancy Projects shall be strictly implemented, and the activities endangering water conservancy projects, such as excavating sand, borrowing earth, building fish ponds, building houses and stacking materials without authorization and blasting, are prohibited. In case of violation, the violator shall be ordered to restore to the original state, in addition to criticism and stop. If it is really necessary to carry out construction within the scope and boundaries of protection of river courses due to special circumstances, including reconstruction, expansion and renovation, the design shall be put forward in accordance with the requirements for protecting the safety of water conservancy projects, submitted to the municipal and county (district) competent departments for water for examination and approval within the scope of powers, and submitted for approval in accordance with the relevant provisions on administration of urban and rural planning.

4. The county (district) competent departments for water may define the scope and boundaries of protection for the middle and small-sized river courses in areas under the jurisdiction of the county (district), and submit it to the county (district) people's governments for approval and to the municipal competent departments for water and planning for the record.

5. The municipal competent department for water shall supervise the implementation of the Provisions, and be responsible for the interpretation of specific issues in the implementation.

6. The Provisions shall come into force as of June 1, 1986 with the approval of the Municipal People's government.

附：

北京市郊区主要河道各河段保护范围宽度表

河道名称	河段起止地点	长度(公里)	保护范围宽度(米)		备注
			右岸	左岸	
永定河	三家店拦河闸—双峪路	3.12	—	30	此段无堤，沿滩坝水平外延
	双峪路—堤防人字门	0.55	—	180 ~ 320	以现有双峪路为界至滩坝的距离
	堤防人字门—京原公路桥	6.49	—	50	
	京原公路桥—绿化一号泵站	5.46	—	70	
	绿化一号泵站—卢沟桥拦河闸	0.56	—	200	
	卢沟桥拦河闸—卢沟新桥	1.58	—	60	
	卢沟新桥—梁各庄	62.13	—	100	村庄的地方，保护范围宽度为 60 米
	曹辛庄—南庄（新北堤段）	6.00	—	100	
	三家店拦河闸—葡萄嘴	3.90	10	—	从 4,000 秒立米清障线外延
	葡萄嘴—京原铁路桥	6.61	100	—	
	京原铁路桥—京广铁路桥	4.64			小哑叭河至右堤为行洪保护范围
	京广铁路桥—卢沟新桥	0.86			小哑叭河右岸外延 200 米
	卢沟新桥—大宁水库副坝	3.29			大宁滞洪区
	大宁水库副坝—金门闸	27.39	100	—	有村庄的地方，保护范围为 60 米，高佃至稻田两堤顺接

Attached:

Table of Width of Protection Area of Various River Sections of
Main River Courses in the Suburbs of Beijing Municipality

Name of River Course	Start and End Point of River Section	Length (km.)	Width of Protection Area (m)		Remarks
			Right Bank	Left Bank	
Yongding River	Sanjiadian Sluice Gate – Shuangyu Road	3.12	-	30	No dike, extended horizontally along the beach bar
	Shuangyu Road- Dike Miter Gate	0.55		180 ~ 320	The distance from Shuangyu Road to the beach bar
	Dike Miter Gate - Beijing-Yuanping Highway Bridge	6.49		50	
	Beijing-Yuanping Highway Bridge - Greening No. 1 Pump Station	5.46		70	
	Greening No. 1 Pump Station - Lugou Bridge Sluice Gate	0.56		200	
	Lugou Bridge Sluice Gate – Lugou New Bridge	1.58		60	
	Lugou New Bridge - Lianggezhuang	62.13		100	The width of the protection area of villages is 60m.
	Caoxinzhuang – Nanzhuang (Xinbei Dike)	6.00		100	
	Sanjiadian Sluice Gate – Putaozui	3.90	10		Extended from the obstacle removal line with flow of 4,000 cubic meters per second
	Putaozui - Beijing-Yuanping Railway Bridge	6.61	100		
	Beijing-Yuanping Railway Bridge - Beijing-Guangzhou Railway Bridge	4.64			The area from Xiaoyaba River to the right bank falls within the protection area for flood discharge.
	Beijing-Guangzhou Railway Bridge - Lugou New Bridge	0.86			Extended 200m from the right bank of Xiaoyaba River
	Lugou New Bridge - Daning Reservoir Auxiliary Dam	3.29			Daning Flood Retarding Basin

潮 白 河	潮白河汇合口—大罗山	8.77	210	210	按规划河道中心线向两侧外延
	大罗山—梭草村南	8.10	100	100	
	梭草村南—向阳村北	6.36	0	100	
	向阳村北—城北减河	5.14	100	100	
	城北减河—河南村东	3.71	0	100	
	河南村东—河南村南	4.74	100	100	
	河南村南—苏庄	4.68	100	100	有村庄的地方， 保护范围宽度为 30 米
	苏庄—港北引水渠（右岸至市界）	5.32	100	100	
	港北引水渠—牛牧屯引河	35.00	100		
怀 河	怀柔水库坝下—高家两河村西公路桥	3.20	100		有村庄的地方， 保护范围宽度为 30 米
	高家两河村—肖家两河村南西公路桥	2.45	30	100	
	肖家两河村南—潮白河	9.35	100	100	

Yongding River	Danling Reservoir Auxiliary Dam – Jinmen Sluice Gate	27.39	100		In areas with villages, the width of protection area is 60m, and the two dikes between Gaodian and Daotian are connected.
Chaobai River	Junction of Chaobai River – Daluo Mountain	8.77	210	210	Extended to both sides along the central line of the planned river course
	Daluo Mountain – Suocao Village South	8.1	100	100	
	Suocao Village South – Xiangyang Village North	6.36	0	100	
	Xiangyang Village North – Chengbeijian River	5.14	100	100	
	Chengbeijian River – Henan Village East	3.71	0	100	
	Henan Village East – Henan Village South	4.74	100	100	
	Henan Village South – Suzhuang	4.68	100	100	
	Suzhuang – Gangbei Diversion Channel (to the municipal boundary on the right bank)	5.32	100	100	In areas with villages, the width of the protection area is 30m.
	Gangbei Diversion Channel – Niumutun Irrigation Channel	35.00	100		
Huaihe River	Huairou Reservoir Dam – Highway Bridge to the west of Gaojia Lianghe Village	3.20	100		In areas with villages, the width of the protection area is 30m.
	Gaojia Lianghe Village - Highway Bridge to the south of Xiaojia Lianghe Village	2.45	30	100	
	Xiaojia Lianghe Village South - Chaobai River	9.35	100	100	
Beiyun River	Beiguan Sluice Gate – Niumutun Irrigation Channel	37.70		70	
	Beiguan Sluice Gate – the municipal boundary	30.00	70		
Wenyu River	Shahe Sluice Gate – Tugou Water Pumping Station	13.90		150	
	Tugou Water Pumping Station – Tugou New Estuary	3.27		100	
	Tugou New Estuary – Lutuan Sluice	2.27		150	

河道名称	河段起止地点	长度（公里）	保护范围宽度（米）		备注
			右岸	左岸	
北运河	北关拦河闸—牛牧屯引河口	37.70	—	70	
	北关拦河闸—市界	30.00	70	—	
温榆河	沙河拦河闸—土沟扬水站	13.90	—	150	
	土沟扬水站—土沟新河口	3.27	—	100	
	土沟新河口—鲁疃闸	2.27	—	150	
	鲁疃闸—北关拦河闸	27.90	—	100	
	沙河闸—曹碾闸	11.35	150	—	
	曹碾闸—南七家村南	13.20	100	—	
	清河右岸—辛堡闸西	1.60	150	—	
	辛堡闸西—辛堡闸东	1.00	100	—	
	辛堡闸东—朝阳二扬	4.70	100	—	
	朝阳二扬—朝阳一扬	1.10	150	—	
	朝阳一扬—北关拦河闸	16.20	100	—	
运减潮河	北关分洪闸—师姑庄闸	8.80	100	100	
凉水河	马驹桥闸—北运河	28.70	70	70	
京密引水渠	宫庄子进水闸—怀柔水库进水闸	25.20	100	100	倒虹吸、涵洞、山洪桥沿渠道方向上下各 100 米，垂直渠道左右岸各 300 米
	怀柔水库隧洞出口—西台上节制闸	2.30	100	100	
	怀柔水库峰山口泄水闸—西台上节制闸	1.00	100	100	
	西台上节制闸—绣漪闸	72.11	100	100	
潮河总干渠	提辖庄渠道—向阳村	4.30	50	50	
	向阳村—南金沟屯	3.40	50	50	
	南金沟屯—台上一	2.50	200	30	
	台上一—唐指山水库	1.20	50	50	
港沟河	许各庄节制闸—市界	18.00	50	50	

Wenyu River	Lutuan Sluice – Beiguan Sluice Gate	27.90		100	
	Shahe Sluice – Caonian Sluice	11.35	150		
	Caonian Sluice – Nanqijia Village South	13.20	100		
	Qinghe River Right Bank – Xinbao Sluice West	1.60	150		
	Xinbao Sluice West - Xinbao Sluice East	1.00	100		
	Xinbao Sluice East – Chaoyang Eryang	4.70	100		
	Chaoyang Eryang – Chaoyang Yiyang	1.10	150		
	Chaoyang Yiyang – Beiguan Sluice Gate	16.20	100		
Yunjianchao River	Beiguan Flood Diversion Sluice – Shiguzhuang Sluice	8.80	100	100	
Liangshui River	Majuqiao Sluice – Beiyun River	28.70	70	70	
Jingmi Diversion Channel	Gongzhuangzi Intake Gate – Huairou Reservoir Intake Gate	25.20	100	100	The inverted siphon, culvert and flash flood bridge are 100m up and down along the channel, and lie 300m to the left and right bank of the channel vertically.
	Huairou Reservoir Tunnel Exit – Xitaishang Check Gate	2.30	100	100	
	Huairou Reservoir Fengshankou Water Release Gate – Xitaishang Check Gate	1.00	100	100	
	Xitaishang Check Gate – Xiuyi Sluice	72.11	100	100	
Chaohe River Main Channel	Tixiazhuang Channel – Xiangyang Village	4.30	50	50	
	Xiangyang Village – Nanjingoutun	3.40	50	50	
	Nanjingoutun – Taishang	2.50	200	30	
	Taishang – Tangzhishan Reservoir	1.20	50	50	
Ganggou River	Xugezhuang Check Gate – the municipal boundary	18.00	50	50	

北京市南水北调工程保护办法

(2011年1月4日第82次北京市人民政府常务会议审议通过)

2011年2月10日北京市人民政府第230号令公布)

第一条 为保护南水北调工程，保障输水安全，促进首都经济社会可持续发展，结合本市实际情况，制定本办法。

第二条 本市行政区域内南水北调工程的保护，适用本办法。

本办法所称南水北调工程，是指南水北调中线北京段干线工程及其配套附属设备设施。

第三条 市南水北调工程主管部门负责本市南水北调工程的保护工作，组织南水北调工程保护规划的编制和实施，统筹协调工程保护的重大问题，依法查处危害工程安全的违法行为。

规划、国土、水务、公安等有关行政部门在各自职责范围内做好南水北调工程保护的相关工作。

第四条 南水北调工程沿线区人民政府应当加强对本行政区域内工程保护工作的组织和领导，开展工程保护的宣传教育，督促有关单位和个人履行工程保护义务，配合市南水北调工程主管部门查处危害工程安全的违法行为。

南水北调工程沿线街道办事处、乡镇人民政府应当对违反本办法的行为予以制止，并及时向当地区人民政府和市南水北调工程主管部门报告。

第五条 南水北调工程保护规划应当与本市土地利用规划、城乡规划相协调，经市人民政府批准后公布施行。

第六条 南水北调工程及其合法使用的土地，依法受法律保护。

Measures of Beijing Municipality for Protection of the South-to-North Water Diversion Project

(Adopted at the 82nd Executive Meeting of the People's Government of Beijing Municipality on January 4, 2011, and promulgated by Decree No. 230 of the People's Government of Beijing Municipality on February 10, 2011)

Article 1 These Measures are formulated for the purposes of protecting the south-to-north water diversion project, ensuring the safety of water conveyance and promoting the sustainable social and economic development of the Capital and in light of the actual circumstances of this Municipality.

Article 2 These Measures shall apply to the protection of the south-to-north water diversion project within the administrative area of this Municipality.

As used in these Measures, the south-to-north water diversion project refers to the trunk line project of Beijing part and the supporting equipment and facilities in the south-to-north water diversion middle route.

Article 3 The competent department in charge of the south-to-north water diversion project at the municipal level shall be responsible for the protection of the south-to-north water diversion project in this Municipality, organizing the compilation and implementation of the protection plan of the south-to-north water diversion project, coordinating the major issues involving the protection of the project in an overall way, and investigating and handling the illegal acts endangering the safety of the project.

The relevant administrative departments for planning, State-land resources, water affairs, public security, etc. shall bring success to the work related to the protection of the south-to-north water diversion project within the scope of their respective functions and duties.

Article 4 The people's governments at the district level in the areas along the south-to-north water diversion project shall strengthen the organization and leadership of the protection of the project in their respective administrative areas and carry out propaganda and education in protection of the project urge relevant units and individuals to perform their obligation of protecting the project, and cooperate with the competent department in charge of the south-to-north water diversion project at the municipal level to investigate and handle the illegal acts endangering the safety of the project.

The people's governments at the town or township level and sub-district offices in the areas along the south-to-north water diversion project shall stop the violations against these Measures and timely report to the local people's governments at the district level and the competent department in charge of the south-to-north water diversion project at the municipal level.

Article 5 The protection plan of the south-to-north water diversion project shall be in line with the land utilization plan and urban-rural plan, and be publicized and implemented after being approved by the Municipal People's Government.

Article 6 The south-to-north water diversion project and its legally used land shall

任何单位和个人不得实施危害南水北调工程安全的行为。

第七条 南水北调工程运行单位（以下简称运行单位）具体负责南水北调工程的运行管理。

运行单位应当遵守本办法和有关水务、规划、建设、安全生产、质量监督、环境保护等法律、法规和规章，执行国家和本市技术规范的限制性要求，建立健全本单位有关工程保护的规章制度和操作规程并组织实施，宣传工程安全与保护知识，履行工程保护义务，接受政府及有关行政部门依法实施的监督，保障工程安全运行。

第八条 运行单位应当建立健全南水北调工程巡查养护制度，配备专门人员对工程进行日常巡查养护，如实记录巡查养护情况。

运行单位发现危害工程安全的隐患，应当及时处理；对工程存在的外部安全隐患自身排除确有困难的，应当向市南水北调工程主管部门报告。市南水北调工程主管部门接到报告后，应当及时处理。

第九条 运行单位应当定期对南水北调工程进行检测、维修，确保其处于良好状态。对工程安全风险较大的区段和场所，应当进行重点监测，采取有效措施防止安全事故的发生；对不符合安全要求的，应当及时改造、更新或者停止使用。

第十条 运行单位应当加强对巡线道路的养护，保证巡线道路完好、畅通。

在确保南水北调工程安全的前提下，运行单位可以允许社会车辆使用巡线道路，并根据实际需要对使用巡线道路提出要求。相关人员和车辆应当严格遵守使用要求。

第十一条 运行单位对南水北调工程进行巡查养护、检测、维修等作业时，工程沿线的有关单位和个人应当予以配合。

因工程巡查养护、检测、维修等作业给相关单位或者个人造成财产损失的，运行单位应当给予补偿。

第十二条 南水北调工程管涵中心线两侧和调压池、调节池、调蓄水库等调蓄工程合法使用土地的外边沿向外的限定区域，为南水北调工程保护范围。限定区域的具

be protected by law.

No unit or individual may conduct any act endangering the safety of the south-to-north water diversion project.

Article 7 The operating unit of the south-to-north water diversion project (hereinafter referred to as the operating unit) shall be specifically responsible for the operation and management of the south-to-north water diversion project.

The operating unit shall observe these Measures and other laws, regulations and rules concerning water affairs, planning, construction, work safety, quality supervision, environmental protection, etc., implement the compulsive requirements of the technical regulations of the State and this Municipality, establish and perfect the rules and operational norms concerning the protection of the project and organize the implementation thereof, publicize the knowledge about the safety and protection of the project, perform their obligations of protecting the project, accept the lawful supervision of the people's governments and relevant administrative departments, and ensure the secure operation of the project.

Article 8 The operating unit shall establish and perfect the inspection and maintenance system for the south-to-north water diversion project, and equip special personnel to conduct routine inspection and maintenance of the project and make truthful records of the inspection and maintenance.

The operating unit shall take timely measures to deal with the hidden threats to the safety of the project upon discovery; where it is difficult to eliminate the external hidden threats on its own, it shall report to the competent department in charge of the south-to-north water diversion project at the municipal level. The competent department in charge of the south-to-north water diversion project at the municipal level shall timely handle the matter upon receipt of the report.

Article 9 The operating unit shall make regular tests and maintenance of the south-to-north water diversion project to ensure it in a good state. As for the parts and sites of the project with higher risks of safety, it shall take them as key areas of monitoring and adopt effective measures to prevent the occurrence of safety accidents; those failing to meet the safety requirements shall be timely reconstructed, upgraded or withdrawn from use.

Article 10 The operating unit shall strengthen the maintenance of the roads for inspection to ensure the roads in a good state and smooth.

Under the premise of ensuring the safety of the south-to-north water diversion project, the operating unit may permit other social vehicles to use the roads for inspection and put forward requirements concerning the use of the roads for inspection based on the actual needs. The persons and vehicles concerned shall strictly observe such requirements concerning the use of the roads.

Article 11 When the operating unit conducts inspection, maintenance tests and repair to the south-to-north water diversion project, relevant units and individuals in the areas along the project shall render cooperation.

The operating unit shall, make compensation, for the property losses to relevant units and individuals caused by the inspection, maintenance, tests, repair and other works related to the project.

Article 12 The restricted areas outside both sides of the pipe culvert centerline of the south-to-north water diversion project and the external edge of the land legally used by water regulation projects such as surge pools, conditioning pools and regulating reservoirs shall be the protection areas of the south-to-north water diversion project. The proposal for the specific scope of the restricted areas shall be put forward by the competent department in charge of the south-to-north water diversion project at the municipal level together

体范围，由市南水北调工程主管部门会同工程沿线区人民政府和有关行政部门，遵循确保工程安全、科学合理节约用地、保护工程沿线相关权利人权益的原则提出，报市人民政府批准后向社会公布施行。

运行单位应当对南水北调工程保护范围设置标志。任何单位和个人不得擅自移动、毁损、涂改工程标志。

第十三条 任何单位和个人不得擅自开启、关闭闸、阀（井）或者采用移动、切割、打孔、砸撬、拆卸等手段损坏工程管涵及其附属设备设施。

第十四条 在南水北调工程保护范围内，禁止下列危害工程安全的行为：

- （一）种植根系可能深达管涵埋设部位的植物；
- （二）爆破、打井、打桩、钻探、采石、采矿、取土、挖砂；
- （三）倾倒垃圾、废渣等固体废物，排放污水、废液等有毒有害化学物品；
- （四）擅自建设建筑物、构筑物，堆放超过管涵承受荷载设计标准的重物；
- （五）行驶重型车辆，但在本办法实施前已通车的公路上行驶的除外；
- （六）其他可能危害工程安全的行为。

第十五条 位于工程保护范围内的农用地，应当自本办法公布之日起维持既有土地用途和使用方式；非农用地，可以通过规划调整土地用途。农民、村集体或者其他相关权利人由此受到利益损失的，政府给予补偿。

具体补偿方式由市南水北调工程主管部门会同市财政、农业、园林绿化、规划、国土等有关行政部门和工程沿线区人民政府确定。

第十六条 运行单位应当制定南水北调工程安全应急预案，配备抢险救援人员和设备，定期进行应急救援演练。

工程安全应急预案应当报市南水北调工程主管部门备案。

第十七条 新建穿、跨越南水北调工程的建设工程，应当符合南水北调工程的安全保护要求；需要运行单位增加保护设施的，由此产生的费用由相关工程建设单位承

with the people's governments in the areas along the project and relevant administrative departments following the principle of ensuring the safety of the project, scientifically and reasonably saving the land, and protecting the rights of right-holders concerned in the areas along the project, and publicized to the society for implementation after being submitted to and approved by the Municipal People's Government.

The operating unit shall set up signs for the protection area of the south-to-north water diversion project. No unit or individual may move, destroy or alter the project signs without authorization.

Article 13 No unit or individual may, without authorization, open or close the floodgates, valves (wells) , or damage the project pipe culverts as well as the supporting equipment and facilities by means of shifting, cutting, drilling, hitting or dismantling.

Article 14 Within the protection area of the south-to-north water diversion project, the following acts endangering the safety of the project shall be prohibited:

- (1)growing the plants whose root systems may go deep to the buried pipe culverts;
- (2)blasting, drilling, piling, exploration drilling, quarrying, mining, land-excavation or sand-digging;
- (3)dumping solid wastes such as rubbish and waste residue, discharging poisonous or harmful chemicals such as sewage waste or waste liquids;
- (4)constructing buildings or structures without authorization, or piling up heavy objects that surpasses the designed load standard of the pipe culverts;
- (5)passing of heavy vehicles with the exception of those driving on the open highways before the implementation of these Measures, or
- (6)other acts possibly endangering the safety of the project.

Article 15 The existing use purpose and utility mode of the agricultural land within the protection area of the project shall be maintained as of the date of promulgation of these Measures;the use purpose of the non-agricultural land may be adjusted through planning. The governments shall make compensation to the farmers, village collectives or other right-holders who suffer losses therefrom.

The specific compensation methods shall be determined by the competent department in charge of the south-to-north water diversion project at the municipal level, together with relevant administrative departments for finance, agriculture, landscaping and afforestation, planning and State-land resources etc. at the municipal level and the people's governments at the district level in the areas along the project.

Article 16 The operating unit shall prepare an emergency plan for the safety of the south-to-north water diversion project, equip rescue personnel and equipment, and conduct emergency rescue drilling at a regular basis.

The emergency plan for the safety of the project shall be reported to the competent department in charge of the south-to-north water diversion project at the municipal level for the record.

Article 17 New construction projects that go through or across the south-to-north water diversion project shall meet the safety requirements of the south-to-north water diversion project;where it is necessary to add new protection facilities, the arisen expenses shall be assumed by the construction units concerned.

担。

第十八条 对危害南水北调工程安全的行为，任何单位和个人都有权向市南水北调工程主管部门或者当地区人民政府举报。

市南水北调工程主管部门或者有关区人民政府接到举报后，应当及时处理。

第十九条 市南水北调工程主管部门及其执法人员履行本办法规定的监督检查职责时，有权采取下列措施：

- （一）进入现场调查取证，询问、了解有关情况；
- （二）检查有关文件、证照等资料，并有权复制；
- （三）责令停止违反本办法的行为、履行法定义务。

执法人员在履行监督检查职责时，应当出示执法证件；有关单位或者个人应当给予配合，不得拒绝或者阻碍。

第二十条 违反本办法第十二条第二款规定的，由市南水北调工程主管部门责令限期改正，可处 200 元以上 1000 元以下罚款；逾期不改正的，由市南水北调工程主管部门采取相应补救措施，由此产生的费用由违法行为人承担。

第二十一条 违反本办法第十三条规定的，由市南水北调工程主管部门责令改正，处 3000 元以上 10 万元以下罚款。

第二十二条 违反本办法第十四条第（一）项、第（二）项、第（三）项、第（四）项或者第（六）项规定的，由市南水北调工程主管部门责令限期改正，可处 3000 元以上 10 万元以下罚款；逾期不改正的，由市南水北调工程主管部门采取相应补救措施，由此产生的费用由违法行为人承担。

第二十三条 违反本办法第十四条第（五）项规定的，由市南水北调工程主管部门责令改正，可处 200 元以上 1000 元以下罚款。

第二十四条 有违反本办法规定的行为，对南水北调工程附属设备设施造成损坏的，违法行为人应当依法向运行单位承担民事赔偿责任；构成违反治安管理行为的，

Article 18 With respect to the acts endangering the safety of the south-to-north water diversion project, all units and individuals shall have the right to report to the competent department in charge of the south-to-north water diversion project at the municipal level or the local people's governments at the district level.

The competent department in charge of the south-to-north water diversion project at the municipal level or the people's governments at the district level concerned shall timely handle the cases upon receipt of the reports.

Article 19 The competent department in charge of the south-to-north water diversion project at the municipal level and its law enforcement personnel shall have the power to take the following measures while performing their functions and duties of supervision and inspection prescribed in these Measures:

(1) entering into the sites to conduct investigation and obtain evidence, and enquire about the situation;

(2) examining relevant documents, certificates, licenses or other materials, and having the power to copy them, and

(3) ordering the persons concerned to stop the violations against these Measures and perform their legal obligations.

The law enforcement personnel shall produce their credentials when performing their functions and duties of supervision and inspection; and relevant units and individuals shall render cooperation and shall not make refusals or hindrances.

Article 20 Whoever violates the provision of Paragraph 2 of Article 12 of these Measures shall be ordered to make corrections within the prescribed time limit and may be imposed upon a fine of not less than 200 Yuan but not more than 1,000 Yuan by the competent department in charge of the south-to-north water diversion project at the municipal level, where there is a failure to make such corrections within the prescribed time limit, the competent department in charge of the south-to-north water diversion project at the municipal level shall take corresponding remedial measures and the arisen expenses shall be assumed the violator.

Article 21 Whoever violates the provision of Article 13 of these Measures shall be ordered to make corrections within the prescribed time limit and imposed upon a fine of not less than 3000 Yuan but not more than 100,000 Yuan by the competent department in charge of the south-to-north water diversion project at the municipal level.

Article 22 Whoever violates the provision of Item 1, Item 2, Item 3, Item 4, or Item 6 of Article 14 of these Measures shall be ordered to make corrections within the prescribed time limit and may be imposed upon a fine of not less than 3,000 Yuan but not more than 100,000 Yuan by the competent department in charge of the south-to-north water diversion project at the municipal level, where there is a failure to make such corrections within the prescribed time limit, the competent department in charge of the south-to-north water diversion project at the municipal level shall take corresponding remedial measures and the arisen expenses shall be assumed the violator.

Article 23 Whoever violates the provision of Item 5 of Article 14 of these Measures shall be ordered to make corrections and may be imposed upon a fine of not less than 200 Yuan but not more than 1,000 Yuan by the competent department in charge of the south-to-north water diversion project at the municipal level.

Article 24 Where the violations against the provisions of these Measures cause damage to the supporting equipment and facilities of the south-to-north water diversion project, the violator shall assume the corresponding civil compensation liability for

由公安机关依法给予治安管理处罚；构成犯罪的，依法追究刑事责任。

第二十五条 运行单位不履行巡查养护、检测和维修、巡线道路保护、应急演练等本办法规定职责的，由市南水北调工程主管部门责令限期改正；逾期不改正或者造成不良后果的，对直接负责的主管人员和其他直接责任人员依法给予行政处分。

第二十六条 市南水北调工程主管部门或者其他有关行政部门及其工作人员玩忽职守、滥用职权、徇私舞弊的，对直接负责的主管人员和其他直接责任人员依法给予行政处分；构成犯罪的，依法追究刑事责任。

第二十七条 本办法自公布之日起施行。

the operating unit according to law, where the act constitutes a violation against the administration for public security, the public security organ shall impose upon an administrative penalty for public security according to law; where a crime is constituted, criminal liability shall be investigated for according to law.

Article 25 The operating unit failing to perform the functions and duties stipulated in these Measures, such as inspection and maintenance, tests and repair, protecting roads for inspection and emergency drilling, shall be ordered to make corrections within the prescribed time limit by the competent department in charge of the south-to-north water diversion project at the municipal level; where there is a failure to make such corrections within the prescribed time limit or adverse consequences are caused, the directly responsible person in charge and other directly responsible person shall be imposed upon administrative sanctions according to law.

Article 26 Where the competent department in charge of the south-to-north water diversion project at the municipal level or other relevant administrative departments as well as their working staff abuse their powers, neglect their duties, or commit illegalities for personal gains or by fraudulent means, the directly responsible person in charge and other directly responsible person shall be imposed upon administrative sanctions according to law; where a crime is constituted, criminal liability shall be investigated for according to law.

Article 27 These Measures shall be effective as of the date of promulgation.

（五）能 源

北京市燃气管理条例

（2006年11月3日北京市第十二届人民代表大会常务委员会
第三十二次会议通过）

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- 第七章 附 则

第一章 总 则

第一条 为加强本市燃气管理，维护燃气市场秩序，保障社会公共安全和公共利益，促进燃气事业发展，制定本条例。

第二条 本条例适用于本市行政区域内燃气的规划、供应和使用，燃气设施的建设以及其他相关管理活动。

法律、行政法规另有规定的，从其规定。

第三条 市市政管理行政部门是本市燃气行政管理部门，主管本市燃气管理工作。区、县燃气行政管理部门负责本行政区域内的燃气管理工作。

发展改革、规划、建设、质量技术监督、安全生产监督、公安消防、环境保护等行政管理部门按照各自的职责，做好相关工作。

第四条 本市燃气管理遵循安全第一、预防为主、统一规划、协调发展、保障供应、节能高效的原则。

v. Energy

Regulations of Beijing Municipality on Gas Management

(Adopted at the 32nd Meeting of the Standing Committee of the 12th People's Congress of Beijing Municipality on November 3, 2006)

Contents

Chapter I	General Provisions
Chapter II	Planning and Construction
Chapter III	Supply and Use of Gas
Chapter IV	Management of Gas Facilities and Gas Using Equipment
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Chapter VI	Legal Liability
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Chapter I General Provisions

Article 1 These Relations are formulated for the purposes of strengthening the gas management, maintaining the order of gas market, safeguarding the social public security and public interests and promoting the development of gas undertaking in this Municipality.

Article 2 These Relations shall apply to the planning, supply and use of gas, construction of gas facilities and other related management activities in the administrative area of this Municipality.

Where there are any other provisions in laws or administrative regulations, those provisions shall prevail.

Article 3 The municipal administration department at the municipal level shall be the administrative department of gas in charge of the gas management in this Municipality.

The administrative departments of gas at the district or county level shall be responsible for the gas management in their own administrative areas.

The administrative departments of development and reform, planning, construction, quality and technical supervision, work safety supervision, fire-fighting for public security, environmental protection, etc. shall, according to their respective functions and duties, bring success to the related work.

Article 4 The gas management in this Municipality shall follow the principles of safety first, prevention priority, uniform planning, coordinated development, guarantee of supply, energy-saving and high efficiency.

第五条 本市鼓励燃气科学技术研究，推广安全、环保、节能的先进技术应用。

本市各级人民政府、燃气行政管理部门以及燃气供应单位应当加强燃气安全知识宣传和普及工作，增强社会公众的燃气安全意识，提高防范和应对燃气事故的能力。

第二章 规划与建设

第六条 市和区县人民政府应当将燃气事业的发展纳入国民经济和社会发展规划。

市燃气行政管理部门应当会同市发展改革、规划行政管理部门，根据本市城市总体规划和经济社会发展的需要，组织编制本市燃气专业规划，报市人民政府批准后实施。燃气专业规划涉及城市空间资源规划的内容，应当纳入城市规划。

第七条 本市应当制定政策，采取措施，多渠道保障气源供应，加强用气管理，建立燃气供应和需求的宏观调控机制。

市燃气行政管理部门和市发展改革行政管理部门按照各自职责负责协调天然气气源供应，平衡全市用气需求，制订中长期及年度用气计划，并按照年度用气计划分配天然气指标，保障天然气的安全、稳定供应。

第八条 列入城市规划的燃气设施建设用地，未经法定程序调整规划，不得改变用途。

第九条 新建、改建住宅建设项目，开发建设单位应当会同燃气供应企业确定燃气供应方案。燃气供应方案应当包括燃气供应方式、配套设施建设规划、过渡性燃气供应措施等内容。燃气供应方案应当符合规划要求。

开发建设单位应当公开燃气供应方案，并在新建、改建住宅建设项目的房屋销售合同中明确燃气供应方式。

第十条 新建、改建住宅项目的开发建设单位应当根据燃气供应方案，按照国家和本市的有关规定配套建设燃气设施。

配套燃气设施应当与主体工程同时设计、同时施工、同时验收。

Article 5 This Municipality shall encourage scientific and technological research in gas and popularize the application of safe, environmental-friendly and energy saving advanced technology.

The people's governments at all levels, the administrative departments of gas and gas supplying units in this Municipality shall strengthen the publicity and popularization of knowledge in gas safety, enhance the public's awareness of gas safety and improve their ability to prevent and deal with gas accidents.

Chapter II Planning and Construction

Article 6 The People's governments at the municipal and the district or county level shall incorporate the development of gas undertaking into their national economic and social development plans.

The municipal administrative department of gas shall, along with the municipal administrative department of development and reform and planning, organize the compilation of a special plan of gas of this Municipality in accordance with the overall urban plan and the requirements of social and economic development of this Municipality, and implement it after submitting it to and obtaining approval from the Municipal People's Government. The contents of urban space resources planning involved in the special plan of gas shall be incorporated into the city planning.

Article 7 This Municipality shall formulate policies and take measures to ensure the supply of gas in multiple channels, strengthen the gas using management and establish the macro-control mechanism for supply and demand of gas.

The municipal administrative department of gas and the municipal administrative department of development and reform shall, according to their respective functions and duties, be responsible for coordinating the supply sources of natural gas, balancing the demand of gas throughout the whole city, formulating the medium-and long-term as well as annual gas using plan, allocating the natural gas quota according to the annual gas using plan to ensure safe and stable supply of natural gas.

Article 8 The usage of the land used for construction of gas facilities listed in the city planning shall not be altered where there is no adjustment of the city planning through the statutory procedures.

Article 9 To construct or reconstruct a housing project, the development and construction unit shall, together with a gas supplying enterprise, determine a gas supplying program. The gas supplying program shall include the way of gas supplying, the construction plan for supporting facilities, the transitional gas supplying measures and other related contents. The gas supplying program shall be in conformity with the requirements of the planning.

The development and construction unit shall make public the gas supplying program and indicate the way of gas supplying in the contracts to sell houses of the constructed or reconstructed housing project.

Article 10 The development and construction unit of a constructed or reconstructed housing project shall, in accordance with relevant provisions of the State and this municipality, construct the supporting gas facilities based on the gas supplying program.

The supporting gas facilities shall be simultaneously designed, constructed, checked for acceptance with the main part of the project.

第十一条 发展改革部门审批燃气工程建设项目时，应当征求燃气行政管理部门等相关行政管理部门的意见。

规划行政管理部门对燃气工程建设项目进行规划审查时，应当征求燃气、公安消防、质量技术监督等相关行政管理部门的意见。

第十二条 从事燃气工程勘察、设计、施工、监理活动的单位应当具有相应的资质，并在其资质等级范围内依法从事作业活动。

燃气工程的设计应当执行国家和本市有关标准，并符合景观环境和方便用户的要求。

燃气工程的建设单位应当按照国家和本市的规定，实施工程质量监督、组织竣工验收。

第十三条 燃气工程的建设单位应当严格按照国家和本市有关档案管理的规定，收集、整理项目建设过程中各环节的文件资料，建立健全项目建设档案，并在项目竣工验收后 6 个月内向城建档案管理部门移交齐全、准确的项目建设档案。

第三章 燃气供应与使用

第十四条 在本市行政区域内从事燃气供应经营活动的，应当取得燃气行政管理部门颁发的燃气经营许可证。

取得燃气经营许可证应当具备下列条件：

- （一）建设项目符合燃气专业规划；
- （二）有稳定和符合国家标准的燃气气源，并建立燃气气质检测制度；
- （三）经营场所、燃气设施符合国家和本市的相关规定，并取得公安消防部门的消防安全检查意见；
- （四）从事管理、技术和操作等工作的人员，其配置应当与经营规模相适应，符合国家和本市的有关专业培训、考核要求，其中企业主要负责人和安全管理人员，应当依法通过燃气安全生产知识和管理能力考核；
- （五）具有与业务规模相适应的偿债和抗风险能力；
- （六）有完善的经营管理体系和安全生产管理制度；

Article 11 The departments of development and reform shall solicit opinions from the administrative departments of gas and other related administrative department when examining and approving the construction projects of gas works.

The administrative departments of planning shall solicit opinions from the administrative departments of gas, fire fighting for public security and quality and technical supervision when examining and approving the planning of the construction projects of gas works.

Article 12 The units engaged in the survey, design, construction or supervision of gas works shall possess the corresponding qualifications and legally conduct operational activities within the grades of their qualifications.

The design of gas works shall be in conformity with relevant standards of the State and this Municipality and meet the requirements of landscape environment and providing convenience to users.

The construction units of gas works shall carry out supervision of the quality of gas works and organize the check for acceptance of the works after its completion in accordance with the provisions of the State and this Municipality.

Article 13 The construction units of gas works shall, in strict accordance with the provisions of the State and this Municipality on archives administration, collect and sort out the documents and materials at every stage of the construction, establish and improve the archives of project constructions, and transfer complete and accurate archives to the administrative departments of archives within six months after completion and acceptance of the gas works upon check.

Chapter III Supply and Use of Gas

Article 14 Any one intending to engage in the business of gas supplying in the administrative area of this Municipality shall obtain a gas business license issued by the administrative department of gas.

The following conditions shall be met for obtaining a gas business license for gas:

- (1) The construction of gas works is in conformity with the special plan of gas;
- (2) Having stable supply of gas sources that meet the national standards and having established a gas quality test system;
- (3) The business place and gas facilities are in conformity with relevant provisions of the State and this Municipality and the examination opinions of fire prevention for safety from the department of fire-fighting for public security have been obtained;
- (4) The deployment of working staff engaged in management, technology and operation shall be commensurate with its business scale and in conformity with the requirements of the State and this Municipality of special training and examination. The chief responsible person and safety management personnel of the enterprise shall pass the examination on the knowledge of gas work safety and managerial skills according to law;
- (5) Having the capability to pay debts and resist risks commensurate with its business scale;
- (6) Having a complete set of operation, management and safety control systems;

(七) 有健全的燃气应急预案, 具有与供气规模相适应的抢险能力;

(八) 有安全评价机构出具的安全评价报告, 并达到安全运行的要求;

(九) 从事瓶装液化石油气供应经营活动的企业应当建立气瓶档案管理制度, 其中从事充装作业的企业还应当建立气瓶充装质量保证体系, 并具有残液回收处置措施。

燃气行政管理部门应当自受理燃气经营许可申请之日起 20 个工作日内, 依照法定程序作出行政许可决定。

燃气供应企业应当按照燃气经营许可决定的范围从事经营活动。

第十五条 实施燃气特许经营的, 特许经营者或者按照特许经营协议成立的项目公司应当取得燃气经营许可。燃气行政管理部门在办理燃气经营许可手续时, 对于特许经营协议签订时已审定的内容, 不再作重复审查, 对其他内容的审查结果不应当导致特许经营协议内容的实质性变更。

第十六条 市市政管理行政部门应当会同有关部门制定本市燃气管理、服务的标准和规范。

第十七条 燃气行政管理部门应当建立健全监督管理制度, 依据有关法律、法规、规章、规划、标准和规范, 对燃气供应企业进行监督检查; 向社会公布举报和投诉电话、信箱和电子邮件地址, 并受理有关燃气安全、燃气质量、收费标准和服务质量的举报和投诉。

燃气行政管理部门应当建立许可评价制度, 对燃气供应企业实施燃气经营许可的情况进行评价。

第十八条 燃气供应单位应当向用户提供安全、稳定、质量合格和价格合理的服务。

燃气供应企业未经燃气行政管理部门的批准, 不得擅自停业、歇业。确需停业、歇业的, 应当事先对供应范围内的用户做出妥善安排。

第十九条 燃气供应单位应当建立和完善各项安全保障制度, 并遵守下列规定:

(一) 执行国家和本市对燃气设施运行、维护和抢修的有关规定;

(二) 与气源供应企业签订长期和年度供应合同, 明确供气保障方案;

(三) 对承担管理责任的燃气设施进行维护、检修和检验, 并根据生产运行状况,

(7) Having a sound emergency handling scheme on gas accidents and rescue capability commensurate with its gas supplying scale;

(8) Having a safety assessment report issued by a safety assessment authority and meeting the requirement of safe operation; and

(9) The enterprise engaged in the business of bottled liquefied petroleum gas shall establish a file management system of gas bottles. The enterprise engaged in the operation of filling gas bottles shall also establish a quality guarantee system for the filling of gas bottles and can take measures to recover and dispose the residues.

The administrative department of gas shall make a decision on the administrative license in accordance with the statutory procedures within 20 working days as of acceptance of the application for a gas business license.

A gas supplying enterprise shall engage in the business activities within the scope prescribed in the business license.

Article 15 In the case of concession for gas business, the concessionaire or project company established according to the concession agreement shall obtain a gas business license. When the administrative department of gas handles the formalities for the gas business license, it shall not re-examine the contents already examined while the concession agreement is concluded and the examination results of other contents shall not lead to a substantial change of the contents of the concession agreement.

Article 16 The municipal administration department at the municipal level shall, along with other relevant department, formulate the standards and norms of gas management and service provision.

Article 17 The administrative departments of gas shall establish and improve the supervision and management system and carry out supervision over and inspection of the gas supplying enterprises in accordance with relevant laws, regulations, rules, planning, standards and norms; make known the telephone number, post box and e-mail address for the public to make reports or complaints and accept the reports and complaints on gas safety, quality, charging standards and service quality.

The administrative departments of gas shall establish a license appraisal system to make appraisal on the gas supplying by the licensed gas supplying enterprises.

Article 18 The gas supplying units shall provide the users with services of stable and safe supply of qualified gas with reasonable price.

The gas supplying enterprises may not stop or suspend business without approval by the administrative departments of gas. In case they do need to stop or suspend business, they shall make appropriate arrangements for the users within their supply-covering areas in advance.

Article 19 The gas supplying units shall establish and improve various safety guarantee systems and observe the following provisions:

(1) to implement the relevant provisions of the State and this Municipality on operation, maintenance and rush-repair of gas facilities;

(2) to sign long-term and annual supply agreements with gas source supplying enterprises to specify the guarantee plan of supply of gas;

(3) to carry out maintenance, repair and inspection of gas facilities subject to their

对燃气设施进行安全评估；

（四）具备维持正常运营和保障安全生产条件所需的资金投入；

（五）建立员工岗位培训制度；

（六）因例行检修、更换设施等情况，需要临时调整供气量或者暂停供气时，应当提前 48 小时将作业时间和影响区域予以公告；

（七）燃气供应企业应当按照国家和本市的有关规定向燃气行政管理部门报告生产运营、安全生产等情况；

（八）因突发事件影响供气，应当按照燃气应急预案采取紧急措施并及时通知用户。

第二十条 燃气供应单位应当建立健全用户服务制度，规范服务行为，并遵守下列规定：

（一）与单位用户签订合同，明确双方的权利与义务；

（二）建立健全用户服务档案；

（三）燃气销售执行政府指导价、政府定价和法定的价格干预措施、紧急措施；

（四）在业务受理场所公示业务流程、服务项目、服务承诺、作业标准、收费标准和服务受理、投诉电话等内容；向社会公布服务受理及投诉电话；

（五）建立燃气设施安全巡检制度，按照国家和本市的有关规定，对用户的燃气设施定期进行免费安全检查，并做好安全检查记录；发现用户的燃气设施存在隐患的，应当书面告知用户及时消除；

（六）不得限定用户购买其指定的经营者的产品；

（七）燃气供应企业应当对供应范围内的燃气自管单位进行技术指导和技术服务。

第二十一条 管道燃气供应企业应当对供应范围内的市政燃气设施、居民用户的庭院燃气设施和共用燃气设施承担运行、维护、抢修和更新改造的责任。

对于单位用户的燃气设施，管道燃气供应企业应当按照合同的约定承担相应的管理和服务责任。

第二十二条 燃气供应单位应当在重要的燃气设施或者重要的部位设置统一、明显的识别标志。在对燃气设施维护和抢修时，必须设置安全警示标志。

燃气供应单位对安装在用户室内和建筑物公共部位的公用燃气阀门应当设立永久

management responsibility and undergo safety assessment of gas facilities based on the operation of production;

(4) to be capable of providing fund input needed to maintain normal operation and ensure the conditions for work safety;

(5) to establish post-based training systems for working staff;

(6) to make public 48 hours in advance the operation time and affected areas where there is a need to temporarily adjust the quantity of supply of gas or stop the supply due to the routine check or replacement of facilities;

(7) the gas supplying enterprises shall make reports on such circumstance as the operation of production and work safety to the administrative departments of gas in accordance with relevant provisions of the State and this Municipality; and

(8) to take emergency measures in accordance with the emergency handling scheme on gas accidents and promptly notify the users where sudden event affect the supply of gas.

Article 20 The gas supplying units shall establish and improve the user service systems to standardize their service acts and observe the following provisions:

(1) to sign contracts with unit users to define both parties' rights and obligations;

(2) to establish and improve the archives of service ;

(3) to accept the government fixed price, government guidance price and statutory price intervention measures as well as emergency measures in sale of gas;

(4) to publicly display the business operation flow charts, service items, service commitments, operation standards, charging standards, telephone number for acceptance of service and making complaints and other related contents at the business acceptance sites; to make public to the society the telephone number for acceptance of service and making complaints;

(5) to establish a go-round-for-inspection system for the safety of gas facilities and make regular safety inspection of users' gas facilities free of charge in accordance with relevant provisions of the State and this Municipality and keep records of the safety inspection; to notify users to timely eliminate the hidden dangers in writing when finding such problems;

(6) It is forbidden to limit users to buying the products from their designed operators; and

(7) The gas supplying enterprises shall give technical instructions and services to the gas self-management units within their supply covering areas.

Article 21 The pipeline gas supplying enterprises shall bear the responsibility for operation, maintenance, rush repair, renovation and transformation of the municipal public gas facilities, the courtyard gas facilities used by resident users and gas facilities for common use within their supply covering areas.

The pipeline gas supplying enterprises shall bear the corresponding management and service responsibility for gas facilities used by unit users as agreed upon in the contracts.

Article 22 The gas-supplying units shall set up uniform and obvious signs for identification on important gas facilities or important positions. They must set up safety warning signs while maintaining or repairing the gas facilities in a rush way.

The gas supplying units shall set up permanent warning signs on the public gas valves installed within the users' houses or in the public areas of the buildings and tell the users

性警示标志，并告知用户不得擅自操作公用燃气阀门。

第二十三条 瓶装液化石油气供应企业应当遵守下列规定：

- （一）向用户提供的气瓶、气质及气量应当符合国家和本市的规定；
- （二）瓶装液化石油气供应站应当与瓶装液化石油气充装企业签订合同；
- （三）液化石油气充装企业负责气瓶的维护和保养，并应当按照国家和本市的有关规定，定期将气瓶送检验机构进行检验；
- （四）液化石油气充装企业只能充装自有产权和供气合同范围内的气瓶。

第二十四条 燃气自管单位应当与燃气供应企业签订合同，明确燃气设施安全维护、管理的范围和责任。

燃气自管单位应当接受燃气供应企业的业务指导，并对从事燃气设施运行、维护、抢修和安全管理的人员进行专业技术培训。

第二十五条 燃气供应单位发现危害燃气设施安全、违反规定使用燃气等行为时，应当立即予以劝阻、制止，记入用户档案，并向燃气行政管理部门、城市管理综合行政执法部门举报。

燃气行政管理部门和城市管理综合行政执法部门接到举报后，应当立即核查并依法处理。

第二十六条 燃气用户和物业管理单位应当配合燃气供应单位对燃气设施进行的维护、抢修作业以及查表、收费等工作。

燃气用户应当按时支付燃气费，不得拖欠和拒绝支付。

第二十七条 燃气用户应当在具备安全使用条件的场所正确使用燃气、燃气设施和用气设备。

燃气用户应当对室内燃气设施及用气设备进行日常检查，发现室内燃气设施或者用气设备异常、燃气泄漏、意外停气时，应当关闭阀门、开窗通风，禁止在现场动用明火、开关电器、拨打电话，并及时向燃气供应单位报修。

第二十八条 在燃气的供应与使用过程中，禁止下列行为：

- （一）倒灌瓶装液化石油气；
- （二）摔、砸、滚动、倒置气瓶；
- （三）加热气瓶、倾倒瓶内残液或者拆修瓶阀等附件；

not to operate the public gas valves without authorization.

Article 23 Bottled liquefied petroleum gas supplying enterprises shall observe the following provisions:

(1) the gas bottles, gas quality and quantity provided to users shall be in conformity with the provisions of the State and this Municipality;

(2) the bottled liquefied petroleum gas supplying stations shall sign contracts with the bottled liquefied petroleum gas filling enterprises;

(3) the liquefied petroleum gas filling enterprises shall be responsible for the maintenance of gas bottles and regularly send the gas bottles to the inspection institutions for inspection in accordance with the provisions of the State and this Municipality; and

(4) The liquefied petroleum gas filling enterprises may only fill the gas bottles the property right of which they own and those covered by the gas supplying contract.

Article 24 The gas self-management units shall sign contracts with the gas supplying enterprises to define the scope and responsibility of safety maintenance and management of gas facilities.

The gas self-management units shall accept the business guidance from the gas supplying enterprises and provide professional technical training to the personnel engaged in operation, maintenance, rush repair and safety management of gas facilities.

Article 25 When a gas supplying unit finds any act endangering the safety of gas facilities or using gas in violation of provisions, it shall promptly dissuade from or stop such doing, record it in the user's archives and report it to the administrative department of gas or the department of comprehensive law enforcement in urban administration.

After the administrative department of gas or the department of comprehensive law enforcement in urban administration receives the report, it shall immediately check it up and deal with it according to law.

Article 26 The gas users and the property management units shall assist the gas supplying units in maintenance and rush-repair operations of gas facilities as well as in the work of gas meter-reading and collection of fees.

The gas users shall pay the gas fees on schedule and shall not default or refuse the payment.

Article 27 The gas users shall properly use the gas, gas facilities and gas using equipment at the site qualified for safe use.

The gas users shall carry out daily inspection of indoor gas facilities and gas using equipment; in case of any abnormal conditions of gas facilities or gas using equipment, or any gas leakage or unexpected stoppage of supply of gas, they shall turn off valves, open the window for ventilation, be forbidden to make open fire and switch on or off electric appliances, or dial telephones on the spot and promptly report the cases to the gas supplying units for repair.

Article 28 The following acts shall be forbidden in the course of supply and use of gas:

(1) to fill liquefied petroleum gas into bottles up-side down;

(2) to throw, break, rock or put gas bottles up-side down;

(3) to heat gas bottles, dump residue liquids out or dismantle gas valves or other

(四) 擅自拆除、改装、迁移、安装室内管道燃气设施;

(五) 在安装燃气计量表、阀门、燃气蒸发器等燃气设施的房间内堆放易燃易爆物品、居住和办公,在燃气设施的专用房间内使用明火;

(六) 使用明火检查燃气泄漏;

(七) 将燃气管道作为负重支架或者电器设备的接地导线;

(八) 其他危害公共安全和公共利益的供用气行为。

第二十九条 管道燃气单位用户变更户名、用气量、燃气使用性质的,应当到燃气供应单位办理相应手续。

管道燃气用户需安装、改装、迁移、拆除室内燃气设施的,应当委托燃气供应单位实施作业。用户的要求符合规范要求的,燃气供应单位应当依照服务承诺在规定时间内实施作业;用户的要求不符合规范要求的,燃气供应单位应当在规定时间内以书面形式告知理由,并提出合理建议。

第四章 燃气设施与用气设备管理

第三十条 燃气供应企业对燃气门站、储配站、区域性调压站、燃气供应站、市政燃气管道等燃气设施进行拆除、改造、迁移的,应当到燃气行政管理部门办理燃气设施改动行政许可手续。

燃气供应企业改动燃气设施,应当符合下列条件:

- (一) 有改动燃气设施的申请报告;
- (二) 改动后的燃气设施符合燃气专业规划、安全等相关规定;
- (三) 有安全施工的组织、设计和实施方案;
- (四) 有安全防护及不影响燃气用户安全正常用气的措施;
- (五) 法律、法规、规章规定的其他条件。

燃气行政管理部门应当自受理燃气设施改动申请之日起 20 个工作日内,依照法定程序作出行政许可决定。

燃气供应企业应当按照行政许可决定的要求实施作业。

第三十一条 建设单位应当在工程施工前,向施工单位提供施工现场及毗邻区域

accessories;

(4) to dismantle, transform, relocate or install indoor gas facilities of pipelines without authorization;

(5) to pile up inflammable or explosive materials, or accommodate or work as offices in the rooms equipped with gas meters, valves, vaporizers and other gas facilities, or to use open fire in the rooms allocated exclusively for gas facilities;

(6) to check leakage with open fire;

(7) to use gas pipelines as weight-carrying props or ground wires for electric appliances;

or

(8) any other gas supplying or using acts endangering the public security and public interests.

Article 29 The pipeline gas users to change the user names, quantity of gas to be used and nature of use of gas shall go through the corresponding formalities with the gas-supplying units.

The pipeline gas users that need to install, transform, relocate or dismantle the indoor gas facilities shall entrust the gas supplying units to conduct the operation. Where the users' requirements are in conformity with the norms, the gas supplying units shall carry out the operation within the time limit prescribed in the service commitments; where the users' requirements are not in conformity with the norms, the gas supplying units shall explain the reasons in writing within the prescribed time limit and put forward reasonable suggestions.

Chapter IV Management of Gas Facilities and Gas Using Equipment

Article 30 The gas supplying enterprises to dismantle, transform or relocate gas gate stations, gasholder stations, regional gas pressure regulating stations, gas supplying stations, municipal public gas pipelines shall go through the administrative permission formalities for refitting gas facilities with the administrative departments of gas.

The gas supplying units to refit gas facilities shall meet the following conditions:

(1) having application reports for refitting gas facilities;

(2) the gas facilities to be refitted shall be in conformity with the provisions relating to the special plan of gas and safety;

(3) having the plans for organization, design and implementation of the safe operation;

(4) having safety protection measures and measures not affecting the safe and normal use of gas by users; and

(5) other conditions stipulated in laws, regulations or rules.

The administrative departments of gas shall make decisions on the administrative permission in accordance with the statutory procedures within 20 working days as of acceptance of the applications for refitting gas facilities.

The gas supplying units shall carry out the operations in accordance with the requirements of the decisions on administrative permission.

Article 31 The building units shall provide the construction units with relevant materials of the underground gas pipelines and other gas facilities in the construction sites and its neighboring areas prior to the start of construction and ensure that those materials

内地下燃气管线及其他燃气设施的相关资料，并保证资料的真实、准确、完整。

工程施工范围内有地下燃气管线及其他燃气设施的，建设单位应当组织施工单位、燃气供应单位共同制定保护方案，明确安全保护措施，并与燃气供应单位签订安全监护协议，由燃气供应单位进行监护。施工单位依照保护方案，实施安全保护措施。

工程施工作业损坏地下燃气管线及其他燃气设施的，施工单位应当立即通知燃气设施的管理单位，并按规定采取应急保护措施，避免扩大损失。

第三十二条 在地下燃气管道安全间距范围内，禁止下列行为：

- （一）建设建筑物、构筑物或者其他设施；
- （二）进行爆破、钻探、打桩、顶进、挖掘、取土等作业；
- （三）倾倒、排放腐蚀性物质；
- （四）堆放物品或者种植深根植物；
- （五）涂改、覆盖、移动、拆除、损坏安全警示标志；
- （六）从事其他危害地下燃气管道安全的活动。

第三十三条 在本市生产、销售的用气设备，产品质量应当符合国家和本市的相关标准。

在本市销售的用气设备，其生产者或者销售者应当委托国家或者本市质量技术监督行政部门核准的检测机构进行气源适配性检测。

第三十四条 质量技术监督行政部门应当按照国家和本市的有关规定，对用气设备产品质量进行监督检查，并向社会公布监督检查结果。

第三十五条 用气设备的生产者、销售者应当在本市设立或者委托设立售后服务站点，负责售后的安装、维修。

售后服务站点应当建立健全管理制度和规范化服务标准。

售后服务站点不得改动室内燃气设施。

第五章 应急预案与事故处置

第三十六条 市燃气行政主管部门应当会同有关部门制定全市燃气应急预案，报市人民政府批准后组织实施。

are true, accurate and complete.

Where there are underground gas pipelines and other gas facilities within the scopes of the construction sites, the building units shall organize the construction units and gas supplying units to jointly formulate the protection plans special safety protection measures and sign safety custody agreements with the gas supplying units special that the gas supplying units shall carry out such custody. The construction units shall take safety protection measures according to the protection plans.

In case the operation of construction damages the underground gas pipelines or other gas facilities, the construction units shall immediately notify the management units of the gas facilities and take emergency security measures in accordance with provisions to avoid expansion of losses.

Article 32 The following acts shall be forbidden within the distance for safety between underground gas pipelines:

- (1) constructing buildings, structures or other facilities;
- (2) carrying out such operation as explosion, drilling, pile living, pushing in, excavating and taking earth away;
- (3) dumping or discharging corrosive substances;
- (4) piling up articles or planting deep-rooted plants;
- (5) altering, covering, moving, dismantling or damaging safety warning signs; or
- (6) engaging in other activities endangering the safety of underground gas pipes.

Article 33 The quality of gas using equipment produced or sold in this Municipality shall conform to relevant standards of the State and this Municipality.

The producers or sellers of the gas using equipment to be sold in this Municipality shall entrust the testing institutions verified by the administrative departments for quality and technical supervision of the State or this Municipality to carry out the testing of the gas source for its adaptability.

Article 34 The administrative departments for quality and technical supervision shall, in accordance with relevant provisions of the State and this Municipality, carry out supervision over and inspection of the product quality of the gas using equipment and make known to the public the inspection and supervision findings.

Article 35 The producers or sellers of gas using equipment shall set up or entrust others to set up after-sale service stations responsible for the after-sale installation and maintenance of the equipment.

The after-sale stations shall establish and improve the management systems and standardize the standards of service.

The after-sale stations shall not refit the indoor gas facilities.

Chapter V Emergency Handling Schemes and Accident Handling

Article 36 The municipal administrative department of gas shall, along with relevant departments, formulate the emergency handling scheme on gas accidents of this Municipality and organize its implementation after submitting it and obtaining approval from the Municipal People's Government.

区县人民政府应当组织有关部门编制本行政区域内的燃气应急预案，并报市人民政府备案。

燃气供应单位应当根据国家和本市有关应急预案的规定，制定本单位的燃气应急预案。

第三十七条 市、区县人民政府和有关行政管理部门以及燃气供应单位，应当有计划、有重点地进行燃气应急预案演练，并根据实际情况及时修订。

发生燃气安全突发事件时，燃气行政管理部门和政府有关部门以及燃气供应单位应当按照规定启动应急预案。

第三十八条 政府有关部门应当建立健全燃气应急指挥通信网络系统。

燃气供应单位应当设置抢险、抢修电话，并向社会公布。

第三十九条 任何单位和个人发现燃气事故、事故隐患以及危害燃气安全的情况，应当立即向燃气供应单位或者政府有关部门报告。

发生燃气安全突发事件，燃气供应单位应当根据燃气应急预案，立即采取相应措施先行处置，并根据事件等级，按照程序向燃气、安全生产监督、质量技术监督、公安消防等行政管理部门报告。

政府有关部门应当根据事件等级，依照燃气应急预案，按照各自职责和业务范围，密切配合，做好燃气安全突发事件的指挥、处置等工作。

发生燃气泄漏等紧急情况时，燃气供应单位必须采取紧急避险措施的，公安机关应当配合燃气供应单位实施入户抢险、抢修作业。

第四十条 燃气供应单位处置燃气安全突发事件时，相关单位和个人应当积极配合，不得阻挠、干扰。

第四十一条 燃气供应单位无法保障正常供应燃气，严重影响公共利益的，燃气行政管理部门应当采取必要措施，保障燃气安全供应。

第六章 法律责任

第四十二条 违反本条例第十四条的规定，未取得燃气经营许可或者不按照燃气

The district or county people's governments shall organize relevant departments to formulate the emergency handling schemes on gas accidents within their respective administrative areas and submit them to the Municipal People's Government for the record.

The gas supplying units shall formulate their own emergency handling schemes on gas accidents in accordance with the provisions of the State and this Municipality on emergency handling schemes.

Article 37 The municipal and the district or county people's governments, relevant administrative departments thereof and the gas supplying units shall carry out the drills of emergency handling schemes on gas accidents in a planned way and in key areas and revise the schemes in light of the actual circumstances timely.

In case a sudden gas accident endangering safety occurs, the administrative departments of gas, relevant government departments and the gas supplying units shall start up the emergency handling schemes on gas accidents in accordance with provisions.

Article 38 Relevant government departments shall establish and improve the communication network system for command in emergency of supply of gas.

The gas supplying units shall set up rescue operation or rush-repair telephones and make the telephone numbers known to the public.

Article 39 Any unit and individual that finds a gas accident, hidden dangers or other circumstances endangering the safety of gas facilities shall immediately report to the gas supplying units or relevant government departments.

Once a gas accident endangering safety occurs, the gas supplying unit shall take corresponding measures to deal with it immediately in accordance with the emergency handling scheme on gas accidents and report it to the administrative department of gas, work safety supervision, quality and technical supervision, fire fighting for public security, etc. based on the accident grade and in accordance with procedures.

Relevant government departments shall, based on the accident grade, render close cooperation and bring to success the work of commanding in and dealing with the sudden accident endangering gas safety in accordance with the emergency handling scheme and their respective functions, duties and business scopes.

Where such an emergency case as the leakage of gas occurs, the gas supplying unit must take emergency measures to avoid dangers, the public security organs shall cooperate with the gas supplying unit to enter into the residents' houses for rescue operation and rush-repair work.

Article 40 When a gas supplying unit is dealing with a sudden accident endangering gas safety, relevant units and individuals shall actively render cooperation and shall not obstruct or interfere with it.

Article 41 When a gas-supplying unit fails to ensure normal gas supply seriously acting the public interest, the administrative department of gas shall take necessary measures to ensure safe supply of gas.

Chapter VI Legal Liability

Article 42 Any one who, in violation of the provisions of Article 14 of these Regulations,

经营许可的范围从事经营活动的，由城市管理综合执法部门责令停止违法行为，并处5000元以上5万元以下罚款。

第四十三条 取得燃气特许经营权的企业有下列情形之一的，燃气行政管理部门或者区县人民政府应当责令限期改正；拒不改正的，可以收回特许经营权、终止特许经营协议，并采取措施保障燃气供应和服务：

（一）擅自转让、出租、质押、抵押或者以其他方式擅自处分特许经营权或者特许经营项目资产的；

（二）不按照规定运行、维护、抢修和更新改造燃气设施，严重影响燃气供应安全的；

（三）达不到燃气产品、服务的标准和要求，严重影响公共利益的；

（四）擅自停业、歇业的；

（五）法律、法规规定或者特许经营协议约定的其他情形。

第四十四条 依照本条例第十七条规定，燃气行政管理部门对燃气供应企业进行监督检查和许可评价时，发现燃气供应企业不符合燃气经营许可条件要求的，由城市管理综合执法部门责令限期改正，并可以处5000元以上5万元以下罚款；情节严重的，责令停产停业，并可以吊销燃气经营许可证，同时告知工商行政管理部门依法处理。

第四十五条 违反本条例第十八条第二款规定，擅自停业、歇业造成损害的，燃气供应企业应当依法承担相应的赔偿责任。

第四十六条 违反本条例第二十三条第（三）项规定，未按规定将气瓶送检验机构检验的，由质量技术监督部门责令改正，并可以处2000元以上2万元以下罚款。

违反本条例第二十三条第（四）项规定，充装非自有产权和供气合同范围外气瓶的，由质量技术监督部门责令改正，并处1万元以上3万元以下罚款。

第四十七条 违反本条例第二十八条规定，在燃气供应与使用过程中从事危害公共安全和公共利益活动的，由城市管理综合执法部门给予警告，责令改正，并可以处500元以上5000元以下罚款。

engages in the business activities without obtaining a gas business license or beyond the scope of a gas business license, shall be ordered to stop its illegal activities and fined not less than 5,000 yuan but not more than 50,000 yuan by the department of comprehensive law enforcement in urban administration.

Article 43 Any enterprise obtaining the concession right which falls into one of the following circumstances shall be ordered to make corrections within a prescribed time period by the administrative department of gas or the district or county people's government; where it refuses to make such corrections, the administrative department of gas or the district or county people's government may call back the concession rights, terminate the concession agreement and take measures to ensure the supply of and service:

(1) Transferring, renting, pledging, mortgaging or disposing the concession rights or the assets under concession in other ways without authorization;

(2) Failing to operate, maintain, carry out rush-repair and renew gas facilities in accordance with provisions seriously affecting the safety of supply of gas;

(3) Failing to come up to the standards and requirements of gas products or services seriously affecting the public interests;

(4) Stopping or suspending the supply of gas without authorization; or

(5) Other circumstances prescribed by laws, regulations or the concession agreement.

Article 44 When the administrative department of gas carries out supervision ever and inspection of a gas supplying unit and make the license-related appraisal in accordance with the provisions of Article 17 of these Regulations and finds that the gas supplying enterprise fails to conform to the conditions for a gas business license, the department of comprehensive law enforcement in urban administration shall order it to make corrections within a prescribed time period and may simultaneously impose a fine of not less than 5,000 yuan but not more than 50,000 yuan on it; where the circumstances are serious, it shall be ordered to stop its business and its business license may be revoked and the department for industry and commerce shall be informed to deal with it according to law.

Article 45 A gas supplying unit which, in violation of the provisions of Paragraph 2 of Article 18 of these Regulations, stops or suspends business without authorization causing damages, shall bear corresponding liability for compensation according to law.

Article 46 Any enterprise which, in violation of the provisions of Item (3) of Article 23 of these Regulations, fails to send the gas bottles to the inspection institutions for inspection, shall be ordered to make corrections within a prescribed time period and may be simultaneously fined not less than 2,000 yuan but not more than 20,000 yuan by the department for quality and technical supervision.

Any enterprise which, in violation of the provisions of Item (4) of Article 23 of these Regulations, fills the gas bottles the property right of which they do not own or those not covered by the gas supplying contracts, shall be ordered to make corrections within a prescribed time period and be simultaneously fined not less than 10,000 yuan but not more than 30,000 yuan by the department for quality and technical supervision.

Article 47 Any enterprise which, in violation of the provisions of Article 28 of these Regulations, engages in activities endangering the public security and public interests in the course of supply and use of gas, shall be given a warning, ordered to make corrections and may be simultaneously fined not less than 500 yuan but not more than 5,000 yuan by the department of comprehensive law enforcement in urban administration.

第四十八条 违反本条例第三十条规定，擅自改动燃气设施或者不按照燃气设施改动许可的要求实施作业的，由城市管理综合执法部门责令停止违法行为，并处1万元以上3万元以下罚款。

第四十九条 违反本条例第三十一条规定，建设单位未真实、准确、完整地提供燃气设施相关资料或者施工单位未按要求采取保护措施，由建设行政管理部门责令限期改正，逾期未改正的，责令停业整顿，并处5万元以上10万元以下罚款；造成燃气供应单位和用户经济损失的，建设单位和施工单位应当依法承担赔偿责任；构成违反治安管理行为的，由公安机关依照《中华人民共和国治安管理处罚法》给予处罚；构成犯罪的，依法追究刑事责任。

第五十条 违反本条例第三十二条第（一）项规定的，由城市管理综合执法部门责令改正，限期拆除，并可以按照违法建筑物的建筑面积每平方米处300元以上3000元以下罚款，违法构筑物和其他设施可处工程造价1倍的罚款。

违反本条例第三十二条第（二）、（三）、（四）、（五）、（六）项规定的，由城市管理综合执法部门责令改正，并可以处3000元以上3万元以下罚款。

第五十一条 有关行政管理部门的工作人员违反本条例规定，玩忽职守、滥用职权、徇私舞弊，构成犯罪的，依法追究刑事责任；尚不够刑事处罚的，依法给予行政处分。

第七章 附 则

第五十二条 本条例中有关用语的含义：

（一）燃气是指用于生产、生活的天然气、人工煤气、液化石油气等气体燃料的总称。

（二）燃气供应单位包括燃气供应企业和燃气自管单位。燃气自管单位是指在其管理的用户范围内，自行负责相应的燃气设施管理、运行维护工作的单位。

Article 48 Any enterprise which, in violation of the provisions of Article 30 of these Regulations, refits the gas facilities without authorization or fails to carry out the operation in accordance with the requirements of the administrative permission for refitting gas, shall be ordered to stop the illegal activities and be simultaneously fined not less than 10,000 yuan but not more than 30,000 yuan by the department of comprehensive law enforcement in urban administration.

Article 49 A building unit which, in violation of the provisions of Article 31 of these Regulations, fails to truthfully, accurately and completely provide the materials relating to gas facilities, or a construction unit which, in violation of the above mentioned provisions, fails to take protection measures as required, shall be ordered to make corrections within a prescribed time period, or ordered to stop business for rectification if it fails to make corrections within the prescribed time period, and simultaneously fined not less than 50,000 yuan but not more than 100,000 yuan by the administrative department of construction; where economic losses are caused to gas supplying units or gas users, the building unit and construction unit shall bear the ability for compensation according to law; where an act in violation of public security administration is constituted, the public security organ shall impose a penalty in accordance with the Law of the People's Republic of China on Administrative Penalties for Public Security; where a crime is constituted, criminal liability shall be investigated for according to law.

Article 50 Any one who, in violation of the provisions of Item (1) of Article 32 of these Regulations, shall be ordered to make corrections or dismantle them within a prescribed time period, and may be fined not less than 300 yuan but not more than 3,000 yuan per square meter of the construction area of the buildings illegally constructed or as such as one time of the construction cost of the structures and other facilities illegally built by the department of comprehensive law enforcement in urban administration.

Any one violating the provisions of Item (2), Item(3), Item(4), Item(5), or Item(6) of Article 32 of these Regulations shall be ordered to make connections and may be simultaneously fined not less than 3,000 yuan but not more than 30,000 yuan by the department of comprehensive law enforcement in urban administration.

Article 51 Functionaries of relevant administrative departments who, in violation of the provisions of these Regulations, neglect their duties, abuse their powers, engage in the parties for personal gains or by fraudulent means, shall be investigated for criminal liability according to law where a crime is constituted; or be given administrative sanctions according to law where the case does not require criminal punishment.

Chapter VII Supplementary Provisions

Article 52 As used in these Regulations:

(1) "Gas" is a general reference to natural gas, artificial coal gas, liquefied petroleum gas and other gas fuels used for production or life.

(2) "Gas supplying units" include gas supplying enterprises and gas self-management units. "Gas self-management unit" refers to those units self-responsible for management and maintenance for operation of gas facilities for users under their management.

（三）燃气设施是指用于燃气储备、输配和应用的场站、管网以及用户设施。

（四）用气设备是指使用燃气作为燃料进行加热、炊事等的设备，如燃气工业炉、燃气锅炉、燃气空调机、民用燃气用具等。

（五）居民用户的共用燃气设施是指引入管、立管、阀门（含公用阀门）、水平管、计量器具前支管、燃气计量器具等。

第五十三条 本条例自 2007 年 5 月 1 日起施行。1998 年 7 月 8 日市人民政府第 10 号令公布、根据 2002 年 2 月 11 日市人民政府第 92 号令修改的《北京市城市燃气管理办法》同时废止。

(3) "Gas facilities" refers to the stations, gas pipelines and users' equipment for storage, distribution and supply of gas.

(4) "Gas-using equipment" refers to the equipment using gas as fuels for heating and cooking, such as gas industrial furnaces, gas boilers, as air-conditioners, civil gas appliances, etc.

(5) "Gas facilities publicly used by residents" refers to lead-in pipes, vertical pipes, valves (including valves for public use) , horizontal pipes, lead-in pipes to gas meters, gas meters, etc.

Article 53 These Regulations shall be effective as of May 1, 2007. The Measures of Beijing Municipality for Administration of City Fuel Gas promulgated by Decree No.10 of the Municipal People's Government on July 8, 1998 and revised in accordance with Decree No. 92 of the Municipal People's Government on February 11, 2002 shall be repealed simultaneously.

北京市实施《中华人民共和国节约能源法》办法

(1999年9月16日北京市第十一届人民代表大会常务委员会第十三次会议通过 2010年5月28日北京市第十三届人民代表大会常务委员会第十八次会议修订 根据2019年11月27日北京市第十五届人民代表大会常务委员会第十六次会议修改)

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第一章 总 则

第一条 为了实施《中华人民共和国节约能源法》，结合本市实际情况，制定本办法。

第二条 本办法适用于本市行政区域内的节能管理、能源使用和节能技术的开发、利用等活动。

第三条 本市贯彻节约资源的基本国策，实施节约与开发并举、把节约放在首位的能源发展战略，建设资源节约型、环境友好型社会。

节能工作遵循政府引导、市场调节、科技推动、社会参与的原则。

第四条 市和区人民政府应当将节能工作纳入国民经济和社会发展规划、年度计

Measures of Beijing Municipality for Implementation of the Law of the People's Republic of China on Energy Conservation

(Adopted at the 13th meeting of the Standing Committee of the 11th Beijing Municipal People's Congress on September 16, 1999, revised at the 18th meeting of the Standing Committee of the 13th Beijing Municipal People's Congress on May 28, 2010, and revised at the 16th Meeting of the Standing Committee of the 15th People's Congress of Beijing Municipality on November 27, 2019)

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Chapter I General Provisions

Article 1 These Measures are formulated for the purpose of implementing the Law of the People's Republic of China on Energy Conservation and in light of the actual circumstances of this Municipality.

Article 2 These Measures shall apply to such activities as administration of energy conservation, use of energy and development and utilization of energy-saving technologies within the administrative area of this Municipality.

Article 3 This Municipality shall put into practice the fundamental State policy on conservation of resources, implement an energy development strategy under which energy is conserved and exploited simultaneously while the first place is given to conservation, and build a energy-saving and environment-friendly society.

The work of energy conservation shall follow the principle of government guidance, market regulation, science and technology promotion and social participation.

Article 4 The people's governments at the municipal and the district level shall incorporate energy conservation into their plans for national economic and social development and their annual plans, and organize the drawing and implementation of long-

划，并组织编制和实施节能中长期专项规划、年度节能计划。

市和区人民政府每年向同级人民代表大会或者其常务委员会报告节能工作。

第五条 市和区人民政府应当根据经济和社会发展的需要，调整产业结构、企业结构、产品结构和能源消费结构，加快发展低能耗的高新技术产业、服务业、现代制造业和节能环保产业，限制发展高耗能产业，提高能源利用效率。

第六条 市和区发展改革部门主管本行政区域内的节能监督管理工作，负责节能综合协调，组织拟定本市节约能源综合规划，按照职责分工组织实施节能监察和考核工作。

发展改革部门所属的节能监察机构具体实施节能监察工作。

经济和信息化、住房和城乡建设、交通、公共机构节能管理、城市管理、规划和自然资源、科学技术、财政、市场监督管理、统计、农业农村等部门在各自的职责范围内负责节能监督管理工作，并接受同级发展改革部门的指导。

第七条 本市鼓励、支持节能科学技术的研究、开发、示范应用及推广，促进节能技术的创新与进步。

鼓励、支持开发利用新能源、可再生能源。

第八条 市发展改革部门应当会同有关部门和社会组织，开展节能宣传和教育，通过国民教育和培训体系、节能宣传周、节能社区、节能家庭、志愿者服务等形式，普及节能科学知识，增强公众的节能意识，倡导节约型的消费方式。

新闻媒体应当加强宣传节能法律、法规、政策和节能知识，对浪费能源的行为进行舆论监督。

本市在每年六月开展节能宣传周活动。

第二章 节能管理

第九条 市和区人民政府建立议事协调机制，统筹协调、组织推动本地区节能工作，研究解决节能工作中的重大问题。

and medium-term special programs for energy conservation and annual plans for the same.

The people's governments at the municipal and the district level shall respectively report their work concerning energy conservation to the people's congresses or its standing committees thereof at the same level on an annual basis.

Article 5 The people's governments at the municipal and the district level shall, based on the needs of economic and social development, readjust the industrial structures, enterprise structures, product mix and the pattern of energy consumption, accelerate the development of low energy-consuming high-tech industries, service industries' modern manufacturing and energy-conserving and environment-friendly industries, restrict the development of the industries which consume excessive quantities of energy and increase energy efficiency.

Article 6 The departments for development and reform at the municipal and the district level shall be in charge of the supervision and administration in respect of energy conservation within their respective administrative areas, responsible comprehensive coordination of energy conservation, organizing the development of comprehensive programs for energy conservation of this Municipality, and organizing the implementation of supervision and assessment of energy conservation in accordance with the division of duties and responsibilities.

The energy conservation supervision institutions subordinate to the departments for development and reform shall be responsible for the specific implementation of energy conservation supervision.

The departments for economy and informationization, housing and urban-rural construction, transportation, administration of energy conservation by public institutions, city management, planning and natural resources, science and technology, market supervision and management, statistics, agriculture and rural areas, etc. shall be responsible for the supervision and administration of energy conservation within the limits of their respective duties and responsibilities and be subject to direction of the departments for development and reform at the same level.

Article 7 This Municipality encourages and supports research of and development of the sciences and technologies for energy conservation and their demonstration and popularization and promotes innovation and advances in technologies for energy conservation.

This Municipality encourages and supports the development and utilization of new and renewable resources of energy.

Article 8 The department for development and reform at the municipal level shall, in conjunction with relevant departments and social organizations, disseminate knowledge about energy conservation and educate people in this respect, spread the scientific knowledge about energy conservation, enhance the awareness of the importance of energy conservation among all the people and advocate an economical pattern of consumption through national education and training system, energy conservation publicity week, energy-saving community, energy-saving family, volunteer services and other forms.

The press media shall propagate the laws, regulations, policies and knowledge on energy conservation and bring into play the role of public opinion of supervision on the acts of energy-wasting.

This Municipality shall carry out the activity of energy conservation publicity week in June on an annual basis.

Chapter II Administration of Energy Conservation

Article 9 The people's governments at the municipal and the district level shall establish the coordination mechanism for discussing official business to carry out overall

第十条 本市实行节能目标责任制和节能考核评价制度。市人民政府根据节能中长期专项规划和年度节能计划，与区人民政府签订节能目标责任书，将节能目标完成情况作为对区人民政府及其负责人考核评价的内容。

节能目标、节能考核评价标准应当结合各区发展水平、区域功能定位和各类能耗所占比重等因素，科学合理制定。

第十一条 经济和信息化、住房和城乡建设、交通、公共机构节能管理、城市管理等部门会同发展改革部门，根据本市节能中长期专项规划，分别编制工业、民用建筑、交通运输、公共机构、供热等领域或者系统的节能规划，报市人民政府批准后实施。

节能规划应当包括编制依据、节能目标、重点任务、保障措施等内容。

第十二条 本市节能领域严格执行国家标准、行业标准。没有国家标准、行业标准，本市需要制定地方标准的，或者本市需要制定严于强制性国家标准、行业标准的地方标准的，由市场监督管理部门、有关部门依法组织制定。本市制定的地方节能标准应当公布，并根据经济社会发展情况适时修订。

第十三条 本市按照国家规定实行固定资产投资项目节能审查制度。达到国家规定的规模和标准的项目，由发展改革部门出具节能审查意见。

固定资产投资项目的建设单位和设计单位，应当按照节能强制性标准及节能审查意见进行建设项目的设计。施工图设计文件审查机构应当按照节能强制性标准及节能审查意见对施工图设计文件进行审查。

固定资产投资项目的施工单位、监理单位和建设单位，应当按照审查合格的施工图设计文件进行施工、监理和竣工验收。

第十四条 市经济和信息化部门编制产业结构调整目录，指导用能单位对耗能过高的用能产品、设备和生产工艺实施技术改造。

第十五条 禁止生产、进口、销售国家明令淘汰或者不符合强制性能源效率标准的用能产品、设备；禁止使用国家明令淘汰的用能设备、生产工艺。

coordination, organize the promotion of energy conservation in their respective areas and research on solving the major issues concerning energy conservation.

Article 10 This Municipality applies a system of responsibility for achieving the goals set for energy conservation and a system for assessing energy conservation. The Municipal People's Government shall sign the responsibility agreements for achieving the goals set for energy conservation with the people's governments at the district level in accordance with the long- and medium-term special programs and their annual plans for energy conservation to include in the assessment of the people's governments at the district level and the leading persons their achievements in energy conservation.

The goals set for energy conservation and the standards for assessment of energy conservation shall be made in a scientific and rational manner and in light of such factors as the development level, regional function positioning and ratio of various types of energy consumption of various districts.

Article 11 The departments for economy and informationization, housing and urban-rural construction, transportation, administration of energy conservation by public institutions, city management, etc. shall, in conjunction with the departments for development and reform, formulate the energy conservation plans for industries, civil construction, transportation, public institutions, heating and other fields or systems respectively in accordance with the long- and medium-term special programs for energy conservation of this Municipality, which shall be implemented after being submitted to and approved by the Municipal People's Government. The energy conservation programs shall include the basis for formulation, goals set for energy conservation, key tasks, guarantee measures and other contents.

Article 12 The State and industrial standards shall be strictly implemented in energy conservation of this Municipality. Where there is no State or industrial standards and it is necessary to formulate local standards in this Municipality, or it is necessary to formulate local standards in this Municipality more rigorous than the mandatory State or industrial standards, such standards shall be formulated under the organization of the department for market supervision and management and related departments at the municipal level according to law. The local standards for energy conservation formulated by this Municipality shall be promulgated and modified in a timely manner based on the economic and social development.

Article 13 This Municipality shall, in accordance with the regulations of the state, implement an energy conservation review system for fixed asset investment projects. For projects that meet the scale and standards prescribed by the state, the departments for development and reform shall issue energy conservation review opinions.

The developers and designers of fixed-asset investment projects shall design the projects in accordance with the mandatory energy conservation standards and opinions of energy conservation examination. The construction drawing design document review bodies shall review the construction drawing design documents in accordance with the mandatory energy conservation standards and opinions of energy conservation examination.

The constructors, supervisors and developers of fixed-assets investment projects shall carry out construction, supervision and final acceptance upon check in accordance with the qualified construction drawing design documents.

Article 14 The department for economy and informationization at the municipal level shall formulate a catalogue for industrial restructuring to guide the energy-using units to conduct technical transformation of their energy-using products, equipment and production techniques which consume excessive quantities of energy.

Article 15 Manufacturing, importing or distributing of energy-using products or equipment which the State has eliminated by official order or which fail to conform to the

第十六条 市场监督管理部门按照国家规定对高耗能特种设备的设计、制造、安装、改造、维修、使用及检验检测实行节能审查和监管。

第十七条 市统计部门建立健全能源统计制度和能源统计指标体系，定期发布主要耗能行业的能源消费和节能情况等信息。

第十八条 市发展改革部门建立统一的节能公共服务网站，公布节能政策法规、节能服务机构名录，宣传节能知识，介绍节能技术和产品，披露违反节能法律、法规行为的信息，促进节能信息资源共享。

第十九条 政府部门可以委托行业协会、节能服务机构开展节能宣传培训、信息咨询和技术推广等工作。

第二十条 本市建立和完善节能服务体系。支持节能服务机构开展节能咨询、设计、评估、检测、审计、认证等活动，开展节能知识宣传和节能技术培训，提供节能信息、节能示范和其他公益性节能服务。

节能服务机构应当按照法律规定和合同约定从事节能服务活动，提高服务质量，保障提供的信息真实准确。

市和区人民政府及负有节能监督管理职责的部门制定与节能有关的政策和标准时，应当听取节能服务机构的意见。

第二十一条 本市推行合同能源管理，发展节能服务产业。节能服务机构通过与用能单位签订节能服务合同，为用能单位提供节能诊断、融资、改造等服务，并按照合同约定与用能单位分享节能效益。

本市将合同能源管理项目纳入有关专项资金支持范围。对采用合同能源管理方式实施的节能改造项目，按照国家和本市有关规定，给予税收扶持和补助、奖励。

用能单位采用合同能源管理方式支付节能服务机构的支出，按照国家会计制度的规定予以列支。

鼓励金融机构根据节能服务机构的融资需求特点，创新信贷产品，拓宽担保品范围，简化申请和审批手续，为节能服务机构提供项目融资、保理等金融服务。

mandatory energy efficiency standards is prohibited; and using of energy-using equipment or production techniques which the State has eliminated by official order is prohibited.

Article 16 The departments for market supervision and management shall, in accordance with the provisions of the State, carry out examination and control for energy conservation of the design, manufacturing, installation, alteration, maintenance, utilization and inspection of special equipment which consume excessive quantities of energy.

Article 17 The statistics department at the municipal level shall establish a sound energy statistics system and index system for energy statistics and regularly make known to the public such information as energy consumption and energy conservation of the major energy-consuming industries.

Article 18 The department for development and reform at the municipal level shall establish a unified public service website for energy-conservation to promulgate the policies and regulations on energy conservation and the name-list of energy conservation service institutions, disseminate knowledge about energy conservation, introduce the energy-saving technologies and products and disclose the information concerning violation of laws and regulations on energy conservation to promote the sharing of energy-saving information resources.

Article 19 The governmental departments may entrust trade associations and energy-saving service institutions to develop such work as disseminating knowledge about and providing training in energy conservation, and promoting the wide use of energy-saving technologies.

Article 20 This Municipality shall establish and improve the energy conservation service system. The energy-saving service institutions shall be supported to develop such activities as consultation, designing, assessment, monitoring, auditing and certification on energy conservation, disseminate knowledge about energy conservation and conduct training in energy-saving technologies, and provide information in energy-saving give energy-saving demonstration and offer other energy-saving services for the benefit of the public.

The energy-saving service institutions shall engage in energy-saving service activities improve the service quality and ensure the authenticity and accuracy of the information in accordance with provisions of laws and agreements of contracts.

The people's governments at the municipal and the district level and the departments responsible for the supervision and administration in respect of energy conservation shall listen to the views of energy-saving service institutions when formulating policies and standards related to energy conservation.

Article 21 This Municipality shall implement contracted control of energy and develop the energy-saving service industry. The energy-saving service institutions shall sign energy-saving service contracts with energy-using units to provide energy-using units with energy-saving diagnosis, financing, transformation and other services, and share the energy-saving benefits with the energy-using units in accordance with the agreements of such contracts.

This Municipality shall include the projects subject to contracted control of energy in the range supported by special funds for energy conservation and in accordance with relevant provisions of the State and this Municipality, provide tax support and subsidies or rewards to energy-saving transformation projects subject to contracted control of energy.

The expenses paid to energy-saving service institutions by energy-using units adopting the method of contracted control of energy shall be calculated in accordance with the provisions of the national accounting system.

Financial institutions shall be encouraged to make innovation of credit products, expand the range of collateral security and simplify the application and approval procedures

第二十二条 任何单位和个人应当依法履行节能义务，有权举报浪费能源的违法行为。

负有节能监督管理职责的部门应当公布举报电话、电子邮箱或者其他联系方式；接到举报，应当完整地进行记录，及时调查核实并依法作出处理。

负有节能监督管理职责的部门应当为举报人保密；对举报属实、为查处违法案件提供线索和证据的举报人给予奖励。

第三章 合理使用与节约能源

第二十三条 用能单位应当加强用能管理，采取技术上可行、经济上合理及环境和社会可承受的措施，降低能源消耗，减少排放，有效、合理地利用能源，制止能源浪费。

第二十四条 用能单位应当做好以下工作：

- （一）建立节能目标责任制和节能奖惩制度；
- （二）制定并实施节能计划和节能技术措施；
- （三）建立月度能源消费统计台账和能源利用状况分析制度；
- （四）定期开展节能教育和岗位节能培训。

年综合能源消费总量 2000 吨以上不满 1 万吨标准煤的用能单位，除市发展改革部门指定的重点用能单位外，应当每年向所在地的区发展改革部门报送能源利用状况报告。

第二十五条 用能单位应当加强能源计量管理，按照规定配备和使用经依法检定合格的能源计量器具，记录和汇总能源计量原始数据，确保数据真实、完整。

第二十六条 供热单位应当加强供热系统节能管理，对供热系统进行定期检查、维护和更新改造，提高供热系统效率。

第二十七条 能源生产经营单位不得向本单位职工无偿提供能源。任何单位不得对能源消费实行包费制。

based on the features of financing demand for energy-saving service institutions to provide project financing, factoring and other financial services for energy-saving service institutions.

Article 22 All units and individuals shall, in accordance with law, fulfill their obligations to conserve energy and have the right to report against any waste of energy.

The departments responsible for the supervision and administration in respect of energy conservation shall publish the hotline for public report, e-mail or other contact information; and make a complete record, make investigation in a timely manner and deal with the report in accordance with law, where a report is received.

The departments responsible for the supervision and administration in respect of energy conservation shall keep the reporters secret; and give rewards to those who report the truth and provide clues and evidences for investigating illegal cases.

Chapter III Rational and Economical Use of Energy

Article 23 Energy-using units shall improve administration of energy utilization, adopt technically feasible, economically reasonable and environment and society-acceptable measures to reduce energy consumption, decrease pollutant discharge, effectively and reasonably utilize energy and curb waste of energy.

Article 24 Energy-using units shall bring to success the following work:

- (1) To establish a responsibility system for achieving the goals set for energy conservation and a system of rewards and penalties for energy conservation;
- (2) To formulate and implement plans and technical measures for energy conservation;
- (3) To establish a monthly energy consumption statistical account and a system for analysis of energy utilization; and
- (4) To carry out education in energy-saving and train their employees in energysaving at their posts on a regular basis.

The energy-using units with an annual overall consumption of energy totaling more than 2,000 tons but no more than 10,000 tons of standard coal, except for those key energy-using units designated by the department for development and reform at the municipal level, shall submit reports on energy utilization, on an annual basis, to the departments for development and reform at the district level in the local cities where they are located.

Article 25 Energy-using units shall improve their energy measurement and, in accordance with provisions, equip themselves with and use up-to-standard energy; measuring instruments that are verified as such according to law, make a record and summary of the raw data of energy measurement to ensure the authenticity and completeness of the data.

Article 26 Heat-supplying units shall strengthen energy conservation concerning heating systems, carry out periodic inspection, maintenance and renovation of heating systems to improve the efficiency of heating systems.

Article 27 Energy production or distribution units shall not provide energy to their own employees gratis. No units may charge a fixed lump sum on the energy consumed per month.

第二十八条 本市鼓励用能单位与同行业的能源效率先进水平指标进行对比，强化节能管理，实施节能技术改造，优化用能结构，提高能源利用效率。

有关行业协会应当为会员单位进行能效指标对比和优化节能管理提供指导和咨询服务。

第二十九条 本市鼓励工业企业采用高效、节能的电动机、锅炉、窑炉、风机、泵类等设备，采用热电联产、余热余压利用、洁净煤以及先进的用能监测和控制等技术。

第三十条 电网企业应当按照国家规定的并网技术标准，加强电网建设，提高吸纳可再生能源电力的能力，为可再生能源发电提供上网服务。

第三十一条 建筑所有权人或者使用权人应当保证建筑用能系统正常运行，不得人为损坏建筑围护结构和用能系统。

第三十二条 本市在民用建筑领域推广太阳能利用系统，其中，新建保障性住房、政府投资的公共建筑，以及在小城镇、工业园区建设中应当率先推广使用。新建民用建筑安装太阳能利用系统或者预留安装位置的，应当符合国家和本市有关太阳能利用系统与建筑一体化设计、施工的技术标准，并与建筑主体工程同步设计、同步施工、同步验收。具体办法由市住房和城乡建设部门会同有关部门制定，报市人民政府批准后执行。

本市推广太阳能在新农村建设中的普及和应用；开展示范项目，支持农业生产、农民生活与太阳能利用相结合。

支持太阳能利用项目的补贴办法按照市人民政府有关规定执行。

第三十三条 既有居住建筑不符合民用建筑节能强制性标准的，在尊重该建筑所有权人意愿的基础上，逐步实施节能改造。节能改造费用由政府、建筑所有权人共同负担。

住房和城乡建设部门制订既有居住建筑节能改造计划，明确节能改造的范围、要求和项目实施单位，报同级人民政府批准后执行。

Article 28 The Municipality encourages energy-using units to make comparison with the advanced level of energy efficiency indicators in the same industry, strengthen energy conservation management, implement transformation of energy-saving technologies, optimize the pattern of energy consumption structures and improve the efficiency of energy utilization.

The relevant trade associations shall provide their members with guidance and consultancy services to make comparison of energy efficiency indicators and optimize energy conservation management.

Article 29 This Municipality encourages industrial enterprises to use such equipment as motor drives, boilers, furnaces, blowers and pumps that are highly efficient and energy-saving, employ combined heat and power generation, make use of residual heat and pressure, use clean coal, and adopt advanced technologies in monitoring and controlling the use of energy.

Article 30 Power grid enterprises shall, in accordance with the technical standards of grid-merging for synchronized operation as stipulated by the State, strengthen construction of power grids to improve the ability of absorbing renewable energy power and provide entering-grid service of power generated by renewable energy.

Article 31 Owners or users of buildings shall ensure normal operation of energy using systems of buildings and shall not artificially damage the enclosure structures and energy using systems of buildings.

Article 32 This Municipality promotes the systems for utilizing solar energy in the field of civil construction, giving priority to the newly-built indemnificatory houses, public buildings invested by governments, small towns and industrial parks. Where a newly-built civil building installed with the systems for utilizing solar energy or reserved locations for installing the system for utilizing solar energy, the technical standards concerning the integrated design and construction of systems for utilizing solar energy and buildings of the State and this Municipality shall be met, and the systems for utilizing solar energy shall be designed, constructed and finally accepted upon check simultaneously with the main project of the buildings. The specific measures shall be formulated by the department for housing and urban-rural construction in conjunction with relevant departments at the municipal level and implemented after being submitted to and approved by the Municipal People's Government.

This Municipality promotes the popularization and application of solar energy in construction of new villages; carries out demonstration projects and supports the combination of agricultural production, rural living and utilization of solar energy.

The measures for subsidizing the projects utilizing solar energy shall follow the relevant provisions of the Municipal People's Government.

Article 33 Where the existing residential buildings fail to meet the mandatory standards for energy conservation of civil buildings, the renovation of energy conservation facilities shall be carried out gradually on the basis of respecting the will of the buildings' owners. The expenses of renovation of energy conservation facilities shall be jointly assumed by governments and the buildings' owners.

The department for housing and urban-rural construction shall formulate the plans for renovation of energy conservation facilities of the existing residential buildings, specifying the scope, requirements and project implementation units of renovations of energy conservation facilities and implement such plans after submitting to and obtaining approval

第三十四条 居住建筑以外的其他既有民用建筑不符合民用建筑节能强制性标准的，在进行扩建、改建时，应当同步进行节能改造。

第三十五条 农民对住宅实施节能保温改造的，按照本市有关规定给予政策性资金扶持。

第三十六条 使用空调采暖、制冷的公共建筑应当改进空调运行管理，充分利用自然通风，并按照国家规定实行室内温度控制制度。

第三十七条 实行集中供热的建筑分步骤实行供热分户计量、按用热量收费的制度。新建建筑或者对既有建筑进行节能改造，应当按照规定安装用热计量装置、室内温度调控装置和供热系统调控装置。新建建筑未按照规定安装用热计量装置、室内温度调控装置和供热系统调控装置的，建设单位不得出具竣工验收合格报告。

第三十八条 公用设施、公共场所的照明和大型建筑物装饰性景观照明及其控制系统应当优先使用节电的技术、产品和新能源，按照节能要求降低照明能耗。

第三十九条 本市促进各种交通运输方式协调发展和有效衔接，优化交通运输结构，建设节能型综合交通运输体系；推进交通信息化建设，建设智能交通运输管理系统，逐步提高交通运行效率。

第四十条 本市优先发展公共交通、轨道交通，推广大容量快速公交系统，科学规划调整公共交通线路布局，优化城市道路网络系统。

第四十一条 本市鼓励和支持公共交通等公共服务行业优先采购和使用电动车、混合动力车、天然气车等节能环保型汽车。

第四十二条 公共机构应当落实下列节能管理工作：

（一）制定年度节能目标和实施方案，有针对性地采取节能管理或者节能改造措施；

（二）带头使用节能产品和服务，提高能源利用效率；

（三）加强能源消费计量和监督管理，定期报告能源消费状况；

（四）对重点用能部位的用能情况实行监测，采取有效措施降低能耗。

from the people's governments at the same level.

Article 34 As for other existing buildings that fail to meet the mandatory standards for energy conservation of civil buildings, except for residential buildings, the renovation of energy conservation facilities shall be carried out simultaneously with the expansion and reconstruction of the buildings.

Article 35 The farmers who intend to carry out renovation of energy conversation facilities for houses' heat insulation shall be given policy-based financial support in accordance with relevant provisions of this Municipality.

Article 36 The operation management of air conditioners in air-conditioned public buildings shall be improved, natural ventilation be fully used and the system of indoor temperature control be applied in accordance with the provisions of the State.

Article 37 With respect to centrally heated buildings, a system of measuring heat supply based on individual household and charging fees based on the specific volume consumed by each hold shall be implemented step by step. In the construction of new buildings or in the renovation of energy conservation facilities of the existing buildings, devices for heat consumption measurement, indoor temperature control and heat supply control shall be installed in accordance with provisions. Where a new building fails to install the devices for heat consumption measurement, indoor temperature control and heat supply control in accordance with provisions, the developer shall not issue the report on final acceptance upon check.

Article 38 Priority shall be given to the use of electricity-saving technologies, products and new energies in the lighting of public facilities and places, the decorative and scenic illumination of large buildings and their control systems to reduce energy consumption of lighting in accordance with the energy conservation requirements.

Article 39 This Municipality shall promote the coordinated development of and effective connection among various modes of transportation and optimize the structure of transportation in order to establish a comprehensive energy-saving system of transportation; promote the informationization of transportation and construct the system of intelligent transportation management in order to gradually increase the efficiency of transportation.

Article 40 This Municipality shall give priority to the development of public transportation and rail transit, promote the large-capacity rapid transit system, scientifically make planning and adjustment of the layout of public transportation routes and optimize the network system of urban roads.

Article 41 This Municipality shall encourage and support public transportation and other public service sectors to give priority to purchase and utilization of electric vehicles, hybrid vehicles, natural gas vehicles and other energy-conserving and environment-friendly vehicles.

Article 42 The public institutions shall implement the following work concerning energy conservation management:

(1) To design annual goals for energy conservation and draw up plans for their achievement, and adopt the targeted energy conservation management or energy conservation transformation measures;

(2) To take the lead in the use of energy-saving products and equipment to increase energy efficiency;

(3) To improve the measurement of energy consumed and the monitoring and control thereof, and regularly report the energy consumption; and

(4) To monitor the energy utilization of key energy-using parts and adopt effective

公共机构负责人对本单位节能工作全面负责。

第四十三条 公共机构新建建筑和既有建筑节能改造，应当使用新型墙体材料等节能建筑材料和节能设备。具备可再生能源利用条件的，应当安装和使用可再生能源利用系统。

发展改革部门应当安排对公共机构既有建筑的节能改造投资。

第四十四条 本市推广绿色建筑标准。鼓励、支持新建民用建筑执行绿色建筑标准；鼓励、支持既有民用建筑通过改造达到绿色建筑标准。具体办法由市住房和城乡建设部门会同有关部门制定，报市人民政府批准后执行。

第四十五条 公共机构节能管理部门制定公共机构能源消耗定额标准，对公共机构实行能源消耗定额管理制度。能源消耗定额标准应当根据经济社会发展状况定期调整。

第四十六条 公共机构和大型公共建筑应当安装能源消耗计量装置，实行能源消耗分类、分项计量和能源审计制度。

公共机构和大型公共建筑的能源消耗情况按照国家有关规定向社会公布。

第四十七条 市发展改革部门按照国家规定加强对重点用能单位的节能管理，并于每年 6 月底前会同统计部门向社会公布全市重点用能单位的能源利用状况。

第四十八条 市发展改革部门在年综合能源消费总量 5000 吨以上不满 1 万吨标准煤的用能单位中指定重点用能单位，并会同统计部门公布具体名单。

市发展改革部门指定的重点用能单位在每年 3 月底前向市发展改革部门报送上年度的能源利用状况报告。

市发展改革部门应当组织对重点用能单位报送的能源利用状况报告进行审查。对节能管理制度不健全、节能措施不落实、未完成年度节能考核目标、能源利用效率低的重点用能单位，发展改革部门应当开展现场调查，组织实施用能设备能源效率检测，责令实施能源审计，并提出书面整改要求，限期整改。

measures to reduce energy consumption.

The persons responsible for public institutions shall be fully responsible for the work concerning energy conservation of their own units.

Article 43 The energy-saving building materials, such as new wall materials, and equipment shall be applied in construction of new buildings and renovation of energy conservation facilities of existing buildings by public institutions; where the conditions for utilizing renewable energy are met, the systems for utilizing renewable energy shall be installed and used.

The departments for development and reform shall arrange investment in the renovation of energy conservation facilities of existing buildings of public institutions.

Article 44 This Municipality shall promote green building standards, encourage and support the implementation of green building standards for newly-built civil buildings, and encourage and support the existing civil buildings to reach the green building standards through renovation. The specific measures shall be formulated by the department for housing and urban-rural construction at the municipal level in conjunction with relevant departments and implemented after being submitted to and approved by the Municipal People's Government.

Article 45 The department for administration of energy conservation by public institutions shall formulate the quota standards of energy consumption by public institutions to implement the quota management system of energy consumption by public institutions. The quota standards of energy consumption shall be adjusted regularly in accordance with the economic and social development.

Article 46 The public institutions and large public buildings shall install the measurement devices for energy consumption to implement the categorized, itemized measurement of energy consumption and energy auditing system.

The information of energy consumption by public institutions and large public buildings shall be made public to the society in accordance with relevant provisions of the State.

Article 47 The department for development and reform at the municipal level shall improve administration of key energy-using units with respect to energy conservation in accordance with the provisions of the State, and, in conjunction with the statistics department, make public to the society the energy utilization of key energy-using units of the whole municipality by the end of June per year.

Article 48 The department for development and reform at the municipal level shall designate the key energy-using units among the energy-using units with an annual consumption of energy totaling more than 5,000 tons but not less than 10,000 tons of standard coal, and jointly with the statistics department, make public to the society the specific name-list.

The key energy-using units designated by the department for development and reform at the municipal level shall submit reports on energy utilization in the preceding year to the department for development and reform at the municipal level by the end of March per year.

The department for development and reform at the municipal level shall organize review of the reports on energy utilization submitted by the key energy-using units. With respect to a key energy-using unit that lacks a sound control system for energy conservation, or fails to put the measures for energy conservation into practice, or fails to achieve the goals set

第四十九条 能源审计主要包括下列内容：

（一）查阅用能系统、设备台账资料，核对能源消耗计量记录；

（二）检查用能系统、设备及能源计量器具的运行状况，审查节能管理制度及能源消耗定额执行情况；

（三）查找存在节能潜力的用能环节或者部位，提出合理使用能源的建议。

第五十条 重点用能单位应当设立能源管理岗位，按照国家规定的条件聘任能源管理负责人，并报所在地的区发展改革部门和有关部门备案。

能源管理负责人应当接受节能培训。

第五十一条 政府有关部门可以采用在线监测和现场检测等方式，掌握公共机构、大型公共建筑、重点用能单位和其他用能单位的用能情况。有关用能单位应当予以配合。

政府有关部门应当加强节能监测，并利用在线监测系统或者通过现场检测等方式，为用能单位提供指导和服务。

第四章 节能技术进步

第五十二条 市和区人民政府应当把节能技术研究开发作为政府科技投入的重点领域，支持开展节能技术应用研究，开发节能共性和关键技术，促进节能技术创新与成果转化。

鼓励开展节能和可再生能源技术与信息的国际交流合作。

第五十三条 市发展改革部门会同有关部门制定并公布节能技术和产品的推广目录；市住房和城乡建设部门按照国家规定制定并公布推广使用、限制使用和禁止使用的民用建筑材料目录。

第五十四条 本市鼓励和支持研究开发交通节能技术和产品，推广节油技术和新

for annual energy conservation, or whose energy efficiency is low, the said department shall conduct on-the-spot investigation, arrange a test of the energy-using equipment with respect to energy efficiency, order the said unit to be audited as to its energy consumption and, in writing, require it to make rectification within a time limit.

Article 49 Energy audit mainly includes the following contents:

(1) To look up the materials of energy-using systems and equipment accounts; check the measurement records of energy consumed;

(2) To inspect the operation of energy-using systems, equipment and measurement devices for energy consumption, review the control systems for energy conservation and implementation of the quotas for energy consumption; and

(3) To find out the energy-using links or parts with the potential of energy conservation and put forward proposals for rational use of energy.

Article 50 A key energy-using unit shall establish positions for energy control, appoint to such positions persons to be responsible for energy control in accordance with the State-stipulated requirements, and submit the appointments for the record to the department for development and reform at the district level and relevant departments in the locality where it is located.

The leading persons for energy control shall receive training in energy conservation.

Article 51 The relevant government departments may adopt on-line monitoring, on-the-spot detection and other methods to master the energy-consumption by public institutions, large public buildings, key energy-using units and other energy-using units. Relevant energy-using units shall render cooperation.

The relevant government departments shall strengthen monitoring of energy conservation and provide guidance and services for energy-using units by means of on-line monitoring system, on-the-spot detection and other methods.

Chapter IV Technological Advances in Energy Conservation

Article 52 The people's governments at the municipal and the district level shall make research and development of energy-saving technologies the key areas for their investment in science and technology, support research in the application of energy-saving technologies, develop general and key energy-saving technologies, and promote technological innovations in energy conservation and transformation of such technological achievements.

The international exchange and cooperation of technologies and information in energy conservation and renewable resources of energy shall be encouraged.

Article 53 The department for development and reform at the municipal level shall in conjunction with relevant departments, compile and publish a catalogue of energy-saving technologies and products for popularization; the department for housing and urban-rural construction shall compile and publish a catalogue of civil building materials for popularized, restricted and prohibited utilization.

Article 54 This Municipality shall encourage and support the research and development of energy-saving technologies and products for transportation, and spread the

能源汽车。

第五十五条 本市按照因地制宜、多能互补、综合利用、讲求效益的原则，发展和推广太阳能、生物质能、地热能 and 风能等可再生能源利用技术。

第五章 激励措施

第五十六条 市人民政府应当安排节能专项资金，支持节能技术研究开发、节能技术和产品的示范与推广、重点节能工程的实施、节能技术改造、节能宣传培训、信息服务和表彰奖励等。

第五十七条 市和区人民政府应当安排民用建筑节能资金，支持民用建筑节能的科学研究和标准制定、既有建筑围护结构和供热系统的节能改造、可再生能源的应用，以及民用建筑节能示范工程、节能项目的推广。

第五十八条 本市鼓励采用高效照明、高效电机、蓄能设备等节能技术和产品；推广节能自愿协议、电力需求侧管理等节能办法。具体奖励和补助办法由市人民政府另行制定。

第五十九条 本市实行有利于节能和开发利用可再生能源的价格政策，逐步建立和完善能耗超限额加价制度和能源阶梯价格制度，引导用能单位和个人节能。

第六十条 政府采购监督管理部门会同有关部门制定节能产品、设备政府采购名录。公共机构应当优先采购列入政府采购名录中的产品、设备。

第六十一条 本市引导金融机构增加对节能项目的信贷支持，为符合条件的节能技术研究开发、节能产品生产及节能技术改造等项目提供优惠贷款；引导社会有关方面加大对节能的资金投入，加快节能技术改造；逐步开展节能量指标交易。

第六十二条 本市鼓励和支持消费者购买和使用能源效率等级较高或者有节能认证标志的用能产品。

oil-saving technologies and new-energy vehicles.

Article 55 This Municipality shall, under the principles of doing what is appropriate in light of local conditions, complementing multiple forms of energy, making synthetic use of energy and laying stress on results, develop and spread the applications of the technologies for utilization of such renewable resources of energy as solar energy, biomass energy, geothermal energy and wind power.

Chapter V Incentive Measures

Article 56 The Municipal People's Government shall allocate special funds for energy conservation to finance research and development of energy conservation technologies, demonstration and popularization of energy conservation technologies and products, construction of key energy conservation projects, innovation of energy-saving technologies, dissemination and training in the knowledge of energy conservation and provision of information and commendation and rewarding of achievements in this respect.

Article 57 The people's governments at the municipal and the district level shall allocate special funds for energy conservation with respect to civil buildings to finance the scientific and technological research and the standards formulation concerning civil buildings, innovation of energy conservation facilities for enclosure structures and heating systems of existing buildings, application of renewable resources of energy, and popularization of energy conservation demonstration engineering and projects for civil buildings.

Article 58 This Municipality shall encourage the adoption of efficient lighting, efficient motors, energy storage devices and other energy-saving technologies and products, and popularize such measures for energy conservation as voluntary agreement on energy conservation and lateral control over the demand for power. The specific measures for incentives and subsidies shall be separately formulated by the Municipal People's Government.

Article 59 This Municipality shall adopt the pricing policies, which are advantageous to energy conservation and development and utilization of renewable resources of energy, gradually establish and improve a progressive higher price system for ultra quota and ladder price system for energy in order to guide energy-using units and individuals to save energy.

Article 60 The regulatory authority departments for government procurement shall, in conjunction with relevant departments, compile the catalogue of energy-saving products and equipment for government procurement. The public institutions shall give priority to purchase of the products and equipment listed in the catalogue of energy-saving products and equipment for government procurement.

Article 61 This Municipality shall give guidance to financial institutions so that they shall give more support to energy conservation projects in the form of loans or credits and provide loan on favorable terms to such qualified projects as research and development in energy conservation technologies, manufacture of energy-saving products and innovation of energy conservation technologies; give the relevant sectors of the society guidance to increase their input of funds in energy conservation for the purpose of speeding up the innovation of energy conservation technologies, and gradually develop transaction of energy quotas saved.

Article 62 This Municipality shall encourage and support consumers to purchase and use energy-using products with relatively higher grade of energy efficiency or bearing the

第六十三条 市和区人民政府对在节能工作中取得显著成绩或者做出突出贡献的单位和个人，给予表彰和奖励。

第六章 法律责任

第六十四条 固定资产投资项目建设单位开工建设不符合强制性节能标准的项目或者将该项目投入生产、使用的，由发展改革部门责令停止建设或者停止生产、使用，限期改造；不能改造或者逾期不改造的生产性项目，由发展改革部门报请同级人民政府按照国务院规定的权限责令关闭。

第六十五条 使用国家明令淘汰的用能设备或者生产工艺的，由发展改革部门责令停止使用，没收国家明令淘汰的用能设备；情节严重的，可以由发展改革部门提出意见，报请同级人民政府按照国务院规定的权限责令停业整顿或者关闭。

依法没收的国家明令淘汰的用能设备，交由指定单位解体处理。

第六十六条 节能服务机构从事节能咨询、设计、评估、检测、审计、认证等活动提供虚假信息的，由发展改革部门责令改正，没收违法所得，并处5万元以上10万元以下罚款，并将违法行为信息记入本市企业信用信息系统。

第六十七条 用能单位未按照规定配备、使用能源计量器具的，由市场监督管理部门责令限期改正；逾期不改正的，处1万元以上5万元以下罚款。

第六十八条 瞒报、伪造、篡改能源统计资料或者编造虚假能源统计数据的，依照《中华人民共和国统计法》的规定处罚。

第六十九条 能源生产经营单位无偿向本单位职工提供能源或者对能源消费实行包费制的，由发展改革部门责令限期改正；逾期不改正的，处5万元以上20万元以下罚款。

labels of energy conservation certification.

Article 63 The people's governments at the municipal and the district level shall commend and reward those units and individuals who have achieved outstanding successes in or made outstanding contribution to the work concerning energy conservation.

Chapter VI Legal Liability

Article 64 Where a developer of a fixed-asset investment project starts to construction the project that fails to conform to the mandatory standards for energy conservation or puts it into production or to use, the department for development and reform shall order the developer to discontinue construction of the project or cease production or use and to reconstruct the project within a time limit; if the project is designed for production and reconstruction is impossible or the developer fails to reconstruct it within the time limit, the department for development and reform shall report the matter to the people's governments at the same level, which shall order the close-down of the project within the limits of its power as prescribed by the State Council.

Article 65 Where an entity uses any energy-using equipment or production techniques which the State has eliminated by official order, the department for development and reform shall order it to stop using such equipment or techniques and confiscate the said equipment; and if the circumstances are serious, the said department may submit a proposal to the people's government at the same level that the said government, within the limits of its power as prescribed by the State Council, order the entity to suspend operation for rectification or close down.

The confiscated energy-using equipment which the State has eliminated by official order shall be transferred to the designated units for disintegration.

Article 66 Where an energy conservation service institution engaged in such activities as consultancy, design, assessment, testing, auditing and certification in respect of energy conservation provides false information, the department for development and reform shall order it to rectify, and confiscate its unlawful gains and, in addition, impose on it a fine of not less than 50,000 Yuan but not more than 100,000 Yuan, and record the information about such illegal acts in the municipal enterprise credit information system.

Article 67 Where an energy-using unit fails to equip itself with or use the prescribed energy measuring instruments, the department for market supervision and management shall order it to rectify within a time limit; if it fails to do so at the expiration of the time limit, it shall be fined not less than 10,000 Yuan but not more than 50,000 Yuan.

Article 68 Where an entity conceals the facts about, fabricates or tampers with the energy statistical data or provides false energy statistical data, it shall be punished in accordance with the provisions of the Statistics Law of the People's Republic of China.

Article 69 Where an energy production or operation unit provides energy gratis to its employees or charges a fixed lump sum on the energy consumed per month, it shall be ordered by the department for development and reform to rectify within a time limit; if it fails to do so at the expiration of the time limit, it shall be fined not less than 50,000 Yuan but not more than 200,000 Yuan.

第七章 附 则

第七十条 本办法自 2010 年 7 月 1 日起施行。

Chapter VII Supplementary Provisions

Article 70 These Measures shall be effective as of July 1, 2010.

北京市清洁燃料车辆加气站管理规定

(1999年7月29日北京市人民政府第31号令发布 根据2004年6月1日北京市人民政府第150号令第一次修改 根据2007年11月23日北京市人民政府第200号令第二次修改 根据2010年11月27日北京市人民政府第226号令第三次修改 根据2018年2月12日北京市人民政府第277号令第四次修改)

第一条 为加强清洁燃料车辆加气站管理,保证清洁燃料安全供应,制定本规定。

第二条 凡本市行政区域内清洁燃料车辆加气站建设、使用和管理,均须遵守《北京市燃气管理条例》和本规定。

本规定所称清洁燃料车辆加气站(以下简称加气站),是指专门为机动车辆(含船舶,下同)提供天然气、液化石油气等清洁燃料的充气服务单位。

第三条 市城市管理委是本市加气站管理的行政主管部门。区燃气行政主管部门负责本行政区域内加气站的日常管理工作。

公安消防、人力资源和社会保障、工商行政、技术监督、城乡规划、住房城乡建设、物价等部门,应当按照各自的职责依法加强对加气站的监督管理工作。

第四条 本市加气站的发展,应当遵循统一规划、合理布局、保障安全、保证供应的原则。

第五条 加气站的建设工程规划、设计、施工、监理、消防、环境保护、安全防护等,必须符合国家和本市有关法律、法规和规章的规定。

第六条 加气站建设工程的设计、施工,必须由具有相应资质等级的单位承担,并严格执行有关技术标准、规范和规程。

第七条 加气站的运营必须具备下列条件:

- (一) 有符合安全生产条件的场地;
- (二) 有符合国家和本市技术规范的设备;

Provisions of Beijing Municipality on Management of Gas Stations for Clean-Fuel Vehicles

(Promulgated by Decree No. 31 of the People's Government of Beijing Municipality on July 29, 1999, revised for the first time in accordance with Decree No. 150 of the People's Government of Beijing Municipality on June 1, 2004, revised for the second time in accordance with Decree No. 200 of the People's Government of Beijing Municipality on November 23, 2007, revised for the third time in accordance with Decree No. 226 of the People's Government of Beijing Municipality on November 27, 2010, and revised for the fourth time in accordance with Decree No. 277 of the People's Government of Beijing Municipality on February 12, 2018)

Article 1 The Provisions are formulated for the purposes of strengthening the management of gas stations for clean-fuel vehicles and ensuring the safe supply of clean fuel.

Article 2 The construction, use and management of gas stations for clean-fuel vehicles within the administrative area of this Municipality must observe the Measures of Beijing Municipality for Management of Fuel Gas and the Provisions.

“Gas stations for clean-fuel vehicles” (hereinafter referred to as gas stations) as used in the Provisions refer to the gas-filling service agencies that specially provide clean fuel such as natural gas and liquefied petroleum gas for motor vehicles (including vessels, the same below).

Article 3 The Municipal Commission of Urban Management is the competent department for the management of gas stations in this Municipality, and the district competent departments for fuel gas shall be responsible for the daily management of gas stations within their respective administrative areas.

The departments for public security and fire service, human resources and social security, industry and commerce, technical supervision, urban and rural planning, housing and urban-rural development and pricing shall, within their respective functions and duties, strengthen the supervision and management of gas stations according to law.

Article 4 The development of gas stations in this Municipality shall follow the principles of unified planning, rational layout, guaranteed safety and ensured supply.

Article 5 The planning, design, construction, supervision, fire prevention, environmental protection, safety and security of gas station construction projects must comply with relevant laws, regulations and rules of the State and this Municipality.

Article 6 The design and construction of gas station construction projects must be undertaken by units with corresponding qualification grades and must strictly follow relevant technical standards, norms and rules.

Article 7 For operation, gas stations must have:

- (1) places in line with production safety conditions;
- (2) facilities and equipment up to the technical standards of the State and this

(三) 有防止超量加气的紧急专用手工操作工具；

(四) 有稳定的气源；

(五) 有健全的安全生产管理制度、操作规程和服务规范；

(六) 从事管理、技术和操作等工作的人员，应当符合国家和本市的有关专业培训、考核要求，其中企业主要负责人和安全管理人員，应当依法通过燃气安全生产知识和管理能力考核；

(七) 配置与经营规模相适应的管理、技术和操作等工作人员。

第八条 加气站的运营应当遵守下列规定：

(一) 遵守法律、法规和规章，接受市和区燃气行政主管部门及有关行政管理机关的监督检查；

(二) 所供燃气达到国家和本市规定的燃气质量标准；

(三) 按照国家和本市的规定计量和收费；

(四) 充气作业时应当遵守操作规程并设专人监护；

(五) 按规定设置安全警示标志。

第九条 禁止加气站运营中的下列行为：

(一) 非操作人员进行充气作业；

(二) 为其他容器充气；

(三) 直接用运输槽车向车辆充气；

(四) 使用明火检查燃气泄露；

(五) 存放其他易燃、易爆物品或者使用明火；

(六) 在站内修车、洗车。

第十条 在遇危及安全或者可能危及安全的紧急情况时，加气站专职负责安全管理的人员和充气操作人员有权决定中止充气。

第十一条 违反本规定第九条第（四）项和第十条规定的，由城市管理综合执法部门责令限期改正，给予警告，并可处 500 元以上 5000 元以下罚款。违反公安消防、人力资源和社会保障、工商行政、技术监督、城乡规划等法律、法规和规章的，由公安消防、人力资源和社会保障、工商行政、技术监督、城乡规划等有关部门依法处理。

第十二条 本规定自 1999 年 9 月 1 日起施行。

Municipality;

- (3) emergency special manual tools for the prevention of excessive filling;
- (4) stable gas source;
- (5) sound and perfect production safety management system, operational rules and service standards;
- (6) management, technical and operating personnel meeting the relevant professional training and assessment requirements of the State and this Municipality. Among them, the main persons responsible and safety management personnel of enterprises shall pass the fuel production safety knowledge and management capability assessment according to law; and
- (7) management, technical and operating personnel in line with the scale of operation.

Article 8 For operation, gas stations must observe the following provisions:

- (1) They shall observe laws, regulations and rules, and accept the supervision and inspection of the municipal and district competent departments for fuel gas and other relevant administrative departments;
- (2) The fuel gas supplied must meet the fuel gas quality standards of the State and this Municipality;
- (3) Fees shall be calculated and collected as stipulated by the State and this Municipality;
- (4) Filling operations must follow operational rules and be supervised by the person specially assigned; and
- (5) Safety warning signs shall be set up as required.

Article 9 The following acts in the operation of gas stations are banned:

- (1) Filling operations by non-operators;
- (2) Filling up other containers;
- (3) Filling in vehicles directly from transport tanks;
- (4) Using open fire to inspect gas leaks;
- (5) Storing other flammables and explosives or using open fire; or
- (6) Repairing or washing vehicles in the stations.

Article 10 In emergency where safety is or may be endangered, the person who is specially responsible for safety management and the filling operators of gas stations shall have the right to decide on the suspension of gas filling.

Article 11 Whoever violates the provisions of Item (4), Article 9 and Article 10 of the Provisions shall be ordered to make corrections within a specified time limit and given a warning by the departments for city management and law enforcement, and may be fined not less than 500 yuan but not more than 5,000 yuan. Whoever violates the laws, regulations and rules in terms of public security and fire service, human resources and social security, industry and commerce, technical supervision and urban and rural planning shall be handled by the relevant departments for public security and fire service, human resources and social security, industry and commerce, technical supervision and urban and rural planning according to law.

Article 12 The Provisions shall come into force as of September 1, 1999.

北京市地热资源管理办法

(1999 年 8 月 28 日北京市人民政府第 35 号令发布 根据 2001 年 8 月 27 日北京市人民政府第 82 号令第一次修改 根据 2018 年 2 月 12 日北京市人民政府第 277 号令第二次修改)

第一条 为加强本市地热资源的管理,科学勘查、合理开发和保护地热资源,保障地热资源的可持续利用,根据《中华人民共和国矿产资源法》和《北京市矿产资源管理条例》及其他有关法律、法规,结合本市实际情况,制定本办法。

第二条 本办法所称地热资源是指埋藏在地面以下岩石和流体中的热能,包括热水型、蒸气型、地压型、岩浆岩型和干热岩型五种类型。其中热水型地热是指温度在 25℃ 以上(含 25℃)的基岩水和天然出露的温泉。

第三条 凡在本市行政区域内勘查、开发、利用地热资源,必须遵守本办法。

第四条 市地质矿产行政主管部门负责本市地热资源的统一管理。

第五条 地热资源的勘查、开发,坚持统一规划、合理开发、综合利用、注重效益和开发与环境保护并重的原则。

在资源合理配置的前提下,应当根据首都城市性质和功能的要求,优先发展有利于改善城市生态环境、提高人民生活质量的地热开发项目。

第六条 地热资源的开发利用规划,由市地质矿产行政主管部门会同有关部门制定,报市人民政府批准后实施。

第七条 勘查地热资源必须依法缴纳探矿权使用费和探矿权价款;开采地热资源必须依法缴纳采矿权使用费、采矿权价款、资源税和矿产资源补偿费。

矿产资源补偿费按照地热资源的温度、用途和开采量计征。

Measures of Beijing Municipality for Administration of Geothermal Resources

(Promulgated by Decree No. 35 of the People's Government of Beijing Municipality on August 28, 1999, revised for the first time in accordance with Decree No. 82 of the People's Government of Beijing Municipality on August 27, 2001, and revised for the second time in accordance with Decree No. 277 of the People's Government of Beijing Municipality on February 12, 2018)

Article 1 The Measures are formulated for the purposes of strengthening the administration of geothermal resources in this Municipality, carrying out scientific exploration and rational development and protection of geothermal resources, and ensuring sustainable utilization of geothermal resources in accordance with the Mineral Resources Law of the People's Republic of China, the Regulations of Beijing Municipality on Administration of Mineral Resources and other relevant laws and regulations and in light of the actual circumstances of this Municipality.

Article 2 The geothermal resources mentioned in the Measures refer to the heat energy in rocks and fluids buried underground, which are divided into five types: hot water type, steam type, ground pressure type, magmatic rock type and dry hot rock type. Among them, geothermal resources of the hot water type refer to the bedrock water and natural hot springs with temperature at or above 25°C .

Article 3 The Measures must be observed in the exploration, development and utilization of geothermal resources within the administrative area of this Municipality.

Article 4 The municipal competent department for geology and mineral resources shall be responsible for the unified management of geothermal resources in this Municipality.

Article 5 The exploration and development of geothermal resources shall follow the principles of unified planning, rational development, comprehensive utilization, and paying equal attention to benefits and development as well as environmental protection.

On the premise of rational allocation of resources, priority shall be given to the development of geothermal development projects that are conducive to improving the urban ecological environment and improving the quality of people's life in accordance with the requirements of the urban nature and functions of the capital.

Article 6 Plans for the development and utilization of geothermal resources shall be formulated by the municipal competent department for geology and mineral resources together with the relevant departments and implemented after being submitted to the Municipal People's Government for approval.

Article 7 For the exploration of geothermal resources, the fee for the use of the prospecting right and the price for the prospecting right must be paid according to law; for the mining of geothermal resources, the fee for the use of the mining right, the price for the mining right, the resource tax and the mineral resources compensation must be paid according to law.

The mineral resources compensation shall be computed and collected according to the

第八条 勘查、开采地热资源，由市地质矿产行政主管部门审批登记，颁发勘查许可证、采矿许可证。

开采热水型地热资源，必须凭市地质矿产行政主管部门核发的允许开采通知书先到市水行政主管部门办理取水许可证，凭取水许可证到市地质矿产行政主管部门办理采矿许可证。

未经批准擅自开凿地热井，开采热水型地热资源的，依照《北京市实施〈中华人民共和国水法〉办法》的规定予以罚款，并限期补办手续；逾期不补办手续的，责令封井。

第九条 开发利用地热资源前，开发单位必须向市地质矿产行政主管部门提交地热资源开发、利用和保护方案，建立健全节能节水措施，完善相关设施。无节能节水设施或者节能节水设施不符合要求的，不得开发利用。

第十条 开发利用地热资源，应当按照温度的差异实施梯级利用，采用先进技术，提高地热利用率。

第十一条 地热井施工必须严格遵守国家有关规范。地热井施工竣工后，开发单位和施工单位必须在验收合格后3个月内向市地质矿产行政主管部门汇交有关材料。

第十二条 本市对地热资源实行保护性限量开采。

市地质矿产行政主管部门在每年年初向开发单位下达地热资源开采计划指标。开发单位必须在核定的计划指标内开采地热资源，禁止超计划指标破坏性开采地热资源。

开采热水型地热资源，必须在市水行政主管部门核定开采限量的基础上，由市地质矿产行政主管部门根据地热开发利用规划、地热田开发状况、动态观测资料及利用规模等因素，向开发单位下达开采计划指标。

开发单位必须按规定向市地质矿产行政主管部门报送地热资源的月开采量、水温、水位等资料。

第十三条 开采地热资源，必须安装计量表。采、灌两用的，应当分别安装采、

temperature, use and exploitation amount of geothermal resources.

Article 8 The exploration and mining of geothermal resources shall be subject to the examination, approval and registration by the municipal competent department for geology and mineral resources, which shall issue an exploration license and a mining license.

For the mining of the geothermal resources of the hot water type, it is necessary to first apply for a water-intaking permit at the municipal competent department for water on the strength of the notice on mining issued by the municipal competent department for geology and mineral resources, and then apply for a mining license at the municipal competent department for geology and mineral resources on the strength of the water-intaking permit.

Anyone who digs geothermal wells or exploits geothermal resources of the hot water type without approval shall be fined in accordance with the Measures of Beijing Municipality for Implementation of the “Water Law of the People’s Republic of China”, and shall reapply for approval within a specified time limit; if he fails to do so, he shall be ordered to close down the wells.

Article 9 Before the development and utilization of geothermal resources, the development units must submit plans for the development, utilization and protection of geothermal resources to the municipal competent department for geology and mineral resources, establish and improve measures for energy conservation and water conservation, and improve relevant facilities. Where there are no energy conservation and water conservation facilities or energy conservation and water conservation facilities do not meet the requirements, the development and utilization are prohibited.

Article 10 In the development and utilization of geothermal resources, multistep utilization shall be carried out according to the difference in temperature, and advanced technology shall be adopted to improve the utilization rate of geothermal resources.

Article 11 The relevant norms of the State must be strictly observed for the construction of geothermal wells. After the completion of the geothermal well construction, the development units and the construction units must, within 3 months after the acceptance, collect and submit the relevant materials to the municipal competent department for geology and mineral resources.

Article 12 This Municipality shall conduct protective and limited exploitation of geothermal resources.

The municipal competent department for geology and mineral resources shall, at the beginning of each year, issue planned indicators for the mining of geothermal resources to the development units. The development units must exploit geothermal resources within the approved planned indicators, and destructive exploitation of geothermal resources beyond the planned indicators is prohibited.

For the mining of the geothermal resources of the hot water type, the municipal competent department for geology and mineral resources must, on the basis of the limit of exploitation approved by the municipal competent department for water, issue planned indicators to the development units in light of the plans for geothermal exploitation and utilization, exploitation status of geothermal fields, dynamic observation data, scale of utilization and other factors.

The development units must submit to the municipal competent department for geology and mineral resources such data as the monthly exploitation amount, water temperature and water level of geothermal resources as stipulated.

Article 13 In the mining of geothermal resources, meters must be installed. Two sets of meters shall be installed respectively for mining and reinjection. In case of failure of

灌两套计量表。计量表发生故障时，开发单位应当及时予以修复或者更换。不能计量期间，其开采量可以按每日开采时间和泵额定流量计算，但是时间不得超过 1 个月。

第十四条 开发单位应当加强对地热井及其附属设施的维护和管理，建立技术档案。地热井实行专人管理。

第十五条 经批准进行地热采暖的，开发单位应当创造条件进行地热采暖弃水的人工回灌。按规定进行地热采暖弃水人工回灌的，可以减收回灌量相应温度的矿产资源补偿费。

第十六条 不得擅自转让地热资源探矿权、采矿权。确需转让地热资源探矿权、采矿权的，必须经市地质矿产行政主管部门批准。

第十七条 开发利用地热资源应当接受环境保护、卫生防疫等部门的指导和监督。

地热资源利用后的弃水应当符合本市的有关规定和排放标准，采暖后的排放温度不得高于 30℃。

第十八条 违反本办法，由市地质矿产行政主管部门按照下列规定予以处罚：

（一）未取得勘查许可证、采矿许可证，擅自勘查、开采地热资源或者擅自开发利用报废地热井的，责令停止违法行为，没收违法所得，予以警告，可以并处 10 万元以下的罚款；

（二）擅自印制或者伪造、冒用勘查许可证、采矿许可证的，没收违法所得，可以并处 10 万元以下的罚款；构成犯罪的，依法追究刑事责任；

（三）不按期缴纳本办法规定应当缴纳的费用，责令限期缴纳，并从滞纳之日起每日加收 2‰的滞纳金；逾期仍不缴纳的，吊销勘查许可证、采矿许可证，并可以申请人民法院强制执行；

（四）采取破坏性开采方法开采地热资源的，处以 1 万元以上 10 万元以下的罚款，可以吊销采矿许可证。对地热资源造成破坏的，依法承担民事赔偿责任；情节严重的，依法对直接责任人员追究刑事责任；

meters, the development units shall repair or replace them in a timely manner. During the period of failure of meters, the mining amount may be computed on the basis of the daily mining time and the rated flow of the pump, but the time of failure shall not exceed 1 month.

Article 14 The development units shall strengthen the maintenance and management of geothermal wells and their auxiliary facilities and establish technical archives. Geothermal wells shall be managed by specially assigned personnel.

Article 15 Where geothermal heating is approved, the development units shall create conditions for reinjection of surplus water from geothermal heating. In case of reinjection of surplus water from geothermal heating as stipulated, the mineral resources compensation for the reinjection amount of the corresponding temperature may be reduced.

Article 16 The prospecting right and mining right of geothermal resources shall not be transferred without authorization. If it is really necessary to transfer the prospecting right and mining right of geothermal resources, the approval of the municipal competent department for geology and mineral resources must be obtained.

Article 17 The development and utilization of geothermal resources shall be subject to the guidance and supervision of the environmental protection, health and epidemic prevention and other departments.

The surplus water from the utilization of geothermal resources shall meet the relevant regulations and discharge standards of this Municipality, and the discharge temperature after heating shall not be higher than 30℃ .

Article 18 Whoever violates the Measures shall be punished by the municipal competent department for geology and mineral resources in accordance with the following provisions:

(1) Whoever, without obtaining an exploration license or a mining license, explores or exploits geothermal resources or exploits and utilizes abandoned geothermal wells without authorization shall be ordered to stop the illegal act, have the illegal gains confiscated, and be given a warning, and a fine of not more than 100,000 yuan may be imposed concurrently;

(2) Whoever prints, forges or fraudulently uses exploration or mining licenses without authorization shall have the illegal gains confiscated, and a fine of not more than 100,000 yuan may be imposed concurrently; if a crime is constituted, criminal responsibility shall be investigated for according to law;

(3) Whoever fails to pay, at the prescribed time, the fees as prescribed in the Measures shall be ordered to pay within a specified time limit, and concurrently imposed an overdue fine at 0.2% per day from the date on which the payment becomes due; whoever fails to pay such fees within the time limit shall have his exploration or mining license revoked, and compulsory execution may be applied to the people's court;

(4) Whoever mines geothermal resources in a destructive way shall be imposed a fine of not less than 10,000 yuan but not more than 100,000 yuan, and may have his mining license revoked. Those who cause damage to geothermal resources shall bear civil liability for compensation according to law; if the circumstances are serious, the person directly responsible shall be investigated for criminal liability according to law;

（五）拒绝接受监督检查，不如实报告并提供有关情况和资料的，责令限期改正；逾期仍不改正的，处以 5000 元以上 5 万元以下的罚款；情节严重的，吊销勘查许可证、采矿许可证；

（六）未经批准，擅自转让地热资源探矿权、采矿权的，责令改正，没收违法所得，处以 1 万元以上 10 万元以下的罚款；情节严重的，吊销勘查许可证、采矿许可证。

第十九条 破坏地热井及地热动态监测设施；拒绝、阻碍执法人员依法执行公务的，由公安机关依照治安管理处罚条例的规定予以处罚；构成犯罪的，依法追究刑事责任。

第二十条 本办法自 1999 年 10 月 1 日起施行。1985 年 6 月 12 日市人民政府发布的《北京市人民政府关于加强地下热水资源管理的暂行规定》同时废止。

(5) Whoever refuses to accept the supervision and inspection, fails to truthfully report and provide relevant facts and materials shall be ordered to make corrections within a specified time limit; whoever fails to make corrections within the time limit shall be imposed a fine of not less than 5,000 yuan but not more than 50,000 yuan; if the circumstances are serious, the exploration or mining license shall be revoked; and

(6) Whoever transfers the prospecting or mining right of geothermal resources without approval shall be ordered to make corrections, have his illegal gains confiscated and be imposed a fine of not less than 10,000 yuan but not more than 100,000 yuan; if the circumstances are serious, the exploration or mining license shall be revoked.

Article 19 Whoever damages geothermal wells and geothermal dynamic monitoring facilities, or refuses or obstructs the performance of duties by law enforcement personnel according to law shall be punished by the public security organs in accordance with the provisions of the regulations on penalties for administration of public security; if a crime is constituted, criminal responsibility shall be investigated for according to law.

Article 20 The Measures shall come into force as of October 1, 1999. The Interim Provisions of the People's Government of Beijing Municipality on Strengthening the Management of Geothermal Water Resources promulgated by the People's Government of Beijing Municipality on June 12, 1985 shall be repealed at the same time.

北京市节能监察办法

(2006年6月20日北京市人民政府第174号令公布)

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第一章 总 则

第一条 为了促进节约型社会建设,推动全社会合理用能和节约用能,规范节能监察行为,根据《中华人民共和国节约能源法》、《中华人民共和国可再生能源法》和《北京市实施〈中华人民共和国节约能源法〉办法》,制定本办法。

第二条 本办法所称节能监察,是指节能行政主管部门对本市使用能源和开发利用新能源、可再生能源以及从事相关活动的单位(以下简称用能单位)执行节能法律、法规、规章、相关标准以及国家和市人民政府有关节能规定的情况进行监督检查,并依法予以处理的行为。

第三条 市发展和改革委员会是本市节能行政主管部门,负责统一管理、指导和协调全市节能监察工作。区、县节能行政主管部门根据职责分工做好本行政区域内的节能监察工作。

质量技术监督、工商行政管理、统计、规划、建设、市政管理等行政主管部门依照有关法律、法规和规章规定的职责做好相应节能监督管理工作。

Measures of Beijing Municipality for Supervision over Energy Conservation

(Promulgated by Decree No. 174 of the People's Government of Beijing Municipality on June 20, 2006)

Contents

- Chapter I General Provisions
- Chapter II Duties of Supervision over Energy Conservation
- Chapter III Implementation of Supervision over Energy Conservation
- Chapter IV Legal Liability
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Chapter I General Provisions

Article 1 These Measures are formulated , in accordance with the Law People's Republic of China on Conserving Energy, the Renewable Energy Law of the People's Republic of China and the Measures of Beijing Municipality on Implementation of the Law of the People's Republic of China on Conserving Energy, for the purposes of promoting the building of a conservation-minded (resource-saving)society, pushing forward rational energy utilization and energy conservation by the whole society and regulating the acts of supervision over energy conservation.

Article 2 As used in these Measures, "supervision over energy conservation" refers to the acts of the administrative departments in charge of energy conservation in conducting supervision over and inspection of the implementation of laws, regulations, rules, related standards concerning energy conservation as well as relevant provisions of the State and the municipal People's Government on energy conservation by the units of this Municipality which use energy, develop and utilize new and renewable energy and those engaged in relevant activities (hereinafter referred to as energy-using units), and dealing with the illegalities according to law.

Article 3 The Municipal Development and Reform Commission is the administrative department in charge of energy conservation in this Municipality responsible for the unified administration, guidance and coordination of the supervision work of energy conservation in the whole city. The administrative departments in charge of energy conservation at district or county levels shall, according to their respective unctions and duties, bring to success the supervision work of energy conservation within their respective administrative areas.

The administrative departments in charge of quality and technical supervision, industrial and commercial administration, statistics, planning, construction and municipal

区、县人民政府节能行政主管部门可以在其法定职责内，委托符合《中华人民共和国行政处罚法》第十九条规定条件的组织实施节能监察。

第四条 节能监察遵循教育与处罚相结合、监督与服务相结合的原则。

第五条 节能行政主管部门应当加强节能监察工作中的信息化建设，充分利用信息技术和手段，建立能源利用信息监控系统，对用能单位实施节能监察。

第六条 节能行政主管部门应当定期向社会公布节能监察情况。

第七条 鼓励单位和个人对违反节能法律、法规、规章、相关标准以及国家和市人民政府有关节能规定的浪费用能行为向节能行政主管部门举报。节能行政主管部门应当为举报人保密。

对举报属实，为查处重大违法用能行为提供主要线索和证据的举报人，节能行政主管部门应当给予奖励。

第二章 节能监察的职责

第八条 节能行政主管部门实施节能监察，履行下列职责：

（一）贯彻执行节能法律、法规、规章、相关标准以及国家和市人民政府有关节能规定；

（二）宣传节能法律、法规、规章、相关标准以及国家和市人民政府有关节能规定，普及宣传节能知识，提供先进节能信息，指导用能单位合理用能和节约用能；

（三）督促检查用能单位执行节能法律、法规、规章、相关标准以及国家和市人民政府有关节能规定；

（四）受理对违反节能法律、法规、规章、相关标准以及国家和市人民政府有关节能规定用能行为的举报；

（五）依法查处和纠正违反节能法律、法规、规章和相关标准的用能行为。

administration shall, according to the functions and duties as stipulated by relevant laws, relations and rules, bring to success the supervision work of energy conservation correspondingly.

The administrative departments in charge of energy conservation of the district or county people's governments may, within their statutory functions and duties, entrust an organization meeting the requirements as stipulated in Article 19 of the Law of the People's Republic of China on Administrative Penalty to implement supervision over energy conservation.

Article 4 The principles of combining education with penalty and combining supervision with service shall be followed in supervision over energy conservation.

Article 5 The administrative departments in charge of energy conservation shall strengthen the informationization construction in the supervision work of energy conservation, make full use of information technology and measures and establish information monitoring systems of energy utilization to carry out supervision over energy conservation by energy-using units.

Article 6 The administrative departments in charge of energy conservation shall make the information of supervision over energy conservation known to the public regularly.

Article 7 The units and individuals are encouraged to report to the administrative departments in charge of energy conservation against the acts of wasting energy in violation of laws, regulations, rules, related standards concerning energy conservation as well as relevant provisions of the State and the Municipal People's Government on energy conservation. The administrative departments in charge of energy conservation shall maintain confidentiality of the reporting persons.

The administrative departments in charge of energy conservation shall give rewards to the reporting persons whose reports are proved to be true and provide main clues and evidences for dealing with the major illegal acts of energy-using.

Chapter II Duties of Supervision over Energy Conservation

Article 8 The administrative departments in charge of energy conservation shall perform the following functions and duties in conducting supervision over energy conservation:

(1) to implement laws, regulations, rules, related standards concerning energy conservation as well as relevant provisions of the State and the Municipal People's Government on energy conservation;

(2) to publicize laws, regulations, rules, related standards concerning energy conservation as well as relevant provisions of the State and the Municipal People's Government on energy conservation, popularize the knowledge of energy conservation, provide advanced information of energy conservation and guide energy-using units to use energy rationally and economically;

(3) to urge energy-using units to implement laws, regulations, rules, related standards concerning energy conservation as well as relevant provisions of the State and the Municipal People's Government on energy conservation, and conduct inspection of the implementation;

(4) to accept the reports against the acts of using energy in violation of laws, regulations, rules, related standards concerning energy conservation as well as relevant provisions of the State and the Municipal People's Government on energy conservation; and

(5) to deal with and correct the acts of using energy in violation of laws, regulations, rules, related standards concerning energy conservation according to law.

第九条 节能行政主管部门对用能单位的下列活动实施监察：

- （一）建立和落实节能工作责任制、节能管理制度和相关措施，以及开展节能教育、组织有关人员参加节能培训的情况；
- （二）执行国家淘汰或者限制使用的用能产品、设备、设施、工艺和材料目录的情况；
- （三）执行综合能耗、单位产品能耗和主要用能设备能耗等限额规定的情况；
- （四）落实工程建设项目合理用能论证中节能措施和能耗指标的情况；
- （五）执行有关能源效率标识规定的情况；
- （六）利用生物质资源生产的燃气和热力的入网情况，石油销售企业将符合国家标准的生物液体燃料纳入销售体系的情况；
- （七）法律、法规和规章规定的其他节能监察事项。

第十条 节能监察人员依法履行节能监察职责，受法律保护。

节能监察人员应当熟悉与节能有关的法律、法规、规章、相关标准以及国家和市人民政府有关节能规定，具备相应的业务能力，并按规定取得行政执法资格。

第三章 节能监察的实施

第十一条 开展节能监察工作时，应当全面、客观、公正地调查，收集有关证据，并注意维护用能单位正常的生产、经营和工作秩序。

节能监察工作人员在工作中应当做到秉公执法，对节能监察工作中了解的商业秘密负有保密义务。

第十二条 节能行政主管部门应当公布节能举报电话、传真、电子邮箱和通讯地址。

第十三条 节能行政主管部门接到节能举报后，应当如实进行登记。对基本情况

Article 9 The administrative departments in charge of energy conservation shall conduct supervision over the following activities of energy-using units:

(1) establishment and implementation of the responsibility systems for energy conservation, the energy conservation management systems and relevant measures, as well as development of education in energy conservation and organization of relevant personnel to take part in trainings of energy conservation;

(2) implement of the catalogues of energy-consuming products, equipment, facilities, techniques and materials the use of which are eliminated or restricted by the State;

(3) implementation of the provisions on quota of comprehensive energy consumption, energy consumption per unit product, energy consumption by more energy-using equipment, etc;

(4) implementation of the energy-conserving measures and the energy-consumption indices stated in the demonstration of rational use of energy in engineering construction projects;

(5) implementation of the relevant provisions concerning labels of energy efficiency;

(6) incorporation of fuel gas and heating power produced with biomass resources into grids, and the oil distribution enterprises' incorporation of biomass liquid fuels into the distribution systems; and

(7) other items of supervision over energy conservation as stipulated in laws, regulations and rules.

Article 10 Performance of functions and duties of supervision over energy conservation according to law by the personnel of supervision over energy conservation shall be protected by law.

The personnel of supervision over energy conservation shall be familiar with laws, regulations, rules, related standards concerning energy conservation as well as relevant provisions of the State and the Municipal People's Government on energy conservation, have the correspondingly business capacities and obtain the qualification for administrative law enforcement according to provisions.

Chapter III Implementation of Supervision over Energy Conservation

Article 11 The personnel of supervision over energy conservation shall, when conducting supervision over energy conservation, investigate and collect relevant evidences in a thorough, objective and impartial manner, and pay attention to maintaining the normal production, operation and working order of energy-using units.

The personnel of supervision over energy conservation shall be impartial in law enforcement and bear the obligation to safeguard the commercial secrets acquired in the supervision work of energy conservation.

Article 12 The administrative departments in charge of energy conservation shall publicize the telephone and fax numbers as well as email and postal addresses for reports of energy conservations.

Article 13 The administrative departments in charge of energy conservation shall, after receiving the reports of energy conservation, truthfully make the registration of them. As to those which have explicit basic information, specific illegal facts, clear clues and supplement and evidence materials attached to, the administrative departments in charge of energy conservation shall timely accept them.

清楚、有具体违法事实、线索清晰并附带证据材料的举报，节能行政主管部门应当及时受理。

对要求答复的举报，节能行政主管部门应当及时按照举报人提供的名称、地址及联系方式予以答复。

第十四条 有下列情形之一的，节能行政主管部门应当实施现场监察：

（一）用能单位因技术改造或者其他原因，致使其主要用能设备、生产工艺或者能源消费结构发生重大变化的；

（二）通过举报或者其他途径，发现用能单位涉嫌违反法律、法规、规章、相关标准以及国家和市人民政府有关节能规定用能的；

（三）需要对用能单位能源利用状况进行现场监测的；

（四）需要现场确认用能单位落实节能整改措施情况的；

（五）按照节能监察工作计划要求，应当进行现场监察的；

（六）法律、法规、规章规定应当实施现场监察的其他情形。

第十五条 节能行政主管部门采取书面监察的，用能单位应当按照节能行政主管部门规定的监察内容和时间要求如实报送能源利用状况报告或者其他资料。

第十六条 节能监察人员实施现场监察时，应当出示节能监察证件，制作现场监察笔录，如实记录实施节能监察的时间、地点、内容、参加人员和现场监察的实际情况，并由节能监察人员和用能单位有关负责人签字或者盖章；用能单位负责人拒绝签字或者盖章的，由两名以上节能监察人员在监察笔录中如实注明。

第十七条 节能监察人员实施节能监察时，可以采取下列措施：

（一）询问有关人员，要求用能单位就监察事项所涉及的问题做出解释和说明；

（二）查阅、复印或者抄录有关资料；

（三）根据需要对有关产品、设备、资料、场景等进行录像、拍照；

（四）对有关产品、设备、场所等进行检查、检验检测；

Where a report requires a reply, the administrative department in charge of energy conservation shall timely make a reply according to the name, address and means of contact provided by the reporting person.

Article 14 In any of the following circumstances, the administrative departments in charge of energy conservation shall conduct on-the-spot supervision:

(1) where the technical innovation or other reason of an energy-using unit results in significant changes in its main energy-using equipment, production technique or structure of its energy consumption;

(2) where it, through a report or another means, is found that an energy, using unit is suspected of using energy in violation of laws, regulations, rules, related standards concerning energy conservation as well as relevant provisions of the State and the Municipal People's Government on energy conservation;

(3) where it is necessary to conduct on-the-spot supervision and monitoring on the energy utilization of an energy-using unit;

(4) where it is necessary to make certain an energy-consuming unit's implementation of rectification and improvement measures for energy conservation on the spot;

(5) where on-the-spot supervision shall be conducted as required in the supervision work plan of energy conservation; or

(6) other circumstances in which on-the-spot supervision shall be conducted as stipulated in laws, regulations or rules.

Article 15 Where the administrative department in charge of energy conservation conducts supervision in writing, the energy-using units shall, according to the contents of supervision and time requirements prescribed by the administrative departments in charge of energy conservation, truthfully submit the reports on energy utilization or other materials.

Article 16 The personnel of supervisions over energy conservation shall, while conducting on-the-spot supervision, produce certificates for supervision over energy conservation, take on-the-spot supervision notes to truthfully record the time, place, and contents of supervision over energy conservation, as well as the participants and the actual circumstances of the on-the-spot supervision, on which the personnel of supervision over energy conservation and the relevant responsible persons of the energy-using units shall sign or stamp. Where the responsible person of an energy-using unit refuses to sign or stamp on the notes, more than two personnel of supervision over energy conservation shall clearly describe the situation in the supervision notes.

Article 17 The personnel of supervision over energy conservation may take the following measures while conducting supervision over energy conservation:

(1) to query relevant persons and require the energy, using units to give an explanation or illustration about the problems involved in the supervision;

(2) to look up, duplicate or copy down relevant materials;

(3) to record videos or take photographs of relevant products, equipment, materials or scenes where necessary;

(4) to conduct inspection, check-up or testing on relevant products, equipment and

(五) 法律、法规、规章规定可以采取的其他措施。

第十八条 用能单位应当配合节能监察工作，如实说明情况，提供相关资料、样品，不得阻碍节能监察，不得隐瞒事实真相，不得伪造、隐匿、销毁、篡改有关证据。

第十九条 用能单位违反国家和市人民政府有关节能规定不合理用能的，由节能行政主管部门下达节能监察意见书。用能单位应当及时采取措施予以改进。

节能行政主管部门对被下达节能监察意见书的用能单位要进行重点监察，督促用能单位按照要求进行整改。

第二十条 用能单位对节能监察意见书有异议的，可以在收到节能监察意见书之日起 10 个工作日内申请节能行政主管部门复查；节能行政主管部门应当在收到复查申请之日起 15 个工作日内将复查结果告知用能单位。

第二十一条 节能行政主管部门应当建立节能违法行为记录系统，向社会公开用能单位因违法用能受到行政处罚的情况和被下达节能监察意见书后的整改工作情况等信息。

第四章 法律责任

第二十二条 用能单位存在违法用能行为的，由节能行政主管部门或者其他负有节能监督管理工作职责的部门依照有关法律、法规和规章的规定，对其进行处罚。

节能行政主管部门对于不属于节能监察职权范围的违法用能行为，应当及时移送有监督管理权的有关部门处理。

第二十三条 用能单位违反本办法第十八条规定，拒不提供相关资料、样品，或者隐瞒事实真相，伪造、隐匿、销毁、篡改证据的，由节能行政主管部门责令改正，给予警告，并处 1000 元罚款，对直接负责的主管人员和其他责任人员处 500 元罚款。

第二十四条 用能单位阻碍节能监察工作的，按照《中华人民共和国治安管理处

places; or

(5) other measures that may be taken as stipulated by laws, regulations or rules.

Article 18 The energy, using units shall cooperate with the supervision work of energy conservation, truthfully explain the circumstances and provide relevant materials or samples, shall not obstruct the supervision over energy conservation, conceal the truth or forge, hide, destroy or tamper with relevant evidences.

Article 19 Where an energy-using unit, in violation of the relevant provisions of the State and the Municipal People's Government concerning energy conservation, fails to use energy rationally, the administrative department in charge of energy conservation shall give it an opinion letter of supervision over energy conservation. The energy-using unit shall timely take measures for improvement.

The administrative department in charge of energy conservation shall conduct key supervision on the energy-using unit that has been given an opinion letter of supervision over energy conservation and urge the energy-using unit to make rectification and improvement as requested.

Article 20 Where an energy, using unit disagree with the opinion letter of supervision over energy conservation, it may, within 10 working days as of the date of receipt of the opinion letter of supervision over energy conservation, apply to the administrative department in charge of energy conservation for review; the administrative department in charge of energy conservation shall, within 15 working days as of the date of receipt of the application for review, inform the energy,using unit of the result of review.

Article 21 The administrative departments in charge of energy conservation shall establish a record system for illegal acts of energy consumption, and make known to the public the administrative penalties received by the energy-using units because of illegal energy-using, the rectification and improvement made upon receipt of the opinion letters of supervision over energy conservation and other related information.

Chapter IV Legal Liability

Article 22 An energy using unit which commits an illegal act of energy-using shall be penalized by the administrative department in charge of energy conservation or other department with the functions and duties of supervision over and administration of energy conservation in accordance with the provisions of relevant laws, regulations and rules.

As to an illegal act of energy-using beyond the functions and duties of supervision over energy conservation, the administrative department in charge of energy conservation shall timely transfer it to the relevant department with the power of supervision and administration for disposal.

Article 23 An energy-using unit which, in violation of the provisions of Article 18 of these Measures, refuses to provide the relevant materials or samples, or conceal the truth, forge, hide, destroy or tamper with the evidences, shall be ordered to make corrections, given a warning and concurrently imposed a fine of 1000 yuan by the administrative department in charge of energy conservation; and the directly responsible person-in-charge and other responsible persons shall be imposed a fine of 500 yuan.

罚法》的有关规定予以处理。

第二十五条 节能行政主管部门及其工作人员有下列情形之一的，对直接负责的主管人员和其他直接责任人员依法给予行政处分；构成犯罪的，依法追究刑事责任：

- （一）泄露用能单位商业秘密的；
- （二）利用职务之便谋取非法利益的；
- （三）违法向用能单位收取费用的；
- （四）有其他违法行为并造成较为严重后果的。

第五章 附 则

第二十六条 本办法自 2006 年 7 月 20 日起施行。

Article 24 An energy-using unit which obstructs supervision over energy conservation shall be dealt with in accordance with the relevant provisions of the Law of the People's Republic of China on Administrative Penalties for Public Security.

Article 25 Where the administrative departments in charge of energy conservation or any of their functionaries fall in any of the following circumstances, the directly responsible person-in-charge and other responsible persons shall be given administrative sanctions according to law; if a crime is constituted, criminal liability shall be investigated for according to law:

- (1)divulging energy-using units' commercial secrets;
- (2)taking advantage of their positions for seeking illegal gains;
- (3) illegally charging energy-using units; or
- (4)commit other illegal acts and cause relatively serious results.

Chapter V Supplementary Provisions

Article 26 These Measures shall be effective as of July 20 , 2006.

（六）生态环境

北京市公园条例

（2002年10月17日北京市第十一届人民代表大会常务委员会第三十七次会议通过 根据2019年7月26日北京市第十五届人民代表大会常务委员会第十四次会议通过的《关于修改〈北京市河湖保护管理条例〉〈北京市农业机械化促进条例〉等十一部地方性法规的决定》修正）

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- 第二章 公园事业发展
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- 第六章 附 则

第一章 总 则

第一条 为了加强本市公园的规划、建设、管理和保护，保护公园生态环境，维护生物多样性，促进公园事业的发展，创造良好的人居环境，根据本市实际情况，制定本条例。

第二条 本市行政区域内的公园、公园周边景观以及规划确定的公园用地管理适用本条例。

本条例所称公园，是指具有良好的园林环境、较完善的设施，具备改善生态、美化城市、游览观赏、休憩娱乐和防灾避险等功能，并向公众开放的场所，包括：综合公园、专类公园（儿童公园、历史名园、植物园等）、社区公园等。

本市森林公园的建立、管理和保护，按照国家有关规定执行。

第三条 本市应当按照保护历史文化名城和建设现代化国际大都市的要求，规划、

vi. Ecological Environment

Regulations on Parks in Beijing Municipality

(Adopted at the 37th meeting of the Standing Committee of the 11th Beijing Municipal People's Congress on October 17, 2002, and amended in accordance with the Decision on Amending Eleven Local Regulations such as the Regulations on the Protection and Administration of Rivers and Lakes in Beijing, the Regulations of Beijing Municipality on the Promotion of Agricultural Mechanization, etc. adopted at the 14th meeting of the Standing Committee of the 15th Beijing Municipal People's Congress on July 26, 2019)

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Chapter I General Provisions

Article 1 The Regulations are formulated for the purposes of strengthening the planning, construction, management and protection of parks of this Municipality, protecting the ecological environment of parks, maintaining biodiversity, promoting the development of park undertakings and creating a favorable living environment in light of the actual situations in this Municipality.

Article 2 These Regulations shall apply to the parks, their peripheral landscapes and the land management of proposed parks located within the jurisdiction of this Municipality.

Parks employed in these Regulations refer to places open to the public that have enjoyable landscape and relatively complete facilities and that can improve the ecosystem, beautify the city, provide sightseeing, rest and recreation as well as shelters in case of disaster. They shall include comprehensive parks, special parks (children's parks, famous historical gardens and botanical gardens, etc.) and community parks.

The establishment, management and preservation of forest parks in this municipality shall be carried out in accordance with relevant provisions of the State.

Article 3 Parks in this Municipality shall be planned, constructed and managed in

建设、管理公园，发展公园事业。

第四条 本市各级人民政府应当将公园事业纳入国民经济和社会发展规划，保证公益性公园建设和管理所必需的经费，保障公园事业发展的需要。

第五条 市园林绿化部门主管本市公园工作，负责本条例的组织实施。

区人民政府园林绿化部门按照职责分工负责本行政区域内的公园管理监督工作。

本市各级人民政府有关部门应当按照各自的职责，依法对公园工作进行管理。

第六条 本市公园实行分级、分类管理。

本市公园的名录、等级、类别由市园林绿化部门按照有关规定确定并公布。

第七条 本市对在公园建设、管理和保护工作中成绩显著的单位和个人给予表彰和奖励。

第八条 任何单位和个人都有保护公园的义务，对违反本条例的行为有权劝阻、举报和控告。

第二章 公园事业发展

第九条 市园林绿化部门应当会同市人民政府有关部门依据北京城市总体规划和绿地系统规划编制公园事业发展规划及实施计划，报市人民政府批准后实施。

第十条 本市应当积极保护、利用历史名园，发展建设大、中型公园，并注重建设小型公园。

新建居住区必须按照规定标准建设居住区公园。

旧城区改造、新区开发应当规划建设公园。

城市道路两侧、河道两侧，有条件的应当结合周边环境建设公园。

第十一条 任何单位和个人不得擅自改变公园的功能，不得侵占公园用地，不得擅自改变公园用地性质。

规划确定的公园用地不得擅自改作他用，确需调整时，应当制定调整方案，调整方案需经规划自然资源、园林绿化等部门论证提出意见，报市人民政府审批。

已经占用公园土地、房屋的单位和个人，应当迁出。

such a way as to meet the requirements for protecting a well-known historical and cultural city and building a modernized metropolis.

Article 4 People's governments at various levels of this Municipality shall include in their respective plans for national economic and social development the need to develop parks so as to secure the budgets necessary for the construction and management of non-profit parks and the development of parks.

Article 5 The departments for landscaping shall be charged with park management in this Municipality and responsible for enforcing these Regulations.

The departments for landscaping of district and county people's governments shall be responsible for the management and supervision of parks located within their respective jurisdictions according to their functions and duties.

Relevant administration departments of people's governments at various levels in this Municipality shall manage that part of work relating to parks within their purviews.

Article 6 Parks in this Municipality shall be managed based on a rating and classification system.

The list, rating and category of parks in this Municipality shall be determined and made public by the departments for landscaping pursuant to relevant provisions.

Article 7 This Municipality shall commend and award those units and individuals that score outstanding results in park construction, management and protection.

Article 8 All units and individuals have the duties to protect parks and enjoy the right to intervene, report the case of and accuse the acts that violate these Regulations.

Chapter II Development of Parks

Article 9 The departments for landscaping shall, along with relevant administration departments of the Municipal People's Government, develop a systematic plan and implementing plan for park development in accordance with the overall city planning and green space planning, and submit them to the Municipal People's Government for approval before implementation.

Article 10 This Municipality shall protect and utilize the famous historical gardens in an active manner, develop and construct large and medium-sized parks, and prioritize the establishment of small parks.

Residential area parks shall be built in newly constructed residential areas in conformity with the criteria as specified.

Parks shall be planned and built in reformed old city area and new-developed areas.

Parks shall also be built on either side of city streets and river-way in context with the surrounding environment when possible.

Article 11 No unit or individual shall alter the functions of park without authorization, nor occupy the parkland, nor change its nature.

The land that has already be determined and planned for park construction shall not be used without approval. Where it is necessary for modification, an adjustment plan should be drafted and its feasibility shall be subject to demonstration by the departments for planning and natural resources and the departments for landscaping before its submission to the Municipal People's Government for examination and approval.

Those units and individuals that have already occupied parkland and houses shall vacate therefrom.

第十二条 新建公园应当尽可能选择历史、文化等遗址、遗迹及其他具有纪念意义的区域地点。

鼓励利用荒滩、荒地、废弃地、垃圾填埋场等建造公园。

第十三条 本市公益性公园应当以政府组织建设为主导。

本市鼓励自然人、法人和其他组织投资建设公益性公园或者以捐赠、认养等方式参与公园建设。

第十四条 各级人民政府应当制定积极的政策和措施，促进公园事业的发展。

第十五条 各级人民政府应当支持公园事业的科学技术研究工作，鼓励科学技术和先进管理经验的推广运用，并按照保护生物多样性的原则和保护文化、自然遗产的要求，加强对公园文化、自然资源的有效保护和科学利用。

第三章 建设与保护

第十六条 新建、改建、扩建公园应当符合本市公园事业发展规划。

新建公园应当对公园地点、资金等方面，进行综合分析论证，提出可行性报告、计划报告书等。

新建动物园、植物园除应当遵守前款规定外，还应当在动物、植物资源和技术条件、专业管理人员的配备等方面符合有关规定。

第十七条 公园的设计应当由具有相应园林规划设计资质的单位承担，设计方案应当符合公园设计规范，并按照国家和本市有关规定申报批准。

经批准的公园设计方案确需调整的，应当报原审批机关批准。

第十八条 公园建设施工必须按照批准的公园设计方案进行。建设施工应当由具有相应等级资质的单位承担。

新建、改建、扩建公园竣工后，应当由园林绿化、规划自然资源、住房城乡建设、公安等有关部门验收合格后方可投入使用。

第十九条 建造公园应当以创造优美的绿色环境为基本任务。公园绿化应当科学合理地配置植物群落，注重生态和景观效应。公园的绿化用地比例应当不少于陆地面

Article 12 New parks shall be built as much as possible in selected places of historic and cultural interest or relics sites and other region-specific memorial places.

It is encouraged to build parks in barren riverside, infertile land, wasteland and garbage landfills.

Article 13 The construction of non-profit city parks shall be organized by government.

Natural persons, legal persons and other organizations are encouraged to build non-profit parks or take part in park construction through such methods of endowments and adoptions.

Article 14 People's governments at all levels shall develop active policy and measures to boost the development of parks.

Article 15 People's governments at all levels shall be supportive of scientific and technological research on parks, encourage the spread and application of science and technology as well as advanced management experience, and strengthen the effective preservation and scientific utilization of park cultural and natural resources in accordance with the principle of protecting bio-diversity and the requirements for protecting cultural and natural heritages.

Chapter III Construction and Protection

Article 16 Parks shall be built, re-built or extended in line with the municipal planning for park development.

Feasibility studies and planning reports for new parks shall be submitted for an all-round analysis and documentation with reference to their locations and financial resources.

Except for the provisions of the preceding paragraph, relevant provisions concerning the sources of flora and fauna as well as their technical conditions and staffing of professional park-keepers shall be followed for building new zoos and botanical gardens.

Article 17 The parks shall be designed by units acquiring corresponding gardening planning and design expertise. Their designs shall meet the standards for park designing and be submitted for approval pursuant to relevant provisions of the State and this Municipality.

Where it is really necessary to modify the park design already approved, approval for modification shall be sought from the original organ.

Article 18 The park construction work shall be carried out in accordance with the park design as approved. It shall be undertaken by units having corresponding ratings of qualification.

Upon their completion, newly built, re-built and extended parks shall be put into use after the check and acceptance of the departments for landscaping, planning and natural resources, housing and urban-rural development, public security as well as other relevant administration departments.

Article 19 The park construction shall be basically aimed at creating an excellent green environment. The park shall be decorated with myriad of vegetations in a scientific

积的 65%。

已建成公园的绿化用地比例未达到规定标准的，不得新建、扩建各类建筑物、构筑物。

第二十条 公园设计必须确定公园的游人容量，游人人均占有公园的陆地面积不得低于 15 平方米。

公园主要出入口的位置必须与城市交通和游人走向、流量相适应。公园主要出入口外应当根据规划和交通的需要设置游人集散广场、停车场、自行车存放处。收费公园主要出入口外集散场地的面积不得低于每万人 500 平方米。

大、中型公园出入口周围 50 米范围内禁止设置商业、服务业摊点。

第二十一条 公园内水、电、燃气、热力等市政管线和其他市政设施应当隐蔽布置，不得破坏公园景观，不得设在主要景点和游人密集活动区，不得影响树木的生长，不得危及游人人身及财产安全。不符合规定设置的，应当改建。

第二十二条 公园内的各类设施应当与公园功能相适应，与公园景观相协调。

花坛、草坪、喷水池、假山、雕塑、亭榭、回廊等设施，应当突出文化内涵，讲求文化品位，注重艺术效果，配合环境增进景色。

公共厕所、果皮箱、园灯、园椅等设施的数量应当按照公园设计规范设置。公共厕所的建设不得低于本市规定的二类建设标准。

餐厅、茶座、咖啡厅、小卖部、照相服务部等商业服务设施应当统一规划，控制规模，并应当按照批准的公园设计方案设置。

禁止在公园内新建旅馆、饭店、办公楼以及其他不符合要求的建筑。对已建的，应当逐步拆除。

第二十三条 在公园出入口、主要园路、建筑物出入口及公共厕所等处应当设置无障碍设施。

第二十四条 在公园内进行工程施工的，建设单位应当征得公园管理机构同意，报有关部门批准后方可进行。

在公园内进行工程施工的，不得破坏公园景观及各类设施，不得影响游人游览安全。施工现场用地范围的周边应当进行围挡，围挡设置高度不低于 1.8 米。对可能影

and rational manner with an emphasis on ecosystem and scenic effect. The green space of a park shall not be less than 65% of its land.

Where the parks already built fail to reach the target set for the green space proportion, no buildings or structures shall be built or re-built in them.

Article 20 The park design shall determine the capacity of receiving visitors, and the average per-visitor land-size shall not be less than 15 square meters.

The main entrances and effects of park shall be located in such a way as to correspond with the city traffic and visitors movement direction and flow. Visitors' assembly and dispersal squares, parking lots and bicycle parking places shall be built depending on the need of planning and traffic. There shall be an assembly and dispersal place not less than 500 square meters per ten thousands persons outside the main entrances and exits of fee-charging park.

There shall be no commercial or catering stalls within 50 meters of the entrances and exits of a large or medium-sized park.

Article 21 All pipes or lines for water, electricity, gas and heating and other municipal facilities inside the parks shall be laid out in a concealed manner. They shall not be installed in such a way as to make dent on the park's landscape, nor shall they be installed in the primary scenic spots and visitor-intensive areas. They shall not affect the growth of trees, endanger the lives of visitors or damage the property. Installations that are not in accordance with these provisions shall be re-installed.

Article 22 All facilities and amenities inside a park shall be commensurate with its functions and harmonious with its landscape.

Flower beds, lawns, fountains, rockeries, sculptures, pavilions, winding corridors and other facilities shall all highlight the cultural contents and taste, focus on artistic effects and are relevant to the ambience and contributing to the landscape.

The number of public lavatories, litter boxes, park lamps, park benches and other facilities shall be installed according to the standards for park design. The lavatories shall not be built with standards lower than second-class as prescribed by this Municipality.

Canteens, tea-rooms, coffee shops, kiosks, photo service and other commercial facilities shall be planned in a unified manner and in sizes kept under control and shall be installed according to the park design as approved.

No new hotels, restaurants, office buildings and other structures that fail to satisfy the criteria shall be erected. Those already built shall be demolished gradually.

Article 23 Handicap-free accesses shall be installed in the main entrances and exits, along the main paths, and in the entrances and exits of main buildings and public lavatories of a park.

Article 24 The construction unit shall seek the endorsement of a park authority if it carries out construction work inside the park, and shall submit the request to the department concerned for approval before commencing the work.

Those carrying construction work inside a park shall not damage its landscape, facilities and amenities, nor shall it endanger visitors' safety. The construction site shall be enclosed

响游人游览安全的，应当设置安全警示标志，并在工程险要处采取有效的安全保障措施。施工结束后，应当恢复原貌。

第二十五条 市政公用工程涉及公园用地的，应当采取避让措施。确需穿越公园或者临时占用公园内土地的，建设单位应当征得公园管理机构和园林绿化部门同意，报有关部门批准后方可进行。

市政公用工程确需穿越历史名园的，建设单位应当经市园林绿化部门同意，报市人民政府批准后方可进行。

第二十六条 公园内新设大型游乐设施，应当进行论证。其中必须对公园景观、环境的影响进行分析预测；对安全技术条件进行评估。

设置游乐设施必须符合国家和本市有关技术、安全标准和规定。

历史名园内禁止设置大型游乐设施，已设置的应当限期拆除。

第二十七条 本市对公园周边可能影响公园景观的建设项目，实行严格控制。具体的控制范围和要求由市规划自然资源、园林绿化等部门共同制定。

公园周边建设工程应当与公园景观相协调。

第二十八条 市园林绿化部门应当会同市规划自然资源、文物部门依法对历史名园划定保护范围和建设控制地带，并报市人民政府批准。

第二十九条 历史名园保护区应当以保护原有风貌和格局为原则。禁止损毁、改建、拆除原有文物建筑及其附属物，禁止建设影响原有风貌和格局的建筑物、构筑物。

历史名园周边建设控制地带内的建筑高度、形式、体量、色彩必须与公园景观相协调。具体的控制标准由市园林绿化、规划自然资源、文物等部门共同制定，报市人民政府批准。

第三十条 对已经列入世界文化和自然遗产名录的历史名园，市人民政府应当依照规定要求制定有效措施，严格保护。

对无法以人力再造和无法再生的自然景观或者具有特殊历史文化价值的人文景观，禁止改变原有风貌和格局。

第三十一条 对历史名园的利用必须在坚持原有风貌、风格、布局和反映历史文化真实性原则的基础上，按照经批准的规划和谐进行。

with safety barrier, whose height is not lower than 1.8 meters. Safety precaution signs shall be erected in places that might endanger the lives of visitors. And effective safety precaution measures shall be adopted where the critical points of construction are located. Upon completion of construction, the construction sites shall be returned to normalcy.

Article 25 Where a municipal work project involves the parkland, measures shall be taken to avoid such situation. Where it is really necessary for it to cross the park or temporarily occupy the land inside a park, the construction unit shall obtain the endorsement of the park authority and departments for landscaping and apply to the department concerned for approval prior to the construction.

Where it is really necessary for a municipal work project to cross a famous historical garden, the construction unit shall apply to the Municipal People's Government for approval after securing the endorsement of the departments for landscaping.

Article 26 The establishment of new amusement facilities in a park shall be subject to feasibility study, in which the analysis and forecast of effects on the park landscape and environment shall be highlighted, and the safety-related technologies shall be assessed.

The establishment of amusement facilities shall meet relevant safety and technical standards as well as provisions of the State and this Municipality.

No large amusement facilities shall be installed in famous historical parks, and those established shall be demolished within a time limit.

Article 27 This Municipality shall exercise strict control of any construction projects around a park that could have an adverse impact on its landscape. The scope of control and requirements shall be jointly formulated by relevant municipal administration departments, including the departments for planning and natural resources and the departments for landscaping.

All the construction project surrounding a park shall be in harmony with the park's landscape.

Article 28 The departments for landscaping shall, along with the departments for planning and natural resources and cultural relics, determine the scopes of preservation and construction control zone for famous historical parks according to law and report to the Municipal People's Government for approval.

Article 29 The preservation zone of a famous historical park shall respect the principle of preserving the original physiognomy and pattern. It is forbidden to destroy, rebuild or dismantle the original relics and their auxiliary decorations and to have buildings and structures damaging the original physiognomy and pattern.

The height, type, size and color of structures within the control zone of a famous historical park shall be harmonious with the park landscape. The specific standards for such control shall be jointly formulated by the departments for landscaping, planning and natural resources and cultural relics and submitted to the Municipal People's Government for approval.

Article 30 The Municipal People's Government shall, according to the requirements of relevant provisions, take effective measure to strictly protect those famous historical parks that have been included in the list of world cultural and natural heritages.

It is forbidden to alter the physiognomy and pattern of natural landscapes or scenic spots of human interests and special historical value that could not be re-created or reproduced.

Article 31 Based upon the principles of preserving the original physiognomies,

恢复历史文化遗址、遗迹必须经过专家论证，并按照有关文物保护的规定进行。

第三十二条 历史名园内文物建筑的维护、修缮等工作应当按照国家和本市有关文物保护的法律、法规进行。

第三十三条 对历史名园保护的经费各级人民政府应当给予财政保障。

第四章 管理与服务

第三十四条 公园管理机构应当履行下列职责：

- （一）依据规划进行建设；
- （二）建立健全公园管理的各项制度；
- （三）根据需要可以依法制定游园须知；
- （四）保持园内设备、设施完好，加强安全管理，维护公园的正常游览秩序；
- （五）依法管理、保护公园的财产和景观，对破坏公园财产及景观的行为有权制止，

并要求赔偿或者补偿；

- （六）按照价格主管部门批准的项目、标准收费；
- （七）园林绿化部门规定的其他职责。

第三十五条 公园应当每日开放。因故不能开放的，应当提前公示。

公园的开放时间、收费标准及对老年人、残疾人、军人、儿童、学生等的优惠办法应当公示。

游人进入收费公园应当按照规定购买门票。

第三十六条 公园园容应当符合下列要求：

- （一）清新、整洁、美观；
- （二）绿化植被长势良好；
- （三）建筑物、构筑物外观完好；
- （四）设施完好；
- （五）水体清洁，符合观赏标准，并保持一定水位；
- （六）无外露垃圾，无积水、无污物、无痕迹及烟头。

第三十七条 在公园内禁止焚烧树枝树叶、垃圾和其他杂物；禁止搭建棚舍；禁

styles and patterns of famous historical parks and reflecting their historical and cultural authenticity, the utilization of famous historical parks shall be carried out in accordance with the approved plan and in a harmonious manner.

The resumption of historical and cultural ruins shall be justified by experts and carried out according to the provisions for the preservation of cultural relics.

Article 32 Maintenance and repairing of relic structures inside famous historical parks shall be conducted in accordance with the laws and regulations of the State and this Municipality for the preservation of cultural relics.

Article 33 The people's governments at all levels shall secure the financial resources for the preservation of famous historical parks.

Chapter IV Management and Service

Article 34 The park administrative authority shall perform the following functions:

- (1) building parks pursuant to the planning;
- (2) formulating and perfecting rules for park management;
- (3) formulating park by-laws pursuant to the law when necessary;
- (4) keeping intact parks' facilities and amenities, intensifying the safety management and maintaining a normal order for visitors;
- (5) managing parks by law, protecting parks' properties and landscapes, and enjoying the right to intervene in acts of vandalism and demanding compensation;
- (6) charging admission fees in accordance with the items and criteria approved by pricing administration department in charge; and
- (7) Performing other functions specified by the departments for landscaping.

Article 35 Parks shall open to the public every day. In case of shutdown for due reasons, public notice shall be posted.

The opening time, fee-charging criteria as well as the preferential treatment for the aged, disabled, servicemen, children and students shall be made public.

Visitors shall purchase tickets for entering fee-charging parks according to the provisions.

Article 36 Parks' appearance shall satisfy the following requirements:

- (1) being fresh, clean, tidy and agreeable;
- (2) having well-grown green vegetation;
- (3) having undamaged building and structure facades;
- (4) having well-kept facilities and amenities;
- (5) having clean water that satisfies the need of sightseeing and being kept at certain level; and
- (6) having no exposed garbage, pools of water, spitting remains or cigarette butts.

Article 37 It is forbidden to bum tree twigs and leaves, garbage and other miscellaneous matters inside a park. No sheds or shacks shall be set up. No stalls of vendors and hawkers are allowed without authorization. Nothing shall be stacked or piled at random

止擅自摆摊设点；禁止随意堆放物料、拉绳挂物。

第三十八条 公园的各类牌示应当保持整洁完备，牌示上的文字图形应当规范，牌示内容中的文字应当中外文对照。损坏、丢失的，应当及时更换或者补设。

公园入口处明显位置应当设置游园示意图、公园简介、游园须知；殿堂、展室入口处应当设置简介；主要路口应当设置指示标牌。

第三十九条 公园的服务人员必须经过培训，并且佩带标志，遵守服务规范。

在公园内从事导游活动的人员必须具有导游资格。

第四十条 公园可以为婴幼儿、老年人、残疾人提供儿童车、轮椅车等游览代步工具。

第四十一条 公园建筑物、高大游乐设施、公园制高点等应当安装防雷设备。

公园内应当合理设置消防水源、消防设施，保证消防通道畅通。

公园内的各类设备、设施应当定期维护检查，保持完好、安全、有效。

公园内的游乐项目未经有关部门检验合格不得运营。各类游乐项目必须公示安全须知。

第四十二条 非游泳区、非滑冰区、防火区、禁烟区应当设置明显的禁止标志。

第四十三条 除老年人、残疾人、儿童等使用的手摇、手推轮椅车和儿童车外，其他车辆未经允许不得进入公园。

第四十四条 经批准在公园内举办大型活动，搭建舞台、展台等临时设施的，不得影响公园景观。举办活动期间，活动举办单位应当及时清除垃圾等各类废弃物；活动结束后，应当及时清理场地，拆除临时设施，恢复公园景观、绿地、设施原状。对公园树木、草坪、设施造成损坏的，应当赔偿。

在公园内拍摄电影、电视应当经公园管理机构同意，报有关部门批准，保证公园财产安全和游人的人身安全。涉及文物的，应当遵守文物保护相关法律法规。

第四十五条 游人应当文明游园、爱护公物、保护环境，不得影响和妨碍他人游览、休憩。

第四十六条 游人游览公园禁止下列行为：

（一）翻越围墙、栏杆、绿篱，在禁烟区吸烟，在非游泳区游泳，在非滑冰区滑冰，

and no ropes shall be strung for hangings at will.

Article 38 All signs in a park shall be kept clean and in good state. Their inscriptions and diagrams shall meet the standards and the inscriptions shall be written in Chinese and a foreign language. Any damaged and lost signs shall be replaced or repaired in time.

Visitor's roadmap, park's brief introduction and by-laws shall be posted in conspicuous places near the park entrance. Introduction boards shall also be erected at the entrances to halls and exhibition halls. Road signs shall be placed in the main intersections.

Article 39 All staff members of a park shall undergo training and bear staff ID cards and abide by the service norms.

All persons serving as guides shall have qualifications for tour guides.

Article 40 Parks may provide babies, the aged and the disabled with prams, wheelchairs and other touring vehicles.

Article 41 Anti-lightning equipment shall be installed on park building and structures, tall amusement facilities and park vintage points.

Fire-fighting water sources and fire-extinguishing facilities shall be fixed inside the park in a rational manner and free passage for fire brigades shall be guaranteed.

All the facilities in a park shall undergo regular maintenance and inspection so as to keep them workable and safe and in an efficient state.

The amusement items inside a park shall not be operated before passing the inspection by the department concerned. All the amusement items shall publicize their safety rules.

Article 42 Conspicuous signs of ban shall be posted in non-swimming, nonskating, fire-preventing and no-smoking areas.

Article 43 Vehicles other than the hand-driven or hand-pushed wheelchairs and prams for older persons, disabled persons or children, shall not enter a park without permission.

Article 44 Where a stage or exhibition booths as well as other temporary facilities are set up for permitted major events, they shall not affect the park's landscape. During the event, the event sponsors shall remove the garbage and litter in a timely manner. Upon completion of the event, they shall clean up the whole place without delay and remove all the temporary structures so as to return the park's landscape, green space and facilities to normalcy. Where any damage is done to the park trees, lawns or facilities, compensation shall be made.

Shooting of films or TV dramas in a park shall be approved by the park management authority and submitted to the department concerned for approval. The safety of properties in the park and visitors' lives shall be ensured. Where cultural relics are involved, relevant laws and regulations on the protection of cultural relics shall be observed.

Article 45 Visitors shall behave in a civilized manner when visiting a park. They shall take care of the public property, protect the environment and refrain from doing anything that could disrupt others' sightseeing or rest.

Article 46 Where visiting a park, visitors are forbidden to conduct the Following acts:

(1)Climbing over the fence in non-swimming area, skating in non-skating areas, angling in non-fishing area, playing football in places not for sports activities, roller-skating, spitting

在非钓鱼区钓鱼，在非体育运动场所踢球、滑旱冰，随地吐痰、便溺，乱丢果皮（核）、烟头、口香糖等废弃物；

（二）营火、烧烤，捕捞、捕捉动物，采挖植物，恐吓、投打、伤害动物或者在非投喂区投喂动物；

（三）在建筑物、构筑物、设施、树木上涂写、刻划，攀折花木，损坏草坪、树木；

（四）其他影响园容和游览秩序的行为。

第四十七条 在公园内禁止追逐游客强行兜售物品，影响游览秩序。

第四十八条 公园管理机构应当按照公园设计规定的游人容量接待游人。在公园开放时，遇有紧急情况或者突发事件，应当按照应急预案采取临时关闭公园、景区、展馆，疏散游人等措施，并及时向园林绿化部门和有关部门报告。

第四十九条 对发生地震等重大灾害需要进入公园避灾避险的，公园管理机构应当及时开放已经划定的避难场所。公园内避灾的居民应当服从公园管理机构的管理。灾害消除后，在公园避灾的居民应当及时撤出，公园管理机构应当恢复公园原貌。

第五章 法律责任

第五十条 违反本条例的行为，法律、法规已经规定法律责任的，依照其规定追究法律责任。

第五十一条 违反本条例第十一条第一款规定，有下列行为的，按下列规定处罚：

（一）擅自改变公园功能的，责令限期改正，恢复原功能，并可以处1万元以上10万元以下罚款；

（二）侵占公园用地的，责令立即腾退，恢复原状，并可以按照侵占面积每平方米处300元罚款；造成损失的，依法承担赔偿责任。

第五十二条 违反本条例第十八条第二款规定，公园未经验收交付使用的，责令改正，并可以处1万元以上10万元以下罚款。

and emptying the bowels and urinating on the spot, or littering fruit peels (frits/shells), cigarette butts or chewing guns;

(2)making campfire, grilling,fishing, catching animals, digging for plants, threatening striking, hurting animals or feeding animals in non-feeding areas;

(3)Painting graffiti, drawings on buildings, structures, facilities or trees, snapping twigs or flowers, or damaging lawns or trees; and

(4)other acts detrimental to the park appearance or visiting order.

Article 47 No hard sell is allowed in the park, nor is any act not conducive To the maintenance of park order.

Article 48 The park management shall receive visitors in accordance with the volume projected in the park design. In the event of an emergency or crisis happening during the park opening hours, pursuant to the contingency plan, measures such as temporary close-down of the park, sightseeing areas and exhibition halls as well as dispersal of visitors shall be taken, and it shall be reported to the departments for landscaping and relevant departments concerned in a timely manner.

Article 49 The park management shall open the shelter areas previously demarcated to the people entering the park for preventing from danger and disasters in the event of an earthquake or other major disasters. Those residents taking shelter inside the park shall subject themselves to the guidance of the park authority. Where the disaster is over, the residents shall withdraw from the park without delay and the park management shall return the park to normalcy.

Chapter V Legal Liabilities

Article 50 Where relevant laws and regulations have already provided for the legal liabilities for acts violating the present Regulations, legal liabilities shall be ascertained pursuant to the provisions of those laws or regulations.

Article 51 Where the provisions of the paragraph one of Article 11 of these Regulations are violated and the following acts are conducted, the following provisions shall be observed for meting out penalties:

(1) Those who alter a park's functions without authorization shall be ordered to make corrections and to return the park to its original function within a time limit and a fine not less than 10,000 yuan but not more than 100,000 yuan may be imposed additionally;

(2) Those who occupy a park's land shall be ordered to vacate the land without delay and return the park to its normalcy, and a fine of 300 yuan per occupied square meter may be imposed additionally. Where damage is caused, compensation shall be made pursuant to the law.

Article 52 Where the provisions of the paragraph two of Article 18 of these Regulations are violated and a park is open to the public without prior check and acceptance, an order to rectify shall be given, and a fine not less than 10,000 yuan but not more than 100,000 yuan may be imposed additionally.

第五十三条 违反本条例第二十九条第一款规定，在历史名园保护区内建设影响原有风貌和格局的建筑物、构筑物的，责令限期拆除，恢复原貌；对违法建设建筑物、构筑物的，并可以按照违法建筑物、构筑物的面积每平方米处 300 元以上 3000 元以下罚款。对原有文物建筑及其附属物损毁、改建、拆除的，按照文物保护的法律、法规规定予以处罚和赔偿。

违反本条例第二十九条第二款规定，在历史名园周边建设控制地带内的建筑不符合建设控制标准的，责令限期整治、改建或者拆除。

第五十四条 违反本条例第三十条第二款规定，擅自改变无法以人力再造和无法再生的自然景观或者具有特殊历史文化价值的人文景观原有风貌和格局的，责令停止违法行为，并处 1 万元以上 10 万元以下罚款；造成损失的，依法承担赔偿责任；构成犯罪的，依法追究刑事责任。

第五十五条 公园管理机构有下列行为之一的，责令改正，并可以处 100 元以上 1000 元以下罚款：

- （一）未按照标准做好清扫保洁的；
- （二）搭建棚舍、擅自摆摊设点的；
- （三）随意堆放物料、拉绳挂物的；
- （四）牌示污损、丢失不及时更换或者补设的。

第五十六条 违反本条例第四十六条规定，有下列行为的，按下列规定处罚：

（一）翻越围墙、栏杆、绿篱，在禁烟区吸烟，在非游泳区游泳，在非滑冰区滑冰，在非钓鱼区钓鱼，在非体育运动场所踢球、滑旱冰，随地吐痰、便溺，乱丢果皮（核）、烟头、口香糖等废弃物的，责令改正，并可以处 20 元以上 50 元以下罚款；造成损失的，依法承担赔偿责任。

（二）营火、烧烤，捕捞、捕捉动物，采挖植物，恐吓、投打、伤害动物或者在非投喂区投喂动物的，责令改正，并可以处 50 元以上 100 元以下罚款；造成损失的，依法承担赔偿责任；构成犯罪的，依法追究刑事责任。

Article 53 Where the provisions of the paragraph one of Article 29 of these Regulations are violated and buildings and structures are made in a famous historical park that affect its original physiognomy and pattern, an order to demolish and return the park to its original appearance within a time limit shall be given, and a fine not less than 300 yuan but not more than 3,000 yuan per square meter may be imposed additionally. Where the original relic structures and their auxiliary decorations are damaged, altered or demolished, penalties shall be imposed and compensations made according to the laws and regulations concerning presentation of cultural relics.

Where the provisions of the paragraph two of Article 29 of these Regulations are violated, and the buildings structure, not meeting the standards are made within the control zone surrounding famous historic park, an order to reconstruct or demolish within a time limit shall be given.

Article 54 Where the provisions of the paragraph two of Article 30 of these Regulations are violated, and the natural scenery or places of human interests and extraordinary historic value that can not be re-created or re-produced are altered without authorization, an order to stop the illegal act shall be given and a fine not less than 10,000 yuan but not more than 100,000 yuan may be imposed additionally. Where damage is caused, responsibilities for compensation shall be imposed according to law. Where a crime is constituted, criminal responsibility shall be ascertained.

Article 55 Where any of the following acts is conducted by a park management, it shall be ordered to make corrections and a fine not less than 100 yuan but not more than 1,000 yuan may additionally be imposed:

- (1) failing to keep the park clean and tidy according to the requirements;
- (2) erecting sheds and shacks as well as accommodation of vendors and hawkers without permission;
- (3) piling and stacking materials and stringing rope for hangings at will; and
- (4) dirty, damaged or lost signs not being replaced or repaired.

Article 56 Where the provisions of Article 46 of the present Regulations are violated and any of the following acts is conducted, the following provisions shall be observed for meting out penalties:

(1) In case of climbing over the fence, railing and hedge, smoking in non-smoking area, swimming in non-swimming area, skating in non-skating area, angling in non-fishing area, playing soccer on non-sports areas, roller-skating, spitting empty bowl and urinating on the spot, littering of fruit peels (frits/shells), throwing cigarette butts or chewing gums etc., an order to make corrections shall be given and a fine not less than 20 yuan but not more than 50 yuan may be imposed additionally. Where damage is caused, compensation shall be made according to law;

(2) In cases of making camp fire, grilling, fishing, catching animals, digging for plants, threatening, striking, hurting animals or feeding animals in non-feeding areas, an order to make corrections shall be given and a fine not less than 50 yuan but not more than RMB100 yuan may be imposed additionally. Where damage is caused, compensation shall be made

（三）在建筑物、构筑物、设施、树木上涂写、刻划，攀折花木，损坏草坪、树木的，给予警告，并处 5 元以上 50 元以下罚款；造成损失的，依法承担赔偿责任。

对其他影响园容和游览秩序的行为，责令改正。

第五十七条 违反本条例第四十七条规定，在公园内追逐游客强行兜售物品，影响游览秩序的，责令改正，没收违法所得，并处 50 元以上 500 元以下罚款。

第五十八条 本条例规定的行政处罚，由城市管理综合执法部门按照市人民政府授权的范围依法实施。

第五十九条 对游人在公园内因意外事故造成人身伤害和财产损失的，应当分清责任，依法处理。

第六十条 负责管理、监督、保护公园的行政机关及其工作人员违反本条例规定，不履行法定职责或者滥用职权的，由上级行政机关或者有关部门责令改正，对直接负责的主管人员和其他直接责任人员依法给予行政处分；构成犯罪的，依法追究刑事责任。

第六章 附 则

第六十一条 本条例自 2003 年 1 月 1 日起施行。

according to law. Where a crime is constituted, criminal responsibilities shall be ascertained;

(3) In cases of painting graffiti, drawings on buildings, structures or trees, snapping twigs or flowers, damaging lawns and trees, a warning shall be given, and a fine not less than 50 yuan but not more than 50 yuan may be imposed additionally. Where damage is caused, compensation shall be made according to law.

In cases of other acts affecting a park's appearance and visiting discipline, an order to make corrections shall be given.

Article 57 Where the provisions of Article 47 of these Regulations are violated and hard-sell is conducted inside a park which affects the order of the park, an order to make corrections shall be given and the illegal proceeds confiscated, and a fine not less than RMB50 yuan but not more than 500 yuan may be imposed additionally.

Article 58 The administrative penalties prescribed in the Regulations shall be imposed by the urban management comprehensive law enforcement departments in accordance with the scope authorized by the Municipal People's Government.

Article 59 As to the injury or death of visitors or loss of properties caused by accidents in a park, responsibilities shall be identified and the case shall be dealt with pursuant to law.

Article 60 Where the administrative organs and their staff members who assume the managing, supervising and protecting duties, in violation of the present Regulations, fail to perform their duties or abuse of their power, the higher-level administrative organs or relevant department shall order them to make corrections and mete out administrative penalties to those directly in charge and others with direct responsibility. Where a crime is constituted, they shall be investigated for criminal responsibilities.

Chapter VII Supplementary Provisions

Article 61 These Regulations shall enter into force as of January 1, 2003.

北京市绿化条例

(2009年11月20日北京市第十三届人民代表大会常务委员会第十四次会议通过 根据2016年11月25日北京市第十四届人民代表大会常务委员会第三十一次会议通过的《关于修改部分地方性法规的决定》修正 根据2019年7月26日北京市第十五届人民代表大会常务委员会第十四次会议通过的《关于修改〈北京市河湖保护管理条例〉〈北京市农业机械化促进条例〉等十一部地方性法规的决定》修正)

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第一章 总 则

第一条 为了加强本市绿化建设和管理,改善和保护生态环境,建设宜居城市促进生态文明建设,根据有关法律和行政法规,结合本市实际情况,制定本条例。

第二条 本条例适用于本市行政区域内绿化的规划、建设、保护、监督和管理。法律、法规对森林、古树名木、公园、自然保护区、风景名胜区有规定的,适用其规定。

第三条 本市绿化工作应当贯彻科学发展观,体现人文北京、科技北京、绿色北

Regulations of Beijing Municipality on Greening

(Adopted at the 14th Meeting of the Standing Committee of the 13th People's Congress of Beijing Municipality on November 20, 2009, revised in accordance with the Decision on Amending Some Local Regulations adopted at the 31st Meeting of the Standing Committee of the 14th People's Congress of Beijing Municipal on November 25, 2016, and revised in accordance with the Decision on Amending the Regulations of Beijing Municipality on the Protection and Management of Rivers and Lakes, Regulations of Beijing Municipality on the Promotion of Agricultural Mechanization and Other Eleven Local Regulations adopted at the 14th meeting of the Standing Committee of the 15th Beijing Municipal People's Congress on July 26, 2019)

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Chapter I General Provisions

Article 1 These Regulations are formulated in accordance with the relevant laws and administrative regulations, by taking into account the actual situation of this Municipality, for the purpose of strengthening the development and administration of greening in this Municipality, improving and protecting the ecological environment, constructing a livable city and promoting the development of eco-civilization.

Article 2 These Regulations apply to the planning, development, protection, supervision and administration of greening within the administrative area of this Municipality.

Where there are provisions on forests, ancient and famous trees, parks, nature reserves, scenic and historic spots in laws and regulations, such provisions shall prevail.

Article 3 The greening work of this Municipality shall implement the Scientific Outlook on Development, reflect the ideology of "Culture-enriched Beijing, Technology-empowered Beijing and Environment-friendly Beijing", adhere to the principles of putting

京的理念，坚持以人为本、生态优先、城乡统筹和政府组织、全民参与、共建共享的原则，妥善协调、处理各种利益关系，依法明晰树木权属，完善生态公益林建设和管护补偿补助机制，保护树木所有权人和管护者合法权益，促进首都绿化事业可持续发展。

第四条 市和区人民政府应当加强对绿化工作的领导，将绿化事业纳入本级国民经济和社会发展规划，确定本行政区域绿化覆盖率目标，实行绿化目标责任制，保障公共绿地建设和养护经费的投入。

乡、镇人民政府和街道办事处依职责做好本辖区内的绿化工作。

第五条 市人民政府园林绿化部门负责全市行政区域内的绿化工作。

区园林绿化部门在市园林绿化部门的指导下，负责本行政区域内的绿化工作。

第六条 基层群众性自治组织、学校应当结合本单位实际，教育居民和在校师生履行绿化义务，保护绿化成果，做好本社区、本单位的绿化工作。

第七条 新闻媒体应当加强绿化科学知识、绿化法律法规和建设环境友好型社会的宣传工作，增强公民履行绿化义务和保护绿化成果的意识。

第八条 本市推进林业碳汇工作，普及碳排放知识，倡导低碳生产生活方式和实现碳中和的绿色环保理念，引导公众参与碳补偿活动。

第九条 本市鼓励和支持绿化科学技术的基础研究和转化应用，选育、引进适应本市自然条件、节水耐旱及兼顾冬季绿化美化效果的植物品种。引进植物品种应当防止有害植物侵入。

第十条 任何单位和个人都有权制止、投诉和举报损害绿化、破坏生态环境的行为。

第十一条 本市对在绿化工作中做出显著成绩的单位和个人给予表彰、奖励。

第二章 规划与建设

第十二条 市和区人民政府应当根据绿化事业发展需要和实际情况，按照因地制宜、科学布局、切实可行的原则组织编制和实施绿化规划。

people first, giving priority to ecological environment, giving overall consideration to both urban and rural development, and of joint construction and sharing with organization by the government and participation by all citizens, well coordinate and handle various interest relations, clarify ownerships of the trees according to law, improve the compensation and subsidy mechanisms for the construction, management and protection of ecological forests, protect the legitimate rights and interests of the owners, managers and protectors of trees and promote the sustainable development of greening undertaking in the capital.

Article 4 The municipal, district and county people's governments shall enhance their leadership on greening, integrate the greening undertaking into the plans for national economic and social development at their respective levels, determine the target of green coverage ratio of their respective administrative areas, adopt an accountability system for the targets of greening and ensure the input of funds for construction and conservation of public green spaces.

Town and township people's governments and sub-district offices shall, according to their respective responsibilities, bring success to the greening work within their own jurisdictions.

Article 5 The competent departments for landscaping of the municipal people's government shall be responsible for the greening work in the administrative area of the entire municipality.

The competent departments for landscaping of districts and counties shall be responsible for the greening work within their own administrative areas under guidance of the competent departments for landscaping of the municipality.

Article 6 Grassroots mass organizations of self-government and schools shall, by taking into account their own situations, educate residents as well as students and teachers to perform the obligation of greening, protect the achievements of greening and bring success to the greening work within their communities and their own institutions.

Article 7 News media shall intensify publicity of the knowledge on greening science, greening laws and regulations and the construction of an environment-friendly society, and increase the awareness of the citizens on performing the obligation of greening and on protecting the achievements of greening.

Article 8 This Municipality shall promote the work of forestry carbon sinks, popularize the knowledge on carbon emission, advocate low carbon ways of production and lifestyles and environment-friendly ideas that achieve carbon neutrality, and direct the public to participate in carbon offset activities.

Article 9 This Municipality shall encourage and support basic researches into as well as transformation and application of science and technologies of greening, and shall breed and introduce the plant varieties that are suitable for the natural conditions of this Municipality, water-saving, drought-resistant and effective in greening and decoration in winter. When introducing in plant varieties, the aggression of harmful plants shall be prevented.

Article 10 All institutions and individuals shall be empowered to stop, complain against and report any conduct that damages greeneries and destroys the ecological environment.

Article 11 This Municipality shall acknowledge and reward institutions and individuals with prominent achievements in the greening work.

Chapter II Planning and Construction

Article 12 The municipal, district and county people's governments shall, according to the needs and actual situations of the development of greening undertaking, organize the preparation and implementation of greening plans in light of the principles of adaptation to

绿化规划应当符合城市总体规划、土地利用总体规划，适应防灾减灾需要，保持历史风貌，体现首都特色。

绿化规划包括绿地系统规划、植树造林规划等专项规划。

绿地系统规划确定的各类绿化用地按照国家有关规定实行绿线管理。

第十三条 市和区绿地系统规划应当包括各类绿地的功能形态、绿地指标、绿地布局面积和控制原则等内容。区绿地系统规划还应当包括分期建设计划 and 建设标准等内容。

绿地防火设施建设应当纳入所在地区消防规划。

第十四条 市绿地系统规划由市园林绿化部门编制，市规划自然资源部门组织审查，报市人民政府审批后纳入本市城市总体规划。

区绿地系统规划由区人民政府组织编制，并符合市绿地系统规划，与所在地控制性详细规划相衔接。

建制镇绿地系统规划由镇人民政府组织编制，并与区绿地系统规划相一致，与所在地控制性详细规划相衔接。

第十五条 绿地系统规划报批前，组织编制部门应当将规划草案予以公示，并可以采取论证会、听证会或者其他形式征求有关部门、社会公众和专家的意见。

绿地系统规划在实施中因特殊情况确需变更的，应当按照原批准程序重新审批。

第十六条 本市依照北京城市总体规划，建设绿化隔离地区，改善城市生态环境。

绿化隔离地区建设应当坚持城乡统筹原则，维护农民合法权益，合理安排土地利用，扶持与绿化隔离地区功能定位相适应的绿色产业发展，促进城乡经济社会发展一体化。

绿化隔离地区建设按照市人民政府的规定执行。

第十七条 本市加强城市公园、郊野公园、乡村公园建设，为公众提供更多绿色活动空间。

local conditions, scientific layout and practicability.

The greening plans shall comply with the overall urban planning and the overall land use planning, adapt to the needs of disasters and risks prevention, preserve the historical landscape and reflect the features of the capital.

The greening plans shall include special plans such as those on the green space system and on forestation.

All types of land for greening that are specified in the plan on the green space system shall be under green line management according to the relevant regulations of the State.

Article 13 The plan of the municipality, district or county on the green space system shall include contents such as the functional configuration of all types of green spaces, green space indicators, layout and areas of green spaces and control principles. The plan of a district or county on the green space system shall additionally include contents such as phased construction plans and construction standards.

The construction of fire protection installations for a green space shall be integrated into the fire protection plan of the area where the green space is located.

Article 14 The municipal plan on the green space system shall be prepared by the competent departments for landscaping of the municipality, reviewed under the organization of the competent departments for planning of the Municipality and integrated into the overall urban planning of this Municipality after being submitted to and approved by the municipal people's government.

The plan of a district or county on the green space system shall be prepared under the organization of the district or county people's government, be in compliance with the municipal plan on the green space system and be in line with the detailed control plan of the area where the system is located.

The plan of an organic town on the green space system shall be prepared under the organization of the town people's government, be in compliance with the plan of the districts or county on the green space system and be in line with the detailed control plan of the area where the system is located.

Article 15 Before submitting a plan on the green space system for approval, the department that organizes the preparation of the plan shall publicize the draft of the plan and may solicit comments from the relevant departments, the general public and experts through panel discussions, hearings or other forms.

Where a change is truly needed in a plan on the green space system in its implementation due to exceptional circumstances, such a change shall be reviewed and approved in accordance with the original approval procedures.

Article 16 This Municipality shall construct the green belt according to the overall urban planning of Beijing to improve the urban eco-environment.

The construction of the green belt shall adhere to the principle of giving overall consideration to both urban and rural development, protect the legitimate rights and interests of farmers, rationally arrange land use, support the development of green industries that fit in with the desired function of the green belt, and promote the integration of economic and social development in both urban and rural areas.

The construction of the green belt shall be carried out according to the regulations of the municipal people's government.

Article 17 This Municipality shall intensify the construction of urban parks, suburb parks and rural parks to provide the general public with more green spaces for carrying out activities.

第十八条 绿地建设应当严格按照绿化规划实施，坚持生态、景观、文化协调统一和节约资源的原则，充分利用乡土植物，注重营造植物景观，突出生物多样性，形成合理的种植结构。

第十九条 绿地建设责任按照下列规定确定：

（一）公共绿地由区园林绿化部门组织建设。其中，城市道路、公路、河道等用地范围内的公共绿地分别由各有关主管部门组织建设；

（二）建设工程附属绿地由开发建设单位建设；

（三）铁路、湖泊、水库管理范围内的绿地由有关主管部门组织建设；

（四）村庄规划绿地由村民委员会或者村集体经济组织建设。

前款规定以外的绿地建设责任不明确的，由所在区人民政府根据实际情况，按照有利于建设并方便管护的原则确定。

公共绿地由市和区人民政府确定并公布。

第二十条 建设工程应当按照规划安排绿化用地。

规划自然资源部门在办理相关审批手续时，应当按照绿地系统规划和详细规划确定建设工程附属绿化用地面积占建设工程用地总面积的比例。其中，新建居住区、居住小区绿化用地面积比例不得低于 30%，并按照居住区人均不低于 2 平方米、居住小区人均不低于 1 平方米的标准建设集中绿地；成片开发或者改造的地区应当按照规划要求建设集中绿地，绿地建设费用纳入开发建设总投资。

建设单位报送的建设工程设计方案应当包括附属绿化用地平面图并标明绿化用地的面积和位置。

第二十一条 绿化工程建设应当符合国家和本市有关标准和规范。从事绿化工程设计、监理活动的单位应当具备相应资质。依法应当实行招标的绿化工程，按照国家和本市的有关规定进行招标。

第二十二条 公共绿地绿化施工前，绿化工程设计方案应当报送市园林绿化部门。

Article 18 The construction of a green space shall strictly follow the greening plan, adhere to the principles of coherence of ecology, landscape and culture and of conservation of resources, fully use indigenous plants, focus on creating plant sceneries, highlight the biodiversity and form a rational planting structure.

Article 19 The responsibility of green space construction shall be determined as follows:

(1)Public green spaces shall be constructed under the organization of the competent departments for landscaping of districts and counties. The public green spaces within the land for urban roads, highways and river channels shall be respectively constructed under the organization of the competent departments concerned;

(2)The green spaces attached to a construction project shall be constructed by the developer and project owner;

(3)The green spaces within the administration area of railways, lakes and reservoirs shall be constructed under the organization of the competent departments concerned;

(4)The green spaces planned for a village shall be constructed by the villagers committee or collective economic organization of the village.

Where the construction responsibility for a green space other than those prescribed in the preceding paragraphs is unclear, the district or county people's government of the place where such green place is located shall determine the responsibility under the principles of being conducive to construction and facilitating management and protection according to the actual conditions.

Public green spaces shall be determined and publicized by the municipal, district and county people's governments.

Article 20 A construction project shall arrange land for greening according to the plan.

When going through the formalities of review and approval, the competent departments for planning shall determine the proportion of the land for greening attached to a construction project in the total area of the land for the project according to the plan on the green space system and the detailed plan. For a new residential area or block, the proportion of land for greening shall not be lower than 30%, and a concentrated green space shall be constructed at the standard of not less than 2 square meters per capita for a residential area and not less than 1 square meter per capital for a residential block; For an area under tract development or renovation, the concentrated green space shall be constructed according to the requirements of the plan and the costs for the construction of green space shall be included into the overall investment in development and construction.

The design proposal for a construction project submitted by the project owner shall include the plane figure of the attached land for greening, in which the area and location of the land for greening shall be clearly marked.

Article 21 The construction of a greening project shall comply with the relevant standards and specifications of the state and this Municipality. Institutions engaged in the activities of design and supervision of a greening project shall have the corresponding qualifications. Where bidding is statutorily required for a greening project, it shall be carried out according to the relevant regulations of the state and this Municipality.

Article 22 Before the greening construction of a public green space, the design proposal for the greening project shall be submitted to the competent departments for

园林绿化部门可以组织专家对设计方案进行论证并提出意见。

建设工程附属绿地面积达到 1000 平方米的，建设单位应当在绿化施工的 30 日前，书面告知园林绿化部门，并报送绿化工程设计方案。园林绿化部门应当对建设工程附属绿化工程建设提供技术服务。

第二十三条 建设工程附属绿化工程应当与主体工程同步建设。绿地建设费用应当纳入建设工程总投资。

居住区、居住小区建设工程分期建设的，其附属绿化工程的具体建设时序应当作为国有土地使用权出让合同或者划拨土地条件的内容并予以明确。

居住区、居住小区建设工程附属绿化用地的面积和位置应当在房屋买卖合同中予以明示。

第二十四条 公共绿地建设工程竣工后，市或者区园林绿化部门应当组织验收，验收合格后方可交付使用。

建设工程附属绿化工程应当纳入建设工程竣工验收范围，规划自然资源部门应当对附属绿化用地的面积和位置是否符合规划许可的内容予以核实；建设单位应当组织绿化工程的设计、施工、工程监理等有关单位对绿化工程是否符合设计方案进行验收，将验收结果载于建设工程竣工验收报告。

公共绿地建设工程、建设工程附属绿化工程竣工验收后，有关资料应当纳入城市建设档案进行管理。

第二十五条 居住区、居住小区附属绿化工程竣工后，建设单位应当制作绿地平面图标牌，在居住区、居住小区的显著位置进行永久公示。

第二十六条 露天停车场地面应当按照技术规范进行绿化，种植可以达到遮阳效果的树木。

鼓励屋顶绿化、立体绿化等多种形式的绿化。机关、事业单位办公楼及文化体育设施，符合建筑规范适宜屋顶绿化的，应当实施屋顶绿化。

landscaping of the municipality, The competent departments for landscaping may organize experts to study the proposal and give their opinions.

Where the area of a green space attached to a construction project reaches 1,000 square meters, the project owner shall inform the competent departments for landscaping in writing 30 days before the greening construction and submit the design proposal for the greening project. The competent departments for landscaping shall provide technical services for the construction of the greening project attached to the construction project.

Article 23 The greening project attached to a construction project shall be constructed simultaneously with the main project. The costs for the construction of green space shall be included into the total investment in the construction project.

Where the construction of a residential area or block is carried out by stages, the specific time sequence of the construction of the attached greening project shall be a part of the contract for assignment of the right to use of state-owned land or the conditions for allocation of land and be clarified.

The area and location of the land for greening attached to the construction project residential area or block shall be clearly specified in the housing purchase contract.

Article 24 Upon completion of the construction project of a public green space, the competent departments for landscaping of the municipality, district or county shall organize examination for acceptance, and the project shall be delivered for use only after having passed the examination.

The greening project attached to a construction project shall be subject to the examination for acceptance upon completion, and the departments for planning and natural resources shall verify whether the area and location of the attached land for greening are in compliance with the contents of the planning permit; the construction unit shall organize the institutions relating to the design, construction and operational supervision of the greening project to examine whether the greening project is in compliance with the design proposal and record the result of the examination in the acceptance report of the construction project.

After the examination for acceptance upon completion of construction of a public green space or a greening project attached to a construction project, the relevant materials shall be included into the files of urban construction for management.

Article 25 Upon completion of the construction of a green space attached to a residential area or block, the project owner shall make a signboard of plane figure of the green space and permanently display it in a prominent location of the residential area or block.

Article 26 The ground of an open-air parking lot shall be greened according to the technical specifications and planted with trees that are effective in sun shading.

Incentives shall be given to diversified forms of greening, such as roof greening and three-dimensional greening. Roof greening shall be carried out for office buildings of government agencies and non-profit institutions and cultural and sports facilities that comply with the construction specifications and fit for roof greening.

第二十七条 经规划自然资源部门确定为闲置土地的，土地使用权人应当按照有关规定进行临时绿化，所需费用由土地使用权人承担。

第二十八条 农村地区应当科学布局绿化用地，按照村庄园林化、道路林荫化、河渠风景化、农田林网化的要求实施绿化；提高农村绿化科学技术和艺术水平，兼顾绿化的生态效益和经济效益。

第二十九条 村民委员会或者村集体经济组织应当组织村民参加村庄绿化建设，组织村民对荒山、荒沟、荒丘、荒滩和村庄周围的空地、村庄内的闲置土地进行绿化，支持村民对住宅庭院和周边的空地进行绿化美化。

园林绿化部门应当为村庄绿化建设提供技术服务。

第三十条 农村居民在住宅房前屋后种植树木的，树木收益归种植者所有。

第三章 义务植树

第三十一条 本市行政区域内的单位和有劳动能力的适龄公民，应当按照有关规定履行植树义务。

第三十二条 机关、团体、企业事业单位及其他单位应当组织本单位适龄公民参加植树活动。鼓励个人参加所在地区的义务植树活动。

驻本市的中国人民解放军和武警部队，依据国务院和中央军委有关规定参加义务植树活动。

各级绿化委员会统一领导、组织协调本地区的义务植树和造林绿化工作。

第三十三条 单位和个人可以通过植树造林、认建认养树木绿地、购买碳汇、参与绿化宣传咨询等多种形式履行植树义务。

树木绿地认建认养的具体办法由市园林绿化部门制定。

第三十四条 各级绿化委员会应当建立义务植树登记卡制度，核定并记录单位参

Article 27 For the idle land determined as such by the competent departments for natural resources, the person with the right to use such land shall carry out temporary greening according to the relevant provisions and afford the required costs.

Article 28 In rural areas the land for greening shall be arranged in a scientific way and the greening work shall be carried out according to the requirements of turning villages green with parks and woods, making roads tree-lined, turning rivers and canals into scenic spots and protecting farmland with forest networks; The science and technology as well as artistic value of greening in rural areas shall be improved and the ecological and economic benefits of greening shall be taken into account.

Article 29 The villagers committee or collective economic organization of a village shall organize villagers to participate in the construction of greening projects in the village, organize villagers to green barren mountains, ditches, hills and wasteland, the open space around the village and the idle land in the village, and support villagers to green and decorate their residence and courtyards and the surrounding open space.

The competent departments for landscaping shall provide technical services for the greening construction in villages.

Article 30 The proceeds derived from the trees planted by farmers around their dwelling houses shall be owned by planters of these trees.

Chapter III Obligatory Tree-planting

Article 31 The institutions and citizens of the right age with ability to work within the administrative area of this Municipality shall perform the obligation of treeplanting according to the relevant regulations.

Article 32 State organs, public organizations, enterprises and institutions as well as other units shall organize the citizens of the right age in their staff lists to participate in tree-planting activities. Individuals shall be encouraged to participate in the obligatory tree-planting activities in the areas where they are situated.

The troops of the People's Liberation Army and the armed police force stationed in this Municipality shall participate in obligatory tree-planting activities according to the relevant regulations of the State Council and the Central Military Commission.

The greening commissions at all levels shall provide a unified leadership to organize and coordinate the work of obligatory tree-planting, forestation and greening in their respective areas.

Article 33 Institutions and individuals may perform their tree-planting obligations through various forms, including forestation, adopting trees or green spaces, purchasing carbon sinks and participating in awareness campaigns and consultations on greening.

The specific measures for the construction and adoption of trees and green spaces shall be formulated by the municipal department for landscaping.

Article 34 The greening commissions at all levels shall set up the system of registration cards for obligatory tree planting to verify and record the participation of

与义务植树的情况。

第三十五条 单位和个人将种植或者养护的树木移交绿地、树木管护责任单位的，所移交树木应当符合有关规定并经过验收。

绿化委员会应当指导各单位义务植树责任区和义务植树基地的建设和管理，做好服务工作。

第三十六条 单位因特殊原因无法完成义务植树任务的，可以向所在区绿化委员会提出协助完成义务植树任务的申请。接到申请的区绿化委员会应当组织专业绿化单位代其完成植树任务，所需费用由申请单位承担。

第三十七条 单位或者个人通过认养公共绿地履行植树义务的，可以在区绿化委员会指导下与公共绿地管护单位签订协议，按照要求对公共绿地实施养护，并根据协议对公共绿地享有一定期限的冠名权。

第三十八条 各级人民政府、各单位应当根据义务植树规划和年度计划，每年安排一定资金用于开展义务植树活动。

第四章 绿地保护

第三十九条 加强对绿地、树木的管理和保护（以下简称管护）。绿地、树木的管护责任按照下列规定确定：

（一）公共绿地由园林绿化部门负责落实。其中，城市道路、公路、河道用地范围内的绿地分别由各有关主管部门或者区园林绿化部门负责；

（二）单位所属绿地，由该单位负责；

（三）居住区、居住小区内依法属于业主所有的绿地由业主负责，业主可以委托物业服务企业进行管护；

（四）建设工程范围内保留的树木，在建设期间由建设单位负责；

（五）铁路、湖泊、水库等用地范围内的绿地由各有关主管部门负责；

institutions in obligatory tree-planting.

Article 35 Where institutions and individuals transfer the trees they plant or conserve to the institutions responsible for the management and protection of green spaces and trees, the transferred trees shall comply with the relevant provisions and pass the examination for acceptance.

The greening commissions shall provide guidance on the construction and management of the responsible areas of various institutions and the bases for obligatory tree-planting and provide good services.

Article 36 Where an institution cannot complete its task of obligatory tree-planting due to exceptional reasons, it may submit to the greening commission of the district or county where it is located an application for assistance in completing the task of obligatory tree-planting. The district or county greening commission that receives the application shall organize institutions specialized in greening to complete the task of tree-planting on behalf of the applicant, and the required costs shall be afforded by the applicant.

Article 37 Where an institution or individual has the obligation of tree-planting performed through adoption of public green spaces, it or he may sign an agreement with the institution for the management and protection of public green spaces under the guidance of the district or county greening commission to conserve the public green spaces as required, and enjoy naming rights for a certain period according to the agreement.

Article 38 The people's governments at all levels and all institutions shall, according to the obligatory tree-planting plans and annual plans, arrange a certain amount of funds every year for carrying out obligatory tree-planting activities.

Chapter IV Green Space Protection

Article 39 The management and protection of green spaces and trees (hereinafter referred to as management and protection) shall be enhanced. The responsibilities of management and protection of green spaces and trees shall be determined as follows:

(1) The public green spaces shall be in the responsibility of the competent departments for landscaping. The public green spaces within the scope of land for urban roads, highways and river channels shall be respectively in the responsibility of the competent departments concerned or the competent administrative departments for greening of districts or counties;

(2) The green land affiliated to an institution shall be in the responsibility of the institution;

(3) The green spaces in residential areas or blocks that belong to property owners according to law shall be in the responsibility of the property owners, who may commission the management and protection to realty service enterprises;

(4) The trees retained within the scope of a construction project shall be in the responsibility of the project owner during the construction;

(5) The green spaces within the scopes of land for railways, lakes and reservoirs shall be in the respective responsibility of the competent departments concerned; and

（六）村庄绿地由村民委员会或者村集体经济组织负责。

前款规定以外的绿地或者零星树木及管护责任不清或者有争议的，由所在区园林绿化部门确定管护责任。

第四十条 管护单位应当按照国家和本市绿地、树木养护规范对绿地、树木进行管护并做好防火工作。

园林绿化部门应当对绿地、树木的管护给予技术指导。

第四十一条 管护单位应当加强道路附属绿地的管护，按照国家和本市有关规定制定作业方案。占用道路施工影响交通安全的，应当征得公安交通管理部门同意。公安交通管理部门应当加强道路绿化养护作业的监督检查，维护道路交通秩序。

第四十二条 居住区内严重影响居住采光、通风、安全的树木，管护单位应当按照有关技术规范及时组织修剪。当事人应当协助管护单位做好修剪工作。

第四十三条 影响管道、线路、交通等公共设施使用和安全的树木，管护单位应当按照树木修剪规范及时修剪。

第四十四条 因抢险救灾和处理突发事件等紧急情况需要，可以对树木进行修剪或者砍伐。组织紧急情况处理的单位应当在处理结束之日起 10 日内，将有关处理情况报告所在区园林绿化部门。

因抢险救灾和处理突发事件等紧急情况修剪或者砍伐树木，造成公民、法人和其他组织财产损失的，按照国家有关规定给予补偿。

第四十五条 市政、交通、电力、通讯等建设工程项目影响绿化的，建设单位应当按照有关规定采取保护绿地和树木的措施，并在施工前告知管护单位。

第四十六条 开发利用绿地地下空间的，应当符合国家和本市有关建设规范，不得影响树木正常生长和绿地使用功能。

第四十七条 矿山、砂石开采场、砖瓦窑的生产经营活动造成地表植被破坏的，责任单位应当负责植树造林、恢复植被，不得造成地表裸露。

(6) The green spaces in a village shall be in the responsibility of the villagers committee or collective economic organization of the village.

For the green spaces other than those prescribed in the preceding paragraphs or scattered trees as well as those green spaces or trees over which the responsibility [or management and protection is unclear or in dispute, the competent departments for landscaping of the districts or counties where they are located shall determine the responsibility for management and protection.

Article 40 The institution for management and protection shall manage and protect green spaces and trees according to the specifications of conservation of green spaces and trees of the State and this Municipality and bring success to the fire prevention work.

The competent departments for landscaping shall provide technical guidance on the management and protection of green spaces and trees.

Article 41 The institution for management and protection shall enhance the management and protection of the green spaces attached to roads and develop work programs in accordance with the relevant provisions of the state and this Municipality. Where the greening work occupies the road and affects traffic safety, the consent of the public security and traffic control department shall be obtained. The public security and traffic control department shall strengthen the supervision and inspection of the road greening and conservation work and maintain the road traffic order.

Article 42 If the trees in residential areas seriously affect residential lighting, ventilation or safety, the institution of management and protection shall promptly organize pruning according to the relevant technical specifications. The parties concerned shall assist the institution for management and protection in the pruning.

Article 43 If any trees affect the use and safety of pipes, lines, traffic facilities and other public facilities, the institution for management and protection shall promptly have them pruned according to the pruning specifications.

Article 44 Trees may be pruned or felled for doing rescue and relief work and handling sudden events or in case of other emergencies. The institution organizing the handling of the emergency shall report the relevant situations to the competent departments for landscaping of the district or county within 10 days from the date of the completion of the handling.

Where the pruning or felling of trees for doing rescue and relief work and handling sudden events or in case of other emergencies causes losses to the properties of citizens, legal persons and other organizations, compensations shall be granted according to the relevant regulations of the State.

Article 45 Where a project for construction works of municipal management, transportation, electricity or communications affects greening, the project owner shall take measures to protect the green spaces and trees according to the relevant provisions and inform the institution for management and protection before carrying out the construction.

Article 46 The development and use of the underground space below a green space shall comply with the construction specifications of the State and this Municipality and shall not affect the normal growth of trees and the functions of use of the green space.

Article 47 Where the activities of production and operation of a mine, gravel

第四十八条 森林和野生动物类型自然保护区的保护，应当科学确定适宜的保护范围，保护天然植被和植物资源的自然特性。

第四十九条 各级风景名胜区应当坚持保护优先、利用服从保护的原则，保护绿化资源的完整性与观赏性。游览者和风景名胜区内的居民有保护林草植被和各项绿化设施的义务。

第五十条 禁止下列损害绿化的行为：

- （一）在树木旁或者绿地内倾倒、排放污水、垃圾、渣土及其他废弃物；
- （二）损毁树木、花草及绿化设施；
- （三）在树木或者绿化设施上悬挂广告牌或者其他物品；
- （四）在绿地内取土、搭建构筑物；
- （五）在绿地内用火、烧烤；
- （六）违反国家和本市有关规定截除树木主干、去除树冠；
- （七）其他损害绿化成果及绿化设施的行为。

第五十一条 本市实行树木所有权登记制度。树木所有权不明确的，由所在区人民政府确定。登记工作按照国家和本市有关规定执行。

第五章 监督与管理

第五十二条 市和区园林绿化部门应当根据绿化事业需要制定绿化规范和标准，加强绿化工作监督检查，及时处理有关绿化违法行为的投诉和举报，依法查处有关违法行为。

发展改革、生态环境、规划自然资源、住房城乡建设、农业农村、财政等部门依照职责分工做好绿化相关工作。

交通、水务、城市管理、卫生健康、教育等有关部门应当组织做好本行业、本系统的绿化监督与管理工作。

exploitation field or brick and tile kiln cause damage to the vegetation on the ground surface, the liable institution shall be responsible for forestation and restoration of vegetation and shall not cause exposure of the ground surface.

Article 48 For the protection of nature reserves of forests and wildlife, an appropriate scope of protection shall be scientifically determined to protect the natural vegetation and the natural characteristics of plant resources.

Article 49 Scenic and historic spots at all levels shall adhere to the principles of giving priority to protection and subordinating utilization to protection, and protect the integrity and ornamental features of green resources. Tourists and residents in scenic and historic spots shall have the obligation to protect vegetation and various greening facilities.

Article 50 The following acts that damage greenery shall be prohibited:

(1) Dumping or discharging sewage, garbage, sediment and other wastes beside trees or in green spaces;

(2) Destroying trees, plants and greening facilities;

(3) Hanging billboards or other items on trees or greening facilities;

(4) Taking soil or setting up structures in green spaces;

(5) Using fire or having barbecue in green spaces;

(6) Cutting off the trunk or crown of trees in violation of the relevant provisions of the state and this Municipality; and

(7) Other acts that damage the achievements or facilities of greening.

Article 51 This Municipality adopts a system of tree ownership registration. Where the ownership of a tree is unclear, it shall be determined by the people's government of the district or county where it is located. The registration shall be made according to the relevant regulations of the State and this Municipality.

Chapter V Supervision and Administration

Article 52 The competent departments for landscaping of the municipality, districts and counties shall develop specifications and standards of greening according to the needs of the greening undertaking, intensify supervision over and inspection on the greening work, promptly handle complaints and reports on relevant violations against laws on greening and investigate and punish the violations according to law.

Departments for development and reform, departments for ecological environment, departments for planning, departments for housing and urban-rural development, departments for agriculture and rural areas, and departments for finance shall, according to the division of their respective functions and duties, bring success to the work relating to greening.

The relevant departments for transportation, water, municipal management, health, and education shall organize and bring success to the work of supervision over and administration of greening within their respective industries and sectors.

第五十三条 园林绿化部门应当加强对绿化工程的监督；对使用国有资金投资或者国家融资的绿化工程应当进行质量监督。

第五十四条 乡、镇人民政府和街道办事处应当配备专职或者兼职绿化管理人员，做好绿化管理工作；对本辖区内违反本条例的行为应当及时予以制止，或者向市和区有关部门报告，并配合有关部门进行查处。

村民委员会、居民委员会发现本区域内违反本条例行为的，应当予以制止或者向有关部门报告。

第五十五条 市和区园林绿化部门在监督检查中，可以进行现场检查，调查了解有关情况，查阅、复制有关文件、资料，采取责令停止违法行为、限期恢复等措施。

被监督检查的单位和人员不得拒绝、阻挠、妨碍行政执法人员依法进行监督检查。

第五十六条 规划自然资源部门对建设项目作出规划许可前，应当就建设工程设计方案中有关绿化用地的内容征求园林绿化部门的意见。园林绿化部门应当在 7 个工作日内反馈意见。

第五十七条 任何单位和个人不得擅自改变绿地的性质和用途。中心城、新城、建制镇范围内，因基础设施建设等特殊原因需要改变公共绿地性质和用途的，应当经市人民政府批准。需要改变其他绿地性质和用途的，应当经市园林绿化部门审核、市规划自然资源部门批准。

因前款情形造成公共绿地面积减少的，建设单位应当在该绿地周边补建相应面积的绿地。

第五十八条 严格限制移植树木。因城市建设、居住安全和设施安全等特殊原因确需移植树木的，应当经园林绿化部门批准。移植许可证应当在移植现场公示，接受公众监督。

同一建设项目移植树木不满 50 株的，由区园林绿化部门批准；一次或者累计移植树木 50 株以上的，由市园林绿化部门批准。

Article 53 The competent departments for landscaping shall intensify the supervision over greening projects; Quality supervision shall be carried out over the greening projects in which the investments are from State-owned funds or financed by the State.

Article 54 The town and township people's governments and sub-district offices shall be staffed with full-time or part-time greening administrators to well accomplish the work of greening administration; and shall promptly stop the acts violating these Regulations within their respective jurisdictions or report such acts to the relevant department the municipal, district or county level, and cooperate with the said department to investigate the case.

Where a villagers committee or residents committee find any act that violates these Regulations within its jurisdiction, it shall stop the act or report to the relevant department.

Article 55 In the supervision and inspection, the competent departments for landscaping of the municipality, districts and counties may conduct on-site inspections, investigate and find out the relevant information, consult and copy the relevant documents and materials and take measures such as ordering to stop illegal activities or to make restoration within a time limit.

The institutions and individuals subject to the supervision and inspection shall not refuse, obstruct or impede the supervision and inspection lawfully carried out by administrative law-enforcing officials.

Article 56 Before granting a planning permit for a construction project, the competent departments for planning shall solicit the opinions from the competent departments for landscaping on the contents relating to the land for greening in the design program of the construction project. The competent departments for landscaping shall give a feedback within 7 working days.

Article 57 No institution or individual may be allowed to change the nature and use of a green space without authorization. Where in the center of the city, new city and organic town it is necessary to change the nature and use of a public green space due to exceptional reasons such as the construction of infrastructures, the change shall be approved by the municipal people's government. Where it is necessary to change the nature and use of other green spaces, the change shall be reviewed by the competent departments for landscaping of the municipality and approved by the competent departments for planning of the municipality.

Where the area of a public green space is reduced due to the circumstance described in the preceding paragraph, the project owner shall make up deficiency of the green space in corresponding area around the green space concerned.

Article 58 It is strictly limited to transplant trees. Where it is truly necessary to transplant trees due to exceptional reasons such as urban construction, residential safety and facility security, it shall be approved by the competent departments for landscaping. The permit for transplantation shall be publicly displayed on the site of transplantation for public supervision.

Where the number of trees to be transplanted for the same construction project is less than 50, the transplantation shall be approved by the competent departments for landscaping of the district or county; Where the number of trees to be transplanted at one time or accumulatively is or more than 50, the transplantation shall be approved by the competent

第五十九条 严格控制砍伐树木。符合下列情形之一的树木，经批准可以砍伐：

- （一）已经死亡的；
- （二）发生检疫性病虫害无保留价值或者发生其他严重病虫害的；
- （三）因抚育或者更新改造需要且无移植价值的；
- （四）因城市建设、居住安全和设施安全等特殊原因确需移植但无法移植或者无移植价值的。

同一建设项目砍伐树木胸径小于 30 厘米并且不满 20 株的，由区园林绿化部门批准；砍伐树木胸径 30 厘米以上的，以及一次或者累计砍伐树木 20 株以上不满 50 株的，由市园林绿化部门批准；一次或者累计砍伐树木 50 株以上的，由市园林绿化部门报市人民政府批准。

砍伐许可证应当在砍伐现场公示，接受公众监督。

第六十条 未经批准不得临时占用绿地。因特殊情况确需临时占用绿地的，应当经园林绿化部门批准。其中临时占用中心城公共绿地的，由市园林绿化部门批准；临时占用其他绿地的，由区园林绿化部门批准。临时占用期限最长不得超过 2 年。临时占用绿地期满后，占用人应当按照规定恢复原状。

第六十一条 代征的城市绿化用地，建设单位应当自规划验收合格之日起 30 日内交区园林绿化部门组织绿化，不得擅自转作他用。

第六十二条 市和区园林绿化部门应当每 5 年开展一次绿化资源清查，建立绿化资源档案，并根据国家有关规定，开展资源监测和效益评估。

市和区园林绿化部门应当加强绿化植物的检疫和有害生物防治，建立有害生物疫情监测预报网络，编制有害生物灾害事件应急预案，健全有害生物预警预防控体系。

林业植物检疫机构应当按照有关规定，做好绿化植物的检疫和有害生物防治工作。

departments for landscaping of the municipality.

Article 59 Felling of trees shall be strictly controlled. Trees may be felled upon approval under any of the following circumstances:

- (1) Having been dead;
- (2) Having no value of keeping due to quarantine diseases or pests or suffering from other serious diseases or pests;
- (3) Due to the necessity of cultivation or renovation and having no value to be transplanted; and
- (4) Being impossible or having no value to be transplanted although the transplanting is truly needed due to exceptional reasons such as urban construction, residential safety and facility security.

Where the trees to be felled in the same construction project are less than 30cm in diameter at breast height (DBH) and are less than 20 in amount, the felling shall be approved by the competent departments for landscaping of the district or county; where the trees to be felled are 30cm or more in DBH or are, at one time or accumulatively, 20 or more but less than 50 in amount, the felling shall be approved by the competent departments for landscaping of the municipality; where the trees to be felled at one time or accumulatively are 50 or more in amount, the felling shall be reported by the competent departments for landscaping of the municipality to the municipal people's government for approval.

The felling permit shall be publicly displayed on the site of felling for public supervision.

Article 60 Green spaces shall not be temporarily occupied without approval. Where the temporary occupation of green spaces is truly necessary due to exceptional circumstances, it shall be approved by the competent departments for landscaping. The temporary occupation of public green spaces in the center of the city shall be approved by the competent departments for landscaping of the municipality; and the temporary occupation of other green spaces shall be approved by the competent departments for landscaping of the district or county. The maximum period of the temporary occupation shall not exceed 2 years. Upon expiry of the temporary occupation, the occupier shall make restoration according to the relevant provisions.

Article 61 The land for urban greening requisitioned by the project owner as an agent shall be delivered to the competent departments for landscaping of the district or county for greening within 30 days from the date when the examination for acceptance of the planning is passed, and shall not be used for other purposes without authorization.

Article 62 The competent departments for landscaping of the municipality, districts and counties shall check the greening resources once every five years, set up files for greening resources and carry out resources monitoring and benefit evaluation according to the relevant regulations of the State.

The competent departments for landscaping of the municipality, districts, and counties shall strengthen the quarantine of greening plants and pest control, establish a network for pest outbreak monitoring and forecast, prepare contingency plans for pest disasters and improve the system of early warning, prevention and control of pests.

The forestry plant quarantine institutions shall bring success to the work of quarantine of greening plants and pest control according to the relevant provisions.

第六章 法律责任

第六十三条 违反本条例第二十五条规定，建设单位未按照要求公示绿地平面图的，责令限期改正；逾期不改正的，处 5000 元罚款。

第六十四条 违反本条例第二十七条规定，土地使用权人未按照规定对闲置土地进行临时绿化的，责令限期改正；逾期不改正的，处 2000 元以上 2 万元以下罚款。

第六十五条 违反本条例第四十条规定，管护单位未按照养护规范进行养护并做好防火工作的，责令限期改正；逾期不改正，造成树木死亡、绿化设施损毁、景区风貌破坏的，处 2000 元以上 2 万元以下罚款。

第六十六条 违反本条例第四十六条规定，未按照国家和本市有关建设规范开发利用绿地地下空间，影响树木正常生长或者绿地使用功能的，责令限期改正；逾期不改正的，处 2 万元以上 10 万元以下罚款。

第六十七条 违反本条例第五十条第（一）项至第（五）项、第（七）项规定，损害绿化成果及绿化设施的，责令停止违法行为。情节较轻的，处 20 元以上 50 元以下罚款；情节严重的，处 50 元以上 500 元以下罚款。

第六十八条 违反本条例第五十七条或者第六十条规定，未经许可擅自改变绿地性质和用途或者临时占用绿地的，责令限期改正、恢复原状，并按照改变的面积处每平方米 300 元以上 3000 元以下罚款。

第六十九条 违反本条例第五十八条规定移植树木的，责令限期改正；无法改正的，责令在规定地点补种移植株数 5 倍的树木，并可以处所移植树木价值 3 至 5 倍的罚款。

第七十条 违反本条例第五十九条规定砍伐树木的，责令停止违法行为，并在规定地点补种砍伐株数 10 倍的树木，处所砍伐树木价值 5 至 10 倍的罚款。

违反本条例第五十条第（六）项规定，未按照国家和本市有关规定截除树木主干、

Chapter VI Legal Liabilities

Article 63 Where, in violation of Article 25 of these Regulations, a project owner fails to publicly display the plane figure of a green space as required, it shall be ordered to make corrections within a prescribed time limit; where no correction is made upon expiry of the time limit, a fine of 5,000 Yuan shall be imposed.

Article 64 Where, in violation of Article 27 of these Regulations, a person with the right to use a piece of idle land fails to carry out temporary greening on the idle land in question, he or she shall be ordered to make corrections within a prescribed time limit; where no correction is made upon expiry of the time limit, a fine of not less than 2,000 Yuan but not more than 20,000 Yuan shall be imposed.

Article 65 Where, in violation of Article 40 of these Regulations, an institution for management and protection fails to conduct management and protection according to the specifications of conservation and bring success to the fire prevention work, it shall be ordered to make corrections within a prescribed time limit; where no correction is made upon expiry of the time limit, thus causing death of trees, destruction of greening facilities or damage in the landscape of a scenic and historic spot, a fine of not less than 2,000 Yuan but not more than 20,000 Yuan shall be imposed.

Article 66 Where, in violation of Article 46 of these Regulations, the development and use of the underground space below a green space do not comply with the relevant construction specifications of the State and this Municipality, thus affecting the normal growth of trees or the functions of use of the green space, an order to make corrections within a prescribed time limit shall be made; where no correction is made upon expiry of the time limit, a fine of not less than 20,000 Yuan but not more than 100,000 Yuan shall be imposed.

Article 67 Where, in violation of the provisions of Items (1) to (5) and Item (7) of Article 50 of the Regulations, the achievements or facilities of greening are damaged, an order to stop the illegal act shall be made. Where the circumstances are minor, a fine of not less than 20 yuan but not more than 50 yuan shall be imposed; where the circumstances are serious, a fine of not less than 50 yuan but not more than 500 yuan shall be imposed.

Article 68 Where, in violation of the provisions of Article 57 or Article 60 of the Regulations, the nature and use of a green space are changed without permission or a green space is occupied temporarily, an order to make corrections and restore to the original state within a prescribed time limit shall be made, and a fine of not less than 300 yuan but not more than 3,000 yuan per square meter of the area on which the change is made shall be imposed.

Article 69 Where trees are transplanted in violation of Article 58 of these Regulations, an order to make corrections within a prescribed time limit shall be made; where it is impossible to make corrections, the violator shall be ordered to replant trees 5 times the number of the transplanted trees at the prescribed place and may be imposed a fine of 3 to 5 times the value of the transplanted trees.

Article 70 Where trees are felled in violation of Article 59 of these Regulations, an order to stop the illegal act shall be made, and the violator shall plant trees 10 times the number of the felled trees at the prescribed place, and shall be imposed a fine of 5 to 10 times the value of the felled trees.

去除树冠的，依照前款规定处理。

第七十一条 违反本条例第六十一条规定，建设单位未按照规定将代征绿地交区园林绿化部门组织绿化的，责令限期交回，并处每日每平方米 0.5 元的罚款。

第七十二条 本章规定的行政处罚由市或者区园林绿化部门实施。市人民政府决定由城市管理综合行政执法部门行使行政处罚权的，由城市管理综合行政执法部门实施。

第七十三条 违反本条例规定，按照规划自然资源、住房城乡建设、生态环境等法律、法规和规章的规定应当给予行政处罚的，由各有关部门依法给予处罚。

第七十四条 各级园林绿化部门及其工作人员玩忽职守、滥用职权、徇私舞弊的，由所在单位或者上级主管部门给予行政处分；构成犯罪的，依法追究刑事责任。

第七十五条 违反本条例规定，造成树木、花草或者绿化设施损坏、灭失的，应当承担相应的民事责任；构成犯罪的，依法追究刑事责任。

第七十六条 违反本条例规定，符合代履行条件的，园林绿化部门可以依法委托专业单位代履行，所需费用由当事人承担。

第七章 附 则

第七十七条 本条例自 2010 年 3 月 1 日起施行。1990 年 4 月 21 日北京市第九届人民代表大会常务委员会第十九次会议审议通过、1997 年 4 月 16 日北京市第十届人民代表大会常务委员会第三十六次会议修改的《北京市城市绿化条例》和 1988 年 9 月 2 日北京市第九届人民代表大会常务委员会第四次会议审议通过、1997 年 4 月 15 日北京市第十届人民代表大会常务委员会第三十六次会议修改的《北京市郊区植树造林条例》同时废止。

Whoever, in violation of the provisions of Item (6) of Article 50 of the Regulations and other relevant provisions of the state and this Municipality, cuts off the trunk or crown of trees, shall be dealt with in accordance with the provisions of the preceding paragraph.

Article 71 Where, in violation of Article 61 of these Regulations, a project owner fails to deliver the green space it has requisitioned as an agent to the competent departments for landscaping of the district or county for greening, it shall be ordered to deliver the green space within a prescribed time limit and be imposed a fine of 0.5 Yuan per square meter per day.

Article 72 The administrative penalties set forth in this Chapter shall be imposed by the competent departments for landscaping of the municipality, district or county. Where the municipal people's government decides that the power to impose an administrative penalty shall be exercised by the department for integrated administrative law enforcement in urban management, the said department shall exercise such power.

Article 73 Any violation against these Regulations that shall be imposed administrative penalties according to the laws, regulations or rules on planning, construction and environmental protection shall be punished by the relevant department according to law.

Article 74 Where the competent departments for landscaping at all levels and their working staff neglect their duties, abuse their power or commit illegalities for personal interests or by fraudulent means, the departments where they work or the competent administrative departments at the higher level shall impose an administrative sanctions thereupon; where a crime is constituted, the criminal liability shall be investigated for according to law.

Article 75 Anyone that violates these Regulations and consequently causes damage or loss of trees, plants or greening facilities shall bear the corresponding civil liabilities; where a crime is constituted, the criminal liability shall be investigated for according to law.

Article 76 In case of violation of the provisions of the Regulations and compliance with the conditions for performance of obligations by others, the department for landscaping may entrust a professional unit to perform obligations according to law, and the expenses incurred shall be borne by the parties concerned.

Chapter VII Supplementary Provisions

Article 77 These Regulations shall be effective as of March 1, 2010. The Regulations of Beijing Municipality on Urban Greening adopted on April 21, 1990 at the 19th Meeting of the Standing Committee of the 9th People's Congress of Beijing Municipality and amended on April 16, 1997 at the 36th Meeting of the Standing Committee of the 10th People's Congress of Beijing Municipality and the Regulations of Beijing Municipality on Forestation in Suburbs adopted on September 2, 1988 at the 4th Meeting of the Standing Committee of the 9th People's Congress of Beijing Municipality and amended on April 15, 1997 at the 36th Meeting of the Standing Committee of the 10th People's Congress of Beijing Municipality shall be repealed simultaneously.

北京市水污染防治条例

(2010年11月19日北京市第十三届人民代表大会常务委员会第二十一次会议通过 根据2018年3月30日北京市第十五届人民代表大会常务委员会第三次会议通过的《关于修改〈北京市大气污染防治条例〉等七部地方性法规的决定》修正 根据2019年11月27日北京市第十五届人民代表大会常务委员会第十六次会议修改)

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第一章 总 则

第一条 为了保护和改善本市水环境，保障饮用水安全，推进污水再生利用，促进经济社会全面协调可持续发展，根据《中华人民共和国水污染防治法》《中华人民共和国水法》及国家其他有关法律、法规，结合本市实际情况，制定本条例。

Regulations of the Beijing Municipality on the Prevention and Control of Water Pollution

(Adopted at the 21st Meeting of the Standing Committee of the Thirteenth Beijing Municipal People's Congress on November 19, 2010; amended by the Decision on Revising the Regulations of Beijing Municipality on the Prevention and Control of Atmospheric Pollution and Other Six Local Regulations adopted at the 3rd Meeting of the Standing Committee of the Fifteenth Beijing Municipal People's Congress on March 30, 2018, and revised at the 16th Meeting of the Standing Committee of the 15th People's Congress of Beijing Municipality on November 27, 2019)

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Chapter I General Provisions

Article 1 The object of these Regulations is to preserve and improve aquatic environments within the Municipality, safeguard drinking water security, promote wastewater recycling, and to promote balanced, sustainable and all-round socio-economic development. Accordingly, these Regulations have been enacted in accordance with the Water Pollution Prevention and Control Law of the People's Republic of China and the Water Law of the People's Republic of China and other relevant national laws and regulations, taking into account the actual circumstances of the Municipality.

第二条 本条例适用于本市行政区域内地表水体和地下水体的污染防治，以及与水污染防治相关的水资源管理和再生水利用等相关活动。

第三条 水污染防治应当坚持预防为主、防治结合、综合治理的原则。

本市水污染防治坚持城乡统筹，实行流域管理，严格保护饮用水水源；坚持水污染防治与水资源开发利用相结合，推进污水资源化，提高水资源循环利用率；坚持污染物排放总量控制，在削减污染物的同时补充生态环境用水，逐步改善水环境质量，恢复和保护水体生态功能。

第四条 本市各级人民政府对本行政区域内的水环境质量负责，并将水环境保护工作纳入国民经济和社会发展规划、计划，建立与水环境保护工作相适应的资金投入和保障机制，采取有效的对策和措施，提高水环境质量。

街道办事处根据所在区人民政府的要求，开展本辖区内有关的水污染防治工作。

第五条 本市市、区、乡镇（街道）建立河长制，分级分段组织领导本行政区域内河流、湖泊的水资源保护、水域岸线管理、水污染防治、水环境治理等工作。

第六条 市、区生态环境部门对本行政区域内的水污染防治实施统一监督管理。

市、区水务部门对本行政区域内的水资源保护和再生水利用进行管理，负责污水处理和河道综合整治等方面工作。

发展改革、农业农村、城市管理、规划和自然资源、卫生健康、住房和城乡建设、园林绿化、市场监督管理、文化和旅游等部门按照各自的职责，依法做好有关水污染防治工作。

市、区生态环境部门可以根据需要聘请监督员，协助开展水污染防治工作。

第七条 本市实行水环境保护目标责任制和考核评价制度。

市人民政府应当根据本市水环境保护目标制定考核评价指标，将考核指标的完成情况作为对市人民政府有关部门和区人民政府及其负责人考核评价的内容，定期公示考核结果。

Article 2 These Regulations apply to the prevention and control of surface and ground water within the administrative area of the Municipality, as well as the management of water resources, the utilization of reclaimed water and other activities related to the prevention and control of water pollution.

Article 3 The principles of ‘prevention first’, integration of prevention and abatement, and wholistic management shall be adhered to in the prevention and control of water pollution.

The Municipality shall consider urban and rural areas in conjunction when planning water pollution prevention and control measures, implement watershed management and enforce strict protection of drinking water sources. It shall ensure that prevention and control measures are integrated with water resource development and utilization, promote wastewater resource development, increase water recycling rates, and enforce total pollutant discharge limits. The Municipality shall also ensure that ecological and environmental water use is increased as pollutant levels are reduced, so as to achieve incremental improvements in the aquatic environment, and restore and preserve the ecological function of water bodies.

Article 4 All levels of government under the Municipality shall assume responsibility for the quality of the aquatic environment quality within their respective administrative areas. Conservation of the aquatic environment shall be incorporated into economic and social development planning, and a corresponding funding and assurance mechanism for aquatic conservation shall be established. Other effective measures shall also be taken to improve aquatic environmental quality.

Each sub-district office shall, in accordance with the requirements set out by its district government, implement water pollution prevention and control activities in areas under their jurisdiction.

Article 5 The river chief system (RCS) shall be implemented across the municipal, district and township (sub-district) government levels. The RCS Offices shall organize and lead the tiered implementation of activities including but not limited to lake and river water resource protection, bank-line management, water pollution prevention and control, and aquatic environment management within the Municipality’s administrative area.

Article 6 The municipal and district departments of ecology and environment shall be responsible for the overall management and supervision of water pollution prevention and control within the Municipality.

The municipal and district water authorities shall be responsible for the management of water resource protection and reclaimed water recycling within the Municipality and shall undertake activities such as sewage treatment and comprehensive river improvement.

Authorities responsible for development and reform, agriculture and rural affairs, urban administration, planning and natural resources, health, housing and urban-rural development, urban afforestation, market regulation, and culture and tourism, shall, within the scope of their respective functions and responsibilities, take an active role in and comply with all relevant laws in relation to the prevention and control of water pollution.

The municipal or district department of ecology and environment may, where necessary, employ supervisors to assist in the implementation of water pollution prevention and control activities.

Article 7 The Municipality shall implement a target accountability system and a performance evaluation system for aquatic conservation efforts.

The municipal government shall define performance indicators in accordance with the Municipality’s aquatic conservation goals. These performance indicators shall form the criteria against which relevant departments of the municipal government, the district

第八条 单位和个体工商户排放水污染物，不得超过国家和本市规定的水污染物排放标准及重点水污染物排放总量控制指标。

第九条 市人民政府可以根据国家水环境质量标准、本市水环境质量目标及经济、技术条件，制定本市水污染物排放标准，严格控制水污染物排放，定期对标准进行评估并适时修订。

第十条 市、区人民政府应当针对本行政区域内水环境的特点和水污染防治的需求，采取措施，加强水污染物排放控制、再生水利用、水生态修复等方面的科学研究和示范推广，提高水环境保护的科学技术水平。

第十一条 任何单位和个人都有义务保护水环境，并有权对污染损害水环境的行为进行检举。

本市各级人民政府应当加强水环境保护的宣传教育，普及相关科学知识，提高公民的水环境保护意识，拓宽公众参与水环境保护的渠道，并对在水环境保护方面做出显著成绩的单位和个人给予表彰和奖励。

第二章 水污染防治规划与监督管理

第十二条 市生态环境部门应当会同市水务、规划和自然资源等部门提出地表水和地下水环境功能区划方案，报市人民政府批准，并向社会公布。

第十三条 市生态环境部门应当会同市发展改革、水务、农业农村、规划和自然资源等部门，在环境保护和建设规划中制定水污染防治专项规划，经市规划和自然资源部门组织审查后报市人民政府批准实施，并依法报国务院备案。

市水务部门应当会同有关部门，根据水污染防治专项规划，结合水资源开发利用等专业规划，编制潮白河、北运河、永定河、大清河、蓟运河流域综合整治规划，并组织实施。

government, and the persons responsible for each shall be assessed. Performance results shall be made publicly available on a regular basis.

Article 8 Pollutant discharge into receiving waters by organizations or individually-owned businesses must not exceed levels prescribed under national or municipal standards, and must not exceed the total discharge limits prescribed for major water pollutants.

Article 9 The municipal government may, in conformance with national water quality standards and taking into account the Municipality's water quality targets, economic capacity and technical capabilities, define pollutant discharge standards and enforce strict control of pollutant discharges. The pollutant discharge standards shall be reviewed on a regular basis and revised as appropriate.

Article 10 The municipal and district governments shall take measures to improve the application of science and technology in the conservation of aquatic environments, taking into account the features of the aquatic environment and the water pollution prevention and control demands in their respective administrative regions. Such measures shall include facilitating the research, demonstration and promotion of scientific and technological solutions for pollutant discharge control, reuse of reclaimed water and ecological restoration of aquatic environments.

Article 11 All entities and individuals have the obligation to protect the aquatic environment, and also the right to report any act that damage or pollute the aquatic environment.

All levels of government under the Municipality shall take measures to strengthen public education and outreach initiatives for aquatic conservation, disseminating relevant facts and information, raising public awareness and broadening the channels through which the public can participate in aquatic conservation. Individuals making significant contributions to aquatic conservation shall be recognized and rewarded.

Chapter II Planning, Supervisory and Administrative Measures

Article 12 The municipal department of ecology and environment, in conjunction with the municipal authorities of water affairs and planning and natural resources, shall formulate plans for the functional zoning of surface and ground waters. The zoning plans shall be submitted to the municipal government for approval and made publicly available.

Article 13 The municipal department of ecology and environment, in conjunction with the municipal authorities for development and reform, water, agriculture and rural affairs, and planning and natural resources, shall develop a specific program for the prevention and control of water pollution and incorporate it into the municipal environmental protection and construction plan. The program shall be reviewed by the municipal planning and natural resources authority and then submitted to the municipal government for approval and implementation. In accordance with relevant law, a copy of the program plan shall be filed with the State Council.

The municipal water authority, in conjunction with other relevant municipal authorities, and in conformity with the program and other special purpose programs such as the one for the development and utilization of water resources, shall develop comprehensive improvement plans for the Chaobai River, Northern Canal, Yongding River, Daqing River

市水务部门应当会同市生态环境、规划和自然资源等部门，根据水污染防治专项规划，编制本市地下水保护规划，并组织实施。

市农业农村部门应当会同有关部门，根据水污染防治专项规划，结合环境承载力和农产品保障的要求，编制农业水污染防治规划，确定畜禽、水产养殖及农业种植的规模、结构和布局等内容，并组织实施。

第十四条 市人民政府应当定期对水污染防治专项规划、流域综合整治规划、地下水保护规划、农业水污染防治规划及其执行情况进行评估，评估结果作为水环境保护目标考核依据。

第十五条 本市对重点水污染物排放实行总量控制制度。市人民政府按照国务院的规定削减和控制本行政区域的重点水污染物排放总量。

市生态环境部门应当会同发展改革、水务、农业农村等部门，根据本市水污染防治专项规划和水污染防治状况，制定全市及各流域重点水污染物排放总量控制指标的分解方案和削减计划，报市人民政府批准后实施。

市人民政府有关部门和区人民政府应当根据分解的总量控制指标及削减计划，制定年度总量控制实施方案，将总量控制指标和削减计划落实到排污单位和污水处理设施的运营单位，并报送市生态环境和水务部门备案。

市人民政府可以根据流域水环境质量的状况，增加流域实施总量控制的重点水污染物种类。

第十六条 本市逐步建立流域水环境资源区域补偿机制。

对超额完成重点水污染物排放总量控制指标和水环境质量考核指标的市人民政府有关部门和区人民政府，市人民政府应当给予奖励。

对完成重点水污染物排放总量控制指标和削减计划做出突出贡献的单位，市人民政府有关部门或者区人民政府应当给予奖励。

补偿和奖励的具体办法由市人民政府制定。

and Ji Canal River watersheds, and organize the implementation thereof.

The municipal water authority, in conjunction with the municipal authorities for ecology and environment, planning and natural resources, and other relevant authorities, and in conformity with the program, shall develop municipal groundwater protection plans and organize the implementation thereof.

The municipal authority for agriculture and rural affairs shall, in conjunction with other relevant municipal authorities, develop a plan for the prevention and control of agricultural water pollution, and organize the implementation thereof. The plan shall conform to the program for the prevention and control of water pollution, and shall define the scale, makeup and distribution of livestock and poultry farming, aquaculture and agricultural planting, taking into account environmental bearing capacities and agricultural product security requirements.

Article 14 The municipal government shall, on a regular basis, review the implementation of the program for the prevention and control of water pollution, the comprehensive plans for river basin improvement, the groundwater protection plan and the plan for the prevention and control of agricultural water pollution. The evaluation results shall serve as the basis for assessing the Municipality's achievement of its aquatic conservation goals.

Article 15 The Municipality shall impose limits on the total discharge of major water pollutants. The municipal government shall, in accordance with State Council regulations, reduce and limit the total discharge of major water pollutants in its administrative area.

The municipal department of ecology and environment shall, in consultation with the municipal authorities for development and reform, water, and agricultural and rural affairs and other relevant municipal authorities, develop discharge plans and discharge reduction plans specific for the Municipality as a whole and for each individual watershed. The plans shall conform with the program for the prevention and control of water pollution, taking into account the current state of water pollution prevention and control in the relevant area. Upon completion, the plans shall be submitted for State Council approval, and implemented upon the granting thereof.

The municipal government shall, in accordance with the specific discharge plans and reduction plans, formulate implementation strategies to control annual discharge. The strategies shall ensure that each pollutant discharging entity and operator of wastewater treatment facilities is held accountable for the total discharge and the discharge reduction. A copy of the strategies shall be filed with the municipal department of ecology and environment and the municipal water authority.

The municipal government may, having reference to the quality of the aquatic environment in a given watershed, add to the categories of major water pollutants subject to total discharge limits in that watershed.

Article 16 The Municipality shall progressively establish an incentive scheme for the conservation of aquatic resources in each watershed.

The municipal government shall grant awards to municipal departments and district governments that exceed their targets of controlling major water pollutant discharge and aquatic conservation.

The district government, or the relevant municipal department shall grant awards to entities making outstanding contributions to the fulfillment of total discharge control targets and discharge reduction plan for the major water pollutants.

Specific measures for award and compensation shall be determined by the municipal government.

第十七条 对未完成区域重点水污染物排放总量控制指标或者水环境质量考核指标的区，生态环境部门应当暂停审批该区行政区域内新增水污染物排放总量的建设项目的环境影响评价文件，发展改革、规划和自然资源等项目审批部门不得批准其建设，建设单位不得开工建设。

对未完成流域重点水污染物排放总量控制指标的区，生态环境部门应当暂停审批该区未达标流域内新增水污染物排放总量的建设项目的环境影响评价文件，发展改革、规划和自然资源等项目审批部门不得批准其建设，建设单位不得开工建设。

第十八条 本市按照国家和本市有关规定实行排污许可。

第十九条 市生态环境部门会同市水务部门确定本市各流域重点排污单位名录。

重点排污单位应当安装水污染物排放自动监测设备，与生态环境、水务部门的监控设备联网，并保证监测设备正常运行。

实行排污许可管理的企业事业单位和其他生产经营者对其出水，排放工业废水的企业对其所排放的废水，应当进行监测，并保存原始监测记录。

第二十条 直接向水体排放水污染物的企业事业单位和其他生产经营者，应当按照有关规定设置、规范排污口，设立标志，并将排污口地理坐标等信息报告区生态环境部门。

在河流、湖泊、水库、渠道设置排污口的，还应当遵守水务部门的规定。

第二十一条 本市应当统筹规划、建设、完善污染源、水环境质量、水量和水位监测网络，并逐步实现生态环境、水务、规划和自然资源、卫生健康等有关部门之间监测数据的共享。

第二十二条 本市实行水环境质量公报制度。

水环境质量信息由市生态环境部门统一发布。

第二十三条 建设或者运行水环境监测设施需要相关机关、团体、企业事业单位或者其他组织提供便利条件的，相关机关、团体、企业事业单位或者其他组织应当予以配合。

Article 17 Where a district has not met its district target for controlling major water pollutant discharge or its aquatic conservation targets, the municipal department of ecology and environment shall suspend approval of environmental impact assessment documents for construction projects that would result in an increase in the total discharge of water pollutants in the district's administrative area. Municipal authorities for reform and development, planning and natural resources and other competent authorities must not grant approval for such projects, and the applying entity shall not be permitted to commence construction.

Where a district has not met its watershed target(s) for the reduction of major water pollutant discharges, the municipal department of ecology and environment shall suspend approval of environmental impact assessment documents for construction projects that would result in an increase in the total discharge of water pollutants in the watershed(s) where reduction targets have not been fulfilled. Municipal authorities for reform and development, planning and natural resources and other approving authorities must not grant approval for such projects, and the applying entity shall not be permitted to commence construction.

Article 18 The Municipality shall implement a licensing scheme to regulate pollutant discharge in accordance with relevant national and municipal laws and regulations.

Article 19 The municipal department of ecology and environment shall, in conjunction with the municipal water authority, establish a list of major pollutant discharging entities.

Major pollutant discharging entities shall install equipment for the automatic monitoring of water pollutant discharges, ensuring always that their equipment is maintained in good working order and linked to that of the department of ecology and environment and of the water authority.

Enterprises, public institutions, and other operators or entities subject to the pollutant discharge licensing scheme are required to monitor their water discharge. Enterprises discharging industrial wastewater are required to monitor their wastewater discharge. All entities are required to retain original monitoring records.

Article 20 Enterprises, public institutions and other operators or entities directly discharging pollutants into municipal waters shall establish pollutant discharge outlets in accordance with relevant laws, regulations and standards. Entities shall ensure that proper signage is set up around discharge outlets, and shall report the geographical coordinates of the outlets and other relevant information to the district ecology and environment authority.

Where discharge outlets open directly into rivers, lakes, reservoirs or channels, they must also comply with the standards and regulations prescribed by the water authority.

Article 21 The Municipality shall design, establish and improve a network for the monitoring of pollution sources, aquatic environment quality, water quantities and water levels (the 'Water Monitoring Network'), and work progressively towards the sharing of monitoring data among municipal ecology and environment, water, planning and natural resources, health and other relevant authorities.

Article 22 The Municipality shall implement public reporting of aquatic environment quality.

All information relating to aquatic environment quality in the Municipality shall be released by the municipal department of ecology and environment.

Article 23 Where the assistance or co-operation of any government agency, organization, enterprise, public institution or other entity is required for the establishment

任何单位或者个人不得破坏、损毁或者擅自改动水环境监测设施。

第二十四条 市人民政府及其有关部门应当将排污单位违反水污染防治法律法规的行为纳入本市企业信用信息系统，对严重污染水环境的企业通过媒体予以公布。

第二十五条 市、区生态环境、水务等部门应当公布本部门受理对污染损害水环境行为举报的联系方式。对属于本部门职责范围的举报事项，应当及时处理；对不属于本部门职责范围的，应当及时转交有权处理的部门，并告知举报人。对举报属实的，应当对举报人给予奖励。

第三章 水污染防治措施

第一节 一般规定

第二十六条 在水环境质量达标之前，市人民政府可以根据本市水资源特点和水环境容量状况，采取更加严格的水污染防治措施。

第二十七条 本市禁止下列行为：

- （一）向水体排放油类、酸液、碱液、剧毒废液或者将含有汞、镉、砷、铬、铅、氰化物、黄磷等的可溶性剧毒废渣向水体排放、倾倒或者直接埋入地下；
- （二）在水体清洗装贮过油类或者有毒污染物的车辆和容器；
- （三）向水体排放、倾倒工业废渣、垃圾和其他废弃物；
- （四）在河流、湖泊、渠道、水库最高水位线以下的滩地和岸坡堆放、存贮固体废物和其他污染物；
- （五）利用渗坑、渗井、裂隙、溶洞，私设暗管，篡改、伪造监测数据，或者不正常运行水污染防治设施等逃避监管的方式排放水污染物；
- （六）在砂石坑、窑坑、滩地等低洼地排放污水，倾倒、存贮垃圾、粪便及其他污染物，或者以漫流方式排放、倾倒污水；

or operation of water monitoring equipment, such entities must provide the requested assistance or co-operation.

Damage to, destruction of and unauthorized alterations to the equipment by any entity or individual is strictly prohibited.

Article 24 The municipal government and its relevant departments shall ensure that any non-compliance with the laws and regulations on the prevention and control of water pollution by a pollutant discharging entity is recorded in the municipal enterprise credit information system. Enterprises causing major pollution to municipal waters shall be named in the media.

Article 25 The municipal and district authorities for ecology and environment and water shall provide contact details through which the public may report any act that pollutes or damages the aquatic environment. Each authority must deal promptly with any reported incident falling within the scope of their functions and duties. Where the reported incident falls outside the receiving authority's scope of functions and duties, the receiving entity shall promptly refer the incident to the corresponding competent authority and notify the informant of the referral. Informants shall be awarded for reporting any incidents that are later verified.

Chapter III Measures for the Prevention and Control of Water Pollution

Section 1 General Rules

Article 26 While aquatic environment quality targets remain unmet, the municipal government may, taking into account the features of the Municipality's water resources and the assimilative capacity of the aquatic environment, take more stringent measures to prevent and control water pollution.

Article 27 The following acts are prohibited in the Municipality:

(1) Discharging oil, acids, alkaline solutions or toxic liquid waste into water bodies; discharging or dumping soluble toxic waste residues, such as soluble residues containing mercury, cadmium, arsenic, chrome, lead, cyanide or phosphorus, into water bodies or burying such residues directly in the ground;

(2) Cleaning at water bodies vehicles or containers in which oil or toxic pollutants have been stored;

(3) Discharging or dumping industrial waste residue, refuse or other waste into water bodies;

(4) Stockpiling or storing solid waste or other pollutants below the high-water line on the shores or banks of rivers, lakes, channels or reservoirs;

(5) Discharging pollutants using measures of evading supervision, such as building illegal pipelines through seepage pits, leaching wells, crevices, or karst caves, falsifying or altering monitoring data, or operating facilities for the prevention and control of water pollution in an abnormal way;

(6) Discharging wastewater, dumping or storing refuse, excrement or other pollutants, or discharging or dumping wastewater through diffuse flows, in low-lying areas such as pits

（七）利用无防渗漏措施的沟渠、坑塘等输送或者存贮含有毒污染物的废水、含病原体的污水和其他废弃物；

（八）生产和销售含磷洗涤用品。

第二十八条 化学品生产企业以及工业集聚区、矿山开采区、尾矿库、危险废物处置场、垃圾填埋场等的运营、管理单位，应当采取防渗漏等措施，并建设地下水水质监测井进行监测，防止地下水污染。

加油站等的地下油罐应当使用双层罐或者采取建造防渗池等其他有效措施，并进行防渗漏监测，防止地下水污染。

第二十九条 禁止向水体排放、倾倒放射性固体废物或者含高放射性和中放射性物质的废水。

向水体排放含低放射性物质废水的，应当符合有关放射性污染防治的规定和标准。

第三十条 学校、科研院所、医疗机构、企业等单位的实验室、检验室、化验室产生的废液应当按照国家和本市关于危险废物的有关规定单独收集，进行安全处置，禁止排入排水管道或者直接排入水体。

市、区生态环境部门应当按照有关规定加强对实验室、检验室、化验室废液处理的监督管理，为有关单位依法处理废液提供指导。

第二节 工业水污染防治

第三十一条 本市鼓励工业企业进行技术改造，推行清洁生产，采用先进的废水处理技术，减少水污染物排放量。

第三十二条 本市按照国家有关循环经济和清洁生产的要求推动工业园区建设，通过合理规划工业布局，引导工业企业入驻工业园区。

第三十三条 建设工业园区，应当配套建设废水集中处理设施。

工业园区未建设废水集中处理设施或者集中处理设施废水排放不达标的，生态环境部门应当暂停审批该工业园区新增水污染物排放总量的建设项目的环境影响评价文

and shore areas;

(7)Transporting or storing wastewater containing toxic pollutants, wastewater containing pathogens, or any other waste in ditches, pits or pools without taking leakage prevention measures; and

(8)Manufacturing or selling detergents containing phosphor.

Article 28 Chemical manufacturing enterprises, as well as any entities operating or managing sites such as industrial clusters, mine excavation areas, tailings ponds, hazardous waste disposal sites or landfill sites, shall take appropriate measures to prevent groundwater pollution. Such measures shall include appropriate leakage prevention measures and the installation of groundwater quality monitoring wells.

Petrol stations and similar sites shall take appropriate measures, such as the use of double layered buried tanks, the installation of anti-seepage pools and leakage monitoring to prevent the pollution of groundwater.

Article 29 The dumping of solid radioactive waste and the discharge of wastewater containing highly or moderately radioactive contaminants into water bodies is prohibited.

The discharge of wastewater containing low-activity radioactive waste must comply with relevant regulations and standards for the prevention and control of radioactive pollution.

Article 30 Laboratory wastewater from the laboratories of schools, research institutes, medical institutes, enterprises and other entities must be separately collected, treated and disposed of in accordance with national and municipal laws and regulations on the disposal of hazardous wastes. The direct discharge of laboratory wastewater into any water body or into drainage pipes is prohibited.

The municipal and district authorities for ecology and environment shall, in accordance with relevant laws and regulations, strengthen monitoring and supervision of laboratory wastewater disposal, and provide guidance on the requirements for lawful disposal of laboratory wastewater.

Section 2 Prevention and Control of Industrial Water Pollution

Article 31 The Municipality encourages enterprises to reduce their water pollutant discharge through upgrading and innovating their technology, implementing clean manufacturing processes, and adopting the latest wastewater treatment technologies.

Article 32 The Municipality shall promote the construction of industrial parks in a manner consistent with national requirements for the establishment of a circular economy and clean manufacturing, and in arranging enterprise settlement, shall ensure that the industrial distribution in industrial park zones are reasonable and appropriate.

Article 33 The construction of an industrial park shall include centralized wastewater treatment facilities.

Where an industrial park does not have centralized wastewater treatment facilities, or where the facilities do not meet relevant standards, the municipal department of ecology and environment shall suspend the approval of environmental impact assessment documents for construction projects that would result in an increase in the total discharge of water pollutants in the industrial park zone. Municipal authorities for reform and development,

件，发展改革、规划和自然资源等项目审批部门不得批准其建设，建设单位不得开工建设。

第三十四条 本市应当采取措施，对高污染、高耗水行业加以限制。禁止新建、扩建制浆、制革、电镀、印染、有色冶炼、氯碱、农药合成、炼焦等对水体有严重污染的项目。对现有排放含重金属废水的小型生产企业限期关停。

市经济和信息化部门应当会同市生态环境、水务、发展改革及其他相关部门，根据本市水污染防治工作的需要，制定鼓励、限制、禁止的行业和产品名录，报市人民政府批准后公布实施。

第三十五条 向公共污水处理设施排放工业废水的企业事业单位和其他生产经营者，应当在排污口建设取样井，并为水务、生态环境部门和受纳废水的污水集中处理设施的运营单位提供取样、监测流量的便利条件。

污水集中处理设施的运营单位有权对汇水范围内排污单位的排水进行取样检测，发现排水水质超过排放标准的，应当及时告知排污单位，并报告水务部门。

第三节 城镇水污染防治

第三十六条 城镇污水应当集中处理。

本市各级人民政府通过政府投资或者其他方式筹集资金，统筹安排建设污水集中处理设施及配套污水管网，提高城镇污水的收集率和处理率。

第三十七条 城镇污水集中处理设施的运营单位按照国家有关规定提供污水处理的有偿服务。

城镇用水单位和个人应当按照国家有关规定缴纳污水处理费。污水处理费应当用于污水管网和城镇污水集中处理设施的养护、运行、保护和建设，不得挪作他用。

乡镇污水集中处理设施的运营单位取得的污水处理费不能满足污水处理设施正常运行的，不足部分由区人民政府统筹安排。

planning and natural resources and other competent authorities must not grant approval for such projects, and the applying entity shall not be permitted to commence construction.

Article 34 The Municipality shall take measures to limit high-polluting and high water-consumption industries. The establishment of new operations, and the expansion of existing operations for pulping, tanning, electroplating, printing and dyeing, non-ferrous smelting, chlor-alkali production, pesticide and herbicide production, coking and other operations causing severe water pollution shall be prohibited. Existing small-scale operations with wastewater discharges containing heavy metal waste shall be shut down within the prescribed timeframe.

The municipal authorities for economics and information technology, in conjunction with the municipal authorities for ecology and environment, water, development and reform and other relevant authorities, shall, in accordance with the needs of the Municipality's water prevention and control, prescribe lists of industries and products to which incentives, restrictions or prohibitions shall apply. These lists shall be submitted for the approval of the municipal government and publicly issued and implemented upon the granting thereof.

Article 35 Enterprises, public institutions and other manufacturing or operating entities that discharge industrial wastewater to public sewage treatment facilities shall install sampling wells at the outlets. Entities shall ensure the access to sampling and flow-monitoring activities is provided for the water authority, the ecology and environment authority and the centralized wastewater treatment facility operator.

The centralized wastewater treatment facility operator shall have the authority to undertake sample testing of wastewater from discharging entities within the catchment area. Where the wastewater quality does not meet the prescribed standards, the operator shall promptly inform the relevant discharging entity and report the incident to the water authority.

Section 3 Prevention and Control of Urban Water Pollution

Article 36 Urban wastewater shall be centrally treated.

To improve urban wastewater collection and treatment rates, all levels of government under the Municipality shall, through government funding or other channels, raise funds, undertake overall planning, and arrange for the construction of centralized urban wastewater treatment facilities and supporting drainage and pipeline networks.

Article 37 Operators of centralized urban wastewater treatment facilities shall, in accordance with relevant national laws and regulations, provide paid services.

Urban water consumers, whether entities or individuals, shall pay wastewater treatment fees in accordance with the rates prescribed under relevant national laws and regulations. Wastewater treatment fees shall be used for the maintenance, operation, protection and construction of the sewage pipeline network and the centralized urban wastewater treatment facilities, and shall not be used for any other purpose.

Where wastewater treatment fees collected by a centralized urban wastewater facility operator in a township are insufficient for normal operation of such facilities, the relevant district government shall arrange for funds to make up the shortfall.

第三十八条 向公共污水处理设施排放水污染物，有下列情形之一的，应当在排入公共污水处理设施之前进行预处理，并达到规定的标准：

- （一）含有毒污染物名录内污染物的污水；
- （二）医疗卫生机构产生的含病原体的污水；
- （三）含难以生物降解的有机污染物的废水。

第三十九条 本市应当加强雨水的收集、处理和利用，采取措施，防止初期雨水造成污染。

任何单位和个人不得向雨水收集口、雨水管道排放或者倾倒污水、污物和垃圾等废弃物。

第四十条 对污水处理产生的污泥的处理处置，应当遵循源头削减和全过程控制原则，实现污泥的减量化、稳定化、无害化和资源化。

禁止采用倾倒、堆放、直接填埋的方式处置污泥。

第四十一条 本市各级人民政府应当通过政府投资或者其他方式筹集资金，统筹安排建设污泥处理处置设施，将污泥处理处置规划纳入本市排水和再生水规划。

市水务部门应当会同有关部门建立污泥收集、运输、处理和处置的技术标准体系和运营监管体系，规范污泥的处理处置及综合利用。

第四十二条 污水处理单位对所产生的污泥的贮存、运输、处理、处置全过程承担污染防治责任，并对处理处置后的污泥的去向、用途、用量等进行跟踪、记录，不得造成二次污染。污水处理单位将产生的污泥委托其他单位处置的，应当与被委托单位约定双方的污染防治责任。

第四十三条 新建、改建、扩建污水处理设施，应当按照规划确定配套的污泥处理工艺或者措施。现有污水处理设施不能达到污泥处理标准的，应当限期进行改造完善。

第四十四条 本市鼓励和支持通过资源综合利用方式，采用循环经济模式对污泥进行处置。

在农林、建材等生产领域利用经无害化处理的污泥的，享受国家和本市资源综合利用相关优惠政策。

Article 38 The following categories of wastewater shall be pretreated to prescribed standards before being discharged to public wastewater treatment facilities:

- (1) Wastewater containing pollutants on the list of toxic pollutants;
- (2) Pathogen-containing wastewater from health and medical facilities; and
- (3) Wastewater containing organic pollutants that are difficult to biodegrade.

Article 39 The Municipality shall increase the collection, treatment and utilization of rainwater and take appropriate measures to prevent contamination from first flush run-off.

No entity or individual may discharge or dump wastewater, refuse or any other waste into gutter inlets or rainwater pipelines.

Article 40 Sludge from the treatment of wastewater shall be treated and disposed of in accordance with the principles of source reduction and whole-process control, so as to reduce, stabilize, neutralize the sludge and turn it into resources.

The disposal of sludge through dumping, stockpiling or direct landfill is prohibited.

Article 41 All levels of government under the Municipality shall, through government investment or other channels, raise funds and undertake overall planning for the construction of facilities for treating and disposing of sludge. Sludge treatment and disposal programs shall be incorporated into the municipal drainage and wastewater reuse plan.

To standardize the treatment, disposal and utilization of sludge, the municipal water authority shall, in conjunction with other relevant municipal authorities, develop a technical standard and an operation monitoring system for the collection, transportation, treatment and disposal of sludge.

Article 42 Wastewater treatment entities shall be responsible for pollution control in relation to the sludge generated from their operations. This responsibility shall remain throughout the end to end process of storage, transportation, treatment and disposal. Wastewater treatment entities shall track and record information including the destination to which the sludge has been delivered, the quantities in which it was used and the purpose that it was used for, and must ensure that no secondary pollution is caused. Where a wastewater treatment entity outsources the treatment and disposal of its sludge, the respective responsibilities of both parties in relation to pollution control shall be agreed by contract.

Article 43 The construction, alteration or expansion of new or existing wastewater treatment facilities shall include defined processes or measures for sludge treatment that comply with the municipal sludge treatment program. Existing wastewater treatment facilities that are unable to meet relevant sludge treatment standards shall be retrofitted and upgraded within the prescribed timeframe.

Article 44 The Municipality encourages and supports recycling and resource recovery to achieve the responsible disposal of sludge.

Production industries such as forestry, agriculture, and construction materials that use neutralized sludge shall enjoy preferential policies of the state and the Municipality on the comprehensive utilization of resources.

政府投资的沙荒地治理、园林绿化、土壤改良等项目实施政府采购的，应当优先采购符合国家和本市相关标准的污泥衍生产品。

第四节 农村和农业水污染防治

第四十五条 本市应当根据水资源承载力和水污染防治的要求，优化农村产业结构和产业发展布局，发挥农业的生态功能。

第四十六条 区和乡镇人民政府应当对未纳入城镇污水管网的村庄的生活污水进行治理，优先采用生态、低能耗、资源化的污水处理技术；对在饮用水源保护区、河道两侧等重点区域的村庄，应当建设集中污水处理设施，并保证建设及运转资金。

第四十七条 市、区农业农村部门应当对畜禽养殖、水产养殖及种植业水污染防治进行监督管理，对农业生产环境进行监测，加强农业水污染防治的业务指导。

第四十八条 本市鼓励畜禽养殖场、养殖小区采取生态养殖方式。建设规模化畜禽养殖场、养殖小区，应当符合本市农业水污染防治规划的要求，并配套建设集中式畜禽粪污综合利用设施或者无害化处理设施。规划禁养区内已有的畜禽养殖场、养殖小区项目，由所在地区人民政府限期拆除。

规模化畜禽养殖企业应当采取防渗漏、防流失、防遗撒措施，防止畜禽养殖废水、粪污渗漏、溢流、散落对环境造成污染。

第四十九条 市、区人民政府应当制定政策，鼓励、引导建设集中式畜禽粪污综合利用或者无害化处理设施，引入市场化机制进行运营。

第五十条 水产养殖的排水直接排入地表水体的，应当达到受纳水体水环境功能区的要求。

第五十一条 本市鼓励种植业通过推行测土配方施肥、病虫害生物防治等措施，提高肥料使用效率，合理使用有机肥和化肥，减少化学农药施用量，防止污染水环境。

Where purchases in government invested anti-desertification, urban afforestation and soil improvement programs are made through government procurement, preference shall be given to sludge derivative products meeting relevant national and municipal standards.

Section 4 Prevention and Control of Agricultural and Rural Water Pollution

Article 45 The Municipality shall, taking into account water resource carrying capacities and water pollution prevention and control requirements, optimize rural industrial structure and industrial development layout, and develop the ecological functions of agriculture.

Article 46 District and township governments shall be responsible for the treatment of domestic wastewater in villages outside the urban wastewater treatment network, and shall prioritize the use of ecological, low-energy, and resource recovery treatment technologies. For villages located in critical areas such as protected drinking water zones or along the banks of rivers, the responsible district or township government shall establish centralized wastewater treatment facilities and ensure that sufficient funds are available for the construction and operation of these facilities.

Article 47 The municipal and district authorities for agriculture and rural affairs shall oversee the measures of water pollution prevention and control implemented in the livestock and poultry farming, aquaculture, and crop farming industries. The authorities shall monitor the agricultural environment and increase guidance on preventing and controlling agricultural water pollution.

Article 48 The Municipality encourages livestock and poultry farms and farming communities to adopt ecological farming methods. Where large-scale farms or farming communities are established, they must meet the requirements of the Municipality's program for the prevention and control of water pollution and must be equipped with centralized manure utilization or neutralization facilities. Existing farms or farming communities in areas where farming is prohibited under the program shall be shut down within the timeframe prescribed by the local government.

Large-scale livestock and poultry farming enterprises shall take leakage, run-off and dispersion prevention measures to prevent environmental pollution due to seepage, overflow or dispersal of the wastewater or manure.

Article 49 The municipal and district governments shall implement policies to encourage the establishment of centralized facilities for using and neutralizing livestock and poultry manure, and introduce market mechanisms for the operation of these facilities.

Article 50 Aquaculture discharge that is drained directly into surface waters must meet the quality standards for the functional zone of the receiving water body.

Article 51 The Municipality encourages soil testing, formulated fertilization, biological pest and disease control and other measures in the crop farming industry to improve the efficiency of fertilizers. It also encourages appropriately balancing the use of

第五节 水污染事故处置

第五十二条 本市各级人民政府负责组织突发水污染事故的应急准备、应急处置和事后恢复等工作。

造成水污染事故的单位和个人应当承担事故的处置和事后恢复责任，对受到损失的单位或者个人依法进行赔偿。

第五十三条 可能发生水污染事故的企业事业单位和其他生产经营者，应当制定有关水污染事故的应急方案，建设事故状态下的水污染防治设施，储备相应的应急救援物资，做好应急准备，并定期进行演练。

生产、使用、储存危险化学品的企业事业单位和其他生产经营者，应当在其储存场所建立防渗漏围堰，在厂区修建消防废水、废液的收集装置，采取措施防止在处理安全生产事故过程中产生的可能严重污染水体的消防废水、废液排入水体。

第五十四条 企业事业单位和其他生产经营者发生事故或者其他突发性事件，造成或者可能造成水污染事故的，应当立即启动本单位的应急方案，采取应急措施，并向市或者区人民政府或者生态环境部门报告。生态环境部门接到报告后，应当及时向本级人民政府报告，并抄送有关部门。

生态环境部门应当会同水务部门等相关部门及时对水污染事故可能影响的区域进行监测，督促造成事故的单位和个人妥善处理事故造成的水体污染。

第五十五条 市、区人民政府及有关部门应当依法公开水污染事故的预警信息和应对情况，将事故信息和应当注意的事项及时告知可能受到影响的单位和个人。

第四章 饮用水水源与地下水保护

第五十六条 本市实行饮用水水源保护区制度。饮用水水源保护区分为一级保护

organic and chemical fertilizers to reduce the use of chemical pesticides and herbicides and prevent water pollution.

Section 5 Management of Water Pollution Incidents

Article 52 All levels of government under the Municipality shall be responsible for water pollution emergency preparedness, emergency response and post-emergency recovery.

Any entity or individual causing a water pollution incident shall be responsible for containing and resolving the incident, and for post-incident recovery. Such persons shall also be liable, in accordance with relevant laws and regulations, to compensate any entity or individual for any loss or damage resulting from or arising out of the water pollution incident.

Article 53 Any enterprise, public institution or other manufacturer or operator that may be at risk of water pollution incidents shall establish a water pollution emergency plan, install equipment and facilities for the prevention and control of water pollution in emergency circumstances, have available all emergency materials, ensure preparedness at all times and conduct emergency response rehearsals on a regular basis.

Any enterprise, public institution or other manufacturer or operator that manufactures, uses or stores hazardous chemicals shall install anti-seepage cofferdams at their storage sites, and collection facilities of fire-fighting wastewater and used liquid in their plant areas. Such entities must also ensure that severe water pollution by fire-fighting wastewater and used liquid is avoided by implementing measures to prevent the discharge of such liquids into water bodies during responses to chemical manufacturing emergencies.

Article 54 Where any emergency or other incident which causes, or has the potential to cause, a water pollution incident, occurs in an enterprise, public institution or any other manufacturer or operator, the affected entity shall immediately initiate emergency response procedures and report the incident to the municipal or district government or authority for ecology and environment. Upon receiving report of such incidents, the authority for ecology and environment shall promptly report the matter to the government of the same level, copying in any other relevant authorities.

The authority for ecology and environment, in conjunction with the water authority and other relevant authorities, shall promptly monitor areas that may potentially be affected by the incident, and shall oversee that the responsible entity or individual takes appropriate measures to alleviate the pollution.

Article 55 The municipal and district governments and relevant authorities shall, in accordance with relevant laws and regulations, provide early warning of water pollution incidents to the public and keep the public informed of incident status and response measures taken. Entities and individuals that may potentially be affected should be promptly notified of the incident and the matters requiring special attention.

Chapter IV Drinking Water Source and Groundwater Protection

Article 56 The Municipality shall create reserves for the protection of drinking water sources. Reserves shall be classified as Class I or Class II Reserves. The Municipality may

区和二级保护区；在饮用水水源保护区外围可以划定一定区域作为准保护区。

跨区供水的饮用水水源保护区和准保护区的划定，由市生态环境部门会同市水务、规划和自然资源、卫生健康、住房和城乡建设、园林绿化等相关部门提出方案，报市人民政府批准。其他饮用水水源保护区和准保护区的划定，由区人民政府提出方案，报市人民政府批准。

市人民政府可以根据饮用水水源保护的需要，调整饮用水水源保护区和准保护区的范围，确保饮用水安全。

第五十七条 禁止在饮用水水源一级保护区内新建、改建、扩建与供水设施和保护水源无关的建设项目。已建成的与供水设施和保护水源无关的建设项目，由市或者区人民政府责令拆除或者关闭。

禁止在饮用水水源一级保护区内从事旅游、垂钓或者其他可能污染饮用水水体的活动。

第五十八条 禁止在饮用水水源二级保护区内新建、改建、扩建排放污染物的建设项目。已建成的排放污染物的建设项目，由市或者区人民政府责令拆除或者关闭。

在饮用水水源二级保护区内从事旅游等活动的，应当按照规定采取措施，防止污染饮用水水体。

第五十九条 禁止在饮用水水源准保护区内新建、扩建对水体污染严重的建设项目。改建建设项目，不得增加排污量。

本市各级人民政府应当根据保护饮用水水源的实际需要，在准保护区内采取工程措施或者建造湿地、水源涵养林等生态保护措施，防止水污染物直接排入饮用水水体，确保饮用水安全。

第六十条 地表饮用水水源保护区内禁止下列行为：

- （一）装载有毒污染物的车辆驶入；
- （二）从事网箱养殖；
- （三）从事水上旅游、游泳或者其他可能污染水源的活动。

地表饮用水水源准保护区内禁止从事网箱养殖。

also designate certain areas that border a drinking water source reserve as semi-reserves.

Proposals for reserve and semi-reserve designation of drinking water source zones that supply more than one district shall be drawn up by the municipal department for ecology and environment, in conjunction with the municipal authorities for water, planning and natural resources, health, housing and urban-rural development, urban afforestation and other relevant municipal authorities. Trans-district drinking water source reserve and semi-reserve proposals shall be submitted to the municipal people's government for approval. Proposals for reserve and semi-reserve designation of all other drinking water source zones shall be drawn up by the district government and submitted to the municipal government for approval.

The municipal government may, taking into account requirements for the protection of drinking water sources, alter the boundaries of drinking water source reserves and reserves to ensure the safety and security of drinking water.

Article 57 The building, conversion or expansion of any operations unrelated to the supply of water or the protection of water sources in a Class I Reserve is prohibited. Where such operations are already in existence, the municipal or district government shall order their closure or demolition.

Tourism, angling, or any other activities which may cause pollution to drinking water sources are prohibited in Class I Reserves.

Article 58 It is prohibited to build, reconstruct or expand construction projects that discharge pollutants in secondary protected areas for drinking water source. The completed construction projects that discharge pollutants shall be ordered to be demolished or closed down by the municipal or district people's governments.

Where tourism or other activities are conducted in a Class II Reserve, measures must be taken in accordance with relevant laws and regulations to prevent the pollution of drinking water sources.

Article 59 The building or expansion of any operation that would cause serious pollution to water bodies is prohibited in semi-reserve areas. Conversion and retrofitting of existing operations are permitted, provided that such conversion or retrofitting shall not result in any increase of pollutant discharge volumes.

All levels of government the Municipality shall, in accordance with the objective requirements for the protection of drinking water sources, install engineering solutions or implement ecological protection measures, such as the creation of wetlands or the planting of water conservation forests, in semi-reserve areas to prevent the direct discharge of water pollutants into drinking water sources and ensure the safety and security of drinking water.

Article 60 The following activities are prohibited in reserve areas for the protection of surface drinking water sources:

- (1) The entry of vehicles carrying toxic pollutants;
- (2) Cage farming;
- (3) Water tourism, swimming or any other activity that may cause water source pollution.

Cage farming is prohibited in semi-reserve areas for the protection of surface drinking water sources.

第六十一条 地下饮用水水源保护区内禁止下列行为：

- （一）堆放和贮存易溶、含有毒污染物的废弃物；
- （二）堆放垃圾、粪便及其他可能污染地下饮用水水源的固体废弃物；
- （三）新建贮存液体化学原料、油类或者其他含有毒污染物物质的地下工程设施。

在地下饮用水水源准保护区内禁止堆放和贮存易溶、含有毒污染物的废弃物。

第六十二条 饮用水水源受到污染可能威胁供水安全的，生态环境部门应当责令有关单位采取停止或者减少排放水污染物等措施，当地人民政府应当视情况采取停止取水等应急措施。

第六十三条 建设、使用垃圾填埋场或者贮存液体化学原料、油类等地下工程设施的单位，应当对地下工程采取防止渗漏的有效措施，并配套建设地下水监测井等水污染防治设施，定期向生态环境部门提交地下水水质监测报告，防止污染地下水。

第六十四条 多层地下水的含水层水质差异较大的，应当分层开采；对已受污染的潜水和承压水，不得混合开采。因过量开采地下水导致水质恶化，不宜继续开采的，市水务部门应当会同市规划和自然资源部门向市人民政府报告。市人民政府应当责成有关部门采取措施，停止或者限制开采地下水。

第六十五条 从事地下热水资源开发利用或者使用水源热泵、地源热泵的，应当采取有效措施，防止地下水污染。市规划和自然资源部门和市水务部门应当依法加强监督管理和指导。

第六十六条 人工回灌补给地下水的，不得恶化地下水水质。

进行地下勘探、采矿、工程降排水、地下空间的开发利用等可能干扰地下含水层的活动，应当采取防护性措施，防止地下水污染。

大口井、废弃机井的产权单位应当采取合理的封井措施和工艺，防止造成地下水污染。

Article 61 The following activities are prohibited in reserve areas for the protection of underground drinking water sources:

- (1) Stockpiling or storing soluble wastes that contain toxic pollutants;
- (2) Stockpiling refuse, excrement or any other solid wastes that may pollute the underground sources of drinking water;
- (3) The construction of new underground facilities for the storage of liquid chemicals, oil or any other substance containing toxic pollutants.

The stockpiling and storage of soluble wastes that contain toxic pollutants is prohibited in semi-reserve areas for the protection of underground drinking water sources.

Article 62 Where a drinking water source has been polluted and poses a potential threat to water supply safety and security, the ecology and environment authority shall order the polluting entities to cease or reduce their discharge of water pollutants, or to take other measures as appropriate in the circumstances. The local government shall, having regard to the circumstances at the time, take appropriate emergency measures, including to cease drawing water from the polluted source.

Article 63 Entities that use or construct landfill sites or other underground facilities, such as liquid chemical or oil storage sites, shall ensure that groundwater pollution is prevented by taking effective measures anti-seepage measures and installing groundwater monitoring wells and other supporting facilities for the prevention and control of water pollution. Such entities shall submit groundwater quality reports to the ecology and environment authority on a regular basis.

Article 64 Where there are significant differences in water quality between aquifers in a multi-layer groundwater system, an aquifer by aquifer approach to water extraction shall be taken. Where there has been pollution to phreatic or artesian groundwater, mixed extraction shall not be permitted. The water authority, together with the municipal authority for planning and natural resources, shall report to the municipal government any case in which over exploitation has led to the degradation of groundwater quality, such that further extraction from the degraded water source should not be continued. The municipal government shall then instruct the relevant authorities to take measures to cease or restrict extraction from the degraded groundwater source.

Article 65 Effective measures for the prevention of groundwater pollution shall be taken when conducting any activity involving the use or development of thermal groundwater resources, or the use of hydrothermal or geothermal pumps. The municipal planning and natural resources and water authorities shall, in accordance with relevant laws and regulations, strengthen monitoring and supervision of such activities, and provide further guidance on how they are to be conducted.

Article 66 Artificial recharge of groundwater must not cause any degradation to water quality.

Protective measures for the prevention of groundwater pollution must be taken when conducting any activity that may disturb underground aquifers, including activities such as underground exploration, mining, mechanical drainage and the excavation or use of underground spaces.

Proprietors of large open wells and abandoned motor-pump wells shall ensure that such wells are sealed using appropriate measures and techniques to prevent groundwater pollution.

第五章 生态环境用水保障与污水再生利用

第六十七条 本市坚持水资源开发利用与水污染防治相结合，实行用水总量控制，鼓励污水再生利用，逐步保障生态环境用水，实现用水量与水资源量的平衡，恢复地表、地下水合理的水量、水位。

水务部门在制定水资源利用规划或者进行水资源调配时，应当统筹考虑再生水与地表水、地下水的利用，在保障城乡居民生活用水的基础上，统筹兼顾生态环境、工业、农业用水。

第六十八条 市水务部门会同市生态环境部门确定本市重点河段和重点湖泊最低生态环境用水量，在流域综合整治规划中提出具体生态用水保障方案并组织实施。

第六十九条 本市生态环境用水应当优先使用雨水和再生水。严格限制使用地下水和自来水作为城市景观用水。

住宅小区、单位内部景观用水和市政杂用水具备使用雨水或者再生水条件的，应当使用雨水或者再生水，不得使用地下水和自来水。

各类工程施工降水的抽排水应当综合利用，优先用于施工现场及城市景观用水。

前三款所列各项用水的具体管理办法由市人民政府制定。

第七十条 市水务部门应当将水体生态修复纳入流域综合整治规划，通过采取生态保护措施，改善水体水质。

第七十一条 跨河流调配水资源的，应当充分论证，统筹兼顾水资源利用和水污染防治的需要，防止对生态环境产生不利影响。

第七十二条 市、区水务部门应当按照管理权限组织编制排水和再生水规划，经规划和自然资源部门组织审查后报本级人民政府批准实施。

本市各级人民政府依据有关规划，通过政府投资或者其他方式筹集资金，统筹安排建设公共再生水设施，逐步扩大再生水输配管网的覆盖范围。

Chapter V Ecological Water Security and Wastewater Reclamation

Article 67 The Municipality shall undertake water pollution and control measures hand in hand with its activities for the development and utilization of water resources. The Municipality has implemented caps on total water consumption and encourages the reuse and recycling of wastewater to progressively ensure the availability of water for ecological purposes, achieve a balance between water consumption volumes and water resource availability, and restore surface and ground waters to appropriate quantities and levels.

When planning for water resource usage or allocation, the water authority shall give wholistic consideration to the use of reclaimed water, surface water and groundwater. The water authority shall, ensuring at all times the availability of water for the domestic use of urban and rural residents, develop water usage plans that accommodate the competing needs of ecological, industrial and agricultural water use.

Article 68 The municipal department of water affairs shall, jointly with the municipal department of ecology and environment, determine the minimum water consumption volume for ecological purposes at key river reaches and lakes of the Municipality, and put forward specific schemes of water security for ecological purposes in the comprehensive improvement plan of river basins and organize the implementation of the schemes thereof.

Article 69 Rainwater and reclaimed water shall be the preferred sources for any water used for ecological purposes. The municipality shall impose strict limits on the use of groundwater or tap water for urban landscaping.

Where residential community complexes, entity and government agency premises are equipped with facilities for the use of rainwater or reclaimed water, tap water and groundwater shall not be used for interior landscaping in residential community complexes or entity premises, and shall not be put to miscellaneous uses in government agency premises. Rainwater or reclaimed water shall be used for these purposes.

Water pumped or drained water from dewatered construction sites shall be reused, with priority given to on-site usage and urban landscaping.

Specific measures for the management and enforcement of the water usage regulations in the three paragraphs above shall be formulated by the municipal government.

Article 70 The municipal water authority shall incorporate the ecological restoration of water bodies into the comprehensive channel maintenance plans and improve water quality through the adoption of ecological protection measures.

Article 71 Where water resource allocation across rivers is required, full consideration must be given to the requirements of both water resource utilization and water pollution prevention and control, so that adverse environmental impacts are prevented.

Article 72 The municipal and district water authorities shall arrange for the development of drainage and water reclamation plans for areas within their jurisdiction. Plans shall be reviewed by the planning and natural resources authority and then submitted to the government of the same level for approval and implementation.

All levels of government under the Municipality shall raise funds through government investing or other channels, undertake overall planning for, and arrange for the construction of public water reclamation facilities. Governments at all levels shall also progressively expand the pipe transmission network for reclaimed water distribution.

第七十三条 本市各级人民政府应当制定政策，采取措施，发展工业再生水用户，鼓励工业企业的废水处理后循环使用，扩大农业再生水灌溉范围，推动再生水回补地下水的技术研究和应用。

再生水输配管网覆盖范围内的园林绿化、环境卫生、工程施工等用水应当使用再生水。

再生水输配管网覆盖范围以外的地区新建、改建、扩建的建设项目，可回收水量较大的，应当配套建设再生水利用设施。

第七十四条 市水务部门应当根据用水规模、水质要求和经济、技术条件等因素，确定本市重点行业的再生水使用指标，报市人民政府批准施行。

重点行业的企业具备再生水利用条件的，市水务部门应当将再生水用量纳入其用水指标；无正当理由未使用再生水的，由市水务部门责令限期改正，逾期不改正的，由市水务部门核减相应的用水指标。

第七十五条 再生水用户应当根据不同用途，按照国家和本市规定的再生水水质标准使用再生水。

再生水设施运营单位应当加强设施的维护管理，保证其正常运行，并对再生水水质负责。

第七十六条 本市开展再生水利用的风险研究，建立再生水利用的监测和预警系统。

第六章 法律责任

第七十七条 对违反本条例规定的行为，有关法律、法规已经规定法律责任的，适用其规定；法律、法规没有规定的，适用本条例的规定。

第七十八条 市、区生态环境部门或者其他依照本条例规定行使监督管理权的部

Article 73 All levels of government under the Municipality shall establish policies and implement measures to develop customers for industrial reclaimed water, encourage industrial enterprises to recycle and reuse their treated wastewater, expand the areas in which reclaimed water is used for irrigation, and promote the research and application of technologies for the use of reclaimed water for groundwater recharge.

In areas covered by the reclaimed water transmission network, reclaimed water shall be used for afforestation, sanitation, project construction and other similar purpose.

In areas outside the reclaimed water transmission network, construction, conversion or expansion projects with significant volumes of reclaimable water shall install facilities for the utilization of reclaimed water.

Article 74 The municipal water authority shall develop quotas for the use of reclaimed water in key municipal industries, taking into account factors such as water consumption volumes, water quality requirements and economic and technological capabilities. The quotas shall be submitted to the municipal government for approval and implementation.

The water authority shall incorporate reclaimed water usage volumes into the water consumption quotas of enterprises in key industries that are capable of using reclaimed water. Where there has been a failure to use reclaimed water without reasonable excuse, the water authority shall order such entities to remedy their non-compliance within a prescribed period. Where the non-compliance is not remedied within the prescribed timeframe, the entity shall have its water consumption quota reduced by the water authority.

Article 75 Quality standards for reclaimed water of different purposes shall be set by the state and the Municipality and applied to the users accordingly.

Operators of reclaimed water facilities shall strengthen facility maintenance management and ensure the normal operation of the facilities at all times. Operators are responsible for the quality of the reclaimed water at their facilities.

Article 76 The Municipality shall conduct risk analyses on the utilization of reclaimed water and establish a monitoring and early warning system for safe water reuse.

Chapter VI Penalties and Liability

Article 77 Where existing laws and regulations prescribe penalties and liabilities for an act that breaches these Regulations, the provisions in those existing laws and regulations shall apply. Where no applicable laws or regulations exist, the provisions of these Regulations shall apply.

Article 78 Where any of the following acts are committed by the municipal or district ecology and environment authority, or any other authority exercising supervisory powers under these Regulations, the appointment and removal organ or the supervisory organ shall, in accordance with applicable law, impose administrative penalties against the directly

门有下列行为之一的，由任免机关或者监察机关依法对直接负责的主管人员和其他直接责任人员给予行政处分；构成犯罪的，依法追究刑事责任：

- （一）不依法作出行政许可或者办理批准文件的；
- （二）未按规定实施行政处罚或者违法采取行政措施的；
- （三）发现违法行为或者接到对违法行为的举报后不予查处的；
- （四）其他未依照本条例规定履行职责的行为。

第七十九条 违反本条例规定，有下列行为之一的，由区级以上人民政府生态环境部门责令改正或者责令限制生产、停产整治，并处十万元以上一百万元以下的罚款；情节严重的，报经有批准权的人民政府批准，责令停业、关闭：

- （一）超过水污染物排放标准或者超过重点水污染物排放总量控制指标排放水污染物的；
- （二）利用渗井、渗坑、裂隙、溶洞，私设暗管，篡改、伪造监测数据，或者不正常运行水污染防治设施等逃避监管的方式排放水污染物的。

第八十条 违反本条例规定，装载有毒污染物的车辆驶入地表饮用水水源保护区的，由公安机关交通管理部门责令改正，并依法处理。

在地表饮用水水源保护区组织水上旅游或者其他可能污染饮用水水源活动的，以及在地表饮用水水源保护区和准保护区内从事网箱养殖的，由所在地区生态环境部门或者水务部门按照职责分工责令停止违法行为，并处二万元以上十万元以下的罚款。个人在地表饮用水水源一级保护区内游泳、垂钓或者从事其他可能污染饮用水水体的活动的，由所在地区生态环境部门或者水务部门按照职责分工责令停止违法行为，并可以处五百元以下的罚款。

第八十一条 违反本条例规定，有下列行为之一的，由市或者区生态环境部门责令限期改正，并处一万元以上十万元以下的罚款：

- （一）在地下饮用水水源保护区或者准保护区内堆放和贮存易溶、含有毒污染物的废弃物；

responsible director and any other persons directly responsible for the commission of the prescribed act. Where the prescribed act constitutes the commission of a crime, the offenders shall bear criminal liability.

(1) Failing to grant administrative licenses or issue approval documents in accordance with applicable law;

(2) Failing to impose administrative penalties in accordance with regulations, or imposing administrative penalties in contravention of applicable laws;

(3) Failing to investigate the illegal activities that have been discovered or reported;

(4) Any other failure to perform its duties as prescribed under these Regulations.

Article 79 Where any entity commits any of the following acts in contravention of these Regulations, the ecology and environment authority of the district level or above shall issue orders for remedying of the contravention, the restriction of production or the suspension of operations until rectification, and shall impose a fine of not less than 100,000 RMB but not exceeding 1,000,000 RMB. Where a serious contravention of these regulations has been committed, the authority for ecology and environment may order the offending entity to suspend its operations, and upon receiving approval from the competent government, may order the entity to be closed down.

(1) Discharging water pollutants in quantities that exceed the limits prescribed under the water pollutant discharge standards or the total discharge limits prescribed for major water pollutants;

(2) Falsifying or altering monitoring data through the use of seepage pits, leaching wells, crevices, karst caves or concealed private pipelines, or illegally discharging water pollutants through the evasion of supervisory measures, including through the non-standard operation of equipment or facilities for the prevention and control of water pollution.

Article 80 The department of traffic administration under the public security organ shall order any vehicles carrying toxic pollutants into reserve areas for the protection of surface drinking water sources, in contravention of these Regulations, to remedy the contravention, and shall deal with the incident in accordance with applicable law.

Where any person engages in the organization of water tourism or any other activity that may pollute drinking water sources in reserve areas for the protection of surface drinking water sources, or where any person engages in cage farming in reserve areas or semi-reserve areas for the protection of surface drinking water sources, the local authority for ecology and environment or the local water authority, as appropriate to the scope of their duties, shall order that person to cease the contravening activity, and shall impose a fine of not less than 20,000 RMB but not exceeding 100,000 RMB. Where any individual engages swims or engages in angling, or any other activity which may cause pollution to drinking water sources, in a Class I Reserve, the local authority for ecology and environment or the local water authority, as appropriate to the scope of their duties, shall order that individual to cease the contravening activity, and may impose a fine of not more than 500 RMB.

Article 81 Where any person commits any of the following acts in contravention of these Regulations, the municipal or district authority for ecology and environment shall order that person to remedy the contravention within a specified timeframe, and shall impose a fine of not less than 10,000 RMB but not exceeding 100,000 RMB.

(1) Stockpiling or storing soluble wastes that contain toxic pollutants in reserve or semi-reserve areas for the protection of underground drinking water sources;

（二）在地下饮用水水源保护区内堆放垃圾、粪便及其他可能污染地下饮用水水源的固体废弃物；

（三）在地下饮用水水源保护区内新建贮存液体化学原料、油类或者其他含有毒污染物物质的地下工程设施。

第八十二条 有关排污单位违反本条例规定，不执行市人民政府采取的更加严格的水污染防治措施，造成水环境污染的，由市或者区生态环境部门处一万元以上十万元以下的罚款；情节严重的，市或者区人民政府可以责令其停产、停业。

第八十三条 违反本条例规定，有下列行为之一的，由市或者区生态环境部门责令停止违法行为，采取限期治理措施，消除污染，处以罚款；逾期不采取治理措施的，生态环境部门可以指定有治理能力的单位代为治理，所需费用由违法者承担：

（一）向水体排放油类、酸液、碱液；

（二）向水体排放剧毒废液，或者将含有汞、镉、砷、铬、铅、氰化物、黄磷等的可溶性剧毒废渣向水体排放、倾倒或者直接埋入地下的；

（三）在水体清洗装贮过油类、有毒污染物的车辆或者容器的；

（四）向水体排放、倾倒工业废渣、城镇垃圾或者其他废弃物，或者在河流、湖泊、渠道、水库最高水位线以下的滩地和岸坡堆放、存贮固体废弃物或者其他污染物的；

（五）向水体排放、倾倒放射性固体废物或者含高放射性和中放射性物质的废水的；

（六）违反国家有关规定或者标准，向水体排放含低放射性物质的废水、热废水或者含病原体的污水的；

（七）未采取防渗漏等措施，或者未建设地下水水质监测井进行监测的；

（八）加油站等的地下油罐未使用双层罐或者采取建造防渗池等其他有效措施，或者未进行防渗漏监测的；

（九）未按照规定采取防护性措施，或者利用无防渗漏措施的沟渠、坑塘等输送或者存贮含有毒污染物的废水、含病原体的污水或者其他废弃物的；

（十）在砂石坑、窑坑、滩地等低洼地排放污水，倾倒、存贮垃圾、粪便及其

(2) Stockpiling refuse, excrement or any other solid wastes that may cause contamination to underground drinking water sources within a reserve area;

(3) Building new underground facilities for the storage of liquid chemicals, oils or other substance containing toxic pollutants within a reserve area for the protection of underground drinking water sources.

Article 82 Where a pollutant discharging entity, in contravention of these Regulations, fails to implement the stricter measures for water pollution prevention and control adopted by the municipal government, and causes pollution to the aquatic environment, the municipal or district authority for ecology and environment shall impose on that entity a fine of not less than 10,000 RMB but not exceeding 100,000 RMB. Where a serious contravention of these Regulations has been committed, the municipal or district government may order the offending entity to suspend production, or order the temporary closure of its operations.

Article 83 Where any person commits any of the following acts in contravention of these Regulations, the municipal or district authority for ecology and environment shall order such persons to cease the contravening acts and take remedial measures for mitigation of the pollution within a prescribed timeframe, and shall impose an appropriate fine. If the offending persons fail to take remedial measures within the prescribed timeframe, the ecology and environment authority may appoint a capable entity to undertake remediation. The costs of remediation shall be borne by the offending persons:

- (1) Discharging oil, acids or alkaline solutions into water bodies;
- (2) Discharging highly toxic liquid waste into water bodies; discharging or dumping highly soluble toxic residues such as mercury, cadmium, arsenic, chrome, lead, cyanide or phosphorus into water bodies or burying them directly in the ground;
- (3) Cleaning vehicles or containers in which oil or toxic pollutants have been stored at water bodies;
- (4) Discharging or dumping industrial waste residues, urban refuse or other waste into water bodies; stockpiling or storing solid wastes or other pollutants below the high-water line on the shores or banks of rivers, lakes, channels or reservoirs;
- (5) Dumping solid radioactive waste, or discharging wastewater containing high or moderately radioactive contaminants into water bodies;
- (6) Discharging wastewater contaminated with low-activity radioactive waste or pathogenic contaminants, or hot wastewater into water bodies in contravention of applicable national standard;
- (7) Failing to take anti-leakage or other required measures, or failing to use or install groundwater quality monitoring wells;
- (8) Failing to use double-layered underground tanks, install anti-seepage pools or take other effective measures at petrol stations or other similar sites to prevent groundwater pollution, or failing to conduct anti-leakage monitoring at such sites;
- (9) Failing to take preventive measures as required by regulation, or using any ditch, pit, pool, etc., to transport or store wastewater containing toxic pollutants, pathogens or other wastes without taking anti-seepage measures;
- (10) Discharging wastewater, dumping or storing refuse, excrement or other pollutants, or discharging or dumping wastewater through diffuse flows, in low-lying areas such as pits

他污染物，或者以漫流方式排放、倾倒污水的；

（十一）未将实验室、检验室、化验室废液按照国家和本市关于危险废物的有关规定单独收集，进行安全处置的。

有前款第（三）项、第（四）项、第（六）项、第（七）项、第（八）项、第（十）项、第（十一）项行为之一的，处二万元以上二十万元以下的罚款；有前款第（一）项、第（二）项、第（五）项、第（九）项行为之一的，处十万元以上一百万元以下的罚款；情节严重的，报经有批准权的人民政府批准，责令停业、关闭。

第八十四条 违反本条例规定，生产含磷洗涤用品的，由市或者区生态环境部门责令停止违法行为，并处一万元以上十万元以下的罚款；销售含磷洗涤用品的，由市或者区市场监督管理部门责令停止违法行为，并处一千元以上一万元以下的罚款。

第八十五条 违反本条例规定，未按规定对排放的水污染物进行预处理的，由市或者区生态环境部门责令限期改正，并处一万元以上三万元以下的罚款。其中，未按照规定进行预处理，向污水集中处理设施排放不符合处理工艺要求的工业废水的，由市或者区生态环境部门责令改正或者责令限制生产、停产整治，并处十万元以上一百万元以下的罚款；情节严重的，报经有批准权的人民政府批准，责令停业、关闭。

第八十六条 违反本条例规定，向雨水收集口、雨水管道排放或者倾倒污水、污物和垃圾等废弃物的，由水务部门责令停止违法行为，对个人处一千元以上一万元以下的罚款；对单位处一万元以上十万元以下的罚款。

第八十七条 违反本条例规定，有下列行为之一的，由市或者区生态环境部门责令停止违法行为，消除污染，并处一万元以上十万元以下的罚款：

（一）用倾倒、堆放、直接填埋的方式对污泥进行处置；

（二）未按照规划确定配套的污泥处理工艺、措施，或者污泥处置设施未正常运行。

第八十八条 违反本条例规定，规模化畜禽养殖企业未采取有效措施，致使畜禽养殖废水、粪污渗漏、溢流、散落对环境造成污染的，由市或者区生态环境部门责令停止违法行为，并处一千元以上一万元以下的罚款。

and shore areas; and

(11) Failing to separate laboratory wastewater for safe disposal in accordance with national and municipal regulations on hazardous waste disposal.

Any persons committing an act described in paragraphs 3, 4, 6, 7, 8, 10 or 11 shall be fined an amount not less than 20,000 RMB but not exceeding 200,000 RMB. Any persons committing an act described in paragraphs 1, 2, 5 or 9 shall be fined an amount not less than 100,000 RMB but not exceeding 1,000,000 RMB. Where a serious contravention of these Regulations has been committed, the offending persons may, where the approval of the competent government has been obtained, be ordered to temporarily or permanently shut down operations.

Article 84 Where any person, in contravention of these Regulations, produces detergents containing phosphorus, the municipal or district authority for ecology and environment shall order such persons to cease the contravening act and shall impose a fine of not less than 10,000 RMB but not exceeding 100,000 RMB. Where any person sells detergents containing phosphorus in contravention of these Regulations, the municipal or district authority for the administration of market supervision shall order such persons to cease the contravening act, and shall impose a fine of not less than 1,000 RMB but not exceeding 10,000 RMB.

Article 85 Where any person, in contravention of these Regulations, fails to pre-treat pollutants in their wastewater discharge in accordance with the requirements of applicable regulations, the municipal or district authority for ecology and environment shall order such persons to remedy the contravention, and shall impose a fine of not less than 10,000 RMB but not exceeding 30,000 RMB. Where such offending persons discharge industrial wastewater that has not been treated in accordance with the requisite standards into centralized treatment facilities, the municipal or district authority for ecology and environment shall issue orders for remedying of the contravention, the restriction of production or the suspension of operations until rectification, and shall impose a fine of not less than 100,000 RMB but not exceeding 1,000,000 RMB. Where a serious contravention of these Regulations has been committed, the authority for ecology and environment may order the offending entity to suspend its operations, and upon receiving approval from the competent government, may order the entity to be closed down.

Article 86 Whoever, in violation of the provisions of these Regulations, discharges or dumps wastes such as sewage or garbage into rainwater collection outlets or rainwater pipelines shall be ordered by the department of water affairs to cease the illegal act. A fine of not less than 1,000 RMB but not more than 10,000 RMB shall be concurrently imposed on an individual; a fine of not less than 10,000 RMB but not more than 100,000 RMB shall be imposed on a unit.

Article 87 Where any person commits any of the following acts in contravention of these Regulations, the municipal or district authority for ecology and environment shall order such persons to cease the contravening act and mitigate the pollution:

- (1) Disposing of sludge through dumping, stockpiling or direct landfill;
- (2) Failing to define processes or measures for sludge treatment that comply with the requirements of the municipal sludge treatment program, or failing to ensure normal operation of sludge treatment and disposal facilities.

Article 88 Where a large-scale livestock and poultry farming enterprise, in contravention of these Regulations, causes pollution to the environment due to failure to take effective measures to prevent seepage, overflow and dispersal of wastewater or manure

第八十九条 违反本条例规定，有下列行为之一的，由市或者区生态环境部门责令改正；情节严重的，处二万元以上十万元以下的罚款：

（一）企业事业单位和其他生产经营者未按照规定制定水污染事故的应急方案；

（二）企业事业单位和其他生产经营者未按照规定建立事故状态下的水污染防治设施、储备相应的应急救援物资；

（三）水污染事故发生后，造成事故的单位和个人未及时采取有关应急措施，做好事故的事后处置和事后恢复工作。

第九十条 违反本条例规定，造成水污染事故的，由市或者区生态环境部门依照国家规定处以罚款，责令消除污染；不具备治理能力的，由生态环境部门指定有能力的单位代为治理，所需费用由违法者承担；对直接负责的主管人员和其他直接责任人员依法处以罚款。

第九十一条 违反本条例规定，使用地下水或者自来水作为城市景观水体补水的，由市或者区水务部门责令停止违法行为，并处一万元以上三万元以下的罚款。

第九十二条 因水污染造成损害的，排污方应当承担侵权责任，法律另有规定的除外。

因水污染受到损害的当事人，有权要求排污方排除危害和赔偿损失。因损害赔偿责任和赔偿金额发生纠纷的，当事人可以请求市、区生态环境部门进行调解；调解不成的，当事人可以向人民法院提起诉讼。当事人也可以直接向人民法院提起诉讼。

第九十三条 生态环境部门和有关社会团体可以依法支持因水污染受到损害的当事人向人民法院提起诉讼，并在确定污染源、污染范围及污染造成的损失等事故调查方面为当事人提供支持。

本市的法律援助机构应当将经济困难公民因水污染受到损害请求赔偿的案件，纳入法律援助的事项范围。

waste, the municipal or district authority for ecology and environment shall order such entities to cease the contravening act and shall impose a fine of not less than 1,000 RMB but not exceeding 10,000 RMB.

Article 89 Where any entity commits any of the following conducts as in violation of these Regulations, the municipal or district department of ecology and environment shall order it to take corrective actions and, if the circumstances are serious, impose a fine of not less than 20,000 RMB but not more than 100,000 RMB on it:

(1) An enterprise, public institution or any other production manager fails to work out an emergency plan for water pollution accidents as required;

(2) An enterprise, public institution or any other production manager fails to establish facilities for preventing and controlling water pollution in the state of accident and fails to reserve corresponding emergency relief materials as required;

(3) After a water pollution accident, the entity or individual that causes the accident fails to take emergency measures in time and fails in post-management and recovery work.

Article 90 Where any entity causes a water pollution incident, as in violation of these Regulations, the municipal or district department of ecology and environment shall impose a fine on it in accordance with the relevant provisions of the state, and order it to eliminate the pollution. If the entity is not capable of treatment, the department of ecology and environment shall designate a capable entity to do it, and the required expenses shall be borne by the violator; the department shall also impose on the directly responsible person in charge and other directly liable persons a fine.

Article 91 Whoever, in violation of the provisions of these Regulations, uses ground water or tap water to replenish urban landscape water bodies shall be ordered by the municipal or district department of water affairs to stop the illegal act and be concurrently fined not less than 10,000 RMB but not more than 30,000 RMB.

Article 92 Where the water pollution causes damage, the discharge party shall bear the liability for infringement, unless it is otherwise prescribed by law.

The party whose rights and interests are damaged by water pollution is entitled to ask the discharger to eliminate the damage and make compensation for the losses. For a dispute over liability for damage or amount of compensation, the department of ecology and environment protection at the municipal or district level may, in light of the request of the party concerned, settle it through mediation; if no agreement can be reached upon mediation, the party concerned may file a lawsuit with the people's court. The party concerned may also file a lawsuit with the people's court directly without going through the mediation procedure.

Article 93 The departments of ecology and environment and the related social groups may legally support the parties whose legitimate rights and interests are damaged by water pollution in filing a lawsuit with the people's court, and provide support to the parties concerned in investigation, such as determining the source of pollution, the scope of pollution and the loss caused.

The legal aid agencies of the Municipality shall include cases of economically disadvantaged citizens claiming compensation for damage caused by water pollution into the scope of legal aid.

第七章 附 则

第九十四条 本条例所称公共污水处理设施，是指城镇集中污水处理设施及开发区、工业园区的集中污水处理设施。

第九十五条 本条例自 2011 年 3 月 1 日起施行。2002 年 5 月 15 日北京市第十一届人民代表大会常务委员会第三十四次会议通过的《北京市实施〈中华人民共和国水污染防治法〉办法》同时废止。

Chapter VII Supplementary Provisions

Article 94 "Public wastewater treatment facilities" as referred to in these Regulations means the centralized wastewater treatment facilities in urban areas, development zones and industrial parks.

Article 95 These Regulations shall take effect as of March 1, 2011, and the Measures for the Implementation of the Law of the People's Republic of China on the Prevention and Control of Water Pollution adopted at the 34th Meeting of the Standing Committee of the 11th People's Congress of Beijing on May 15th, 2002 shall be simultaneously repealed.

北京市湿地保护条例

(2012年12月27日北京市第十三届人民代表大会常务委员会第三十七次会议通过 根据2019年7月26日北京市第十五届人民代表大会常务委员会第十四次会议通过的《关于修改〈北京市河湖保护管理条例〉〈北京市农业机械化促进条例〉等十一部地方性法规的决定》修正)

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第一章 总 则

第一条 为了加强湿地保护,维护湿地生态功能和生物多样性,促进湿地资源的可持续利用,保障首都生态安全,建设宜居城市,根据有关法律、法规,结合本市实际情况,制定本条例。

第二条 本条例适用于本市行政区域内湿地的规划和建设、管理和利用、监督检查及其他湿地保护活动。有关法律、法规对湿地保护作出规定的,依照其规定执行。

本条例所称湿地是指天然或者人工形成的河流、湖泊、库塘、沼泽等常年或者季节性、带有静止或者流动水体、适宜喜湿野生生物生存的地域。

第三条 湿地保护是生态公益事业。

市和区人民政府应当加强对湿地保护工作的领导,将湿地保护纳入国民经济和社

Regulations of Beijing Municipality on Wetland Protection

(Adopted at the 37th Session of the Standing Committee of the 13th People's Congress of Beijing Municipality on December 27, 2012, and revised at the 14th Meeting of the Standing Committee of the 15th People's Congress of Beijing Municipality on July 26, 2019 in accordance with the Decision on Revising 11 Local Regulations such as the Regulations on the Protection and Administration of Rivers and Lakes in Beijing, the Regulations of Beijing Municipality on the Promotion of Agricultural Mechanization, etc)

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Chapter I General Provisions

Article 1 These Regulations are formulated in accordance with the relevant laws and regulations, by taking into account the actual conditions of this Municipality, and for the purposes of strengthening wetland protection, maintaining the ecological functions and biological diversity of wetland, promoting sustainable utilization of wetland resources, ensuring ecological safety of the capital and building a livable municipality.

Article 2 These Regulations apply to the planning and construction, administration and utilization, supervision and inspection and other activities concerning wetland protection within the administrative area of this Municipality. Where laws and regulations provide otherwise on wetland protection, such provisions shall prevail.

As used in these Regulations, the term “wetland” refers to areas with water that is permanent or seasonal, static or flowing, which are suitable for hygrophilous wildlife to live, such as natural or artificial rivers, lakes, reservoirs, ponds and marsh.

Article 3 Wetland protection is a public undertaking for ecology.

The municipal, district and county people's governments shall strengthen the leadership

会发展规划和计划，保障湿地保护建设项目和管理工作所需的资金投入，并将湿地保护经费列入同级财政预算。

乡镇人民政府和街道办事处应当做好本辖区内湿地保护的相关工作。

第四条 本市实行最严格的湿地保护管理制度。市和区人民政府及其有关部门应当实行湿地保护目标责任制，确保湿地面积总量不减少，并采取措施，提升湿地质量，改善湿地功能。

市人民政府应当定期对有关部门和区人民政府湿地保护目标完成情况进行考核。

第五条 本市湿地保护坚持生态优先、全面保护、突出重点、合理利用、持续发展的方针，充分发挥湿地涵养水源、净化水质、蓄洪防旱、调节气候、固碳释氧、改善空气质量和维护生物多样性等功能。

第六条 本市实行综合协调、分部门实施的湿地保护管理体制。

市和区园林绿化部门负责本行政区域内湿地保护的组织、协调、指导和监督。

市和区园林绿化、水务、农业农村部门（以下统称湿地保护管理部门）按照市人民政府确定的职责，分别负责湿地保护管理工作；发展改革、财政、规划自然资源、生态环境等其他有关部门依照职责分工，做好湿地保护相关工作。

市和区人民政府建立健全湿地保护联席会议制度，研究、协调涉及湿地保护的重大事项及相关工作。园林绿化部门承担湿地保护联席会议的日常工作。

第七条 每年九月的第三个星期日为“北京湿地日”。

各级人民政府、有关部门、新闻媒体应当组织和开展经常性的湿地保护宣传教育，普及湿地保护法律法规和科学知识，提高全社会湿地保护意识。

第八条 鼓励公民、法人和其他组织以宣传教育、捐赠、志愿服务等形式参与湿地保护活动。

鼓励、支持湿地保护科学研究和成果转化应用，提高湿地保护科学技术水平。对在湿地保护中作出显著成绩的单位或者个人，市和区人民政府或者湿地保护管理部

for wetland protection, incorporate wetland protection into the plans for national economic and social development, ensure the fund input required for construction and management of wetland protection projects and include the expenditure for wetland protection into the budget at the corresponding level.

The township and town people's governments and sub-district offices shall bring success to wetland protection within their respective jurisdictions.

Article 4 This Municipality implements an administration system for strictest wetland protection. The municipal, district and county people's governments and the relevant departments thereof shall adopt a target responsibility system for wetland protection to ensure that the total area of wetland will not decrease, and shall take measures to improve the quality and functions of wetland.

The municipal people's government shall, on a regular basis, assess the performance of the relevant departments and the district and county people's governments in respect of achievement of targets for wetland protection.

Article 5 This Municipality shall protect wetland by adhering to the guidelines of giving priority to ecology, protection in an all-round way, highlighting key points, reasonable utilization and sustainable development, and shall fully develop such functions of wetland as water conservation, water purification, flood storage, drought prevention, climate regulation, carbon fixation and oxygen release, improvement of air quality and maintenance of biological diversity.

Article 6 This Municipality shall implement a mechanism for administration of wetland protection with comprehensive coordination and implementation by different departments.

The municipal, district and county departments for landscaping shall be responsible for the organization, coordination, guidance and supervision of wetland protection within their respective administrative areas.

The municipal, district and county departments for landscaping, departments for water affairs and departments for agriculture and rural areas (hereinafter collectively referred to as the administrative departments for wetland protection) shall, in accordance with their functions and duties prescribed by the municipal people's government, be responsible for the administration of wetland protection respectively; the departments for development and reform, finance, land and resources, planning and environmental protection and other relevant departments shall, in accordance with their respective functions and duties, bring success to wetland protection.

The municipal, district and county people's governments shall establish a sound system of joint conference for wetland protection to research and coordinate the important issues and relevant work involved in wetland protection. departments for landscaping shall undertake the daily work of the joint conference for wetland protection.

Article 7 The third Sunday of September of every year is the "Beijing Wetland Day".

The people's governments at all levels, the relevant departments and news media shall organize and carry out regular publicity and education on wetland protection to publicize the laws, regulations and scientific knowledge on wetland protection and heighten public awareness of wetland protection.

Article 8 Citizens, legal persons and other organizations are encouraged to participate in wetland protection in such forms as publicity and education, donation and voluntary service.

Scientific and technological researches on wetland protection and application of the achievements in such researches are encouraged and supported to improve the scientific and technological level of wetland protection. The municipal, district and county people's

门应当给予表彰、奖励。

第二章 规划和建设

第九条 市和区园林绿化部门应当会同发展改革、水务、农业农村、规划自然资源、生态环境等部门编制全市和区湿地保护发展规划，报本级人民政府批准后公布实施。区湿地保护发展规划应当符合全市湿地保护发展规划，并报市园林绿化部门备案。

编制湿地保护发展规划应当采取座谈会、论证会、听证会等多种形式，公开、广泛听取专家和公众意见。

第十条 湿地保护发展规划应当明确湿地保护的目标任务、总体布局、保护重点和保障措施等。

湿地保护发展规划应当符合本市国民经济和社会发展规划、城乡规划、土地利用总体规划和主体功能区规划，与水资源、防洪、水土保持、环境保护等规划相互协调。

第十一条 湿地保护发展规划是湿地建设、管理、利用等湿地保护相关工作的依据，任何单位和个人未经批准不得修改。确需修改的，应当按照原审批程序报批、备案。湿地保护发展规划修改后应当重新公布。

第十二条 列入湿地保护发展规划的湿地保护建设项目，市和区人民政府应当根据项目前期准备工作和建设资金落实情况，在各年度国民经济和社会发展规划中予以安排。

市和区湿地保护管理部门应当按照湿地保护发展规划制定湿地保护工程规划或者保护方案，组织恢复或者建设湿地，落实保护措施。

园林绿化部门应当为恢复或者建设湿地提供技术指导和服务。

第十三条 恢复或者建设湿地，应当符合国家和本市有关湿地保护的规范和技术标准，采用自然或者生态的材料和工艺，维护湿地生态功能。防洪、抗旱、水系治理

governments and the administrative departments for wetland protection shall commend and reward the units and individuals that have made outstanding contributions to wetland protection.

Chapter II Planning and Construction

Article 9 The municipal, district and county departments for landscaping shall, in conjunction with the departments for development and reform, departments for water affairs, departments for agriculture and rural areas, departments for planning and natural resources and departments for ecological environment, etc., formulate the development plans for wetland protection in this Municipality and the districts or counties hereunder, and promulgate such plans for implementation after submitting the same to the people's governments at corresponding level for approval. The development plans for wetland protection of districts and counties shall be in compliance with the municipal development plan for wetland protection, and be submitted to the municipal departments for landscaping for the record.

In the formulation of the development plan for wetland protection, the opinions of the public and experts shall be extensively solicited by taking such forms as forums, appraisal meetings and hearings.

Article 10 The development plan for wetland protection shall specify the objectives and tasks, overall layout, protection emphasis and supporting measures for wetland protection.

The development plan for wetland protection shall be in compliance with the plan for national economic and social development, the plan urban and rural development, the overall plan for land use and the plan for development priority zones, and shall be coherent with the plans for water resources, flood control, water and soil conservation, environmental protection, etc.

Article 11 The development plan for wetland protection is the basis of the construction, administration and utilization of wetland and other work related to wetland protection, and no unit and individual may make amendment thereto without approval. Where there is a real need to amend the plan, the matter shall be reported for approval or for the record in accordance with the original procedures for examination and approval. The development plan for wetland protection shall be repromulgated after amendment.

Article 12 Where a construction project for wetland protection is included in the development plan for wetland protection, the municipal, district and county people's governments shall, in light of early-stage preparations and the status of project funding, arrange for such project in the plan for national economic and the social development each year.

The municipal, district and county administrative departments for wetland protection shall, in accordance with the development plan for wetland protection, formulate the plans or schemes for wetland protection projects, organize wetland recovery and construction, and implement wetland protection measures.

Departments for landscaping shall provide technical guidance and service for wetland recovery and construction. .

Article 13 In the recovery and construction of wetland, the national and municipal standards and technical specifications for wetland protection shall be complied with and the natural or ecological materials and techniques shall be applied, so as to maintain the

等涉及湿地的工程应当兼顾湿地生态功能，最大限度地减少采用影响湿地生态功能的工程措施。

恢复或者建设湿地，应当种植湿地植物，根据野生动物活动特点和规律，建设野生动物繁殖、栖息环境。

市园林绿化部门应当会同有关部门编制有关湿地保护的标准和技术规范。

第十四条 恢复或者建设湿地应当考虑本地区水资源状况，充分利用雨洪水和再生水，禁止使用地下水。

鼓励、支持污水处理单位恢复或者建设湿地，利用湿地生物资源和生态工程降解污染物、净化水质。

第十五条 市和区人民政府应当制定政策措施，支持村集体经济组织或者农民在集体土地上恢复或者建设湿地，改善农村生态环境。

第三章 管理和利用

第十六条 本市对湿地实行分级分类保护，按照湿地生态功能和环境效益的重要性，将湿地分为国家重要湿地、市级湿地、区级湿地和一般湿地，并对国家重要湿地、市级湿地和区级湿地采取设立湿地自然保护区、湿地公园、湿地自然保护区等方式予以保护。

第十七条 本市对国家重要湿地、市级湿地和区级湿地实行名录管理。

国家重要湿地名录按照国家有关规定确定并公布。市级湿地名录由市园林绿化部门会同市水务、农业农村部门提出，报市人民政府批准后公布。区级湿地名录由区园林绿化部门会同区水务、农业农村部门提出，报区人民政府批准后公布。

湿地名录应当明确湿地的名称、类型、管理机构或者责任单位、保护管理部门等事项。

ecological functions of wetland. In engineering projects related to wetland such as flood control, drought relief and regulation of the river system, consideration shall be given to maintaining the ecological functions of wetland and minimizing the impact of engineering measures on the ecological functions of wetland.

In the recovery and construction of wetland, wetland vegetation shall be planted in light of the characteristics and behaviour patterns of wild animals, so as to build an environment for wild animals to reproduce and inhabit.

Municipal departments for landscaping shall, in conjunction with the relevant departments, formulate the standards and technical specifications for wetland protection.

Article 14 In the recovery and construction of wetland, local conditions of water resources shall be taken into account; rainwater, flood and recycled water shall be fully utilized; and the use of ground water shall be prohibited.

Sewage treatment units are encouraged and supported to recover or construct wetland and to use biological resources of wetland and ecological engineering for degradation of pollutants and water purification,

Article 15 The municipal, district and county people's governments shall develop policies and measures to support rural collective economic organizations and farmers to recover or construct wetland on collectively-owned land, so as to improve rural ecological environment.

Chapter III Administration and Utilization

Article 16 This Municipality protects wetland on the basis of different levels and classifications; wetland is classified into national important wetland, municipal wetland, district and county wetland, and general wetland in light of the ecological functions and environmental benefits of wetland; and wetland nature reserves, wetland parks and small wetland nature reserves shall be established to protect national important wetland, municipal wetland and district and county wetland.

Article 17 This Municipality shall compile directories for administration of national important wetland, municipal wetland and district and county wetland.

The directory of national important wetland shall be determined and promulgated in accordance with the relevant provisions of the State. The directory of municipal wetland shall be drafted by the municipal departments for landscaping in conjunction with the municipal administrative departments for water affairs and departments for agriculture and rural areas, and then be submitted to the municipal people's government for approval and the approved directory shall be promulgated. The directory of district and county wetland shall be drafted by the district or county departments for landscaping in conjunction with the district or county administrative departments for water affairs and departments for agriculture and rural areas, and then be submitted to the district or county people's government for approval and the approved directory shall be promulgated.

A directory of wetland shall specify the name, type, regulatory authority or responsible unit, protection and administration department of wetland and other matters.

湿地名录的确定应当征求规划自然资源部门的意见。

第十八条 本市面积 8 公顷以上的湿地，应当列入湿地名录。

符合下列条件之一的，应当列入市级湿地名录：

- （一）河流湿地、湖泊湿地和沼泽湿地；
- （二）库容量在 1000 万立方米以上的库塘湿地；
- （三）具有重要的人文、科学研究和宣传教育价值的湿地；
- （四）具有生态系统典型性和代表性的湿地。

第十九条 列入名录的湿地应当划定保护范围。保护范围由市或者区园林绿化部门会同同级水务、农业农村部门，按照维护湿地生态系统的整体性、联通性、稳定性及保护相关权利人利益的原则提出建议，经征求规划自然资源部门意见后，报市或者区人民政府批准后公布。

根据国家和本市河湖保护管理规定划定的河湖管理范围和保护范围，可以作为列入名录的河湖湿地的保护范围。

第二十条 湿地保护管理部门应当在列入名录的湿地设立保护标志，标明湿地的名称、类型、保护级别、保护范围、管理机构或者责任单位、保护管理部门。保护标志的样式由市园林绿化部门根据国家规定统一制定。

任何单位和个人不得损毁、涂改、擅自移动湿地保护标志。

第二十一条 珍稀濒危野生动植物物种集中分布地、鸟类主要繁殖栖息地或者重要迁徙停歇地等具有生态系统典型性和代表性的湿地，应当设立湿地自然保护区。

湿地自然保护区的设立和管理，应当遵守国家有关自然保护区的规定和本条例。

第二十二条 具有一定规模和景观价值，适宜开展生态展示、科普教育、生态旅游等活动的湿地，可以设立湿地公园。

市级湿地公园的设立，由所在地区园林绿化部门提出申请，报市园林绿化部门批准。区级湿地公园的设立，由所在地区园林绿化部门决定。

Opinions of the competent administrative departments for planning and natural resources shall be solicited in determination of the directory of wetland.

Article 18 Wetland in this Municipality the area of which is more than 8 hectares shall be included into the directory of wetland.

Wetland that meets one of the following conditions shall be included into the municipal directory of wetland:

- (1) river wetland, lake wetland and swamp wetland;
- (2) reservoir and pond wetland with the capacity of more than 10,000,000 cubic meters;
- (3) wetland with important values of humanity, scientific research or publicity and education; or
- (4) wetland with typicalness and representativeness of ecologic system.

Article 19 Protection scope shall be demarcated for wetland in the directory. The municipal, district and county departments for landscaping shall, in conjunction with the administrative departments for water affairs and departments for agriculture and rural areas at the same level, put forward the proposal for demarcating wetland protection scope in accordance with the principles of maintaining the integrity, connection and stability of the wetland ecological system and protecting the interests of the relevant right-holders, solicit the opinions of the competent administrative departments for planning and natural resources, and submit such proposal to the municipal, district and county people's governments for approval and make the approved protection scope known to the public .

The scope for administration and protection of rivers and lakes demarcated in accordance with the provisions of the State and this Municipality on river and lake protection may be taken as the protection scope of river and lake wetland in the directory.

Article 20 The administrative department for wetland protection shall set up protection signs in the wetland included into the directory, specifying the name, type, protection level, protection scope and regulatory authority or responsibility unit, and the administration and protection department of wetland. The design of protection signs shall be uniformly developed by the departments for landscaping in accordance with the provisions of the State.

Any unit or individual shall not destroy, alter or remove without approval wetland protection signs.

Article 21 Wetland nature reserves shall be established in places where rare or endangered wild species are densely inhabited, main breeding habitats of birds, important stopovers of migrant birds and in other wetland with typical or representative ecologic system.

The establishment and administration of wetland nature reserves shall comply with the provisions of the State on nature reserves and these Regulations.

Article 22 Wetland parks may be established in wetland with certain size and landscape value, which is suitable for demonstration of ecology, public science education , eco-tourism and other activities.

To establish a municipal wetland park, the district or county departments for landscaping at the place where the wetland is located shall make an application to the municipal departments for landscaping for approval. The establishment of a district

湿地公园应当划分为湿地保育区、生态功能展示体验区和管理服务区等，实行分区管理。在保育区内只能开展保护、监测等必需的湿地生态系统保护活动；在生态功能展示体验区内只能开展以生态展示、科普教育和生态旅游为主的活动；在管理服务区内可以开展管理和服务等活动。

第二十三条 具有湿地自然保护区部分特征，但面积较小、不适宜设立湿地自然保护区或者湿地公园的湿地，可以设立湿地自然保护小区。

湿地自然保护小区的设立，由所在地区园林绿化部门提出申请，报市园林绿化部门会同市水务、农业农村部门批准。

在湿地自然保护小区内只能开展科学实验和保护、监测等必需的湿地生态系统保护活动。

第二十四条 列入名录的湿地的管理机构或者责任单位应当履行下列职责：

- （一）贯彻执行有关湿地保护的法律法规、规章和政策；
- （二）制定并实施湿地保护管理工作制度；
- （三）开展有关湿地资源调查并建立档案，组织湿地生态监测，及时分析监测结果，适时调整保护措施；
- （四）组织实施湿地保护、恢复等建设工程；
- （五）及时清理废弃的建筑物、构筑物等设施；
- （六）制止破坏湿地的行为，并协助有关部门进行调查处理；
- （七）组织开展生态展示、科普教育、生态旅游等活动；
- （八）开展其他湿地保护活动。

第二十五条 利用列入名录的湿地从事生态展示、科普教育、生态旅游等活动，应当符合湿地保护发展规划，不得超出湿地承载能力、改变湿地生态功能、破坏野生动植物生存环境。

第二十六条 水务部门在保障生活用水的前提下，应当合理调配水资源，充分利

or county wetland park shall be decided on by the district or county departments for landscaping at the place where the wetland is located.

A wetland park shall be divided into wetland conservation zone, ecological function demonstration and experience zone and administration and service zone, which shall be administered accordingly. Only necessary activities for protecting the wetland ecological system, such as protection and monitoring, may be carried out in the wetland conservation zone; only activities featuring ecological demonstration, public science education and eco-tourism may be carried out in the ecological function demonstration and experience zone; and administration and protection activities may be carried out in the administration and service zone.

Article 23 Small wetland nature reserves may be established in wetland which has certain characteristics of wetland nature reserves, the area of which is relatively small and which is not suitable for establishment of wetland nature reserves or wetland parks.

To establish a small wetland nature reserve, the district or county departments for landscaping at the place where the wetland is located shall make an application to the municipal departments for landscaping for approval in conjunction with the municipal administrative departments for water affairs and departments for agriculture and rural areas.

Only necessary activities for protecting the wetland ecological system, such as scientific experiment, protection and monitoring, may be carried out in small wetland nature reserves.

Article 24 The regulatory authority or responsible unit of wetland included in the directory shall perform the following functions and duties:

- (1) implementing the laws, regulations, rules and policies for wetland protection ;
- (2) formulating and implementing the working rules for administration of wetland protection;
- (3) conducting survey of relevant wetland resources and establishing archives, organizing the ecological monitoring of wetland, analyzing the monitoring results in a timely manner and amending the protection measures at due time;
- (4) organizing wetland protection and recovery and other construction projects;
- (5) cleaning such facilities as abandoned buildings and structures in a timely manner;
- (6) stopping the destroying of wetland and assisting relevant departments in investigation and disposition;
- (7) organizing such activities as ecological demonstration, public science education and eco-tourism; and
- (8) carrying out other wetland protection activities.

Article 25 Such activities as ecological demonstration, public science education and eco-tourism, which are carried out by using wetland included into the directory, shall comply with the development plan for wetland protection, and shall not exceed the carrying capacity of wetland, change the ecological functions of wetland or damage the living environment of wild animals and plants.

Article 26 The administrative department for water affairs shall, on the condition of ensuring domestic use of water, properly allocate water resources and fully utilize rainwater,

用雨洪水和再生水，维持湿地自然保护区、湿地公园和湿地自然保护小区的基本生态用水，维护湿地生态系统。

第二十七条 列入名录的湿地，任何单位和个人未经批准不得擅自开垦、占用或者改变湿地用途。

列入名录的湿地因基础设施建设等特殊原因需要占用的，建设单位应当在办理建设项目规划审批手续前，先报湿地所在地的区人民政府；经湿地所在地的区人民政府同意后，向市湿地保护管理部门提出申请；市湿地保护管理部门通过论证会、听证会等形式广泛听取专家和公众意见后，对占用湿地申请提出处理意见，提交市湿地保护联席会议研究；经市湿地保护联席会议研究，不同意占用湿地的，由湿地保护管理部门书面告知建设单位并说明理由；经市湿地保护联席会议研究确需占用湿地的，由市湿地保护管理部门报经市人民政府同意后，建设单位方可办理规划审批手续；未经市人民政府同意占用湿地的，规划自然资源部门不予办理规划审批手续。

经批准占用列入名录的湿地的，建设单位应当按照湿地保护发展规划、国家和本市有关湿地保护的标准和技术规范，制定湿地恢复建设方案，经市湿地保护管理部门审核同意后，按照湿地恢复建设方案在指定地点补建不少于占用面积并具备相应功能的湿地；建设单位也可以委托湿地保护管理部门组织专业单位按照湿地恢复建设方案，在指定地点补建不少于占用面积并具备相应功能的湿地，费用由建设单位承担。

第二十八条 建设项目的环境影响评价范围内有列入名录的湿地的，建设单位应当依法办理环境影响评价审批手续，并在报批的环境影响评价文件中，就建设项目对湿地主要保护对象和生态系统的影响作出重点分析，提出预防和减轻不良影响的措施。

生态环境部门在办理环境影响评价审批手续前，应当征求湿地保护管理部门的意见。

第二十九条 本市建立湿地保护专家咨询机制。市园林绿化部门应当组织设立湿地保护专家委员会，对湿地保护发展规划的编制、湿地名录的拟定、湿地保护范围的

flood water and recycled water, to secure the basic water supply for ecological use by wetland nature reserves, wetland parks and small wetland nature reserves, so as to maintain the wetland ecological system.

Article 27 No unit or individual may, without approval, reclaim or occupy, or change the purpose of, wetland included in the directory.

Where there is a need to occupy wetland included in the directory for such special purposes as the construction of infrastructure, the project owner shall, before going through the approval procedures for the construction project planning, report the matter to the district or county people's government at the place where the wetland is located and, upon the approval of the said people's government, make an application to the municipal administrative department for wetland protection; the municipal administrative department for wetland protection shall solicit the opinions of experts and the public by holding discussion meetings or hearings and thereafter put forward opinions on the application for wetland occupation, which shall be submitted to the municipal joint conference for wetland protection for deliberation; where, upon deliberation, the joint conference does not agree to the occupation of wetland, the administrative department for wetland protection shall inform the project owner in writing and give the reasons therefor; where the joint conference finds it necessary to occupy the wetland upon deliberation, the municipal administrative department for wetland protection shall report the matter to the municipal people's government for approval and the project owner may go through the approval procedures for planning thereupon; where the municipal people's government does not approve the occupation of wetland, the administrative departments for planning and natural resources shall not handle the approval procedures for planning.

Where wetland included in the directory is occupied upon approval, the project owner shall, in accordance with the development plan for wetland protection, the national and municipal standards and technical specifications for wetland protection, formulate a scheme for wetland restoration and construction and, upon examination and approval of the municipal administrative department for wetland protection, construct new wetland with an area not less than the occupied area and with corresponding functions in a designated site in accordance with the said scheme; the project owner may also entrust the administration department for wetland protection to organize specialized units to construct wetland with an area not less than the occupied area and with corresponding functions in a designated site in accordance with the said scheme; and the expenses thus incurred shall be borne by the project owner.

Article 28 Where wetland included in the directory falls under the scope of environment impact assessment of a construction project, the project owner shall go through the examination and approval procedures for the assessment in accordance with law and, in the documents submitted for environment impact assessment, analyze the impact of construction project on the main protected object and the wetland ecological system and put forward the measures to prevent and mitigate the adverse effects.

The competent administrative departments for ecological environment shall, before handling the examination and approval procedures for environment impact assessment, solicit the opinions of the administrative department for wetland protection.

Article 29 This Municipality shall establish an expert consultation system for wetland protection. The municipal departments for landscaping shall organize the establishment of an expert committee for wetland protection to formulate the development plan wetland protection, draft the directory of wetland, demarcate the protection scope of wetland,

划定、湿地保护方案的制定、湿地资源的评估，以及在湿地保护范围内开展建设和利用等活动提供技术咨询意见。

湿地保护专家委员会成员由湿地、水资源、野生动植物、生态环境等方面的专家组成。

第三十条 按照湿地保护发展规划恢复或者建设湿地，造成农村集体经济组织或者农民合法权益损失的，市或者区人民政府依法予以补偿；对农民生产、生活造成影响的，应当作出妥善安排。

第三十一条 禁止在列入名录的湿地保护范围内从事下列行为：

- （一）采集泥炭、采挖野生植物、捡拾鸟蛋；
- （二）抓捕野生动物，破坏野生动物繁殖区和栖息地；
- （三）投放有毒有害物质、倾倒废弃物或者排放未经处理的污水；
- （四）投放有害物种或者擅自引入外来物种；
- （五）擅自排放湿地水资源或者堵截湿地水系与外围水系的联系；
- （六）破坏湿地保护监测设施设备；
- （七）擅自建造建筑物、构筑物；
- （八）法律、法规禁止的其他破坏湿地的行为。

第四章 监督检查

第三十二条 湿地保护管理部门应当依照法律、法规的规定和市人民政府确定的职责，加强对湿地保护工作的监督检查，并对违法行为予以行政处罚，落实湿地保护发展规划的目标和任务。

园林绿化部门应当加强对湿地保护发展规划实施情况的监督检查。

第三十三条 湿地所在地乡镇人民政府和街道办事处应当建立巡查制度，加强对本辖区内湿地保护情况的日常监督检查，协助湿地保护管理部门查处违反本条例的行为。

村民委员会、居民委员会发现违反本条例行为的，有权予以制止，并向湿地保护

develop the scheme for wetland protection and evaluate wetland resources, and provide technical advice for such activities as construction and utilization within protection scope of wetland.

The expert committee for wetland protection shall be composed of experts on wetland, water resources, wild animals and plants and ecological environment.

Article 30 Where restoration or construction of wetland in accordance with the development plan for wetland protection causes losses to the lawful rights and interests of rural collective economic organizations or farmers, the municipal, district or county people's government shall make compensation in accordance with law and, if the production and lives of farmers are affected, make proper arrangement.

Article 31 The following acts are prohibited within the protection scope of wetland included in the directory:

- (1) collecting peats, excavating wild plants or gathering bird eggs;
- (2) capturing wild animals or destroying breeding areas and habitats of wild animals;
- (3) putting in poisonous and harmful substances, dumping wastes or discharging untreated sewage;
- (4) putting in harmful species or introducing alien species without approval;
- (5) discharging water resources of wetland or cutting off the link between water of wetland and peripheral water without approval;
- (6) destroying monitoring equipment and facilities for wetland protection;
- (7) constructing buildings or structures without approval or;
- (8) conducting other acts damaging wetland that are forbidden by laws and regulations.

Chapter IV Supervision and Administration

Article 32 The administrative department for wetland protection shall, in accordance with the provisions of laws and regulations and the functions and duties prescribed by the municipal people's government, strengthen the supervision and inspection for wetland protection and impose administrative penalty against acts in violation of laws, so as to achieve the objective and task specified in the development plan for wetland protection.

The departments for landscaping shall strengthen the supervision and inspection on the implementation of the development plan for wetland protection.

Article 33 The township or town people's government or sub-district office at the place where the wetland is located shall establish an patrol system, strengthen regular supervision and inspection on wetland protection under its jurisdiction, and assist the administrative department for wetland protection in investigation and disposition of violation of these Regulations.

Where a villagers' committee or residents' committee finds any violation of these Regulations, it has the right to stop such violation and make a report thereon to the

管理部门报告。

第三十四条 任何单位和个人都有保护湿地的义务，对破坏、侵占湿地的行为，有权向区、乡镇人民政府或者湿地保护管理部门举报。

有关政府或者部门应当建立健全举报制度，公布举报电话和信箱；接到举报后，应当及时调查处理；经调查属实的，对举报人予以表彰或者奖励；将处理情况记录在案，供举报人查询。

第三十五条 湿地保护管理部门应当对湿地资源进行动态监测，对湿地的生态状况和利用情况进行评估。园林绿化部门应当及时汇总有关监测数据。

第三十六条 市园林绿化部门会同规划自然资源、农业农村、水务等有关部门，每五年开展一次全市湿地资源专业调查，建立湿地资源档案。湿地资源专业调查结果应当向社会公布。

湿地资源专业调查主要包括湿地面积、类型、分布及其生态功能，以及野生动植物种类、数量、生存状况等内容。

第三十七条 湿地保护管理部门履行监督检查职责，可以采取现场检查、询问有关人员、查阅或者复制有关资料等方式。

行政执法人员进行监督检查时，应当出示执法证件；有关单位和个人不得拒绝、阻挠、妨碍行政执法人员依法进行监督检查。

第五章 法律责任

第三十八条 本市实行湿地保护管理责任追究制度。湿地保护管理部门或者其他有关部门及其工作人员违反本条例规定，违法履行、不履行或者不当履行湿地保护管理职责的，按照国家和本市有关规定给予行政问责和行政处分；构成犯罪的，依法追究刑事责任。

administrative department for wetland protection.

Article 34 Any unit or individual has the duty to protect wetland and has the right to report acts of destroying or occupying wetland to the district, county, township or town people's government or to the administrative department for wetland protection .

The relevant government or department shall establish a sound reporting system and make public the telephone number and mailbox for reporting; upon receipt of a report, the said government or department shall investigate and handle such report in a timely manner; where the report is proved to be true after investigation, the reporting person shall be commended or rewarded; the handling of reports shall be kept on file for the reference by the reporting person.

Article 35 The administrative department for wetland protection shall conduct dynamic monitoring of wetland resources and evaluate the ecological conditions and utilization of wetland. The departments for landscaping shall collect and summarize the relevant monitoring data in a timely manner.

Article 36 The municipal department for landscaping shall, together with the relevant departments for planning and natural resources, departments for agriculture and rural areas, departments for water, etc., carry out a professional investigation of wetland resources in this Municipality every five years, and establish archives of wetland resources. The results of the professional investigation of wetland resources shall be made public.

The professional investigation of wetland resources mainly covers the area, type, distribution and ecological functions of wetlands, as well as the species, quantity and living condition of wild animals and plants.

Article 37 When performing the functions and duties of supervision and inspection, the administrative department for wetland protection may take such measures as on-site inspection, inquiry of relevant persons, and consultation or reproduction of relevant materials.

When carrying out supervision and inspection, the administrative law enforcement personnel shall present law enforcement credentials; the relevant units and individuals shall not refuse, obstruct or hinder administrative law enforcement personnel to carry out supervision and inspection in accordance with law.

Chapter V Legal Liability

Article 38 This Municipality implements an accountability system for administration and protection of wetland. Where the administrative department for wetland protection, other relevant departments, or the staff members thereof, in violation of the provisions of these Regulations, illegally perform, fail to perform or improperly perform the functions and duties for administration and protection of wetland, they shall be hold accountable and given an administrative sanction in accordance with relevant provisions of the State and this Municipality; where a crime is constituted, criminal liability shall be investigated for in accordance with law.

第三十九条 违反本条例第二十条第二款规定，损毁、涂改、擅自移动湿地保护标志的，由湿地保护管理部门责令限期改正，可以处 500 元以上 5000 元以下罚款。

第四十条 列入名录的湿地的管理机构或者责任单位违反本条例第二十四条规定不履行职责的，由湿地保护管理部门责令改正；其主要负责人、直接责任人属于国家工作人员的，按规定给予行政处分。

第四十一条 违反本条例第二十五条规定，从事不符合湿地保护发展规划的活动，对湿地造成破坏的，由湿地保护管理部门责令停止违法行为，限期恢复原状；恢复原状前不得开展湿地保护以外的其他活动。

第四十二条 违反本条例第二十七条第一款规定，未经批准擅自开垦、占用湿地或者改变湿地用途的，由湿地保护管理部门责令停止违法行为、限期恢复原状，并按照占用湿地或者改变湿地用途的面积，以每平方米 2000 元以上 5000 元以下的标准处以罚款。

违反本条例第二十七条第三款规定，经批准占用湿地，未按照湿地恢复建设方案在指定地点补建的，由园林绿化部门责令限期补建；逾期不补建的，按照占用湿地的面积，以每平方米 2000 元以上 5000 元以下的标准处以罚款。

当事人逾期不恢复原状或者逾期不补建的，湿地保护管理部门可以依法实施代履行。

第四十三条 违反本条例第三十一条第一项规定的，由湿地保护管理部门责令改正或者恢复原状，处 500 元以上 5000 元以下罚款。

违反本条例第三十一条第二项至第七项规定的，由湿地保护管理部门责令改正或者恢复原状，处 5000 元以上 5 万元以下罚款；造成严重后果的，处 5 万元以上 50 万元以下罚款。

第四十四条 违反本条例规定占用湿地、改变湿地用途、破坏湿地和保护标志的，湿地管理机构、责任单位或者湿地所有权人、使用人有权要求侵权人停止侵害、恢复

Article 39 Where any unit or individual, in violation of the provisions of the second paragraph of Article 20 of these Regulations, destroys, alters, or removes without approval the wetland protection signs, the administrative department for wetland protection shall order it or him to make corrections within a specified time limit and may impose on it or him a fine of not less than 500 yuan but not more than 5,000 yuan.

Article 40 Where the regulatory authority or responsible unit of wetland included in the directory, in violation of the provisions of Article 24 of these Regulations, fails to perform its functions and duties, the administrative department for wetland protection shall order it to make corrections; if the head or directly responsible person thereof is a State functionary, he shall be given an administrative sanction as stipulated.

Article 41 Where any unit or individual, in violation of the provisions of Article 25 of these Regulations, engages in activities that run afoul of the development plan for wetland protection, and causes damage to wetland, the administrative department for wetland protection shall order it or him to stop such activities and restore the wetland to the original conditions within a specified time limit; and no activities other than wetland protection may be carried out before the restoration.

Article 42 Where any unit or individual, in violation of the provisions of the first paragraph of Article 27 of these Regulations, reclaims or occupies wetland, or changes the purpose of wetland, without approval, the administrative department for wetland protection shall order it or him to stop such activities and restore the wetland to the original conditions within a specified time limit, and impose on it or him a fine of not less than 2,000 yuan but not more than 5,000 yuan for per square meter of the occupied wetland or of the wetland the purpose of which has been changed.

Where any unit or individual, in violation of the provisions of the third paragraph of Article 27 of these Regulations, occupies wetland upon approval but fails to construct new wetland in the designated site in accordance with construction plan for wetland restoration, the administrative department for gardening and greening shall order it or him to construct new wetland within a specified time limit; if it or he fails to construct new wetland within the specified time limit, a fine of not less than 2,000 yuan but not more than 5,000 yuan shall be imposed for per square meter of the occupied wetland.

Where a party concerned fails to restore the wetland to the original conditions or construct new wetland within the specified time limit, the administrative department for wetland protection may conduct the restoration or construction on the party's behalf in accordance with law.

Article 43 Where any unit or individual, in violation of the provisions of subparagraph (1) of Article 31 of these Regulations, the administrative department for wetland protection shall order it or him to make corrections or restore the wetland to the original conditions, and impose on it or him a fine of not less than 500 yuan but not more than 5,000 yuan.

Where any unit or individual, in violation of the provisions of subparagraph (2) to (7) of Article 31 of these Regulations, the administrative department for wetland protection shall order it or him to make corrections or restore the wetland to the original conditions and impose on it or him a fine of not less than 5,000 yuan but not more than 50,000 yuan; if serious consequences are caused, a fine of not less than 50,000 yuan but not more than 500,000 yuan shall be imposed.

Article 44 Where any unit or individual, in violation of the provisions of these Regulations, occupies wetland, changes the purpose of wetland or damages wetland or wetland protection signs, the regulatory authority or responsible unit of the wetland or the

原状或者赔偿损失。

第四十五条 对违反本条例规定的行为，法律、法规已规定法律责任的，从其规定。

第六章 附 则

第四十六条 本条例自 2013 年 5 月 1 日起施行。

owner or user thereof has the right to require the infringer to cease infringement, restore wetland to the original conditions or make compensation for the losses.

Article 45 Where laws and regulations have provided for the legal liability for a violation of these Regulations, such provisions shall prevail.

Chapter VI Supplementary Provision

Article 46 These Regulations shall be effective as of May 1, 2013.

北京市大气污染防治条例

(2014年1月22日北京市第十四届人民代表大会第二次会议通过
根据2018年3月30日北京市第十五届人民代表大会常务委员会
第三次会议通过的《关于修改〈北京市大气污染防治条例〉等七
部地方性法规的决定》修正)

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第二章	共同防治
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第一章 总 则

第一条 为了防治大气污染，改善本市大气环境质量，保障人体健康，推进生态文明建设，促进经济、社会可持续发展，根据有关法律、行政法规，结合本市实际情况，制定本条例。

第二条 本条例适用于本市行政区域内大气污染防治。

第三条 大气污染防治坚持以人为本、环境优先、政府主导、全民参与、科学有效、严防严治的原则。

第四条 大气污染防治应当坚持规划先行，转变经济发展方式，优化产业结构和布局，调整能源结构，综合运用法律、经济、科技、行政和宣传教育等措施。

第五条 大气污染防治，应当以降低大气中的细颗粒物浓度为重点，实施多种污

Regulations of Beijing Municipality on the Prevention and Control of Atmospheric Pollution

(Adopted at the Second Session of the Fourteenth People's Congress of Beijing Municipality on January 22, 2014, and revised in accordance with Decisions of the Standing Committee of the People's Congress of Beijing Municipality on Revising the Regulations of Beijing Municipality on Atmospheric Pollution Prevention and Control and Other Six Local Regulations at the 3rd Meeting of the Standing Committee of the 15th People's Congress of Beijing Municipality on March 30, 2018)

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Chapter I General Provisions

Article 1 These Regulations are formulated in accordance with the relevant laws and administrative regulations, by taking into account the actual conditions of this Municipality, for the purposes of preventing and controlling atmospheric pollution and improving the atmospheric environment quality in this Municipality, so as to ensure human health, boost ecological advancement, and promote sustainable economic and social development.

Article 2 These Regulations shall apply to the prevention and control of atmospheric pollution within the administrative area of this Municipality.

Article 3 The prevention and control of atmospheric pollution shall adhere to the principles of people foremost, environment priority, government leadership, participation by all the people, scientificness and effectiveness, and strict prevention and control.

Article 4 For prevention and control of atmospheric pollution, overall planning shall be made beforehand, mode of economic development changed, industrial structure and distribution optimized, energy structure adjusted, and the legal, economic, technological, administrative, publicity and educational measures comprehensively adopted.

Article 5 For the prevention and control of atmospheric pollution, priority shall

染物协同控制，坚持从源头到末端全过程控制污染物排放，严格排放标准，实行污染物排放总量和浓度控制，加快削减排放总量。

第二章 共同防治

第六条 防治大气污染应当建立健全政府主导、区域联动、单位施治、全民参与、社会监督的工作机制。

第七条 市人民政府对本市的大气污染防治工作负总责，区和乡镇人民政府在各自辖区范围内承担相应责任。

第八条 市人民政府应当根据污染防治的要求，建立统一有效、分工明确的监管治理体系，并加强整体统筹协调。

环境保护行政主管部门对大气污染防治实施统一监督管理，有关部门根据各自职责对大气污染防治实施监督管理。

第九条 市、区人民政府应当将大气环境保护工作纳入国民经济和社会发展规划，保障大气污染防治工作的财政投入。

第十条 市人民政府应当完善和落实城市总体规划，控制人口规模，优化空间布局，合理配置产业和教育、医疗等公共服务资源，减少生产、生活带来的污染。

第十一条 市人民政府应当鼓励和支持大气污染防治科学技术研究，组织开展大气污染成因和防治对策分析，推广应用先进大气污染防治技术，提高大气环境保护的科学技术水平。

第十二条 各级人民政府应当采取措施推进生态治理，提高绿化覆盖率，扩大水域面积，改善大气环境质量。

第十三条 市人民政府应当根据限期达标的工作目标，制定大气环境质量达标规划和严于国家规定的大气污染控制阶段措施，可以制定严于国家标准的本市大气污染

be given to the reduction of the concentration of fine particulate matter in the atmosphere; coordinated control of various pollutant shall be implemented; control of pollutant discharge from source to end shall be adhered to; emission standards shall be strictly enforced; control of total pollutant discharge and concentration shall be implemented; and the reduction of total pollution discharge shall be accelerated.

Chapter II Joint Prevention and Control

Article 6 For prevention and control of atmospheric pollution, a sound working mechanism shall be established, which features leadership by the government, joint action by various regions, implementation by individual units, participation by all the people and supervision by the public.

Article 7 The Municipal People's Government shall assume overall responsibility for the prevention and control of atmospheric pollution in this Municipality, while the district, township and town people's governments shall assume corresponding responsibilities within the areas under their jurisdiction.

Article 8 The municipal people's government shall, on the basis of the requirements of pollution prevention and control, establish a unified and effective regulation and governance system with clear division of work, and strengthen the overall planning and coordination.

The competent administrative department for environmental protection shall exercise unified supervision and administration of atmospheric pollution prevention and control, and the relevant departments shall exercise supervision and administration of atmospheric pollution prevention and control in accordance with their respective functions and duties.

Article 9 The municipal people's government and district/county people's governments shall incorporate protection of atmospheric environment into their plans for economic and social development and ensure the financial input to atmospheric pollution prevention and control.

Article 10 The municipal people's government shall improve and implement the comprehensive city plan, control the size of population, optimize the lay-out of city space, reasonably allocate industrial, educational, medical and public service resources, and reduce the pollution from production and living.

Article 11 The municipal people's government shall encourage and support the scientific and technical research on atmospheric pollution prevention and control, organize efforts to analyze the causes and countermeasures of atmospheric pollution, promote application of advanced technologies of atmospheric pollution prevention and control, and improve the level of science and technology for protection of atmospheric environment.

Article 12 The people's governments at various levels shall take measures to promote ecological management, raise the green coverage ratio, expand the area of waters, and improve atmospheric environment quality.

Article 13 The people's municipal government shall, on the basis of the objectives to be achieved within prescribed time limits, develop a plan for improvement of atmospheric environment quality to specified standards and formulate measures for phased atmospheric

物排放和控制标准，并组织实施。

第十四条 本市禁止新建、扩建高污染工业项目。市人民政府应当定期制定或者修订禁止新建、扩建的高污染工业项目名录、高污染工业行业调整名录和高污染工艺设备淘汰名录，并向社会公布。

第十五条 市、区人民政府应当制定和推行有利于防治大气污染的经济政策，引导企业调整能源结构，促进污染企业进行技术改造与产业升级，或者转产、退出。

第十六条 市环境保护行政主管部门应当组织建立监测网络，负责统一组织开展大气环境质量监测，发布大气环境质量信息。

市环境保护行政主管部门所属环境监测机构发布空气质量日报、预报、空气重污染等专业信息。

市气象行政主管部门开展大气污染气象条件规律的研究，所属气象台站配合空气质量预报工作和生活服务指导。

第十七条 环境保护行政主管部门负责确定重点污染源单位名录，并依法向社会公开其向大气排放污染物的监督性监测数据信息。

第十八条 市环境保护行政主管部门及有关部门应当向社会公布因违反大气污染防治相关法律法规而受到相应处罚的企业及其负责人名单，并录入企业信用系统。

第十九条 环境保护行政主管部门应当鼓励和支持公众参与大气污染防治工作，聘请社会监督员，协助监督大气污染防治工作。

第二十条 市、区人民政府应当将重污染天气应对纳入突发事件应急管理体系，制定空气重污染应急预案，向上一级人民政府环境保护行政主管部门备案，并向社会公布。

在大气受到严重污染，发生或者可能发生危害人体健康和安全的紧急情况时，市人民政府应当按照规定程序，通过媒体向社会发布空气重污染的预警信息。市、区人民政府按照预警级别启动应急预案，实施相应的应急措施，包括：责令有关企业停产

pollution control that are more stringent than those stipulated by the State, and may set the standards of this Municipality for the discharge and control of atmospheric pollutants that are more stringent than the national standards and organize the implementation thereof.

Article 14 This Municipality prohibits newly construction and expansion of highly polluting industrial projects. The municipal people's government shall regularly formulate or revise the catalogue of highly polluting industrial projects prohibited to be newly constructed or expanded, the catalogue of highly polluting industries to be adjusted and the catalogue of highly polluting technologies & equipment to be eliminated, and shall make such catalogues public.

Article 15 The municipal people's government and district/county people's governments shall formulate and carry out economic policies in favor of atmospheric pollution prevention and control, guide the enterprises to adjust energy structure, and urge polluting enterprises to implement technological transformation and industrial upgrading or change the line of production or withdraw from production.

Article 16 The municipal competent administrative department for environmental protection shall organize efforts to establish a monitoring network, and be responsible for organizing the monitoring of atmospheric environment quality in a unified way and for publishing the information about atmospheric environment quality.

The environment monitoring agencies subordinated to the municipal competent administrative department for environmental protection shall publish such professional information as daily air quality report, air quality forecast, as well as forecast of serious atmospheric pollution.

The municipal competent administrative department for meteorology shall carry out research on the meteorological conditions of atmospheric pollution, and the meteorological stations subordinated thereto shall render cooperation for the air quality forecast and the guidance on services for life.

Article 17 The competent administrative departments for environmental protection shall be responsible for determining the catalogue of units as key pollution sources and shall, in accordance with law, publish the data of its supervisory monitoring on the pollutants discharged by such units to the atmosphere.

Article 18 The municipal competent administrative department for environmental protection and the relevant departments shall publish the name list of enterprises which have received corresponding punishments for violating relevant laws and regulations on atmospheric pollution prevention and control, as well as name list of the responsible persons of such enterprises, and shall input such information into the enterprise credit system.

Article 19 The competent administrative departments for environmental protection shall encourage and support the public to participate in the prevention and control of atmospheric pollution, and employ social supervisors to assist in the supervision on atmospheric pollution prevention and control.

Article 20 The municipal and district people's government shall incorporate the response to heavy pollution weather into the emergency management system, and the formulate contingency plans for heavy air pollution, which shall be reported to the competent administrative department for environmental protection of the people's government at the next higher level for the record and published.

In the case that serious air pollution causes or threats to cause any emergency harming human health and safety, the municipal people's government shall, in accordance with specified procedures, issue through the media an alert for heavy air pollution. The people's

或者限产、限制部分机动车行驶、禁止燃放烟花爆竹、停止工地土石方作业和建筑拆除施工、停止露天烧烤、停止幼儿园和学校户外体育课等。

有关排污单位应当执行本条第二款规定的应急措施。

应急响应结束后，人民政府应当及时开展应急预案实施情况的评估，适时修改完善应急预案。

第二十一条 市人民政府应当完善污染大气环境举报制度，向社会公开举报电话、网址等，明确有关政府部门的受理范围和职责。

有关政府部门在接到举报后，应当依法及时处理，并将处理结果向举报人反馈。

举报内容经查证属实的，有关部门应当给予举报人表彰或者奖励。

第二十二条 各级人民政府应当加强大气环境保护宣传，普及大气环境保护法律法规以及科学知识，提高公众的大气环境保护意识。新闻媒体、居民委员会、村民委员会、学校及社会组织配合政府开展宣传普及，促进形成保护大气环境的社会风气。

各级人民政府对在大气污染防治方面做出显著成绩的单位和个人，给予表彰或者奖励。

第二十三条 市人民政府应当根据国家区域联防联控机构领导下，加强与相关省市区的大气污染联防联控工作，建立重大污染事项通报制度，逐步实现重大监测信息和污染防治技术共享，推进区域联防联控与应急联动。

第二十四条 市人民政府应当实行大气环境质量目标责任制和考核评价制度，定期公示考核结果。对市人民政府有关部门和区人民政府及其负责人的综合考核评价，应当包含大气环境质量目标完成情况和措施落实情况。

第二十五条 市、区人民政府应当每年向本级人民代表大会报告本行政区域的大气环境质量目标和大气污染防治规划的完成情况，并向社会公布。

governments at municipal and district levels shall launch the emergency plan corresponding to the grade of such alert and adopt relevant emergency measures, including: ordering the enterprises concerned to suspend or limit their production, restricting the use of motor vehicles, prohibiting fireworks, suspending earthworks and demolition of buildings, suspending open-air barbecues and suspending outdoor physical education courses in kindergartens and schools.

The pollutant discharging units concerned shall implement the emergency measures prescribed in paragraph 2 of this Article.

After the completion of the emergency response, the people's governments shall promptly evaluate the implementation of the contingency plans, and modify and improve the contingency plans in due time.

Article 21 The municipal people's government shall improve the system for reporting pollution of atmospheric environment, make public the telephone numbers and websites for such reporting, and specify the jurisdictions and duties of the government departments concerned.

After receiving a report, the government department concerned shall make timely disposal in accordance with law, and feed the disposal results back to the reporting person.

Where investigation ascertains the pollution reported, the government department concerned shall commend or reward the reporting person.

Article 22 The people's governments at various levels shall strengthen the publicity on atmospheric pollution prevention and control, educate the public on the laws and regulations on as well as the scientific knowledge about atmospheric environment protection, and raise the public awareness of atmospheric environment protection. The media, residents' committees, villagers' committees, schools and public organizations shall render cooperation to the government to carry out such publicity and education, so as to promote the social morality on atmospheric environment protection.

The people's governments at various levels shall commend or reward the units and individuals that have made remarkable achievements in atmospheric pollution prevention and control.

Article 23 The municipal people's government shall, under the leadership of the State institution of regional joint prevention and control, strengthen the joint prevention and control of atmospheric pollution with the relevant provinces, autonomous regions and municipalities, establish a system for reporting major pollution matters, gradually achieve the sharing of major monitoring information and pollution prevention and control technologies, and promote regional joint prevention and control and joint emergency response.

Article 24 The municipal people's government shall adopt a target-oriented responsibility system and an assessment & evaluation system for improving atmospheric environment quality, and regularly publicize the assessment results. The comprehensive assessment & evaluation of relevant departments of the municipal people's government and the district/county people's governments as well as their responsible persons shall include the achievement of targets and the implementation of measures for improving atmospheric environment quality.

Article 25 The municipal and district/county people's governments shall report the achievement of targets for improving atmospheric environment quality and the fulfillment of the plan for prevention and control of atmospheric pollution within their respective administrative areas to the people's congresses at the corresponding levels, and made the relevant information public.

第二十六条 企业事业单位和其他生产经营者都有义务采取措施，防治生产建设或者其他活动对大气环境造成的污染。

第二十七条 向大气排放污染物的企业事业单位和其他生产经营者，应当遵守国家和本市规定的大气污染物排放和控制标准，并不得超过核定的重点大气污染物排放总量指标。

第二十八条 向大气排放污染物的企业事业单位和其他生产经营者，应当建立大气环境保护责任制度，明确单位负责人的责任。

第二十九条 新建、改建、扩建向大气排放污染物的建设项目，应当依法进行环境影响评价。

建设单位在编制建设项目环境影响报告书时，应当依法征求有关单位、专家和公众的意见。

第三十条 建设单位应当保证建设项目配套建设的大气污染防治设施与主体工程同时设计、同时施工、同时投入使用。

第三十一条 向大气排放污染物的企业事业单位和其他生产经营者，应当保持大气污染防治设施的正常使用。

第三十二条 向大气排放污染物的企业事业单位和其他生产经营者，应当按照国家和本市有关规定，缴纳环境保护税。

第三十三条 向大气排放污染物的企业事业单位和其他生产经营者，应当按照国家和本市有关规定设置大气污染物排放口。

禁止通过偷排、篡改或者伪造监测数据、以逃避现场检查为目的的临时停产、非紧急情况下开启应急排放通道、不正常运行大气污染防治设施等逃避监管的方式排放大气污染物。

第三十四条 向大气排放污染物的企业事业单位和其他生产经营者，应当按照规定自行监测大气污染物排放情况，记录监测数据，并按照规定在网站或者其他对外公开场所向社会公开。监测数据的保存时间不得低于五年。

向大气排放污染物的企业事业单位和其他生产经营者，应当按照有关规定设置监测点位和采样监测平台并保持正常使用，接受环境保护行政主管部门或者其他监督管理部门的监督性监测。

Article 26 All units are obliged to take measures to prevent and control the atmospheric environment pollution caused by production, construction or other activities conducted thereby.

Article 27 The enterprises, public institutions and other producers and operators discharging pollutants to the atmosphere shall abide by the standards stipulated by the State and this Municipality on the discharge and control of atmospheric pollutants, and shall not exceed the approved quotas for total amount of key atmospheric pollutants discharged.

Article 28 The enterprises, public institutions and other producers and operators discharging pollutants to the atmosphere shall establish a responsibility system for atmospheric environment protection, and specify the responsibilities of their responsible persons.

Article 29 Environmental impact assessment shall be carried out in accordance with the law for newly constructed, renovated or expanded construction projects that discharge pollutants into the atmosphere.

When formulating the environmental impact report for a project, the project owner shall solicit the opinions of the relevant enterprises, public institutions and other producers and operators, experts and the public in accordance with law.

Article 30 The project owners shall ensure that the supporting facilities for atmospheric pollution prevention and control of construction projects are designed, constructed and put into use with the main works simultaneously.

Article 31 Enterprises, public institutions and other producers and operators that discharge pollutants into the atmosphere shall maintain the normal use of facilities for the prevention and control of atmospheric pollution.

Article 32 Enterprises, public institutions and other producers and operators that discharge pollutants into the atmosphere shall pay the environmental protection tax in accordance with the relevant provisions of the State and this Municipality.

Article 33 The units discharging pollutants to the atmosphere shall set up the outlets for discharge of atmospheric pollutants in accordance with the relevant provisions of the State and this Municipality.

It is prohibited to discharge atmospheric pollutants by means of evading supervision such as secretly discharging pollutants, altering or forging monitoring data, suspending production for the purpose of evading on-site inspection, opening emergency discharge channels under non-emergent situations, or operating atmospheric pollution prevention and control facilities in an abnormal manner.

Article 34 The units discharging pollutants to the atmosphere shall monitor such discharge as stipulated, keep a record of the monitoring data, and publish such data on websites or other public places as stipulated. The monitoring data shall be kept for not less than five years.

The units discharging pollutants to the atmosphere shall set up monitoring spots and sampling platforms as stipulated and maintain their normal operation, and shall accept the supervisory monitoring by the competent administrative department for environmental protection or other supervision and administration departments.

第三十五条 列入本市自动监控计划的向大气排放污染物的企业事业单位和其他生产经营者，应当配备大气污染物排放自动监控设备，并纳入环境保护行政主管部门的统一监控系统。

前款规定的向大气排放污染物的企业事业单位和其他生产经营者，负责维护自动监控设备，保持稳定运行和监测数据准确。

第三十六条 可能发生大气污染事故的企业事业单位和其他生产经营者应当制定大气污染事故和突发事件的应急预案，并负责应急处置和事后恢复。

第三十七条 公民负有依法保护大气环境的义务，应当遵守大气污染防治法律法规，树立大气环境保护意识，自觉践行绿色生活方式，减少向大气排放污染物。

第三十八条 公民、法人和其他组织有权要求市、区人民政府及其环境保护等有关部门公开大气环境质量、突发大气环境事件，以及相关的行政许可、行政处罚等信息。

第三十九条 公民、法人和其他组织有权向环境保护行政主管部门或者其他有关部门，举报污染大气环境的单位和个人。

公民、法人和其他组织发现市、区人民政府及其环境保护行政主管部门或者其他有关部门不依法履行大气环境监督管理职责，可以向上级人民政府或者监察机关举报。

第三章 重点污染物排放总量控制

第四十条 本市对重点大气污染物实行排放总量控制，逐步减少污染物排放总量。

第四十一条 全市排放总量控制的目标以及区域、重点行业和重点企业的排放总量，由市环境保护行政主管部门根据国家要求，结合本市经济社会发展水平、环境质量状况、产业结构特点、交通运行状况等提出，报市人民政府批准后实施，并每年向社会公布。

Article 35 The enterprises, public institutions and other producers and operators discharging pollutants to the atmosphere which are included in the plan of this Municipality for automatic monitoring shall be equipped with the automatic monitoring equipment for discharge of atmospheric pollutants, and shall be integrated with the unified monitoring system of the competent administrative department for environmental protection.

The enterprises, public institutions and other producers and operators discharging pollutants to the atmosphere specified in the preceding paragraph shall be responsible for the maintenance of their automatic monitoring equipment, and shall ensure the stable operation of such equipment and the accuracy of monitoring data.

Article 36 The enterprises, public institutions and other producers and operators where atmospheric pollution accidents are likely to happen shall formulate a preparedness plan for such accidents and other unexpected events, and shall be responsible for emergency response to and recovery after the accidents or events.

Article 37 Citizens are obliged to protect the atmospheric environment in accordance with law, abide by the laws and regulations on atmospheric pollution prevention and control, build up the awareness of protecting atmospheric environment, practice environment-friendly lifestyle on their own initiative, and reduce their discharge of pollutants to the atmosphere.

Article 38 Citizens, legal persons and other organizations shall have the right to request the municipal and district people's governments and their environmental protection departments to disclose information of atmospheric environmental quality, unexpected atmospheric environmental events, as well as relevant administrative licenses and penalties.

Article 39 Citizens, legal persons and other organizations have the right to report on units and individuals polluting the atmospheric environment to the competent administrative department for environmental protection or other relevant departments.

Citizens, legal persons and other organizations may, upon discovering that the municipal people's government and the district/county people's governments and their competent administrative departments for environmental protection or other relevant departments fail to perform their functions and duties in the supervision and administration of atmospheric environment, report to the superior people's governments or the supervisory organs.

Chapter III Control of the Total Amount of Key Pollutants Discharged

Article 40 This Municipality controls the total amount of key atmospheric pollutants discharged, so as to gradually reduce the total amount of pollutants discharged.

Article 41 The municipal competent administrative department for environmental protection shall, based on the requirements of the State as well as the economic & social development level, the environmental quality situation, the industrial structure features and the traffic operation of this Municipality, put forward the objective of this Municipality for control of the total amount of pollutants discharged as well as the total discharge amount of key industries and key enterprises, which shall be implemented upon approval by the municipal people's government and shall be made public every year.

区人民政府和重点行业主管部门应当根据本市大气污染物排放总量控制要求，制订年度总量控制计划，并组织落实。

第四十二条 本市按照国家和本市有关规定对大气污染物实行排污许可证制度。

纳入排污许可证管理的排污单位，应当按照规定向市、区环境保护行政主管部门申请核发排污许可证，并按照排污许可证载明的污染物种类、排放总量指标等要求排放污染物，逐步减少污染物排放总量。

第四十三条 排污单位的重点大气污染物排放总量由环境保护行政主管部门根据本市大气污染物排放和控制标准、清洁生产水平、重点大气污染物排放总量控制要求、产业布局 and 结构优化等因素，按照公开、公平、公正的原则核定。

第四十四条 本市在严格控制重点大气污染物排放总量、实行排放总量削减计划的前提下，按照有利于总量减少的原则，可以进行大气污染物排污权交易试点。具体办法由市人民政府制定。

第四十五条 现有排污单位的大气污染物排放总量指标，由环境保护行政主管部门核定取得。

纳入总量控制范围的新建、改建、扩建建设项目，应当在编制或者填报环境影响评价文件前取得重点大气污染物排放总量指标，并在环境影响评价文件中说明指标来源。

涉及民生的重点工程，排放总量指标不能满足需要的，经市人民政府同意后可以调剂取得，并向社会公开。

第四十六条 环境保护行政主管部门按照减量替代、总量减少的原则，审批环境影响评价文件。

通过减量替代获得大气污染物排放总量指标的建设项目，在替代的排放量未削减完成前，不得投入生产。

第四十七条 未完成年度大气污染物排放总量控制任务的区域、行业，环境保护

The district/county people's governments and the competent departments for key industries shall formulate the annual total amount control plans in accordance with the requirements of this Municipality on control of the total amount of atmospheric pollutants discharged, and organize the implementation of such plans.

Article 42 This Municipality shall implement the emission licensing system for atmospheric pollutants in accordance with the relevant provisions of the State and this Municipality.

The units discharging pollutants that are subject to the administration by pollutant discharge licenses shall apply for the pollutant discharge licenses with the municipal, district/county competent administrative departments for environmental protection as stipulated, discharge pollutants as to the types and quotas of total discharge amount specified in the pollutant discharge licenses, and gradually reduce the total amount of pollutants discharged.

Article 43 The total amount of key atmospheric pollutants discharged by the units discharging pollutants shall be verified by the competent administrative department for environmental protection in accordance with the principles of openness, fairness and impartiality, on the basis of such factors as the standards of this Municipality for discharge and control of atmospheric pollutants discharged, the level of clean production, the requirements on total amount control of key pollutants discharged, the industrial distribution and the industrial structure upgrading.

Article 44 Under the premise of strictly controlling the total amount of key atmospheric pollutants discharged and implementing the plan for reducing total amount of discharge, this Municipality may launch pilot programs for the trading of atmospheric pollutant discharging rights in accordance with the principle of facilitating total amount reduction. The specific measures therefor shall be formulated by the municipal people's government.

Article 45 The total amount quotas of atmospheric pollutants discharged for the existing units discharging pollutants shall be obtained after verification by the competent administrative department for environmental protection.

For newly constructed, renovated or expanded construction projects that are included in the scope of total volume control, the total volume control quotas for key atmospheric pollutants shall be obtained before the preparation or submission of environmental impact assessment documents, and the sources of the quotas shall be specified in the environmental impact assessment documents.

Key projects related to people's livelihood whose total amount quotas of discharge cannot satisfy their demand may obtain additional quotas through adjustment with the consent of the municipal people's government, and such additional quotas shall be made public.

Article 46 The competent administrative department for environmental protection shall examine and approve the documents for environmental impact assessment in accordance with the principles of deduction of discharge, use of alternatives and total amount reduction.

Construction projects that obtain the total volume control quotas for the discharge of atmospheric pollutants through reduction and replacement shall not be put into production before completing the reduction of replaced emission.

Article 47 As to any region or industry that fails to fulfill the task for total amount

行政主管部门应当暂停审批该区域或行业内除民生工程以外的、排放该项污染物的建设项目环境影响评价文件；该项目的审批部门不得批准其建设。

第四章 固定污染源污染防治

第四十八条 本市按照循环经济和清洁生产的要求推动生态工业园区建设，通过合理规划工业布局，引导工业企业入驻工业园区。

新建排放大气污染物的工业项目，应当按照环保规定进入工业园区。工业园区目录由市经济信息化行政主管部门会同有关部门制定并公布。

第四十九条 本市实施燃煤消耗总量控制。

市发展改革行政主管部门应当会同有关部门制定清洁能源利用发展规划，确定燃煤总量控制目标，并规定实施步骤，逐步削减燃煤总量。

区人民政府应当按照燃煤消耗总量控制目标，制订本行政区域削减燃煤和清洁能源改造计划并组织落实。

第五十条 市人民政府划定并公布高污染燃料禁燃区，并根据空气质量改善要求，规定实施步骤，逐步扩大禁燃区范围。

在禁燃区内，禁止新建、扩建燃烧高污染燃料的设施；现有燃烧煤炭、重油、渣油等高污染燃料的设施，应当在市人民政府规定的期限内停止使用或者改用清洁能源。

第五十一条 本市禁止新建、扩建燃烧煤炭、重油、渣油的设施。

使用煤炭、重油、渣油为燃料的工业锅炉、炉窑、发电机组等设施，应当按照市人民政府规定的期限改用清洁能源。

远郊区燃煤供热设施应当在规定期限内实施清洁能源改造。

第五十二条 本市禁止新建、扩建炼油、水泥、炼焦、钢铁、有色金属冶炼、铸造、平板玻璃、陶瓷、沥青防水卷材、人造板、黏土砖等制造加工项目以及非金属矿采选等矿产资源开发项目。

control of atmospheric pollutants discharged, the competent administrative department for environmental protection shall suspend examining and approving the documents for environmental impact assessment of any construction project discharging the corresponding pollutants within such region or industry, unless it is related to people's livelihood; and the relevant department for the examination and approval of such construction project shall not grant approval thereto.

Chapter IV Prevention and Control of Stationary Source Pollution

Article 48 This Municipality shall promote construction of eco-industrial parks in accordance with the requirements of circular economy and clean production and, through reasonable planning of industrial distribution, guide industrial enterprises to be stationed in industrial parks.

New industrial projects that discharge atmospheric pollutants shall be stationed in industrial parks in accordance with the provisions on environmental protection. The catalogue of industrial parks shall be formulated by the municipal competent department for economy and information technology in conjunction with the relevant departments and shall be made public.

Article 49 This Municipality controls the total amount of coal fuel consumption.

The municipal competent administrative department for development and reform shall, in conjunction with the relevant departments, formulate the plan for utilization and development of clean energies, determine the objective for controlling the total amount control of coal fuel consumption, and provide for phased implementation, so as to gradually reduce the total amount of coal fuel consumption.

The district/county people's governments shall, in accordance with the objective for controlling the total amount control of coal fuel consumption, formulate the plans for coal fuel consumption reduction and clean energy transformation and organize the implementation of such plans.

Article 50 The municipal people's government shall delimit and publish the areas where the burning of high polluting fuels is prohibited and, in accordance with the requirements on air quality improvement, provide for phased implementation and gradually enlarge such areas.

Within such areas, it is prohibited to build new or expand facilities burning high polluting fuels; the facilities burning such high polluting fuels as coal, heavy oil or residual oil shall be disused or change to using clean energies within the time limit prescribed by the municipal people's government.

Article 51 This Municipality prohibits newly construction or expansion of facilities burning coal, heavy oil or residual oil.

Such facilities as industrial boilers, furnaces and generator sets which use coal, heavy oil or residual oil as fuel shall change to using clean energies within the time limit prescribed by the municipal people's government.

The clean energy transformation shall be implemented within the prescribed time limit on the heating facilities which use coal as fuel in outer suburban districts and counties.

Article 52 This Municipality prohibits newly construction or expansion of manufacturing or processing projects for oil refining, cement, coking, steel, non-ferrous metal metallurgy, casting, plate glass, ceramics, bituminous waterproof sheet material, artificial board and clay bricks as well as the projects for exploitation of mineral resources such as nonmetal minerals mining and dressing.

列入前款和本条例第十四条规定名录的项目，市人民政府有关部门不得批准建设；列入调整和淘汰名录的行业、工艺和设备，相关企业应当在规定期限内调整退出。

依照本条第二款的规定，应当退出、关闭、搬迁的现有企业，市经济信息化行政主管部门应当事先向企业公告，听取企业意见。

第五十三条 本市禁止销售不符合标准的散煤及制品。

居民住宅生活用煤应当按照市人民政府的规定，使用符合标准的低硫优质煤。

提供饮食、洗浴、住宿等服务的单位，应当使用天然气、液化石油气、电或者其他清洁能源为燃料。

第五十四条 市住房城乡建设、规划行政主管部门应当会同有关部门，推进既有建筑节能改造，执行新建建筑强制性节能标准，减少能源消耗和大气污染物排放。

第五十五条 市环境保护行政主管部门应当会同市质量技术监督部门，制定本市产品挥发性有机物含量限值标准。

在本市生产、销售、使用含挥发性有机物的原材料和产品的，其挥发性有机物含量应当符合本市规定的限值标准。

第五十六条 产生含挥发性有机物废气的生产和服务活动，应当在密闭空间或者设备中进行，并按照规定安装、使用污染防治设施；无法密闭的，应当采取措施减少废气排放。

加油加气站、储油储气库和使用油罐车、气罐车等的单位，应当按照国家和本市规定安装油气回收装置并保持正常使用，并每年向环境保护行政主管部门报送由检测资质机构出具的油气排放检测报告。

第五十七条 工业涂装企业应当按照本市有关规定，使用低挥发性有机物含量涂料，记录生产工艺、设施及污染控制设备的主要操作参数、运行情况，并建立记录生产原料、辅料的使用量、废弃量和去向，及其挥发性有机物含量的台账。台账的保存时间不得低于三年。

The relevant departments of the municipal people's government shall not approve the projects listed in the preceding paragraph and the catalogue specified in Article 14 of these Regulations; as to the industries, technologies and equipment listed in the catalogue for adjustment or elimination, the relevant enterprises shall carry out adjustment or elimination within the prescribed time limit.

As to the existing enterprises which shall withdraw from production, close out or remove in accordance with the provisions in the second paragraph of this Article, the municipal competent administrative department for economy and information technology shall make announcement to them beforehand and listen to their opinions.

Article 53 This Municipality prohibits the sale of bulk coal and its products that fall short of meeting the relevant standards.

High-quality low-sulfur coal that meets the relevant standards shall be used for the houses and living of residents in accordance with relevant provisions of the municipal people's government.

The units that provide catering, bathing and lodging services shall use natural gas, liquified petroleum gas, electricity or other clean energies as fuels.

Article 54 The municipal competent administrative departments for housing & urban-rural development and city planning shall, in conjunction with the relevant departments, promote the energy saving reconstruction of existing buildings and implement the compulsory energy-saving standards on new buildings, so as to reduce the energy consumption and the discharge of atmospheric pollutants.

Article 55 The municipal competent administrative department for environmental protection shall, in conjunction with the municipal competent administrative department for quality and technology supervision, set forth the standards of this Municipality on the limit value of volatile organic compounds in products.

The raw materials and products with volatile organic compounds which are produced, sold and used in this Municipality shall meet the standards of this Municipality on the limit value of volatile organic compounds.

Article 56 Production and service activities generating the waste gas containing volatile organic compounds shall be conducted in confined space or equipment, and the pollution prevention and control facilities shall be installed or used as required; if such activities cannot be conducted in confined space, measures shall be taken to reduce the emission of waste gas.

For gasoline and gas stations, oil and gas storages and units using oil tank trucks or gas tank trucks, oil and gas recovery devices shall be installed and kept in good condition in accordance with the provisions of the State and this Municipality, and oil and gas emission detection reports issued by the qualified testing agencies shall be submitted to the competent administrative department for environmental protection annually.

Article 57 The industrial coating enterprises shall, in accordance with the relevant provisions of this Municipality, use coatings with less volatile organic compounds, keep record of the main operation parameters and running conditions of production technologies, facilities and equipment for pollution control, and keep a ledger that records the usage amount, discard amount, whereabouts of and the content of volatile organic compounds in the raw and auxiliary materials for production. The ledger shall be kept for not less than

第五十八条 石油、化工及其他生产和使用有机溶剂的企业，应当采取措施对管道、设备进行日常维护、维修，减少物料泄漏，并对已经泄漏的物料及时收集处理。

第五十九条 餐饮服务、服装干洗和机动车维修等项目，应当设置油烟、异味和废气处理装置等污染防治设施并保持正常使用，防止影响周边环境。

在居民住宅楼、未配套设立专用烟道的商住综合楼、商住综合楼内与居住层相邻的商业楼层内，禁止新建、改建、扩建产生油烟、异味、废气的餐饮服务、服装干洗和机动车维修等项目。

第六十条 向大气排放粉尘、有毒有害气体或恶臭气体的企业事业单位和其他生产经营者，应当安装净化装置或者采取其他措施，防止污染周边环境。

第六十一条 任何单位和个人不得进行露天焚烧秸秆、树叶、枯草、垃圾、电子废物、油毡、橡胶、塑料、皮革、沥青等向大气排放污染物的行为。

任何单位和个人不得在政府划定的禁止范围内露天烧烤食品或者为露天烧烤食品提供场地。

第五章 机动车和非道路移动机械排放污染防治

第六十二条 本市根据国家大气环境质量和本市大气环境质量目标，对机动车实施数量调控。

本市优化道路设置和管理，减少机动车怠速和低速行驶造成的污染。

第六十三条 环境保护行政主管部门可以委托其所属的机动车排放污染监督监测机构，对机动车和非道路移动机械排放污染防治实施监督管理。

第六十四条 在本市销售机动车和非道路移动机械的生产企业，应当按照规定向市环境保护行政主管部门申报在本市销售的机动车和非道路移动机械排放污染物的数据和防治污染的有关材料。

市环境保护行政主管部门审查数据和材料后，对符合国家和本市规定排放、耗能

three years.

Article 58 Petroleum and chemical engineering enterprises and other enterprises producing or using organic solvents shall take measures for the routine maintenance and repair of pipelines and equipment so as to reduce the risk of leakage, and shall collect and dispose of the leaked materials in a timely manner.

Article 59 Projects that provide such services as catering, laundry and motor vehicle maintenance & repairing shall install pollution prevention and control facilities such as treatment devices of cooking fume, smell and waste gas and maintain the normal operation of such facilities, so as to prevent the impact on surrounding environment.

It is prohibited to carry out such projects of construction, alteration or expansion as provide catering, laundry, motor vehicle maintenance & repairing and other services that produce cooking fume, smell and waste gas in residential buildings, commercial & residential complexes not equipped with special gas ducts and commercial floors of commercial & residential complexes that are adjacent to residential floors.

Article 60 The units that discharge dust, hazardous gas or malodorous gas into the atmosphere shall install purification devices or take other measures, so as to prevent the pollution to the surrounding environment.

Article 61 No unit or individual shall engage in the activities of burning straws, leaves, withered grass, garbage, electronic wastes, asphalt felt, rubber, plastics, leather or asphalt in the open air that discharge pollutants into the atmosphere.

No unit or individual may engage in open-air barbecue or provide sites for open-air barbecue within the prohibited areas delimited by the government.

Chapter V Prevention and Control of Pollutants Discharged by Motor Vehicles and Non-road Mobile Machinery

Article 62 This Municipality regulates and controls the quantity of motor vehicles in accordance with the national standards and the objective of this Municipality on atmospheric environment quality.

This Municipality optimizes the layout and management of roads to reduce the pollution caused by idling or low speed of motor vehicles.

Article 63 The competent administrative department for environmental protection may entrust its subordinating agencies for supervision and monitoring of pollutants discharged by motor vehicles with the supervision and administration of the prevention and control of pollutants discharged by motor vehicles and non-road mobile machinery.

Article 64 Manufacturing enterprises selling motor vehicles and non-road mobile machinery in this Municipality shall report the data about pollutants discharged by motor vehicles and non-road mobile machinery sold in this Municipality and the relevant materials about pollution prevention and control to the municipal competent administrative department for environmental protection as stipulated.

The municipal competent administrative department for environmental protection

标准的，纳入可以在本市销售的机动车车型和非道路移动机械目录。

在本市销售的机动车和非道路移动机械，应当符合国家和本市规定的排放标准并在耐久性期限内稳定达标。机动车和非道路移动机械经按照规定检测，因质量原因不能稳定达标排放的，由市环境保护行政主管部门取消其在本市的机动车车型和非道路移动机械目录。

第六十五条 符合本市新车污染物排放标准，或者经国家认可的检测机构检测确认与本市新车污染物排放标准相当的机动车，方可在本市办理注册登记或者转入手续。

第六十六条 在用机动车应当符合本市机动车排放标准，并定期进行排放污染检测；检测合格的，方可进行机动车安全技术检验，核发安全检测合格标志。

进入本市行驶的外埠车辆，应当按照本市规定，进行排放污染检测；检测合格的，方可办理机动车进京手续。

具体检测管理办法由市环境保护行政主管部门会同有关部门制定。

第六十七条 环境保护行政主管部门可以在机动车停放地，对在用机动车排放污染进行检查和检测，并可以在公安机关交通管理部门配合下，对行驶中的机动车排放污染状况进行抽测。

第六十八条 机动车排放污染定期检测，由依法通过计量认证的机动车排放检验机构承担。检验机构应当严格按照规定对机动车排放污染进行检测，并与环境保护行政主管部门联网，实现检验数据实时共享。机动车排放检验机构及其负责人对检验数据的真实性和准确性负责。

环境保护行政主管部门和认证认可监督管理部门应当对机动车排放检验机构的排放检验情况进行监督检查。

第六十九条 机动车和非道路移动机械所有者或者使用者不得拆除、闲置或者擅自更改排放污染控制装置，并保持装置正常使用。

机动车所有者或者使用者在车载排放诊断系统报警后，应当及时对机动车进行维修，确保车辆达到排放标准。

shall, after reviewing such data and materials, include those that meet the standards on discharge and energy consumption of the State and this Municipality in the catalogue of motor vehicles and non-road mobile machinery that may be sold in this Municipality.

Motor vehicles and non-road mobile machinery sold in this Municipality shall meet the discharge standards stipulated by the State and this Municipality and shall meet such standards in a stable way within the period of durability. Motor vehicles and non-road mobile machinery that fail to meet the discharge standards in a stable way due to their quality in stipulated tests shall be removed from the catalogue of motor vehicles and non-road mobile machinery that may be sold in this Municipality.

Article 65 Only the motor vehicles that meet the standards of this Municipality on pollutants discharged by new vehicles or certified by a testing agency accredited by the State as meeting the equivalent standards may go through the formalities for registration or transfer in this Municipality.

Article 66 Motor vehicles in service shall meet the discharge standards of this Municipality for motor vehicles and shall be regularly tested on pollution discharge; only those that pass such tests may be subject to safety and technical inspection and be granted the certification labels for environmental protection and safety.

Vehicles from outside of this Municipality shall be subject to the pollution discharge test as stipulated by this Municipality; and only those that pass such test may go through the formalities for entering this Municipality.

The specific measures for testing administration shall be formulated by the municipal competent administrative department for environmental protection in conjunction with the relevant departments.

Article 67 The competent administrative department for environmental protection may conduct the pollution discharge inspection and tests on motor vehicles in service at parking sites and may, in cooperation with the traffic management department of public security organ, conduct random pollution discharge tests on motor vehicles in driving.

Article 68 Regular tests of pollutant emission of motor vehicles shall be undertaken by motor vehicle emission test institutions that have obtained the metrological certification in accordance with the law. Test institutions shall conduct emission tests on motor vehicles strictly as required and get connected with the competent administrative department for environmental protection to achieve the real-time sharing of testing data. Motor vehicle emission test institutions and their persons-in-charge shall be responsible for the authenticity and accuracy of the testing data.

The competent administrative department for environmental protection and the certification and accreditation administration departments shall supervise and inspect the information of motor vehicle emission test institutions on emission tests.

Article 69 Owners and users of motor vehicles and non-road mobile machinery shall not dismantle the devices for pollution discharge control, leave such devices idle or modify such devices without authorization, and shall maintain the normal operation of such devices.

The owner or user of a motor vehicle shall, after the vehicle-mounted discharge

第七十条 机动车维修单位应当具备维修资质，按照技术规范对排放不达标的机动车进行维修，确保机动车排放达标。

第七十一条 市人民政府可以根据大气环境质量状况，在一定区域内采取限制机动车行驶的交通管理措施。

第七十二条 本市提倡公民绿色出行，每年开展城市无车日活动。市人民政府应当创造条件方便公众选择公共交通、自行车、步行的出行方式，减少机动车排放污染。

第七十三条 本市提倡环保驾驶。在学校、宾馆、商场、公园、办公场所、社区、医院的周边和停车场等不影响车辆正常行驶的地段，机动车驾驶员在停车三分钟以上时，应当熄灭发动机。

第七十四条 在用非道路移动机械向大气排放污染物，应当符合本市规定的排放标准。

市人民政府可以根据大气环境质量状况，划定禁止高排放非道路移动机械使用的区域。

第七十五条 本市按照国家规定对机动车实行强制报废制度。机动车排放大气污染物超过标准的，应当进行维修；经修理、调整、采用控制技术后仍不符合国家排放标准要求的，应当依法强制报废。

第七十六条 本市加快老旧公交、邮政、环卫、出租等车辆淘汰，鼓励发展小排量、低能耗和新能源车与清洁能源车，加快新能源车与清洁能源车的配套设施建设。

第七十七条 本市鼓励淘汰高排放机动车和非道路移动机械。市环境保护行政主管部门会同市财政、交通、公安、商务、质量技术监督等行政主管部门，根据本市大气环境质量状况和机动车、非道路移动机械排放污染状况，制定高排放在用机动车、非道路移动机械淘汰、治理和限制使用方案，报市人民政府批准后实施。

第七十八条 市环境保护行政主管部门会同市质量技术监督部门制定本市车用燃料标准。本市销售的车用燃料应当达到国家和本市规定的标准，并按照规定添加车用油品清净剂。

diagnosis system gives an alarm, repair the motor vehicle in a timely manner, so as to ensure that it meets the discharge standards.

Article 70 Units for maintenance & repair of motor vehicles shall obtain the qualification for such services and shall, in accordance with the technical specifications, carry out the repair of motor vehicles that fail to meet the discharge standards, so as to ensure that the repaired motor vehicles meet such standards.

Article 71 The municipal people's government may take traffic control measures to restrict the running of motor vehicles within certain areas based on the atmospheric environment quality.

Article 72 This Municipality advocates green commuting by citizens, and set a "car-free-day" every year. The municipal people's government shall facilitate the public to commute with public transport, bicycles and walking, so as to reduce the pollution discharge of motor vehicles.

Article 73 This Municipality advocates environment-friendly driving. Drivers of motor vehicles shall stop the engine when parking for more than three minutes in a place not affecting the normal running of other vehicles, such as parking lots or the surrounding of schools, hotels, markets, parks, office space, communities and hospitals.

Article 74 The discharge of pollutants to the atmosphere by non-road mobile machinery shall meet the discharge standards of this Municipality.

The Municipal People's Government may, according to the atmospheric environmental quality, delimit the areas in which the use of high-emission non-road mobile machinery is prohibited.

Article 75 This Municipality shall implement the compulsory scrapping system for motor vehicles in accordance with the provisions of the State. A motor vehicle that discharges atmospheric pollutants exceeding the standards shall be repaired; if it still fails to meet the requirements of the national emission standards after repair, adjustment or adoption of control technologies, the motor vehicle shall be mandatorily scrapped in accordance with the law.

Article 76 This Municipality shall speed up the elimination of such vehicles as old buses, old postal vehicles, old sanitation trucks and old taxis, encourage the development of vehicles with small displacement, low energy-consumption, new energy and clean energy, and accelerate the construction of supporting facilities for new energy and clean energy vehicles.

Article 77 This Municipality encourages the elimination of motor vehicles and non-road mobile machinery with high discharge of pollutants. The municipal competent administrative department for environmental protection shall, in conjunction with the municipal competent administrative departments for finance, transport, public security, commerce and quality & technology supervision, formulate a plan for elimination, governance and restricted use of motor vehicles and non-road mobile machinery in service with high discharge of pollutants based on the atmospheric environment quality and pollution discharge of motor vehicles and non-road mobile machinery in this Municipality, and implement the same after approval by the municipal people's government.

Article 78 The municipal competent administrative department for environmental protection shall, in conjunction with the municipal competent administrative department for

第六章 扬尘污染防治

第七十九条 进行房屋建筑、市政基础设施施工、河道整治、建筑物拆除、物料运输和堆放、园林绿化等活动，应当采取措施，防止产生扬尘污染。

第八十条 建设单位应当将防治扬尘污染的费用列入工程造价，并在工程承包合同中明确施工单位防治扬尘污染的责任。

第八十一条 建设工程施工现场应当根据本市绿色施工的有关规定，采取下列措施：

（一）建设工程开工前，建设单位应当按照标准在施工现场周边设置围挡，施工单位应当对围挡进行维护；

（二）施工单位应当在施工现场出入口公示施工现场负责人、环保监督员、扬尘污染控制措施、举报电话等信息；

（三）施工单位应当对施工现场内主要道路和物料堆放场地进行硬化，对其他场地进行覆盖或者临时绿化，对土方集中堆放并采取覆盖或者固化措施；

（四）气象预报风速达到四级以上时，施工单位应当停止土石方作业、拆除作业及其他可能产生扬尘污染的施工作业；

（五）建设工程施工现场出口处应当设置冲洗车辆设施，按照本市规定安装视频监控系统；施工车辆经除泥、冲洗后方可驶出工地，不得带泥上路行驶；车辆清洗处应当配套设置排水、泥浆沉淀设施；

（六）建设工程施工现场道路及进出口周边一百米以内的道路不得有泥土和建筑垃圾；

（七）道路挖掘施工过程中，施工单位应当及时覆盖破损路面，并采取洒水等措施防治扬尘污染；道路挖掘施工完成后应当及时修复路面；

（八）国家和本市有关施工现场管理的其他规定。

quality & technology supervision, formulate the standards of this Municipality on fuels for vehicles. The fuels for vehicles sold in this Municipality shall meet the standards stipulated by the State and this Municipality, and the detergents for oil products used by vehicles shall be added thereto as stipulated.

Chapter VI Prevention and Control of Dust Pollution

Article 79 Measures shall be taken to prevent dust pollution in such activities as house building, construction of municipal infrastructure facilities, river regulation, building dismantlement, material transport & piling and landscaping.

Article 80 A project owner shall include the expenses for prevention and control of dust pollution in the project budget, and specify in the project contract the construction unit's responsibility for prevention and control of dust pollution.

Article 81 The following measures shall be taken at work sites of construction projects in accordance with the relevant provisions of this Municipality on green construction:

(1) before the commencement of a construction project, the project owner shall set up enclosures around the work site in accordance with the relevant standards and the construction units shall maintain such enclosures;

(2) the construction unit shall, at entrances and exits of the work site, indicate such information as the person in charge of the work site, the environmental protection supervisor, the measures for prevention and control of dust pollution, and complaining hotline numbers;

(3) the construction unit shall make hardening treatment to the major roads as well as the places for piling up materials at the work site and shall provide coverage or temporary landscaping in other places, the earthwork shall be piled up in a concentrated manner and covering or solidification measures shall be taken;

(4) where weather forecast suggests a wind speed of level 4 or above, the construction unit shall desist from earthwork, dismantlement and other construction operations that are likely to cause dust pollution;

(5) the facilities for cleaning vehicles shall be set up at entrances and exits of the work site; video monitoring systems shall be installed as stipulated by this Municipality; the vehicles used in construction may leave the work sites only after being cleaned and washed off mud, and shall not run on road with mud on them; the facilities for cleaning vehicles shall be equipped with devices for water drainage and mud sedimentation;

(6) no dirt or construction refuse is allowed on the roads at work site of a construction project or on the roads less than one hundred meters away from the entrances and exits of the work site;

(7) during the process of road opening, the construction unit shall cover the damaged road surface in a timely manner and take such measures as spraying water to prevent and control dust pollution; the road surface shall be repaired in a timely manner after the work of road opening; and

(8) other provisions of the State and this Municipality on the administration of work sites.

本市将施工单位的施工现场扬尘违法行为，纳入本市施工企业市场行为信用评价系统。

第八十二条 煤炭、水泥、石灰、石膏、砂土等产生扬尘的物料应当密闭贮存；不具备密闭贮存条件的，应当在其周围设置不低于堆放物高度的围挡并有效覆盖，不得产生扬尘。

建筑土方、工程渣土、建筑垃圾应当及时运输到指定场所进行处置；在场地内堆存的，应当有效覆盖。

第八十三条 运输垃圾、渣土、砂石、土方、灰浆等散装、流体物料的，应当依法使用符合条件的车辆，安装卫星定位系统，密闭运输。

第八十四条 建筑垃圾资源化处置场、渣土消纳场、燃煤电厂贮灰场和垃圾填埋场应当实施分区作业，采取措施防治扬尘污染。

第八十五条 市城市管理行政主管部门应当会同市环境保护行政主管部门，制定道路清扫冲洗保洁标准。清扫单位应当严格执行清扫冲洗保洁标准，防治扬尘污染。

3 条 裸露地面应当按照下列规定进行绿化或者铺装：

（一）待开发的建设用地，建设单位负责对裸露地面进行覆盖；超过三个月的，应当进行临时绿化或铺装；

（二）市政道路及河道沿线、公共绿地的裸露地面，分别由交通、水务、园林绿化行政主管部门组织按照规划进行绿化或者铺装；

（三）其他裸露地面由使用权人或者管理单位负责进行绿化或者铺装，并采取防尘措施。

农业行政主管部门应当鼓励对裸露农田采取生物覆盖、留茬免耕等措施，防治扬尘污染。

第八十七条 本市严格控制矿产资源开采。在矿产资源开采过程中，应当采取措施防治大气污染。开采后应当进行生态修复。

第八十八条 本市施工工地禁止现场搅拌混凝土。由政府投资的建设工程以及在本市规定区域内的建设工程，禁止现场搅拌砂浆。其他建设工程在施工现场设置砂浆搅拌机的，应当配备降尘防尘装置。

本市禁止新建、扩建混凝土搅拌站；不符合环境治理规划的已建成企业，应当按

This Municipality shall include the illegal acts of construction units of causing dust at work sites in the market behavior credit assessment system of this Municipality for construction units.

Article 82 The materials that are likely to cause dust, such as coal, cement, lime, gypsum and sand etc., shall be stored in a confined manner; where conditions do not permit for confined storage, enclosures not lower than the materials piled up shall be set up around them and they shall be effectively covered to prevent dust pollution.

Earthwork, muck and construction refuse shall be transported to designated places for treatment in timely manner; those piled up at work sites shall be effectively covered.

Article 83 Vehicles that satisfy the relevant conditions shall be used in accordance with law for transportation of such bulk and fluid materials as rubbish, muck, sand, earthwork and mortar; these vehicles shall be equipped with GPS systems and transport such materials in a confined manner.

Article 84 Sectional operations shall be conducted at recycling sites for construction refuse, disposal sites for muck, ash disposal areas for coal-fired power plants and rubbish landfills, and measures shall be taken to prevent and control dust pollution.

Article 85 The municipal competent administrative department for city management & appearance shall, in conjunction with the municipal competent administrative department for environmental protection, formulate the standards for road sweeping, cleaning and sanitation. The sweeping units shall strictly comply with such standards so as to prevent and control dust pollution.

Article 86 Landscaping or paving shall be carried out to bare ground in accordance with the following provisions:

(1) the project owner shall be responsible for covering the bare ground of the land to be developed; temporary landscaping or paving shall be conducted if the ground is kept bare for more than three months;

(2) the competent administrative departments for transport, water affairs and landscaping shall, in accordance with the planning, organize the landscaping or paving of the bare ground along municipal roads & riverways and in public green space; and

(3) the land-use right owner or the management unit of other bare ground shall be responsible for the landscaping or paving, and for taking dust prevention measures.

The competent administrative departments for agriculture shall encourage the adoption of such measures as biological coverage and no-tillage with stubbles to bare farmland, so as to prevent and control dust pollution.

Article 87 This Municipality strictly controls the exploitation of mineral resources. During the exploitation of mineral resources, measures shall be taken to prevent and control atmospheric pollution. Ecological restoration shall be carried out after exploitation.

Article 88 The concrete mixing is prohibited at work sites in this Municipality. The mortar mixing is prohibited at work sites of the construction projects invested by the government or the construction projects within the stipulated areas of this Municipality. Where mortar mixers are set up at work sites of other construction projects, the devices for reducing and preventing dust shall be installed.

Construction of new concrete mixing plants or expansion of the existing ones is prohibited in this Municipality; the existing enterprises that do not comply with the environment treatment plan shall be closed down within the time limit specified by the

照市人民政府的规定限期关闭。

第七章 法律责任

第八十九条 造成大气污染危害的，有责任排除危害，并对直接遭受损失的单位或者个人赔偿损失。

第九十条 环境保护行政主管部门和其他有关行政主管部门在大气污染防治工作中，有下列行为之一的，由监察机关责令改正，对直接负责的主管人员和其他直接责任人员依法给予行政处分；构成犯罪的，依法追究刑事责任：

- （一）违法做出行政许可决定的；
- （二）接到公民对污染大气环境行为的举报，不依法查处的；
- （三）违反本条例规定不公开大气环境相关信息的；
- （四）有滥用职权、玩忽职守的其他行为的。

第九十一条 违反本条例第二十条第三款规定，有关排污单位拒不执行市人民政府责令停产、限产决定的，市或者区环境保护行政主管部门可以查封排污设施，处一万元以上十万元以下罚款；拒不执行停止工地土石方作业、建筑拆除施工或露天烧烤的应对措施的，由城市管理综合执法部门处一万元以上十万元以下罚款。

拒不执行机动车停驶和禁止燃放烟花爆竹的应对措施的，由公安机关依据有关规定予以处罚。

第九十二条 违反本条例第二十七条规定，向大气排放污染物不符合国家或本市大气污染物排放和控制标准的，由环境保护行政主管部门责令改正或者限制生产、停业整治，处十万元以上一百万元以下罚款；情节严重的，报经有批准权的人民政府批准，责令停业、关闭；向大气排放污染物超过排放总量指标的，由环境保护行政主管部门责令停止排污，处十万元以上一百万元以下罚款。

第九十三条 违反本条例第三十条规定，需要配套建设的大气污染防治设施未建成，主体工程正式投入生产或者使用的，由环境保护行政主管部门责令限期改正，处

municipal people's government.

Chapter VII Legal Liability

Article 89 Units that cause atmospheric pollution hazard shall be responsible for eliminate the damage thus incurred and give compensation to the units or individuals directly suffering losses.

Article 90 Where the competent administrative department for environmental protection or any other competent administrative department commits one of the following acts in prevention and control of atmospheric pollution, the administrative supervisory organ shall order it to make corrections and give administrative sanctions to the persons in charge with competent accountability and other persons with competent accountability; where a crime is constituted, the criminal liability shall be investigated for in accordance with law:

- (1) illegally granting an administrative license;
- (2) failing to investigate and handle the case after receiving reports of citizens on atmospheric environment pollution;
- (3) failing to publicize the information related to atmospheric environment in violation of these Regulations; and
- (4) other acts of abuse of power or neglect of duties.

Article 91 Where any pollutant discharging unit, in violation of the third paragraph of Article 21 of these Regulations, refuses to implement the order of the municipal people's government on suspending or limiting production, the municipal or district administrative department for environmental protection may seize pollutant discharge facilities and impose a fine of not less than 10,000 yuan but not more than 100,000 yuan. If it refuses to comply with such countermeasures as suspending the earth and stone work on the work site, suspending building demolition operations or banning open-air barbeque, the department for comprehensive law enforcement in urban management shall impose upon it a fine of not less than 10,000 Yuan but not more than 100,000 Yuan.

If any unit or individual refuses to comply with such countermeasures as restricting the running of certain motor vehicles or prohibiting fireworks and firecrackers, it or he shall be punished by the public security organ in accordance with relevant provisions.

Article 92 Whoever, in violation of the provisions of Article 27 of these Regulations, fails to discharge pollutants into the atmosphere in accordance with the national or municipal standards for the discharge and control of atmospheric pollutants shall be ordered by the competent administrative department for environmental protection to make corrections or limit production or suspend business for rectification and be imposed upon a fine of not less than 100,000 yuan but not more than 1,000,000 yuan; if the circumstances are serious, it shall be ordered to suspend business or close down upon the approval of the competent people's government; if the discharge of pollutants into the atmosphere exceeds the total volume control quotas, the competent administrative department for environmental protection shall order the suspension of the discharge of pollutants and impose a fine of not less than 100,000 yuan but not more than 1,000,000 yuan.

Article 93 Whoever, in violation of the provisions of Article 30 of these Regulations, formally puts the main works into production or use without completing the required air

二十万元以上一百万元以下罚款；逾期不改正的，处一百万元以上二百万元以下罚款。

第九十四条 违反本条例第三十一条规定，不正常使用大气污染防治设施的，由环境保护行政主管部门责令停止违法行为，限期改正，处五千元以上五万元以下罚款。

第九十五条 违反本条例第三十三条第一款规定，未按照规定设置大气污染物排放口的，由环境保护行政主管部门责令限期改正，处二万元以上二十万元以下罚款；拒不改正的，责令停产整治。

违反本条例第三十三条第二款规定，通过逃避监管的方式排放大气污染物的，由环境保护行政主管部门责令改正或者限制生产、停产整治，并处十万元以上一百万元以下罚款；情节严重的，报经有批准权的人民政府批准，责令停业、关闭。

第九十六条 违反本条例第三十四条第一款规定，未按照规定公布或者保存监测数据的，由环境保护行政主管部门责令限期改正，处二万元以上二十万元以下罚款；拒不改正的，责令停产整治。

违反本条例第三十四条第二款规定，未按照规定设置监测点位或者采样平台的，由环境保护行政主管部门责令限期改正；逾期不改正的，处一万元以上十万元以下罚款。

第九十七条 违反本条例第三十五条规定，未按照规定安装大气污染物排放自动监控设备，或者自动监控设备未稳定运行、数据不准确的，由环境保护行政主管部门责令限期改正，处二万元以上二十万元以下罚款；拒不改正的，责令停产整治。

第九十八条 违反本条例第四十二条规定，应当取得而未取得排污许可证排放污染物的，由环境保护行政主管部门责令停止排污，处十万元以上一百万元以下罚款；拒不停止排污的，环境保护行政主管部门可以查封排污设施。未按照排污许可证的规定排放污染物的，由环境保护行政主管部门责令限期改正，处二万元以上二十万元以下罚款。

pollution prevention and control facilities shall be ordered by the competent administrative department for environmental protection to make corrections within a prescribed time limit and be imposed upon a fine of not less than 200,000 yuan but not more than 1,000,000 yuan; whoever fails to make corrections within the prescribed time limit shall be imposed upon a fine of not less than 1,000,000 yuan but not more than 2,000,000 yuan.

Article 94 Whoever, in violation of the provisions of Article 31 of these Regulations, uses the air pollution prevention and control facilities in an abnormal manner shall be ordered by the competent administrative department for environmental protection to stop illegal activities and make corrections within a prescribed time limit and be imposed upon a fine of not less than 5,000yuan but not more than 50,000 yuan.

Article 95 Whoever, in violation of the provisions of Paragraph 1 of Article 33 of these Regulations, fails to install the emission outlets for air pollutants as stipulated shall be ordered by the competent administrative department for environmental protection to make corrections within a prescribed time limit and imposed upon a fine of not less than 20,000 yuan but not more than 200,000 yuan; whoever refuses to make corrections shall be ordered to suspend production for rectification.

Whoever, in violation of the provisions of Paragraph 2 of Article 33 of these Regulations, discharges atmospheric pollutants by means of evading supervision shall be ordered by the competent administrative department for environmental protection to make corrections or limit production or suspend business for rectification and be imposed upon a fine of not less than 100,000 yuan but not more than 1,000,000 yuan; if the circumstances are serious, it shall be ordered to suspend business or close down upon the approval of the competent people's government.

Article 96 Whoever, in violation of the provisions of Paragraph 1 of Article 34 of these Regulations, fails to publish or maintain monitoring data as stipulated shall be ordered by the competent administrative department for environmental protection to make corrections within a prescribed time limit and imposed upon a fine of not less than 20,000yuan but not more than 200,000 yuan; whoever refuses to make corrections shall be ordered to suspend production for rectification.

Where any unit, in violation of the second paragraph of Article 35 of these Regulations, fails to set up monitoring spots and sampling platforms as stipulated, the competent administrative department for environmental protection shall order it to make corrections within a prescribed time limit; if the unit fails to make corrections within the prescribed time limit, a fine of not less than 10,000 Yuan but not more than 100,000 Yuan shall be imposed.

Article 97 Whoever, in violation of the provisions of Article 35 of these Regulations, fails to install the automatic air pollutant emission monitoring equipment as stipulated or fails to ensure the steady operation of the automatic monitoring equipment or accurate data shall be ordered by the competent administrative department for environmental protection to make corrections within a prescribed time limit and imposed upon a fine of not less than 20,000 yuan but not more than 200,000 yuan; whoever refuses to make corrections shall be ordered to suspend production for rectification.

Article 98 Where, in violation of Article 43 of these Regulations, any unit discharges pollutants without the pollutant discharge license that it should have obtained, the competent administrative department for environmental protection shall order it to stop the discharge of pollutants and imposed upon a fine of not less than 100,000 yuan but not more than 1,000,000 yuan. If the unit refuses to stop the discharge of pollutants, the competent administrative department for environmental protection may seal up its pollutant discharging facilities. Where any unit fails to discharge pollutants as specified in the pollutant discharge license, the competent administrative department for environmental protection shall order

第九十九条 违反本条例第四十六条第二款规定，在替代的排放量未削减完成前，建设项目投入生产的，由环境保护行政主管部门责令停止生产，处二万元以上二十万元以下罚款。

第一百条 违反本条例第五十条规定，在禁燃区内新建、扩建燃烧高污染燃料的设施的，或者在规定的期限届满后，继续燃用煤炭、重油、渣油等高污染燃料的，由环境保护行政主管部门没收燃用高污染燃料的设施，组织拆除燃煤供热锅炉，并处二万元以上二十万元以下罚款。

第一百零一条 违反本条例第五十一条规定，新建、扩建燃烧煤炭、重油、渣油设施或者燃用煤炭、重油、渣油的工业锅炉、炉窑、发电机组等设施未按照规定停止燃用高污染燃料的，由环境保护行政主管部门没收燃用高污染燃料的设施，组织拆除燃煤供热锅炉，并处二万元以上二十万元以下罚款。

第一百零二条 违反本条例第五十二条第一款、第二款规定的，由经济信息化行政主管部门报同级人民政府关停违法项目。

第一百零三条 违反本条例第五十三条第一款规定，销售不符合标准的散煤及制品的，由质量技术监督、工商行政管理部门按照职责责令改正，停止销售，没收原材料、产品和违法所得，并处货值金额一倍以上三倍以下的罚款。

违反本条例第五十三条第三款规定，不使用清洁能源的，由环境保护行政主管部门责令限期改正，处一万元以上十万元以下罚款。

第一百零四条 违反本条例第五十五条第二款规定，生产、销售含挥发性有机物的原材料和产品不符合本市规定标准的，由质量技术监督部门和工商行政管理部门依照有关法律法规规定予以处罚。

第一百零五条 违反本条例第五十六条第一款规定，未在密闭空间或者设备中进行产生含挥发性有机物废气的生产和服务活动或者未按规定安装并使用污染防治设施的，由环境保护行政主管部门责令改正，处二万元以上二十万元以下罚款；拒不改正的，责令停产整治。

it to make corrections within a prescribed time limit and impose on it a fine of not less than 20,000 Yuan but not more than 200,000 Yuan.

Article 99 Where, in violation of the second paragraph of Article 47 of these Regulations, any construction project is put into production before the replaced discharge amount has been deducted, the competent administrative department for environmental protection shall order suspension of the trail production and impose a fine of not less than 20,000 Yuan but not more than 200,000 Yuan.

Article 100 Where any entity or individual, in violation of the provisions of Article 50 of these Regulations, constructs or expands facilities fueled by high- pollution fuels in the zone where burnings prohibited, or continues to use high-pollution fuels such as coal, heavy oil and residual oil after the expiration of the prescribed time limit, the competent administrative department for environmental protection shall confiscate such facilities fueled by high-pollution fuels, organize the removal of the coal heating supply boilers, and impose a fine of not less than 20,000 yuan but not more than 200,000 yuan.

Article 101 Where any entity or individual, in violation of the provisions of Article 51 of these Regulations, constructs or expands facilities fueled by coal, heavy oil or residual oil, or fails to stop using high-pollution fuels in connection with facilities such as industrial boilers, kilns and generator units fueled by coal, heavy oil or residual oil as stipulated, the competent administrative department for environmental protection shall confiscate such facilities fueled by high-pollution fuels, organize the removal of the coal heating supply boilers, and impose a fine of not less than 20,000 yuan but not more than 200,000 yuan.

Article 102 The competent administrative department for economy and information technology shall reporting to the people's government at the corresponding level to close down the projects that violate the first or second paragraph of Article 53 of these Regulations.

Article 103 Whoever, in violation of the provisions of Paragraph 1 of Article 53 of these Regulations, sells bulk coal and products thereof that do not meet the standards shall be ordered by the administrative departments for quality and technology supervision as well as industry and commerce in accordance with their duties to make corrections and stop selling, be confiscated of raw materials, products and illegal gains, and be imposed upon a fine of not less than one time but not more than three times the value of goods.

Where any unit or individual fails to use clean energies in violation of the third paragraph of Article 54 of these Regulations, the competent administrative department for environmental protection shall order it or him to make corrections within a prescribed time limit and impose on it or him a fine of not less than 10,000 Yuan but not more than 100,000 Yuan.

Article 104 Where any unit or individual, in violation of the second paragraph of Article 56 of these Regulations, produces or sells the raw materials and products with volatile organic compounds that do not meet the standards stipulated by this Municipality, the competent administrative departments for quality & technology supervision and industry & commerce shall punish it or him in accordance with the provisions of relevant laws and regulations.

Article 105 Whoever, in violation of the provisions of Paragraph 1 of Article 56 of these Regulations, fails to conduct production and service activities generating the waste gas containing volatile organic compounds in non-confined space or with non-confined equipment, or fails to install or use the pollution prevention and control facilities as stipulated shall be ordered by the competent administrative department for environmental protection to make corrections and imposed upon a fine of not less than 20,000 yuan but not more than 200,000 yuan; whoever refuses to make corrections shall be ordered to suspend

违反本条例第五十六条第二款规定，未按照本市有关规定安装油气回收装置或者不正常使用的，由环境保护行政主管部门责令限期改正，处二万元以上二十万元以下罚款。

第一百零六条 违反本条例第五十七条规定，未按照规定使用低挥发性有机物含量涂料或者未按照要求记录、保存相关数据和信息、弄虚作假的，由环境保护行政主管部门责令改正，处二万元以上二十万元以下罚款；拒不改正的，责令停产整治。

第一百零七条 违反本条例第五十八条规定，未采取措施减少物料泄漏或者对泄漏的物料未及时收集处理的，由环境保护行政主管部门责令限期改正，处二万元以上二十万元以下罚款；拒不改正的，责令停产整治。

第一百零八条 违反本条例第五十九条第一款规定，未安装油烟净化设施、不正常使用油烟净化设施或者未采取其他油烟净化措施，超过排放标准排放油烟的，由环境保护行政主管部门责令限期改正，处五千元以上五万元以下罚款；拒不改正的，责令停业整治。

违反本条例第五十九条第二款规定，在居民住宅楼、未配套设立专用烟道的商住综合楼、商住综合楼内与居住层相邻的商业楼层内新建、改建、扩建产生油烟、异味、废气的餐饮服务、干洗、汽修等项目的，由城市管理综合执法部门责令改正；拒不改正的，予以关闭，并处一万元以上十万元以下罚款。

第一百零九条 违反本条例第六十条规定，未安装净化装置或者采取其他措施防止污染周边环境的，由环境保护行政主管部门责令限期改正，处一万元以上十万元以下罚款；拒不改正的，责令停工整治或者停业整治。

第一百一十条 违反本条例第六十一条第一款规定，露天焚烧秸秆、树叶、枯草的，由城市管理综合执法部门责令改正，可以处五百元以上二千元以下罚款；露天焚烧垃圾、电子废物、油毡、橡胶、塑料、皮革、沥青的，由城市管理综合执法部门责令改正，对单位处一万元以上十万元以下罚款，对个人处五百元以上二千元以下罚款。

production for rectification.

Where any unit, in violation of the second paragraph of Article 57 of these Regulations, fails to install oil & gas recovery devices in accordance with relevant provisions of this Municipality or fails to maintain the normal operation of such equipment, the competent administrative department for environmental protection shall order it to make corrections within a prescribed time limit and impose on it a fine of not less than 20,000 Yuan but not more than 200,000 Yuan.

Article 106 Whoever, in violation of the provisions of Article 57 of these Regulations, fails to use the paint containing low volatile organic compounds as stipulated, or fails to record and preserve the relevant data and information as required and practises fraud shall be ordered by the competent administrative department for environmental protection to make corrections and imposed upon a fine of not less than 20,000 yuan but not more than 200,000yuan; whoever refuses to make corrections shall be ordered to suspend production for rectification.

Article 107 Whoever, in violation of the provisions of Article 58 of these Regulations, fails to take measures to reduce the leakage of materials or fails to collect and process the leaked materials in time shall be ordered by the competent administrative department for environmental protection to make corrections within a prescribed time limit and imposed upon a fine of not less than 20,000 yuan but not more than 200,000 yuan; whoever refuses to make corrections shall be ordered to suspend production for rectification.

Article 108 Whoever, in violation of the provisions of Paragraph 1 of Article 59 of these Regulations, fails to install fume purification facilities, improperly uses fume purification facilities, or does not take other fume purification measures and emits the fumes in excess of the limit prescribed by the standards shall be ordered by the competent administrative department for environmental protection to make corrections within a prescribed time limit and imposed upon a fine of not less than 5,000 yuan but not more than 50,000 yuan; whoever refuses to make corrections shall be ordered to suspend production for rectification.

Whoever, in violation of the provisions of Paragraph 2 of Article 59 of these Regulations, constructs, renovates or expands catering services, dry cleaning or automobile repairing projects generating fumes, peculiar smell or exhaust gas in any residential building, commercial and residential complex without special flues or on any building floor neighboring residential floor in a commercial and residential complex shall be ordered by the department for comprehensive law enforcement in urban management to make corrections; whoever refuses to make corrections shall be closed down and imposed upon a fine of not less than 10,000 yuan but not more than 100,000 yuan.

Article 109 Whoever, in violation of the provisions of Article 60 of these Regulations, fails to install purification devices or take other measures to prevent pollution of the surrounding environment shall be ordered by the competent administrative department for environmental protection to make corrections within a prescribed time limit and imposed upon a fine of not less than 10,000 yuan but not more than 100,000 yuan; whoever refuses to make corrections shall be ordered to suspend work for rectification or suspend business for rectification.

Article 110 Where any unit or individual, in violation of the provisions of Paragraph 1 of Article 61 of these Regulations, burns straws, leaves or withered grass in the open air, the department for comprehensive law enforcement in urban management shall order to make corrections and may impose a fine of not less than 500 yuan but not more than 2,000 yuan; where any unit or individual burns garbage, electronic wastes, asphalt felt, rubber, plastics, leather or asphalt in the open air, the department for comprehensive law enforcement in urban management shall order to make corrections and impose a fine of not less than

违反本条例第六十一条第二款规定，在政府划定的禁止范围内露天烧烤食品或者为露天烧烤食品提供场地的，由城市管理综合执法部门责令改正，没收烧烤工具和违法所得，处五百元以上二万元以下罚款。

第一百一十一条 违反本条例第六十四条第二款规定，销售未纳入本市目录的机动车和非道路移动机械的，由市环境保护行政主管部门责令停止违法行为，没收违法所得，可以处货值金额一倍以下的罚款。

违反本条例第六十四条第三款规定，销售不符合国家或本市规定标准的机动车和非道路移动机械的，由市工商行政管理部门责令停止违法行为，没收违法所得，并处货值金额一倍以上三倍以下的罚款，没收销毁无法达到污染物排放标准的机动车、非道路移动机械；销售的机动车、非道路移动机械不符合注明的排放标准的，销售者应当负责修理、更换、退货；给购买者造成损失的，销售者应当赔偿损失。

第一百一十二条 违反本条例第六十六条第一款规定，在用机动车排放污染物超过规定排放标准的，由环境保护行政主管部门责令改正，对机动车所有者或者使用者处三百元以上三千元以下罚款；逾期未进行机动车排放污染定期检测的，由环境保护行政主管部门责令改正，每超过一个检测周期处五百元罚款。

机动车驾驶人驾驶排放检验不合格的机动车上道路行驶的，由公安机关交通管理部门依法予以处罚。

第一百一十三条 违反本条例第六十八条第一款规定，检验机构未按照规定进行检测的，由环境保护行政主管部门责令停止违法行为，限期改正，处五千元以上五万元以下罚款；情节严重的，由负责资质认定的部门取消其检验资格。

第一百一十四条 违反本条例第六十九条第一款规定，机动车和非道路移动机械所有者或者使用人拆除、闲置或者擅自更改排放污染控制装置的，由环境保护行政主管部门责令改正，处五千元以上一万元以下罚款。

违反本条例第六十九条第二款规定，机动车所有者或者使用者在车载排放诊断系统报警后，未对机动车进行维修，车辆行驶超过二百公里的，由环境保护行政主管部门

10,000yuan but not more than 100,000 yuan upon the unit and a fine of not less than 500 yuan but not more than 2,000 yuan upon the individual.

Where any unit or individual, in violation of the provisions of Paragraph 2 of Article 61 of these Regulations, conducts barbecue in the open air or provides any site for open-air barbecue in any area as prohibited by the government, the department for comprehensive law enforcement in urban management shall order to make corrections, confiscate barbecue tools and illegal gains, and impose a fine of not less than 500 yuan but not more than 20,000 yuan.

Article 111 Where any unit or individual, in violation of the provisions of Paragraph 2 of Article 64 of these Regulations, sells motor vehicles and non- road mobile machinery that are not included in the directory of this Municipality, the municipal administrative department for environmental protection shall order to stop the illegal act and confiscate illegal gains, and may impose a fine of not more than one time the value of goods.

Where any unit or individual, in violation of the provisions of Paragraph 3 of Article 64 of these Regulations, sells motor vehicles and non-road mobile machinery that do not meet the standards of the State and this Municipality, the municipal administrative department for industry and commerce shall order to stop the illegal act, confiscate illegal gains, impose a fine of not less than one time but not more than three times the value of goods, and confiscate and destroy the motor vehicles and non-road mobile machinery that fail to meet the pollutant emission standards; if the motor vehicles and non-road mobile machinery sold do not meet the specified emission standards, the seller shall be responsible for repairing, replacing and returning the goods; if losses are caused to the purchaser, the seller shall compensate for the losses.

Article 112 Where, in violation of the first paragraph of Article 67 of these Regulations, any motor vehicle in service discharges pollutants beyond the stipulated discharge standards, the competent administrative department for environmental protection shall order corrections to be made and impose a fine of not less than 300 Yuan not more than 3,000 Yuan upon the owner or user of the vehicle; where any motor vehicle fails to take the discharge pollution test at regular intervals, the competent administrative department for environmental protection shall order corrections to be made and impose a fine of 500 Yuan for each missing testing period.

If any motor vehicle driver drives any motor vehicle not passing the emission test on the road, the department for public security traffic management shall impose a punishment in accordance with the law.

Article 113 Where any test agency, in violation of the provisions of Paragraph 1 of Article 68 of these Regulations, fails to carry out tests as stipulated, the competent administrative department for environmental protection shall order to stop the illegal act and make corrections within a prescribed time limit, and shall impose a fine of not less than 5,000yuan but not more than 50,000 yuan; if the circumstances are serious, the department in charge of qualification confirmation shall cancel its test qualification.

Article 114 Where any owner or user of motor vehicles and non-road mobile machinery, in violation of the first paragraph of Article 70 of these Regulations, dismantles devices for discharge pollution control, leaves such devices idle or modifies such devices without authorization, the competent administrative department for environmental protection shall order it or him to make corrections within a prescribed time limit and impose on it or him a fine of not less than 5,000 Yuan not more than 10,000 Yuan.

Where, in violation of the second paragraph of Article 70 of these Regulations, any motor vehicle owner or user, after the vehicle-mounted discharge diagnosis system gives an alarm, fails to carry out timely repair to the motor vehicle and continues to drive the motor vehicle for more than 200 kilometers, the competent administrative department for

门处三百元罚款。

第一百一十五条 违反本条例第七十一条规定，机动车进入限制行驶区域的，由公安机关交通管理部门责令停止违法行为并依法处罚。

第一百一十六条 违反本条例第七十四条第二款规定，在禁止区域内使用高排放非道路移动机械的，由环境保护行政主管部门责令停止违法行为，处五万元以上十万元以下罚款。

第一百一十七条 违反本条例第七十八条规定，销售不符合国家或本市标准的车用燃料的，由工商行政主管部门责令停止销售，没收违法销售的产品，有违法所得的，没收违法所得，处违法销售金额一倍以上三倍以下的罚款；销售的车用油品不符合国家或本市车用油品清净性规定的，由环境保护行政主管部门责令限期改正违法行为，处一万元以上十万元以下罚款；情节严重的，由市商务行政主管部门吊销其经营资质。

第一百一十八条 违反本条例第八十条规定，未将防治扬尘污染的费用列入工程造价即开工建设的，由住房城乡建设行政主管部门责令停止施工。

第一百一十九条 违反本条例第八十一条第一款规定的，由城市管理综合执法部门责令限期改正，处一万元以上十万元以下罚款；拒不改正的，责令停工整治。

第一百二十条 违反本条例第八十二条规定的，由城市管理综合执法部门责令限期改正，处一万元以上十万元以下罚款；其中，对工业企业，由环境保护行政主管部门责令改正，处一万元以上十万元以下罚款；拒不改正的，责令停工整治或者停业整治。

第一百二十一条 违反本条例第八十三条规定的，由城市管理综合执法部门责令改正，处二千元以上二万元以下罚款；拒不改正的，车辆不得上道路行驶。

第一百二十二条 违反本条例第八十四条规定的，由城市管理综合执法部门责令限期改正，处一万元以上十万元以下罚款；拒不改正的，责令停工整治或者停业整治。

environmental protection shall impose on it or him a fine of 300 Yuan.

Article 115 Where, in violation of Article 72 of these Regulations, any motor vehicle enters an area where the running of motor vehicles is restricted, the traffic management department of the public security organ shall order stop of the illegal acts and mete out punishment in accordance with law.

Article 116 Where any unit or individual, in violation of the second paragraph of Article 75 of these Regulations, uses non-road mobile machinery with high discharge of pollutants in the area where the use of such machinery is prohibited, the competent administrative department for environmental protection shall order it or him to stop such illegal acts and impose on it or him a fine of not less than 50,000 Yuan not more than 100,000 Yuan.

Article 117 Where any unit or individual, in violation of Article 79 of these Regulations, sells fuels for vehicles that do not meet the standards of the State and this Municipality, the competent administrative department for industry and commerce shall order it or him to stop selling, confiscate the products illegally sold and the illegal gains, if any; and impose on it or him a fine of not less than twice but not more than three times of the illegal sales amount; where the fuels for vehicles sold do not conform with the provisions of the State and this Municipality on cleanliness, the competent administrative department for environmental protection shall order it or him to make corrections within a prescribed time limit and impose on it or him a fine of not less than 10,000 Yuan not more than 100,000 Yuan; if the circumstances are serious, its or his operational qualifications shall be revoked by the municipal competent administrative department for commerce.

Article 118 Where any project owner, in violation of Article 81 of these Regulations, commences construction without including the expenses for prevention and control of dust pollution in the project budget, the competent administrative department for housing and urban-rural development shall order it to suspend the construction.

Article 119 Whoever violates the provisions of Paragraph 1 of Article 81 of these Regulations shall be ordered by the department for comprehensive law enforcement in urban management to make corrections within a prescribed time limit and imposed upon a fine of not less than 10,000yuan but not more than 100,000 yuan; whoever refuses to make corrections shall be ordered to suspend work for rectification.

Article 120 Whoever violates the provisions of Article 82 of these Regulations shall be ordered by the department for comprehensive law enforcement in urban management to make corrections within a prescribed time limit and imposed upon a fine of not less than 10,000 yuan but not more than 100,000 yuan; for industrial enterprises, the competent administrative department for environmental protection shall order them to make corrections and impose a fine of not less than 10,000 yuan but not more than 100,000yuan; those who refuse to make corrections shall be ordered to suspend work for rectification or suspend business for rectification.

Article 121 Whoever violates the provisions of Article 83 of these Regulations shall be ordered by the department for comprehensive law enforcement in urban management to make corrections and imposed upon a fine of not less than 2,000 yuan but not more than 20,000yuan; whoever refuses to make corrections shall not be allowed to drive the vehicles on the road.

Article 122 Whoever violates the provisions of Article 84 of these Regulations shall be ordered by the department for comprehensive law enforcement in urban management to make corrections within a prescribed time limit and imposed upon a fine of not less than

第一百二十三条 违反本条例第八十七条规定，在矿产资源开采过程中未采取措施防治扬尘污染的，由环境保护行政主管部门责令限期改正，处一万元以上十万元以下罚款；拒不改正的，责令停工整治或者停业整治。

第一百二十四条 违反本条例第八十八条第一款规定的，由住房城乡建设行政主管部门责令限期改正，处二万元以上二十万元以下罚款；逾期未改正的，责令停工整顿。

违反本条例第八十八条第二款规定，新建、扩建混凝土搅拌站的，由市住房城乡建设行政主管部门责令关闭；不符合环境治理规划的已建成企业在规定期限内未关闭的，由市住房城乡建设行政主管部门关闭，处五万元以上二十万元以下罚款。

第一百二十五条 违反本条例规定，排放大气污染物，造成严重污染，构成犯罪的，依法追究刑事责任。

环境保护行政主管部门与公安机关应当建立健全大气污染案件行政执法和刑事司法衔接机制，完善案件移送、线索通报等制度。

第八章 附 则

第一百二十六条 本条例自 2014 年 3 月 1 日起施行。2000 年 12 月 8 日北京市第十一届人民代表大会常务委员会第二十三次会议通过的《北京市实施〈中华人民共和国大气污染防治法〉办法》同时废止。

10,000yuan but not more than 100,000 yuan; whoever refuses to make corrections shall be ordered to suspend work for rectification or suspend business for rectification.

Article 123 Whoever, violates the provisions of Article 87 of these Regulations, fails to take measures to prevent and control flowing dust pollution during mining of mineral resources shall be ordered by the competent administrative department for environmental protection to make corrections within a prescribed time limit and imposed upon a fine of not less than 10,000yuan but not more than 100,000 yuan; whoever refuses to make corrections shall be ordered to suspend work for rectification or suspend business for rectification.

Article 124 Where the first paragraph of Article 88 of these Regulations is violated, the competent administrative department for housing and urban-rural development shall order the violator to make corrections within a prescribed time limit and impose on the violator a fine of not less than 2,000 Yuan not more than 20,000 Yuan and, if the violator fails to make corrections within the prescribed time limit, order the violator to suspend construction for rectification.

Where any concrete mixing plant is newly built or expanded in violation of the second paragraph of Article 88 of these Regulations, the municipal competent administrative department for housing and urban-rural development shall order it to be closed down; if a newly-built or expanded concrete mixing plant that does not conform with the environment treatment plan is not closed down within the prescribed time limit, the municipal competent administrative department for housing and urban-rural development shall close down such plant and impose a fine of not less than 50,000 Yuan not more than 200,000 Yuan.

Article 125 Where a crime is constituted by discharging atmospheric pollutants and causing serious pollution in violation of these Regulations, the criminal liability shall be investigated for in accordance with law.

The competent administrative department for environmental protection and the public security organ shall establish a sound mechanism for connecting administrative law enforcement with criminal justice in atmospheric pollution cases and improve the systems for case transfer and clue reporting.

Chapter VIII Supplementary Provision

Article 126 These Regulations shall be effective as of March 1, 2014. The Measures of Beijing Municipality for Implementation of the Law of the People's Republic of China on the Prevention and Control of Atmospheric Pollution adopted at the 23rd Session of the Standing Committee of the Eleventh People's Congress of Beijing Municipality on December 8, 2000 shall be repealed simultaneously.

北京市机动车和非道路移动机械排放污染防治条例

(2020年1月17日北京市第十五届人民代表大会第三次会议
通过)

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第一章 总 则

第一条 为了防治机动车和非道路移动机械排放污染，保护和改善大气环境，保障公众健康，推进生态文明建设，促进经济社会可持续发展，根据《中华人民共和国环境保护法》《中华人民共和国大气污染防治法》等法律、行政法规，结合本市实际，制定本条例。

第二条 本条例适用于本市行政区域内机动车和非道路移动机械排放大气污染物的防治。

第三条 机动车和非道路移动机械排放污染防治坚持源头防范、标本兼治，综合治理、突出重点，区域协同、共同防治的原则。

本市推进智慧交通、绿色交通建设，优化道路设置和运输结构，严格执行大气污染防治标准，推广新能源的机动车和非道路移动机械应用，加强机动车和非道路移动

Regulations of Beijing Municipality on the Prevention and Control of Pollution Emission from Motor Vehicles and Non-Road Mobile Machinery

(Adopted at the 3rd Meeting of the 15th People's Congress of Beijing Municipality on January 17, 2020)

Contents

Chapter I	General Provisions
Chapter II	Prevention and control
Chapter III	Use, Inspection and Maintenance
Chapter IV	Regional Collaboration
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Chapter I General Provisions

Article 1 The Regulations are formulated to prevent and control pollution emission from motor vehicles and non-road mobile machinery, protect and improve the atmospheric environment, safeguard public health, advance the construction of ecological civilization, and promote sustainable economic and social development in accordance with the Environmental Protection Law of the People's Republic of China, the Law of the People's Republic of China on the Prevention and Control of Air Pollution, and other laws and administrative regulations, and in light of actual conditions of this Municipality.

Article 2 The Regulations shall apply to the prevention and control of air pollutants emitted by motor vehicles and non-road mobile machinery within the administrative area of this Municipality.

Article 3 The principles of prevention at source, seeking both temporary and permanent solutions, comprehensive treatment, highlighting the key points, regional collaboration, and joint prevention and control shall be adhered to in the prevention and control of pollution emission from motor vehicles and non-road mobile machinery.

This Municipality shall advance the construction of intelligent transportation and green transportation, optimize the road setup and transport structure, strictly implement the air pollution prevention and control standards, promote the application of new energy vehicles and non-road mobile machinery, and strengthen the prevention and control of pollution emission from motor vehicles and non-road mobile machinery.

机械排放污染防治。

第四条 市、区人民政府应当将机动车和非道路移动机械排放污染防治工作纳入大气污染防治规划，加强领导，实施目标考核，建立健全工作协调机制。

第五条 市、区生态环境部门对机动车和非道路移动机械排放污染防治工作实施统一监督管理。

发展改革、公安机关交通管理部门、市场监督管理、交通、经济和信息化、科学技术、城市管理、商务、住房和城乡建设、农业农村、园林绿化、水务等部门，按照各自职责做好机动车和非道路移动机械排放污染防治相关工作。

第六条 市生态环境部门应当会同经济和信息化、公安机关交通管理部门、交通、市场监督管理、住房和城乡建设等部门，依托市大数据管理平台建立机动车和非道路移动机械排放污染防治数据信息传输系统及动态共享数据库。

机动车和非道路移动机械排放污染防治的数据信息包括机动车登记注册，非道路移动机械登记，道路交通流量流速，在京使用的外埠机动车，机动车排放定期检验和监督抽测，机动车排放达标维修治理，燃料、氮氧化物还原剂和车用油品清净剂管理等。

第二章 预防和控制

第七条 本市采取财政、税收、政府采购、通行便利等措施，推动新能源配套基础设施建设，推广使用节能环保型、新能源机动车和非道路移动机械。新能源机动车通行便利的具体规定，由市交通、公安机关交通管理部门和生态环境部门共同制定。

本市鼓励用于保障城市运行的车辆、大型场站内的非道路移动机械使用新能源，采取措施逐步淘汰高排放机动车和非道路移动机械。

第八条 市发展改革部门应当引导树立城市绿色发展理念，统筹本市能源发展的相关政策，发展新能源，逐步削减化石燃料消耗。

Article 4 The municipal and district people's governments shall incorporate the prevention and control of pollution emission from motor vehicles and non-road mobile machinery into the air pollution prevention and control plan, strengthen their leadership, implement target assessment, and establish and improve the work coordination mechanism.

Article 5 The municipal and district government departments for ecological environment shall exercise unified supervision and administration over the prevention and control of pollution emission from motor vehicles and non-road mobile machinery.

The government departments for development and reform, traffic management, market supervision and management, transportation, economy and information technology, science and technology, urban management, commerce, housing and urban-rural development, agriculture and rural affairs, landscaping, water affairs, etc. shall exercise their respective duties and functions and do a good job in the prevention and control of pollution emission from motor vehicles and non-road mobile machinery.

Article 6 The municipal government department for ecological environment shall, together with the government departments for economy and information technology, traffic management, transportation, market supervision and management, housing and urban-rural development, etc., rely on the municipal big data management platform to establish a transmission system and dynamic sharing database for the data and information on the prevention and control of pollution emission from motor vehicles and non-road mobile machinery.

The data and information on the prevention and control of pollution emission from motor vehicles and non-road mobile machinery shall include, among others, motor vehicle registration, non-road mobile machinery registration, road traffic flow rate, motor vehicles registered in other cities and used in Beijing, regular inspection, monitoring and spot testing of motor vehicle emissions, maintenance and treatment for up-to-standard emission of motor vehicles, and management of fuels, nitrogen oxide reducing agents and motor oil cleaning agents.

Chapter II Prevention and Control

Article 7 This Municipality shall take fiscal, tax, government procurement, traffic facilitation and other measures to advance the construction of new energy supporting infrastructure, and promote the use of energy-saving and environment-friendly new energy motor vehicles and non-road mobile machinery. Specific regulations on the traffic facilitation of new energy motor vehicles shall be jointly formulated by the municipal government departments for transportation, traffic management, and ecological environment.

This Municipality shall encourage the use of new energy by vehicles used to guarantee the operation of Beijing City and non-road mobile machinery in large yards and stations, and shall take measures to phase out high-emission motor vehicles and non-road mobile machinery.

Article 8 The municipal government department for development and reform shall guide establishment of the concept of urban green development, coordinate the relevant policies of this Municipality on energy development, develop new energy, and gradually

第九条 市交通部门应当会同有关部门和单位调整优化运输结构，统筹推进多式联运运输网络建设，协调利用现有铁路运输资源，推动重点工业企业、物流园区和产业园区等优先采用铁路运输大宗货物，建立城市绿色货运体系。

第十条 在本市销售的机动车和非道路移动机械的发动机、污染控制装置、车载排放诊断系统、远程排放管理车载终端等设备和装置应当符合相关环保标准。

在本市销售的重型柴油车、重型燃气车和非道路移动机械应当按照相关环保标准安装远程排放管理车载终端。

第十一条 在本市注册登记的重型柴油车、重型燃气车和在用的非道路移动机械，以及长期在本市行政区域内行驶的外埠重型柴油车、重型燃气车，应当按照规定安装远程排放管理车载终端，并与市生态环境部门联网。具体规定由市生态环境部门会同有关部门制定。

生产企业及零部件厂商应当配合开展在用重型柴油车、重型燃气车和非道路移动机械安装远程排放管理车载终端。

第十二条 本市在用机动车和非道路移动机械的所有人、驾驶人或者使用人，应当确保装载的污染控制装置、车载排放诊断系统、远程排放管理车载终端等设备和装置的正常使用。

任何单位和个人不得干扰远程排放管理系统的功能；不得擅自删除、修改远程排放管理系统中存储、处理、传输的数据。

第十三条 市生态环境部门通过远程排放管理系统发现在本市注册登记的同一型号机动车或者非道路移动机械，有百分之三十以上的车载排放诊断系统不符合相关标准的，应当通知生产企业限期查找原因，排除故障。生产企业应当将有关情况报送市生态环境部门。

第十四条 本市推广使用优质的机动车、非道路移动机械用燃料。在本市生产、销售或者使用的燃料应当符合相关标准，运输企业和非道路移动机械使用单位应当使

reduce fossil fuel consumption.

Article 9 The municipal government department for transportation shall, together with relevant departments and units, adjust and optimize the transportation structure, comprehensively advance the construction of the multimodal transportation network, coordinate utilization of existing railway transportation resources, promote key industrial enterprises, logistics parks and industrial parks to give priority to railway transportation of bulk goods, and establish a urban green freight system.

Article 10 The engines, pollution control devices, vehicle-mounted emission diagnosis systems, vehicle-mounted remote emission management terminals, and other equipment and devices of motor vehicles and non-road mobile machinery sold in this Municipality shall conform to relevant environmental protection standards.

Heavy-duty diesel vehicles, heavy-duty gas vehicles and non-road mobile machinery sold in this Municipality shall be equipped with vehicle-mounted remote emission management terminals in accordance with relevant environmental protection standards.

Article 11 Heavy-duty diesel vehicles, heavy-duty gas vehicles and non-road mobile machinery in use that are registered in this Municipality, as well as heavy-duty diesel vehicles and heavy-duty gas vehicles registered in other cities while having been running within the administrative area of this Municipality, shall be equipped with vehicle-mounted remote emission management terminals as stipulated, which be connected to the municipal government department for ecological environment. Specific regulations shall be formulated by the municipal government department for ecological environment together with relevant departments.

Manufacturing enterprises and parts manufacturers shall cooperate in the installation of vehicle-mounted remote emission management terminals for heavy-duty diesel vehicles, heavy-duty gas vehicles and non-road mobile machinery in use.

Article 12 The owners, drivers and users of motor vehicles and non-road mobile machinery in use in this Municipality shall ensure the normal use of the equipment and devices that have been installed such as pollution control devices, vehicle-mounted emission diagnosis systems, and vehicle-mounted remote emission management terminals.

No unit or individual may interfere with the functions of the remote emission management system, or delete or modify the data stored, processed or transmitted in the remote emission management system without authorization.

Article 13 Where the municipal government department for ecological environment finds through the remote emission management system that more than 30% of the vehicle-mounted emission diagnosis systems in motor vehicles or non-road mobile machinery of the same type registered in this Municipality do not meet the relevant standards, it shall ask the manufacturing enterprise to find out the causes and remove the faults within a prescribed time limit. The manufacturing enterprise shall submit the relevant information to the municipal government department for ecological environment.

Article 14 This Municipality shall promote the use of high-quality fuels for motor vehicles and non-road mobile machinery. The fuels produced, sold or used in this Municipality shall meet the relevant standards, and the transportation enterprises and non-

用符合标准的燃料。

市场监督管理部门负责对影响机动车和非道路移动机械排放大气污染物的燃料、氮氧化物还原剂和车用油品清净剂等有关产品的质量进行监督检查。

第三章 使用、检验和维护

第十五条 在本市行政区域内道路上行驶的机动车或者使用的非道路移动机械应当符合相关排放标准。

生态环境部门通过遥感监测、远程排放管理系统、摄影摄像取证等发现上道路行驶的机动车不符合相关排放标准，应当及时将相关证据移送公安机关交通管理部门，由公安机关交通管理部门根据交通技术监控设备记录依法处理。

第十六条 机动车所有人或者驾驶人应当对上道路行驶且排放检验不合格的机动车进行维修并复检。机动车排放检验机构应当对复检合格的机动车出具检验报告。

外埠车辆在本市有不符相关排放标准记录的，应当经复检合格后，方可进入本市行政区域内的道路行驶。

第十七条 城市公交、道路运输、环卫、邮政、快递、出租车等企业事业单位和其他生产经营者，应当建立机动车排放污染防治责任制度，确保本单位车辆符合相关排放标准。

第十八条 出租汽车、租赁汽车、驾校教练汽车以及从事运输经营的轻型汽油车辆的行驶里程超过标准规定的环保耐久性里程的，应当更换尾气净化装置。

交通部门对前款规定的不符合相关排放标准的机动车在复检合格前不予办理营运相关手续。

第十九条 机动车排放检验机构对具备远程排放管理功能的重型柴油车、重型燃气车进行定期检验时，应当检查远程排放管理车载终端的联网情况，远程排放管理车

road mobile machinery users shall use the fuels that meet the standards.

The government departments for market supervision and management shall be responsible for supervising and inspecting the quality of the fuels, nitrogen oxide reducing agents, motor oil cleaning agents and other relevant products that affect the emission of air pollutants from motor vehicles and non-road mobile machinery.

Chapter III Use, Inspection and Maintenance

Article 15 The motor vehicles running on the road or the non-road mobile machinery in use within the administrative area of this Municipality shall meet relevant emission standards.

Where the government department for ecological environment finds through remote sensing monitoring, remote emission management system or photography and/or videography evidence collection that a motor vehicle running on the road does not meet relevant emission standards, it shall promptly transfer relevant evidence to the government department for traffic management, and the latter shall conduct law-based treatment according to the records of traffic monitoring equipment.

Article 16 Motor vehicle owners and drivers shall have their motor vehicles that are running on the road and fail to pass emission inspections repaired and re-inspected. Motor vehicle emission inspection institutions shall issue an inspection report for motor vehicles that pass re-inspections.

Vehicles that are registered in other cities and have a record of non-compliance with relevant emission standards in this Municipality may only run on the road within the administrative area of this Municipality after passing re-inspections.

Article 17 Enterprises, institutions and other providers of urban public transport, road transport, environmental sanitation, postal service, express delivery, or taxi services shall establish a responsibility system for the prevention and control of motor vehicle pollution, so as to ensure that their vehicles meet relevant emission standards.

Article 18 Where the mileage of a taxi, a car for rent, a learner-driven car, or a light-duty gasoline vehicle for transport business exceeds the environmental protection and durability mileage specified in the standards, the exhaust purification device shall be replaced.

The government department for transportation shall not go through the relevant operation procedures for motor vehicles that do not meet relevant emission standards specified in the preceding paragraph before they pass re-inspections.

Article 19 When a motor vehicle emission inspection institution conducts regular inspections on heavy-duty diesel vehicles and heavy-duty gas vehicles with remote emission management functions, it shall check the connectivity of vehicle-mounted remote emission management terminals. Where the vehicle-mounted remote emission management terminal

载终端无法联网或者不正常运行的，机动车排放定期检验时不予通过检验。

第二十条 机动车排放检验机构应当遵守以下规定：

（一）保证检验设备正常运行；

（二）有与其检验活动相适应的检验人员，保证其基本条件和技术能力持续符合资质认定条件和要求；

（三）与生态环境部门联网，实时上传排放检验数据、视频等相关信息，保证联网设备正常运行；

（四）严格按照机动车排放检验标准和规范进行检验；

（五）如实填写检验信息，按照规定记录机动车及其所有人的相关信息，提供准确的机动车排放污染物检验报告；

（六）建立机动车排放检验档案，按照相关环保标准规定的期限对排放检验的数据信息进行保存；

（七）不得擅自终止检验活动。

第二十一条 本市对机动车排放检验机构实行累积记分管理制度。市场监督管理、生态环境、公安机关交通管理部门按照职责分工，对机动车排放检验机构的违法行为及其他不符合规范的行为进行累积记分。具体办法由市市场监督管理、生态环境、公安机关交通管理部门共同制定。

机动车排放检验机构在一个记分周期内超过规定的记分值的，由市场监督管理部门暂停检验业务并责令整改；整改期间，机动车排放检验机构不得向社会出具具有证明作用的检验数据和检验结果。

第二十二条 市场监督管理部门对机动车排放检验机构实行计量认证管理，按照相关标准对机动车排放检验设备进行检定。

机动车排放检验机构应当建立检验质量管理制度，使用经依法检定合格并符合相关标准的检验设备，确保检验数据和检验结果真实准确、客观公正。

of a vehicle cannot be connected or operate normally, the vehicle shall not pass the regular inspection on motor vehicle emission.

Article 20 A motor vehicle emission inspection institution shall abide by the following provisions:

- (1) It shall ensure normal operation of the inspection equipment;
- (2) It shall have inspectors suitable for its inspection activities, and ensure that their basic conditions and technical skills continuously meet the qualification conditions and requirements;
- (3) It shall be connected to the government department for ecological environment to upload emission inspection data, videos and other relevant information in real time, and ensure the normal operation of the connecting equipment;
- (4) It shall carry out inspections in strict accordance with motor vehicle emission inspection standards and norms;
- (5) It shall enter the inspection information truthfully, record the relevant information of motor vehicles and their owners as stipulated, and provide accurate inspection reports on motor vehicle pollutants;
- (6) It shall establish motor vehicle emission inspection files, and keep the data and information on emission inspections for the period as specified in relevant environmental protection standards; and
- (7) It shall not terminate inspection activities without authorization.

Article 21 This Municipality shall implement a cumulative score management system for motor vehicle emission inspection institutions. The government departments for market supervision and management, ecological environment, and traffic management shall exercise their respective duties and functions and record cumulative scores for the illegal acts and other non-conforming acts of motor vehicle emission inspection institutions. Specific measures shall be jointly formulated by the government departments for market supervision and management, ecological environment, and traffic management.

Where the score of a motor vehicle emission inspection institution within a scoring period exceeds the prescribed score, the government department for market supervision and management shall suspend the institution's inspection business and order it to make corrections; during the correction period, the motor vehicle emission inspection institution shall not issue evidential inspection data and results to the public.

Article 22 The government department for market supervision and management shall implement metrological certification management for motor vehicle emission inspection institutions, and check the motor vehicle emission inspection equipment according to relevant standards.

Motor vehicle emission inspection institutions shall establish inspection quality management systems, and use the inspection equipment that has passed the check according to law and meets the relevant standards, so as to ensure that the inspection data and results

机动车排放检验设备供应厂商应当提供符合标准的检验设备及其配套程序。

第二十三条 市生态环境、交通、公安机关交通管理部门应当共享机动车排放检验、排放达标维修、维修复检等数据信息。

市交通部门应当向社会公布在本市依法备案的机动车维修经营者目录，并制定机动车排放达标维修服务规范。

第二十四条 机动车维修经营者应当遵守以下规定：

（一）严格按照机动车排放污染防治的要求和有关技术规范、标准进行维修，使维修后的机动车达到规定的排放标准，并提供相应的维修服务质量保证；

（二）与交通部门联网，实时传输维修车辆的机动车号牌、车辆识别代号、排放达标维修项目等信息，如实记录机动车排放达标维修情况；

（三）建立完整的维修档案，实行档案电子化管理。

第二十五条 本市实施非道路移动机械信息编码登记制度，在本市使用的非道路移动机械应当进行基本信息、污染控制技术信息、排放检验信息等信息编码登记。

市生态环境部门应当按照国家和本市要求建立本市非道路移动机械信息管理平台，会同有关部门制定本市非道路移动机械登记管理规定。住房和城乡建设、农业农村、园林绿化、水务、交通、经济和信息化等部门应当组织、督促本行业使用的非道路移动机械在信息管理平台上进行信息编码登记。

建设单位应当在招标文件或者合同中明确要求施工单位使用在本市进行信息编码登记且符合排放标准的非道路移动机械。

第二十六条 施工单位对进出工程施工现场的非道路移动机械，应当在非道路移动机械信息平台上进行记录。

第二十七条 生态环境部门应当逐步通过电子标签、电子围栏、远程排放管理系统等对非道路移动机械的大气污染物排放状况进行监督管理。

第二十八条 市、区生态环境部门可以在机动车和非道路移动机械停放地、维修

are true, accurate, objective and fair.

Suppliers of motor vehicle emission inspection equipment shall provide inspection equipment conforming to the standards and its supporting procedures.

Article 23 The municipal government departments for ecological environment, transportation, and traffic management shall share the data and information on motor vehicle emission inspections, repairs for the purpose of meeting emission standards, and re-inspections.

The municipal government department for transportation shall make known to the public the list of motor vehicle maintenance operators registered in this Municipality according to law, and formulate maintenance service norms for up-to-standard emission of motor vehicles.

Article 24 A motor vehicle maintenance operator shall abide by the following provisions:

(1) It shall conduct maintenance in strict accordance with the requirements and relevant technical specifications and standards for the prevention and control of motor vehicle pollution, so as to make the motor vehicles after maintenance meet the specified emission standards, and provide corresponding maintenance service quality guarantee;

(2) It shall be connected to the government department for transportation to transmit the plate numbers, vehicle identification numbers, maintenance items for up-to-standard emission, and other information of vehicles for maintenance in real time, and truthfully record the maintenance of motor vehicles for up-to-standard emission; and

(3) It shall establish complete maintenance files and implement electronic management of files.

Article 25 This Municipality shall implement the information coding registration system for non-road mobile machinery, and the information coding registration shall be implemented for the non-road mobile machinery used in this Municipality with respect to the basic information, pollution control technology information, emission inspection information, etc.

The municipal government department for ecological environment shall, in accordance with the requirements of the State and this Municipality, establish an information management platform for the non-road mobile machinery in this Municipality, and shall, together with relevant departments, formulate registration management regulations on the non-road mobile machinery in this Municipality. The government departments for housing and urban-rural development, agriculture and rural affairs, landscaping, water affairs, transportation, economy and information technology, etc. shall organize and urge the information coding registration of the non-road mobile machinery used in their respective industries on the information management platform.

The development units shall make clear in bidding documents or contracts that the construction units shall use the non-road mobile machinery that have completed information coding registration in this Municipality and meet the emission standards.

Article 26 A construction unit shall record the non-road mobile machinery entering and leaving the construction site on the information management platform for non-road mobile machinery.

Article 27 The government department for ecological environment shall gradually supervise and manage the emission of air pollutants from non-road mobile machinery through electronic tags, electronic fences, remote emission management systems, etc.

Article 28 The municipal and district government departments for ecological

地、使用地，对在用机动车和非道路移动机械的大气污染物排放状况进行监督检查。

公安机关交通管理部门对上道路行驶的机动车进行监督检查时，生态环境部门对被检查车辆开展大气污染物排放检测并出具检测结果。

被检查者应当如实反映情况，提供必要的检查资料。实施检查的部门、机构及其工作人员应当依法为被检查者保守商业秘密和个人隐私。

第四章 区域协同

第二十九条 市人民政府应当与天津市、河北省及周边地区建立机动车和非道路移动机械排放污染联合防治协调机制，按照统一规划、统一标准、统一监测、统一防治措施的要求，开展联合防治，落实大气污染防治目标责任。

第三十条 本市与天津市、河北省共同建立京津冀机动车超标排放信息共享平台，对机动车超标排放进行协同监管。

第三十一条 本市与天津市、河北省建立新车抽检抽查协同机制，对新生产、销售的机动车和非道路移动机械的大气污染物排放状况进行监督检查。

第三十二条 本市与天津市、河北省共同实行非道路移动机械使用登记管理制度，使用统一登记管理系统，按照相关要求加强非道路移动机械使用监管。

第三十三条 市生态环境部门应当与天津市、河北省及周边地区的相关部门加强机动车和非道路移动机械排放污染防治工作协作，通过区域会商、信息共享、联合执法、重污染天气应对、科研合作等方式，提高区域大气污染防治水平。

第五章 法律责任

第三十四条 违反本条例第十条第一款规定，在本市销售的机动车和非道路移动

environment may supervise and inspect the emission of air pollutants from motor vehicles and non-road mobile machinery in use at the places where motor vehicles and non-road mobile machinery are parked, maintained and used.

When the government departments for traffic management carry out supervision and inspection of vehicles running on the road, the government departments for ecological environment shall test the emission of air pollutants from inspected vehicles and issue testing results.

The persons under inspection shall truthfully report the situation and provide necessary inspection materials. The departments or institutions that conduct inspections and their staff members shall keep business secrets and personal privacy for the persons under inspection according to law.

Chapter IV Regional Collaboration

Article 29 The Beijing Municipal People's Government shall, in collaboration with Tianjin Municipality, Hebei Province and surrounding regions, establish a joint coordination mechanism for the prevention and control of pollution from motor vehicles and non-road mobile machinery, carry out joint prevention and control in accordance with the requirements of unified planning, unified standards, unified monitoring and unified prevention and control measures, and implement target responsibility for air pollution prevention and control.

Article 30 This Municipality shall, in collaboration with Tianjin Municipality and Hebei Province, jointly establish an information sharing platform for excessive motor vehicle emission in Beijing, Tianjin and Hebei, so as to carry out collaborative supervision over excessive motor vehicle emission.

Article 31 This Municipality shall, in collaboration with Tianjin Municipality and Hebei Province, establish a collaborative mechanism for spot check of new vehicles, and carry out supervision and inspection of the emission of air pollutants from newly produced or sold motor vehicles and non-road mobile machinery.

Article 32 This Municipality shall, in collaboration with Tianjin Municipality and Hebei Province, jointly implement the registration management system for the use of non-road mobile machinery, apply the unified registration management system, and strengthen supervision over the use of non-road mobile machinery in accordance with relevant requirements.

Article 33 The municipal government department for ecological environment shall, in collaboration with relevant departments of Tianjin Municipality, Hebei Province and surrounding regions, strengthen collaboration in the prevention and control of pollution from motor vehicles and non-road mobile machinery, and improve the regional air pollution prevention and control level through regional consultation, information sharing, joint law enforcement, heavy-pollution weather response, scientific research cooperation, etc.

Chapter V Legal Liability

Article 34 Where a manufacturing enterprise, in violation of the provisions of Paragraph 1, Article 10 of the Regulations, sells engines, pollution control devices, vehicle-

机械的发动机、污染控制装置、车载排放诊断系统、远程排放管理车载终端等设备和装置不符合相关环保标准的，由市生态环境部门责令生产企业改正，没收违法所得，并处机动车和非道路移动机械货值金额一倍以上三倍以下罚款。

第三十五条 违反本条例第十一条第一款规定，在本市注册登记的重型柴油车、重型燃气车和在用的非道路移动机械未按照规定安装远程排放管理车载终端的，由生态环境部门责令改正，对机动车所有人或者驾驶人处每辆车一万元罚款；对非道路移动机械使用人处每台非道路移动机械一万元罚款。

第三十六条 违反本条例第十二条第一款规定的，由生态环境部门责令改正，处五千元以上一万元以下罚款。

违反本条例第十二条第二款规定的，由市生态环境部门责令改正，处每辆车或者每台非道路移动机械一万元罚款。

第三十七条 违反本条例第十四条第一款规定，运输企业和非道路移动机械使用单位使用不符合标准的燃料的，由市场监督管理部门责令改正，没收不符合标准的燃料，并处燃料货值金额一倍以上三倍以下罚款。

第三十八条 违反本条例第十五条第一款规定，驾驶排放检验不合格的机动车上道路行驶的，由公安机关交通管理部门依法予以处罚，并责令在十个工作日内对机动车进行维修并复检。

违反本条例第十六条第一款规定，逾期未按照规定进行维修并复检合格，又驾驶机动车上道路行驶的，由公安机关交通管理部门对机动车所有人或者驾驶人处三千元以上五千元以下罚款，可以暂扣机动车行驶证；经维修复检合格的，及时发还机动车行驶证。

第三十九条 违反本条例第十七条规定，城市公交、道路运输、环卫、邮政、快递、出租车等企业事业单位和其他生产经营者有下列情形之一的，生态环境部门对其直接负责的主管人员和其他直接责任人员分别处一万元以上五万元以下罚款：

mounted emission diagnosis systems, vehicle-mounted remote emission management terminals, or other equipment or devices of motor vehicles and non-road mobile machinery in this Municipality that do not meet the relevant environmental protection standards, the municipal government department for ecological environment shall order the manufacturing enterprise to make corrections, confiscate the illegal income, and concurrently impose a fine of not less than one time but not more than 3 times the value of motor vehicles and non-road mobile machinery.

Article 35 Where a heavy-duty diesel vehicle, a heavy-duty gas vehicle or, a piece of non-road mobile machinery in use registered in this Municipality, in violation of the provisions of Paragraph 1, Article 11 of the Regulations, fails to be equipped with a vehicle-mounted remote emission management terminal as stipulated, the government department for ecological environment shall make an order on making corrections, and impose a fine of 10,000 yuan per vehicle on the owner or driver thereof, or a fine of 10,000 yuan per piece of non-road mobile machinery on the user thereof.

Article 36 Whoever violates the provisions of Paragraph 1, Article 12 of the Regulations shall be ordered by the government department for ecological environment to make corrections, and be fined not less than 5,000 yuan but not more than 10,000 yuan.

Whoever violates the provisions of Paragraph 2, Article 12 of the Regulations shall be ordered by the municipal government department for ecological environment to make corrections, and be fined 10,000 yuan per vehicle or per piece of non-road mobile machinery.

Article 37 Where a transportation enterprise or non-road mobile machinery user, in violation of the provisions of Paragraph 1, Article 14 of the Regulations, uses fuels that do not meet the standards, the government department for market supervision and management shall order it to make corrections, confiscate the fuels that do not meet the standards, and concurrently impose a fine of not less than one time but not more than 3 times the value of the fuels.

Article 38 Whoever, in violation of the provisions of Paragraph 1, Article 15 of the Regulations, drives a motor vehicle that fails to pass the emission inspection on the road shall be punished by the government department for traffic management according to law, and be ordered to have the motor vehicle maintained and re-inspected within 10 working days.

Where a motor vehicle, in violation of the provisions of Paragraph 1, Article 16 of the Regulations, runs on the road without being maintained and passing the re-inspection as required within the prescribed time limit, the government department for traffic management shall impose a fine of not less than 3,000 yuan but not more than 5,000 yuan on the owner or driver of the motor vehicle, and the motor vehicle license may be suspended; if the motor vehicle passes the re-inspection after maintenance, the motor vehicle license shall be returned in a timely manner.

Article 39 Where an enterprise, institution or any other provider of urban public transport, road transport, environmental sanitation, postal service, express delivery, or taxi services, in violation of the provisions of Article 17 of the Regulations, falls under one of the following circumstances, the government department for ecological environment shall impose a fine of not less than 10,000 yuan but not more than 50,000 yuan on the main

(一) 本单位注册车辆二十辆以上，在一个自然年内经排放检验不合格的车辆数量超过注册车辆数量百分之十的；

(二) 同一辆车因不符合排放标准在一个自然年内受到罚款处罚五次以上的。

第四十条 违反本条例第十八条第一款规定的，由交通部门对机动车所有人处每辆车一万元罚款。

第四十一条 违反本条例第二十条第一项、第二项规定的，由市场监督管理部门责令改正，处五万元以上二十万元以下罚款；违反第三项至第七项规定的，由生态环境部门责令停止违法行为，限期改正，处五万元以上十万元以下罚款；情节严重的，由市场监督管理部门取消其检验资格。

第四十二条 违反本条例第二十一条第二款规定，整改期间擅自向社会出具检验数据和检验结果，或者逾期未改正、改正后仍不符合要求的，由市场监督管理部门取消其检验资格。

第四十三条 违反本条例第二十二条第三款规定，机动车排放检验设备供应厂商提供的检验设备及其配套程序不符合标准的，由市场监督管理部门责令改正，暂停该设备所在检测线的运行，停止该设备在本市的销售，处货值金额一倍以上三倍以下罚款。

第四十四条 违反本条例第二十四条第一项、第二项规定的，由交通部门责令改正，处一万元以上十万元以下罚款；情节严重的，责令停业整顿。

第四十五条 违反本条例第二十五条第一款规定，在本市使用的非道路移动机械未经信息编码登记或者未如实登记信息的，由生态环境部门责令改正，处每台非道路移动机械五千元罚款。

违反本条例第二十五条第三款规定，建设单位或者施工单位未落实有关规定，使用未经信息编码登记或者不符合排放标准的非道路移动机械的，由市住房和城乡建设部门记入信用信息记录。

person directly in charge and other persons directly responsible respectively:

(1) It has more than 20 registered vehicles, and the vehicles that fail to pass the emission inspection in a natural year account for more than 10% of the registered vehicles; or

(2) It has received more than 5 fines in a natural year for the same vehicle for not meeting the emission standards.

Article 40 In case of violation of the provisions of Paragraph 1, Article 18 of the Regulations, the government department for transportation shall impose a fine of 10,000 yuan per vehicle on the owner thereof.

Article 41 Whoever violates the provisions of Item 1 or 2, Article 20 of the Regulations shall be ordered by the government department for market supervision and management to make corrections, and be fined not less than 50,000 yuan but not more than 200,000 yuan; whoever violates the provisions of Items 3 to 7 shall be ordered by the government department for ecological environment to stop the illegal act and make corrections within a prescribed time limit, and be fined not less than 50,000 yuan but not more than 100,000 yuan; if the circumstances are serious, the inspection qualification shall be cancelled by the government department for market supervision and management.

Article 42 Where an institution, in violation of the provisions of Paragraph 2, Article 21 of the Regulations, issues inspection data and results to the public without authorization during the correction period, fails to make corrections within the prescribed time limit, or still fails to meet the requirements after correction, it shall be disqualified from inspection by the government department for market supervision and management.

Article 43 Where a supplier of motor vehicle emission inspection equipment, in violation of the provisions of Paragraph 3, Article 22 of the Regulations, provides inspection equipment and its supporting procedures that do not meet the standards, the government department for market supervision and management shall order it to make corrections, suspend operation of the testing line of the equipment, and stop sales of the equipment in this Municipality, and shall impose a fine of not less than one time but not more than 3 times the value of the equipment.

Article 44 Where an entity violates the provisions of Item 1 or 2, Article 24 of the Regulations, it shall be ordered by the government department for transportation to make corrections, and be fined not less than 10,000 yuan but not more than 100,000 yuan; if the circumstances are serious, it shall be ordered to suspend business for rectification.

Article 45 Whoever, in violation of the provisions of Paragraph 1, Article 25 of the Regulations, uses non-road mobile machinery in this Municipality without information coding registration or without truthful information registration shall be ordered by the government department for ecological environment to make corrections, and be fined 5,000 yuan per piece of non-road mobile machinery.

Where a development unit or construction unit, in violation of the provisions of Paragraph 3, Article 25 of the Regulations, fails to implement the relevant provisions and uses non-road mobile machinery that have not completed information coding registration or do not meet the emission standards, the matter shall be recorded by the municipal government department for housing and urban-rural development in the credit information record.

第四十六条 违反本条例第二十八条规定，在监督检查中，当事人以拒绝执法人员进入现场或者拖延、围堵、滞留执法人员等方式阻挠监督检查的，由生态环境部门或者其他负有监督管理职责的部门责令改正，处二万元以上二十万元以下罚款；构成违反治安管理行为的，由公安机关依法予以处罚。

第四十七条 执法机关应当将当事人违反机动车和非道路移动机械排放污染防治有关法律、法规，受到行政处罚或者行政强制的情况共享到本市公共信用信息平台。行政机关根据本市关于公共信用信息管理规定可以对当事人采取惩戒措施。

第四十八条 当事人违反机动车和非道路移动机械排放污染防治有关法律、法规，受到责令改正或者罚款处罚后，拒不履行处理决定并在法定期限内不申请行政复议或者提起行政诉讼的，执法机关可以依法申请人民法院强制执行。

第四十九条 机动车和非道路移动机械所有人、驾驶人或者使用人违法排放大气污染物，破坏生态环境，损害社会公共利益的，法律规定的机关和有关组织可以依法对当事人提起民事公益诉讼。

第六章 附 则

第五十条 本条例所称机动车是指以动力装置驱动或者牵引，上道路行驶的供人员乘用或者用于运送物品以及进行工程专项作业的轮式车辆。

本条例所称非道路移动机械是指装配有发动机的移动机械和可运输工业设备，包括工程机械、农业机械、材料装卸机械、机场地勤设备等。

第五十一条 本条例自 2020 年 5 月 1 日起施行。

Article 46 Where a party concerned, in violation of the provisions of Article 28 of the Regulations, obstructs supervision and inspection by preventing law enforcement officers from entering the site or delaying, blocking or detaining law enforcement officers, the government department for ecological environment or other departments responsible for supervision and management shall order it to make corrections, and impose a fine of not less than 20,000 yuan but not more than 200,000 yuan; if the act constitutes a violation of public security administration, the public security organ shall impose punishment according to law.

Article 47 Law enforcement organs shall share on the public credit information platform of this Municipality the administrative punishment or administrative coercion against the parties concerned for violation of relevant laws and regulations on the prevention and control of pollution from motor vehicles and non-road mobile machinery. Administrative organs may take disciplinary measures against the parties concerned in accordance with the provisions of this Municipality on the administration of public credit information.

Article 48 Where a party concerned, after being ordered to make correction or fined for violation of relevant laws and regulations on the prevention and control of pollution from motor vehicles and non-road mobile machinery, refuses to comply with the handling decision and does not apply for administrative reconsideration or bring an administrative lawsuit within the statutory time limit, the law enforcement organ may apply to the people's court for compulsory execution according to law.

Article 49 Where the owners, drivers or users of motor vehicles and non-road mobile machinery illegally discharge air pollutants, thereby destroying the ecological environment and damaging the public interests, the organs and relevant organizations prescribed by law may bring civil public interest lawsuits against the parties concerned in accordance with the law.

Chapter VI Supplementary Provisions

Article 50 The term “motor vehicles” in the Regulations means wheeled vehicles that are driven or towed by power units and run on the road for passenger use or for transporting goods or carry out special engineering operations.

The term “non-road mobile machinery” in the Regulations means mobile machinery and transportable industrial equipment equipped with engines, including engineering machinery, agricultural machinery, material handling machinery, airport ground service equipment, etc.

Article 51 The Regulations shall come into force as of May 1, 2020.

北京市危险废物污染环境防治条例

(2020年6月5日北京市第十五届人民代表大会常务委员会第
二十二次会议通过)

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第一条 为了加强危险废物管理,防治危险废物污染环境,保障公众健康,维护生态安全,推进生态文明建设,根据《中华人民共和国环境保护法》《中华人民共和国固体废物污染环境防治法》《医疗废物管理条例》等法律法规的规定,结合本市实际情况,制定本条例。

第二条 本条例适用于本市行政区域内危险废物污染环境的防治。

第三条 本条例所称危险废物,是指下列固体废物:

- (一) 列入国家危险废物名录的固体废物;
- (二) 未列入国家危险废物名录,按照国家规定的危险废物鉴别标准、鉴别方法和鉴别程序,经鉴别具有危险特性的固体废物;
- (三) 未列入国家危险废物名录或者根据危险废物鉴别标准无法鉴别,经国务院生态环境主管部门组织专家认定,可能对人体健康或者生态环境造成有害影响的固体

Regulations of Beijing Municipality on the Prevention and Control of Environmental Pollution by Hazardous Wastes

(Adopted at the 22nd Meeting of the Standing Committee of the 15th People's Congress of Beijing Municipality on June 5, 2020)

Contents

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Chapter I General Provisions

Article 1 The Regulations are formulated to strengthen management of hazardous wastes, prevent and control environmental pollution by hazardous wastes, protect public health, maintain ecological safety, and promote the construction of ecological civilization in accordance with the Environmental Protection Law of the People's Republic of China, the Law of the People's Republic of China on the Prevention and Control of Environmental Pollution by Solid Wastes, the Regulations on the Administration of Medical Wastes and other laws and regulations, and in light of actual conditions of this Municipality.

Article 2 The Regulations shall apply to the prevention and control of environmental pollution by hazardous wastes within the administrative area of this Municipality.

Article 3 The term "hazardous wastes" mentioned in the Regulations shall refer to the solid wastes that:

- (1) are listed in the directory of national hazardous wastes;
- (2) are not listed in the directory of national hazardous wastes, but have been identified as having hazardous characteristics according to the identification standards, methods and procedures for hazardous wastes stipulated by the State; and
- (3) are not listed in the directory of national hazardous wastes or cannot be identified according to the identification standards for hazardous wastes, but may cause harmful effects on human health or ecological environment as determined by experts organized by

废物。

市生态环境主管部门应当将前款第二项、第三项规定的危险废物的名称、种类、特性等基本信息向社会公示。

危险废物和非危险废物混合且不能分离的，按照危险废物管理，但经鉴别不具有危险特性的除外。

第四条 本市坚持绿色发展理念，采取有利于节约和综合利用资源，保护和改善环境，促进人与自然和谐发展的经济、技术政策和措施，鼓励和支持危险废物污染环境防治科学技术的研究和应用，引导公众积极参与危险废物污染环境防治，使经济社会发展与环境保护相协调。

本市危险废物污染环境防治坚持预防为主、源头减量、全过程控制和污染担责的原则。

任何单位和个人都应当采取措施，减少危险废物的产生量，降低危险废物的危害性。

第五条 市、区人民政府应当加强对本行政区域内危险废物污染环境防治工作的组织领导，按照市级统筹、属地负责的原则，将危险废物污染环境防治作为固体废物污染环境防治工作的重点内容，纳入国民经济和社会发展规划、生态环境保护规划。

市、区人民政府应当坚持平战结合，将危险废物应急处置纳入突发事件应急管理体系，组织有关部门建立突发事件中危险废物应急处置联防联控协调机制，制定应急处置预案，规范危险废物应急处置，科学调配危险废物处置资源，保障危险废物处置能力，加强监督管理。

第六条 市、区生态环境主管部门对本行政区域内危险废物污染环境防治工作实施统一监督管理。

市、区交通、卫生健康、城市管理主管部门依据法律、法规、规章和各自职责，分别对危险废物道路运输、医疗废物处置、生活垃圾焚烧飞灰和有害垃圾收集实施监

the competent department for ecological environment under the State Council.

The municipal competent department for ecological environment shall make public the names, types, characteristics and other basic information of hazardous wastes as stipulated in Items 2 and 3 of the preceding paragraph.

Where hazardous wastes are mixed with and inseparable from non-hazardous wastes, they shall be managed as hazardous wastes, except those identified as not having hazardous characteristics.

Article 4 This Municipality shall adhere to the concept of green development, adopt economic and technological policies and measures conducive to saving and comprehensive utilization of resources, protecting and improving the environment, and promoting the harmonious development between man and nature, encourage and support the study and application of science and technology for the prevention and control of environmental pollution by hazardous wastes, and guide the public to participate in the prevention and control of environmental pollution by hazardous wastes, so as to coordinate economic and social development with environmental protection.

This Municipality shall adhere to the principles of prevention first, waste reduction at source, whole process control and accountability for pollution in the prevention and control of environmental pollution by hazardous wastes.

All units and individuals shall take measures to reduce the generation and harmfulness of hazardous wastes.

Article 5 The municipal and district people's governments shall strengthen organization and leadership of the prevention and control of environmental pollution by hazardous wastes within their respective administrative areas, focus on the hazardous wastes in the prevention and control of environmental pollution by solid wastes based on the principle of overall planning at the municipal level and accountability at district level, and incorporate the work into the plans for national economic and social development and for ecological environment protection.

The municipal and district people's governments shall incorporate the emergency disposal of hazardous wastes into the emergency management system in consideration of both peacetime and wartime, organize relevant departments to establish a joint prevention and control coordination mechanism for the emergency disposal of hazardous wastes in emergencies, formulate emergency disposal plans, standardize the emergency disposal of hazardous wastes, properly allocate hazardous waste disposal resources, guarantee the disposal capacity of hazardous wastes, and strengthen supervision and administration.

Article 6 The competent departments for ecological environment at municipal and district levels shall exercise unified supervision and administration over the prevention and control of environmental pollution by hazardous wastes within their respective administrative areas.

The competent departments for transportation, health and urban management at municipal and district levels shall, in accordance with laws, regulations and rules, perform

督管理。

市、区经济和信息化、规划和自然资源、教育、科学技术等主管部门在各自职责范围内负责危险废物污染环境防治的监督管理工作。

第七条 市生态环境主管部门应当建立本市危险废物管理信息系统。

市、区生态环境主管部门应当会同交通、卫生健康等主管部门建立健全危险废物污染环境执法协调配合机制，加强行政执法信息共享。

第八条 乡镇人民政府、街道办事处发现有危险废物污染环境情形的，应当及时报告所在地的区生态环境主管部门，配合做好危险废物污染环境防治工作。

第九条 市、区人民政府每年向本级人民代表大会或者人民代表大会常务委员会报告本行政区域的环境状况 and 环境保护目标完成情况时，应当包含危险废物污染防治工作情况。

市生态环境主管部门定期发布的环境状况公报应当包含本行政区域内危险废物的种类、数量、利用和处置情况等信息。

第十条 各级人民政府应当加强危险废物污染环境防治宣传和普及工作，鼓励基层群众性自治组织、社会组织、环境保护志愿者开展危险废物污染环境防治法律法规和知识的宣传。

第十一条 公民、法人和其他组织发现有危险废物污染环境行为的，有权向市、区生态环境主管部门或者其他负有危险废物污染环境防治监督管理职责的部门进行举报；接受举报的部门应当及时调查处理，并将处理结果向举报人反馈。对实名举报并查证属实的，按照规定给予奖励。

公民、法人和其他组织发现负有危险废物污染环境防治监督管理职责的部门不依法履行职责的，有权向其上级机关或者监察机关举报。

their respective duties and functions, and exercise supervision and administration over the road transportation of hazardous wastes, the disposal of medical wastes, the incineration of domestic garbage and the collection of hazardous garbage.

The competent departments for economy and information technology, planning and natural resources, education, science and technology, etc. at municipal and district levels shall exercise supervision and administration over the prevention and control of environmental pollution by hazardous wastes within their respective scope of duties.

Article 7 The municipal competent department for ecological environment shall establish this Municipality's hazardous waste management information system.

The competent departments for ecological environment at municipal and district levels shall, together with the competent departments for transportation, health, etc., establish and improve the law enforcement coordination mechanism for environmental pollution by hazardous wastes, and support sharing of administrative law enforcement information.

Article 8 The township or town people's governments and sub-district offices shall, upon identifying environmental pollution by hazardous wastes, promptly report to the competent departments for ecological environment at district level, and render support to the prevention and control of environmental pollution by hazardous wastes.

Article 9 The municipal and district people's governments shall annually report to the people's congresses at the corresponding levels or their standing committees on the environmental condition and the achievement of environmental protection objectives within their respective administrative areas, which shall include information on the prevention and control of pollution by hazardous wastes.

The municipal competent department for ecological environment shall, on a regular basis, release a bulletin on the environmental condition, which shall include information on the types, quantity, utilization and disposal of hazardous wastes within the administrative area of this Municipality.

Article 10 The people's governments at all levels shall strengthen publicity and popularization of the prevention and control of environmental pollution by hazardous wastes, and encourage grassroots mass autonomous organizations, social organizations and environmental protection volunteers to publicize the laws, regulations and knowledge on the prevention and control of environmental pollution by hazardous wastes.

Article 11 A citizen, legal person or any other organization shall, upon identifying environmental pollution by hazardous wastes, have the right to report it to the competent department for ecological environment at municipal or district level or any other department responsible for supervision and administration of the prevention and control of environmental pollution by hazardous wastes; the department receiving the report shall investigate and deal with it in a timely manner and give feedback on the results to the informer. If the case is verified, real-name reporting shall be given rewards as stipulated.

Where a citizen, legal person or any other organization finds that a department responsible for supervision and administration of the prevention and control of environmental pollution by hazardous wastes fails to perform its duties according to law, it shall have the right to report the matter to the authority at the next higher level or to the supervisory organ.

第二章 一般规定

第十二条 企业事业单位和其他生产经营者应当合理选择原料、能源和工艺、设备，减少有毒、有害原料的使用，提高资源利用效率，减少危险废物的产生量。

产生危险废物的企业应当依法实施强制性清洁生产审核，将审核结果报所在地的区发展改革和生态环境主管部门。

第十三条 产生危险废物的企业事业单位和其他生产经营者应当遵守下列规定：

（一）按照国家和本市有关规定，向区生态环境主管部门申请领取排污许可证，并执行排污许可管理制度的规定；

（二）制定危险废物年度管理计划，报所在地的区生态环境主管部门备案；

（三）建立危险废物产生、收集、贮存、运输、利用、处置的污染防治管理制度，明确单位负责人、相关主管人员和其他直接责任人的责任；

（四）建立危险废物管理台账，如实记载危险废物的名称、种类、产生时间、数量及流向等情况；

（五）妥善保存危险废物管理台账，保存时间不少于 5 年；以填埋方式处置危险废物的，永久保存危险废物管理台账。

产生危险废物的企业事业单位和其他生产经营者破产或者注销的，单位负责人应当将危险废物管理台账移交所在地的区生态环境主管部门保存。

第十四条 从事收集、贮存、利用、处置危险废物经营活动的单位，应当依法申请取得许可证。禁止无许可证或者未按照许可证规定从事危险废物收集、贮存、利用、处置的经营活动。

市生态环境主管部门应当依法公开本市取得危险废物经营许可证的单位目录，供社会公众查询。

第十五条 危险废物集中处置设施、场所是重要的城市基础设施。

Chapter II General Requirements

Article 12 Enterprises, institutions and other production operators shall reasonably select raw materials, energy sources, technology and equipment, reduce the use of toxic and harmful raw materials, and improve the efficiency of resource utilization, so as to reduce the generation of hazardous wastes.

Enterprises that produce hazardous wastes shall carry out compulsory cleaner production examination in accordance with the law, and report the examination results to the competent departments for development and reform and for ecological environment at local district level.

Article 13 Enterprises, institutions and other production operators that produce hazardous wastes shall abide by the following provisions:

(1) Apply to the competent departments for ecological environment at district level for a pollutant discharge permit, and implement the provisions of the management systems on pollutant discharge licensing in accordance with relevant provisions of the State and this Municipality;

(2) Formulate annual management plans for hazardous wastes and submit them to the competent departments for ecological environment at local district level for the record;

(3) Establish management systems for the prevention and control of environmental pollution in respect of the generation, collection, storage, transportation, utilization and disposal of hazardous wastes, and clarify the responsibilities of the heads, relevant persons in charge and other persons who are directly liable;

(4) Establish a hazardous waste management account to truthfully record the names, types, generation time, quantity and flow direction of hazardous wastes; and

(5) Properly keep the hazardous waste management account for no less than 5 years or permanently in case of disposal of hazardous wastes by landfill.

Where an enterprise, institution or any other production operator that produces hazardous wastes goes bankrupt or becomes deregistered, the head thereof shall transfer the hazardous waste management account to the competent department for ecological environment for preservation at local district level.

Article 14 Units engaging in the collection, storage, utilization or disposal of hazardous wastes shall apply for a license according to law. It is prohibited to engage in the business activities of collecting, storing, utilizing or disposing of hazardous wastes without a license or without complying with the provisions of the license.

The municipal competent department for ecological environment shall, in accordance with the law, make public a list of units that have obtained a business license for hazardous wastes in this Municipality for public inquiry.

Article 15 Facilities and sites for centralized disposal of hazardous wastes shall be important urban infrastructure.

市生态环境主管部门应当会同市发展改革、规划和自然资源、城市管理等主管部门，根据国家危险废物集中处置设施、场所建设规划和北京城市总体规划的要求，科学评估危险废物处置需求，组织编制全市危险废物处置设施、场所建设实施规划，明确设施、场所建设的布局和时序，与控制性详细规划相衔接，报市人民政府批准后实施。

区人民政府应当根据全市危险废物处置设施、场所建设实施规划，组织建设本行政区域内医疗废物的中转贮存设施。

市发展改革、财政等主管部门根据全市危险废物处置设施、场所建设实施规划，采用投资、补助、补贴等方式，制定危险废物集中处置设施建设、运行的资金支持政策。

第十六条 产生危险废物的企业事业单位和其他生产经营者没有自行利用、处置能力的，应当将产生的危险废物委托有资质单位收集、运输、利用、处置，对受托方的主体资格和技术能力进行核实，并签订书面合同。

危险废物委托收集、运输、利用、处置合同应当载明危险废物的名称、种类、特性等基本信息及污染防治要求、收运时间、收运频次、收运处置费用、违约责任等内容。

危险废物处置收费依据本市政府定价目录管理，具体价格标准由市价格主管部门会同市生态环境等主管部门综合本市危险废物的产生量、运输和集中处置能力及成本、集中处置设施运营状况等因素确定。

第十七条 危险废物收集、利用、处置单位应当按照规定及书面委托合同的约定及时收集、接收危险废物，不得无故拒收。

危险废物收集、利用、处置单位因不可抗力或者重大活动、重污染天气等情形，导致无法正常收集、接收危险废物的，应当及时告知产生危险废物的企业事业单位和其他生产经营者，协助其采取临时环境安全措施。

第十八条 转移危险废物的，转出和接收单位应当遵守国家危险废物转移联单制度和运输管理要求。

市生态环境主管部门审批危险废物跨省、自治区、直辖市转移，并将批准信息通

The municipal competent department for ecological environment shall, together with the municipal competent departments for development and reform, planning and natural resources, urban management, etc., and in accordance with the requirements of the plan for the construction of facilities and sites for centralized disposal of national hazardous wastes and the Overall Beijing Urban Plan, scientifically assess the demand for hazardous waste disposal, and organize formulation of the implementation plan for the construction of facilities and sites for hazardous waste disposal in this Municipality, which specifies the overall arrangement and order of facility and site construction. The implementation plan shall be coordinated with the detailed regulatory plan, and executed after approval of the Municipal People's Government.

The district people's governments shall, in accordance with the implementation plan for the construction of facilities and sites for hazardous waste disposal in this Municipality, organize construction of transfer and storage facilities for medical wastes within their respective administrative areas.

The municipal competent departments for development and reform, finance, etc. shall, in accordance with the implementation plan for the construction of facilities and sites for hazardous waste disposal in this Municipality, formulate financial support policies for the construction and operation of facilities for centralized disposal of hazardous wastes by investment, allowance, subsidy and other means.

Article 16 Where an enterprise, institution or any other production operator that produces hazardous wastes has no capacity to utilize or dispose of hazardous wastes on its own, it shall entrust a qualified unit to collect, transport, utilize and dispose of the hazardous wastes produced by verifying the entity qualification and technical capacity of the entrusted party, and concluding a written contract therewith.

An entrustment contract for collection, transportation, utilization and disposal of hazardous wastes shall specify, among others, the names, types, characteristics and other basic information of hazardous wastes, requirements for pollution prevention and control, time and frequency of collection and transportation, costs of collection, transportation and disposal, as well as liability for breach of contract.

The charge for hazardous waste disposal shall be managed according to this Municipality's catalogue of government pricing. The specific price standards shall be determined by the municipal competent department for price together with the municipal competent department for ecological environment in light of the amount of hazardous wastes, capacity and costs of transportation and centralized disposal, and operation condition of centralized disposal facilities in this Municipality.

Article 17 Units engaging in collection, utilization and disposal of hazardous wastes shall collect and receive hazardous wastes in a timely manner as stipulated and as agreed in a written entrustment contract, and shall not refuse to receive them without proper reason.

Where a unit engaging in collection, utilization and disposal of hazardous wastes is unable to collect or receive hazardous wastes normally due to force majeure, major events or heavy pollution weather, it shall promptly inform the enterprises, institutions and other production operators that produce hazardous wastes and assist them in taking temporary environmental safety measures.

Article 18 To transfer hazardous wastes, the transferring and receiving units shall abide by the transfer joint document management system for transfer of national hazardous wastes and transportation management requirements.

The municipal competent department for ecological environment shall examine

报相关省、自治区、直辖市人民政府生态环境主管部门和交通主管部门。不得将本市行政区域外的危险废物输入本市行政区域内贮存、处置。

第十九条 在本市行政区域内跨区转移危险废物的，移出单位应当向移出地的区生态环境主管部门申领并填写危险废物转移联单。

移出地和接受地的区生态环境主管部门应当分别对危险废物的移出和接受情况进行监督。

第二十条 危险废物运输单位应当依法取得道路危险货物运输许可，在运输危险废物的车辆上安装卫星定位装置并确保其正常运行，不得在运输途中抛撒、泄漏、丢弃、倾倒危险废物。

运输的危险废物符合国家有关例外数量和有限数量危险货物要求的，可以依国家规定按照普通货物运输。

市、区交通主管部门应当公开本市具有危险废物运输许可的单位和车辆的信息。

第二十一条 产生、收集、贮存、运输、利用、处置危险废物的企业事业单位和其他生产经营者应当遵守下列规定：

（一）采取措施安全处理危险废物，不得擅自丢弃、倾倒、堆放或者遗撒；

（二）对不同特性的危险废物分类收集、贮存，不得将危险废物混入非危险废物中收集、贮存、运输；

（三）贮存暂时不利用或者不处置的危险废物，应当建设符合国家标准贮存设施、场所，并采取相应的防护措施；

（四）加强对收集、贮存、运输、利用、处置危险废物的场所、设施和设备的管理和维护，保证其正常运行和使用；

（五）按照规定及时在本市环境信息公开平台上如实公开产生、收集、贮存、运输、利用、处置危险废物的种类、数量及去向等信息，但涉密单位或者涉密项目除外；

（六）对收集、贮存、运输、利用、处置危险废物的场所、设施、设备和容器、

and approve the transfer of hazardous wastes across provinces, autonomous regions and municipalities directly under the central government, and share the approval information with the competent departments for ecological environment and for transportation of the people's governments of the provinces, autonomous regions or municipalities directly under the central government concerned. The transfer of hazardous wastes outside the administrative area of this Municipality into the administrative area of this Municipality for storage and disposal shall be prohibited.

Article 19 To transfer hazardous wastes across districts within the administrative area of this Municipality, the transferring unit shall apply to the competent department for ecological environment of the district where hazardous wastes are located and fill in a hazardous waste transfer form.

The competent departments for ecological environment of the districts to remove and receive hazardous wastes shall supervise the circumstances in which hazardous wastes are removed and received respectively.

Article 20 Transportation units of hazardous wastes shall obtain a license for road transportation of dangerous goods according to law, install satellite positioning devices on vehicles transporting hazardous wastes and ensure their normal operation, and shall not scatter, leak, discard or dump hazardous wastes in transit.

Where the hazardous wastes to be transported meet the requirements of the State for exceptional and limited quantity of dangerous goods, they may be transported as general goods in accordance with the provisions of the State.

The competent departments for transportation at municipal and district levels shall make public the information of units and vehicles with hazardous waste transportation licenses in this Municipality.

Article 21 Enterprises, institutions and other production operators that produce, collect, store, transport, utilize or dispose of hazardous wastes shall abide by the following provisions:

(1) They shall take safe measures to dispose of hazardous wastes, and shall not discard, dump, pile up or scatter hazardous wastes without authorization;

(2) Hazardous wastes with different characteristics shall be collected and stored separately, and hazardous wastes shall not be mixed with non-hazardous wastes for collection, storage and transportation;

(3) For the temporary storage of hazardous wastes that are not used or disposed of, storage facilities and sites conforming to the national standards shall be built, and corresponding protective measures shall be taken;

(4) They shall strengthen management and maintenance of sites, facilities and equipment for the collection, storage, transportation, utilization or disposal of hazardous wastes to ensure their normal operation and use;

(5) The types, quantity and whereabouts of hazardous wastes generated, collected, stored, transported, utilized or disposed of shall be truthfully and timely disclosed on this Municipality's environmental information disclosure platform as stipulated, except for secret-related units or projects;

(6) Where the sites, facilities, equipment, containers, packaging and other articles for

包装物及其他物品，经消除污染转作他用的，如实记录其数量、用途和去向；

（七）搬迁、转产、关闭的，安全处置已经产生或者贮存的危险废物，依法开展环境调查、风险评估和治理修复，并承担相应费用。

第二十二条 本市建立危险废物污染环境防治信用管理机制，将产生、收集、贮存、运输、利用、处置危险废物的企业事业单位和其他生产经营者的相关信用记录按照有关规定纳入信用信息共享平台。

市生态环境主管部门应当按照国家和本市要求，制定危险废物污染环境防治信用机制的具体办法。

第三章 特别规定

第二十三条 工业园区建设单位应当根据全市危险废物处置设施、场所建设实施规划和园区建设规划，配套建设危险废物贮存、转运、处置设施、场所。

工业园区管理机构应当统筹组织园区内产废量较小的工业企业产生的危险废物的收集、贮存、转运。

第二十四条 工业企业新建、改建、扩建产生危险废物的建设项目具有下列情形之一的，应当建设符合国家和本市有关标准的自行利用、处置设施：

（一）年度同一种类危险废物产生量超过 5000 吨；

（二）本市对产生的危险废物不具备安全处置能力且危险废物不适宜跨省转移的。

前款规定的自行利用、处置设施，应当纳入建设项目环境影响评价，并与主体工程同时设计，同时施工，同时投入使用。

第二十五条 工业企业自行利用、处置本企业不同厂区产生的危险废物的，转移过程应当执行国家危险废物转移联单制度。

工业企业自行利用、处置本企业同一厂区内产生的危险废物的，应当建立内部转

the collection, storage, transportation, utilization or disposal of hazardous wastes are used for other purposes after depollution, their quantity, uses and whereabouts shall be recorded truthfully; and

(7) In case of relocation, change of the line of production or closure, the hazardous wastes that have been generated or stored shall be disposed of safely, environmental investigation, risk assessment, treatment and restoration shall be carried out according to law, and corresponding expenses shall be borne.

Article 22 This Municipality shall establish a credit management mechanism for the prevention and control of environmental pollution by hazardous wastes, and incorporate the relevant credit records of enterprises, institutions and other production operators that produce, collect, store, transport, utilize or dispose of hazardous wastes into the credit information sharing platform in accordance with relevant provisions.

The municipal competent department for ecological environment shall, in accordance with the requirements of the State and this Municipality, formulate specific measures for the credit mechanism for the prevention and control of environmental pollution by hazardous wastes.

Chapter III Special Requirements

Article 23 The development unit of an industrial park shall, in accordance with the implementation plan for the construction of facilities and sites for hazardous waste disposal in this Municipality and the construction plan of the park, build supporting facilities and sites for the storage, transfer and disposal of hazardous wastes.

The management office of an industrial park shall make overall arrangements for the collection, storage and transfer of hazardous wastes generated by small polluters in the park.

Article 24 Where a construction, reconstruction or expansion project of an industrial enterprise that produces hazardous wastes falls under either of the following circumstances, the enterprise shall construct self-utilization and self-disposal facilities that meet relevant standards of the State and this Municipality:

(1) The project generates more than 5,000 tons of hazardous wastes of the same type a year; or

(2) This Municipality lacks the ability to safely dispose of the hazardous wastes generated and the hazardous wastes are unfit for trans-provincial transfer.

The self-utilization and self-disposal facilities mentioned in the preceding paragraph shall be included in the environmental impact assessment on the construction project, and shall be designed, constructed and put into use simultaneously with the main project.

Article 25 Where an industrial enterprise utilizes or disposes of the hazardous wastes produced in different factory areas on its own, the transfer process shall follow the transfer joint document management system for transfer of national hazardous wastes.

Where an industrial enterprise utilizes or disposes of the hazardous wastes produced in a same factory area on its own, it shall establish an internal transfer management system and

运管理制度，记录转运数据。

第二十六条 区人民政府应当根据全市危险废物处置设施、场所建设实施规划和设施建设、运行的资金支持政策，通过招投标、购买服务等方式，委托具备专业资质的单位，统筹安排收集、运输本行政区域内规模较小、分布分散或者交通不便的医疗卫生机构产生的医疗废物。

市卫生健康主管部门应当会同市生态环境、发展改革、交通等主管部门制定医疗废物收运管理规定并开展考核评价。

第二十七条 重大传染病疫情等突发事件发生时，市、区人民政府应当统筹协调医疗废物等危险废物收集、贮存、运输、处置等工作，扩大处置能力，保障所需的车辆、场地、处置设施和防护物资。卫生健康、生态环境、城市管理、交通等主管部门应当协同配合，依法履行应急处置职责。

第二十八条 发生重大传染病疫情期间，市卫生健康、生态环境主管部门对医疗废物采取特别防控措施，各医疗卫生机构应当按照要求，对医疗废物进行消毒、分类、收集、包装等工作。

根据疫情防控需要，市卫生健康和生态环境主管部门将相关单位、场所和地点等产生的生活垃圾列入重点管控生活垃圾，参照医疗废物进行管理，制定相关应急措施。各相关单位、物业服务人和个人应当服从政府统一指挥，落实就地消毒、分类、收集、运输等应急措施。

经市人民政府同意，可以使用生活垃圾焚烧设施应急处置医疗废物和重点管控生活垃圾。生活垃圾焚烧设施管理单位应当按照卫生健康主管部门的要求做好卫生防疫工作。

第二十九条 机动车、电动自行车生产者、销售者应当标识生产、销售的产品使用电池的危险特性；废弃电池属于危险废物的，应当公告消费者通过生产者、销售者、维修者等渠道，交有危险废物经营许可证的单位回收利用、处置。

record the transfer data.

Article 26 The district people's governments shall, in accordance with the implementation plan for the construction of facilities and sites for hazardous waste disposal in this Municipality and the financial support policies for facility construction and operation, and by bidding, service purchase and other means, entrust units with professional qualifications to collect and transport medical wastes produced by small-scale, scattered or hardly accessible medical and health institutions within their respective administrative areas under overall arrangements.

The municipal competent department for health shall, together with the municipal competent departments for ecological environment, development and reform, transportation, etc., formulate regulations on the collection and transportation of medical wastes and carry out examination and evaluation.

Article 27 In case of major infectious diseases and other emergencies, the municipal and district people's governments shall coordinate the collection, storage, transportation and disposal of medical wastes and other hazardous wastes, enhance the disposal capacity, and provide the necessary vehicles, sites, disposal facilities and protective materials. The competent departments for health, ecological environment, urban management, transportation, etc. shall render support and perform the duties of emergency response according to law.

Article 28 During the outbreak of a major infectious disease, the municipal competent departments for health and for ecological environment shall take special preventive and control measures against medical wastes, and all medical and health institutions shall carry out disinfection, classification, collection and packaging of medical wastes as required.

The municipal competent departments for health and for ecological environment shall, as required by epidemic prevention and control, regard the domestic garbage generated by relevant units, places and sites as domestic garbage under key control, manage them with reference to management of medical wastes, and formulate relevant emergency measures. All relevant units, property service providers and individuals shall obey the unified command of the government and implement on-site disinfection, classification, collection, transportation and other emergency measures.

With the consent of the Municipal People's Government, incineration facilities for domestic garbage may be used for emergency disposal of medical wastes and domestic garbage under key control. Management units of incineration facilities for domestic garbage shall carry out the work related to sanitation and epidemic prevention as required by the competent departments for health.

Article 29 Producers and sellers of motor vehicles and electric bicycles shall indicate the hazardous characteristics of the batteries used in their products; where waste batteries are hazardous wastes, an announcement shall be made for consumers to deliver them to units that have obtained a business license for recycling and disposal of hazardous wastes, such as producers, sellers, maintenance personnel, etc.

机动车、电动自行车及配套电池的生产者、销售者应当建立健全废弃电池回收制度，通过售后服务、维修、拆解等渠道回收废弃电池，定期发布回收信息；回收的废弃电池属于危险废物的，应当提供或者委托给有危险废物经营许可证的单位利用、处置。

第三十条 机动车维修企业办理机动车维修经营备案手续时，应当有明确的危险废物污染防治措施和管理制度，具备符合条件的危险废物专用贮存设施、场所。

机动车所有人、使用人对机动车维修活动中产生的废铅蓄电池、废矿物油等危险废物，应当自行或者通过机动车维修企业交有危险废物经营许可证的单位回收利用、处置。

第三十一条 废旧机动车、废弃电器电子产品拆解单位应当对拆解过程中产生的危险废物分类收集、贮存，交有危险废物经营许可证的单位回收利用、处置。

第三十二条 设立实验室的企业、学校、科研机构及其他相关单位应当建立健全实验室产生的危险废物管理制度，加强对危险废物的管理，依法收集、贮存、运输、利用、处置实验室危险废物，将危险废物处置费用纳入教学活动、科研项目预算，明确负责实验室危险废物管理的机构或者人员。实验室应当建立危险废物管理台账，危险废物管理人员应当定期对贮存设施、场所进行检查。

实验室产生的过期、失效及多余药剂应当设置专门的贮存场所分类存放，不得随意丢弃、填埋。

第三十三条 政府机关、企业事业单位及社会团体对其产生的废弃荧光灯管，应当单独收集、贮存，定期交有危险废物经营许可证的单位回收利用、处置。

第三十四条 单位和个人应当将日常生活中产生的废弃电池、废弃化学药品、废弃荧光灯管等有害垃圾投放至有害垃圾收集容器。

生活垃圾分类管理责任人应当依法设置有害垃圾收集容器，分类收集有害垃圾。

第三十五条 区人民政府应当充分利用现有生活垃圾收运体系，收集、贮存、运输、

Producers and sellers of motor vehicles, electric bicycles and auxiliary batteries shall establish and improve the recycling system for waste batteries, recycle waste batteries, e.g., recycling through after-sales service, maintenance, dismantling and other channels, and regular release of recycling information; waste batteries that are hazardous wastes shall be provided or entrusted to units with a business license for hazardous wastes for utilization and disposal.

Article 30 A motor vehicle maintenance enterprise shall, when going through the filing procedures for motor vehicle maintenance business, have clear preventive and control measures and management systems for pollution by hazardous wastes, and their own conforming storage facilities and sites for hazardous wastes.

Owners and users of motor vehicles shall, on their own or through motor vehicle maintenance enterprises, deliver the waste lead-acid batteries, waste mineral oils and other hazardous wastes produced in motor vehicle maintenance activities to units that have obtained a business license for recycling and disposal of hazardous wastes.

Article 31 Dismantling units of waste motor vehicles as well as waste electrical and electronic products shall carry out classified collection and storage of the hazardous wastes generated in the process of dismantling, and deliver them to units that have obtained a business license for recycling and disposal of hazardous wastes.

Article 32 Enterprises, schools, scientific research institutions and other relevant units that set up laboratories shall establish and improve the management system for hazardous wastes generated by the laboratories, strengthen management of the hazardous wastes, collect, store, transport, utilize and dispose of them in accordance with the law, incorporate the cost of hazardous waste disposal into the budget of teaching activities and scientific research projects, and clarify the institutions or persons responsible for their management. Laboratories shall establish a hazardous waste management account, and hazardous waste management personnel shall regularly inspect the storage facilities and sites.

Special storage sites shall be established for classified storage of expired, invalid and surplus pharmaceutical preparations generated in laboratories, which shall not be discarded or buried at will.

Article 33 Government organs, enterprises, institutions and social organizations shall separately collect and store the waste fluorescent tubes produced, and deliver them to units that have obtained a business license for recycling and disposal of hazardous wastes on a regular basis.

Article 34 Units and individuals shall put waste batteries, waste chemicals, waste fluorescent tubes and other routinely produced hazardous garbage into special collection containers.

The persons in charge of classified management of domestic garbage shall set up collection containers for hazardous garbage in accordance with the law for classified collection of hazardous garbage.

Article 35 The district people's governments shall make full use of the existing

利用、处置有害垃圾，结合辖区实际合理设置有害垃圾集中暂存点。有害垃圾投放点至集中暂存点间的投放、清运、暂存等收集过程，按照国家规定豁免危险废物管理；生活垃圾收集、运输单位应当分类收集，交有危险废物经营许可证的单位回收利用、处置。

第四章 法律责任

第三十六条 违反本条例第十三条第一款第（一）项规定的，由区生态环境主管部门责令改正或者限制生产、停产整治，处二十万元以上一百万元以下罚款；情节严重的，报经有批准权的人民政府批准，责令停业或者关闭。

违反本条例第十三条第一款第（二）项、第（四）项规定的，由区生态环境主管部门责令改正，处二十万元以上一百万元以下罚款；情节严重的，报经有批准权的人民政府批准，可以责令停业或者关闭。

违反本条例第十三条第一款第（三）项、第（五）项规定的，由区生态环境主管部门责令限期改正，处五万元以上二十万元以下罚款。

违反本条例第十三条第二款规定的，由区生态环境主管部门责令限期移交危险废物管理台账；逾期不移交的，对单位负责人处二万元以上十万元以下罚款。

第三十七条 违反本条例第十六条规定，产生危险废物的企业事业单位和其他生产经营者委托他人收集、运输、利用、处置危险废物，未对受托方的主体资格和技术能力进行核实、未依法签订书面合同或者未在合同中约定污染防治要求的，应当与造成环境污染和生态破坏的受托方依法承担连带责任。

第三十八条 违反本条例第十七条第一款规定，未及时收集、接收危险废物，或者无故拒收危险废物的，由区生态环境主管部门责令限期改正，处二万元以上十万元以下罚款。

collection and transportation system for domestic garbage to collect, store, transport, utilize and dispose of hazardous garbage, and reasonably set up temporary centralized storage stations for hazardous garbage in light of the actual condition of each district. The collection, transportation and temporary storage process from hazardous garbage collection stations to temporary centralized storage stations for hazardous garbage shall be exempted from hazardous waste management in accordance with the provisions of the State; domestic garbage collection and transportation units shall conduct classified collection and deliver hazardous garbage to units that have obtained a business license for recycling and disposal of hazardous wastes.

Chapter IV Legal Liability

Article 36 A unit that violates the provisions of Item (1) of Paragraph 1 of Article 13 of the Regulations shall be ordered by the competent department for ecological environment at district level to make corrections or to restrict production or suspend it for rectification, and be fined not less than 200,000 yuan but not more than 1,000,000 yuan; if the circumstances are serious, it shall be ordered to suspend business or close down upon approval of the competent people's government.

A unit that violates the provisions of Item (2) or (4) of Paragraph 1 of Article 13 of the Regulations shall be ordered by the competent department for ecological environment at district level to make corrections, and be fined not less than 200,000 yuan but not more than 1,000,000 yuan; if the circumstances are serious, it may be ordered to suspend business or close down upon approval of the competent people's government.

A unit that violates the provisions of Item (3) or (5) of Paragraph 1 of Article 13 of the Regulations shall be ordered by the competent department for ecological environment at district level to make corrections within a prescribed time limit, and be fined not less than 50,000 yuan but not more than 200,000 yuan.

A unit that violates the provisions of Paragraph 2 of Article 13 of the Regulations shall be ordered by the competent department for ecological environment at district level to transfer the hazardous waste management account within a prescribed time limit; if it fails to do so within the prescribed time limit, the head of the unit shall be fined not less than 20,000 yuan but not more than 100,000 yuan.

Article 37 Where an enterprise, institution or any other production operator that produces hazardous wastes, in violation of Article 16 of the Regulations, entrusts the collection, transportation, utilization or disposal of hazardous wastes without verifying the entity qualification and technical capacity of the entrusted party, signing a written contract according to law or specifying the requirements for pollution prevention and control in the contract, it shall bear joint and several liability with the entrusted party that causes environmental pollution and ecological damage according to law.

Article 38 Where a unit, in violation of Paragraph 1 of Article 17 of the Regulations, fails to collect or receive hazardous wastes in a timely manner, or refuses to receive them without proper reason, it shall be ordered by the competent department for ecological environment at district level to make corrections within a prescribed time limit, and be fined

第三十九条 违反本条例第二十条第一款规定，运输危险废物的车辆上安装的卫星定位装置未正常运行的，由交通主管部门按照国家有关危险货物运输管理的规定处罚；在运输途中抛撒、泄漏、丢弃、倾倒危险废物的，由区生态环境主管部门责令改正，处所需处置费用三倍以上五倍以下罚款，所需处置费用不足二十万元的，按二十万元计算，没收违法所得；情节严重的，报经有批准权的人民政府批准，可以责令停业或者关闭。

第四十条 违反本条例第二十一条第（一）项规定的，由区生态环境主管部门责令改正，处所需处置费用三倍以上五倍以下罚款，所需处置费用不足二十万元的，按二十万元计算，没收违法所得；情节严重的，报经有批准权的人民政府批准，可以责令停业或者关闭。

违反本条例第二十一条第（二）项、第（三）项、第（六）项规定的，由区生态环境主管部门责令改正，处二十万元以上一百万元以下罚款，没收违法所得；情节严重的，报经有批准权的人民政府批准，可以责令停业或者关闭。

违反本条例第二十一条第（四）项规定的，由区生态环境主管部门责令停止违法行为，限期改正，没收违法所得，并处二十万元以上一百万元以下罚款。

违反本条例第二十一条第（五）项规定的，由区生态环境主管部门责令改正，处五万元以上二十万元以下罚款，没收违法所得；情节严重的，报经有批准权的人民政府批准，可以责令停业或者关闭。

第四十一条 违反本条例第二十四条规定，未开展建设项目环境影响评价，擅自开工建设，或者自行利用、处置设施未建成、未经验收或者验收不合格，建设项目即投入生产或者使用的，依照《中华人民共和国环境影响评价法》《建设项目环境保护管理条例》的规定处理。

第四十二条 违反本条例第二十五条第二款规定的，由区生态环境主管部门责令限期改正，处二万元以上十万元以下罚款。

not less than 20,000 yuan but not more than 100,000 yuan.

Article 39 Where a unit, in violation of Paragraph 1 of Article 20 of the Regulations, installs satellite positioning devices on vehicles transporting hazardous wastes which fail to operate normally, it shall be punished by the competent department for transportation in accordance with relevant provisions of the State on management of dangerous goods transportation; where hazardous wastes are scattered, leaked, discarded or dumped in transit, the competent department for ecological environment at district level shall order it to make corrections, impose a fine of not less than 3 times but not more than 5 times the disposal cost required (the disposal cost required that is less than 200,000 yuan shall be calculated as 200,000 yuan), and confiscate the illegal income; if the circumstances are serious, it may be ordered to suspend business or close down upon approval of the competent people's government.

Article 40 Where a unit violates the provisions of Item (1) of Article 21 of the Regulations, the competent department for ecological environment at district level shall order it to make corrections, impose a fine of not less than 3 times but not more than 5 times the disposal cost required (the disposal cost required that is less than 200,000 yuan shall be calculated as 200,000 yuan), and confiscate the illegal income; if the circumstances are serious, it may be ordered to suspend business or close down upon approval of the competent people's government.

Where a unit violates the provisions of Item (2), (3) or (6) of Article 21 of the Regulations, the competent department for ecological environment at district level shall order it to make corrections, impose a fine of not less than 200,000 yuan but not more than 1,000,000 yuan, and confiscate the illegal income; if the circumstances are serious, it may be ordered to suspend business or close down upon approval of the competent people's government.

Where a unit violates the provisions of Item (4) of Article 21 of the Regulations, the competent department for ecological environment at district level shall order it to stop the illegal act and make corrections within a prescribed time limit, confiscate the illegal income, and impose a fine of not less than 200,000 yuan but not more than 1,000,000 yuan.

Where a unit violates the provisions of Item (5) of Article 21 of the Regulations, the competent department for ecological environment at district level shall order it to make corrections, impose a fine of not less than 50,000 yuan but not more than 200,000 yuan, and confiscate the illegal income; if the circumstances are serious, it may be ordered to suspend business or close down upon approval of the competent people's government.

Article 41 Where a unit, in violation of Article 24 of the Regulations, arbitrarily commences a construction project without carrying out environmental impact assessment on the construction project, or puts a construction project into production or use without completing construction of self-use disposal facilities or without having them examined or accepted, it shall be dealt with in accordance with the provisions of the Law of the People's Republic of China on Environmental Impact Assessment and the Regulations on the Administration of Environmental Protection of Construction Projects.

Article 42 A unit that violates the provisions of Paragraph 2 of Article 25 of the Regulations shall be ordered by the competent department for ecological environment at

第四十三条 违反本条例第二十九条第二款规定，将危险废物提供或者委托给无危险废物经营许可证的单位或者其他生产经营者从事经营活动的，由区生态环境主管部门责令改正，处所需处置费用三倍以上五倍以下罚款，所需处置费用不足二十万元的，按二十万元计算，没收违法所得；情节严重的，报经有批准权的人民政府批准，可以责令停业或者关闭。

第四十四条 单位和个人违反本条例第三十四条、第三十五条规定的，由城市管理综合行政执法部门依照《北京市生活垃圾管理条例》进行处罚。

第四十五条 企业事业单位和其他生产经营者违反本条例规定，受到罚款处罚，被责令限期改正，逾期不改正的，依法作出处罚决定的行政机关可以自责令改正期限届满之日的次日起，按照原处罚数额按日连续处罚。

第四十六条 违反本条例规定，危险废物污染环境，造成他人损害或者生态环境损害的，受到危险废物污染损害的公民、法人和其他组织有权要求污染者依法赔偿损失；有关检察机关、行政机关和社会组织可以依法向人民法院提起生态损害赔偿诉讼。

第四十七条 违反本条例规定，收集、贮存、运输、利用、处置危险废物，造成重大环境污染事故，构成犯罪的，依法追究刑事责任。

第四十八条 执法机关在查处危险废物污染环境违法行为过程中，发现公职人员涉嫌贪污贿赂、失职渎职等职务违法或者职务犯罪的问题线索，应当移送监察机关。

第五章 附 则

第四十九条 本条例所称产生危险废物的企业事业单位和其他生产经营者，是指产生危险废物的工业企业，机动车维修企业，医疗卫生机构，废旧机动车、废弃电器电子产品拆解单位，设立实验室的企业、学校、科研机构或者其他相关单位，以及其他生产经营者。

district level to make corrections within a prescribed time limit, and be fined not less than 20,000 yuan but not more than 100,000 yuan.

Article 43 Where a unit, in violation of Paragraph 2 of Article 29 of the Regulations, provides or entrusts hazardous wastes to units or other production operators without a business license for hazardous wastes, the competent department for ecological environment at district level shall order it to make corrections, impose a fine of not less than 3 times but not more than 5 times the disposal cost required (the disposal cost required that is less than 200,000 yuan shall be calculated as 200,000 yuan), and confiscate the illegal income; if the circumstances are serious, it may be ordered to suspend business or close down upon approval of the competent people's government.

Article 44 Any unit or individual that violates the provisions of Article 34 or 35 of the Regulations shall be punished by the urban management and comprehensive administrative law enforcement department in accordance with the Regulations of Beijing Municipality on the Administration of Domestic Wastes.

Article 45 Where an enterprise, institution or any other production operator is fined and ordered to make corrections within a prescribed time limit for violation of the Regulations, and fails to make corrections within the prescribed time limit, the administrative organ that has made the punishment decision according to law may, starting from the day following the expiration of the time limit for making corrections, impose a fine that accrues on a daily basis based on the amount of the original fine.

Article 46 Where hazardous wastes pollute the environment in violation of the Regulations, and causes damage to others or the ecological environment, the citizens, legal persons and other organizations that have been damaged shall have the right to demand the polluter to compensate for the losses in accordance with the law; relevant procuratorial organs, administrative organs and social organizations may file a lawsuit for ecological damage compensation to the people's court in accordance with the law.

Article 47 Where a unit, in violation of the Regulations, collects, stores, transports, utilizes or disposes of hazardous wastes, and cause a major environmental pollution accident, which constitutes a crime, criminal liability shall be investigated for according to law.

Article 48 Where a law enforcement organ, in the course of investigating and dealing with illegal environmental pollution by hazardous wastes, finds clues of suspected corruption, bribery, dereliction of duty, breach of duty, or any other duty-related illegal act or duty-related crime by civil servants, the clues shall be transferred to the supervisory organ.

Chapter V Supplementary Provisions

Article 49 The term “enterprises, institutions and other production operators that produce hazardous wastes” mentioned in the Regulations shall refer to the industrial enterprises, motor vehicle maintenance enterprises, medical and health institutions, dismantling units of waste motor vehicles and waste electrical and electronic products, as

本条例所称生活垃圾分类管理责任人，依照《北京市生活垃圾管理条例》的规定确定。

第五十条 对列入国家危险废物名录中的危险废物，国家规定的豁免环节符合豁免条件的，可以按照豁免内容进行管理，法律法规另有规定除外。

第五十一条 液态危险废物的污染防治，适用本条例；但是排入水体的废水和放射性固体废物的污染防治适用有关法律法规，不适用本条例。

第五十二条 本条例自 2020 年 9 月 1 日起施行。

well as enterprises, schools, scientific research institutions or other relevant units that set up laboratories, and other production operators that produce hazardous wastes.

The term “person in charge of classified management of domestic wastes” referred to in the Regulations shall be defined in accordance with the Regulations of Beijing Municipality on the Administration of Domestic Wastes.

Article 50 Hazardous wastes listed in the directory of national hazardous wastes may be managed in accordance with the exemption provisions if the exemption conditions specified by the State are met, unless otherwise stipulated by laws and regulations.

Article 51 The Regulations shall apply to the prevention and control of pollution by liquid hazardous wastes, while the prevention and control of pollution by waste water and radioactive solid wastes discharged into waters shall be governed by other relevant laws and regulations.

Article 52 The Regulations shall come into force as of September 1, 2020.

北京市人民政府关于百花山和松山自然保护区 管理暂行规定

(1986年3月15日北京市人民政府京政发39号文件发布 根
据1997年12月31日北京市人民政府第12号令修改)

为加强百花山、松山自然保护区的管理,根据国务院批准、林业部颁布的《森林和野生动物类型自然保护区管理办法》,结合两个自然保护区的具体情况,特作如下规定:

一、百花山、松山自然保护区均为森林和野生动物类型的市级自然保护区。

百花山自然保护区重点保护天然植被、地貌、动植物种资源和风景资源,使其逐渐恢复华北山区典型的自然面貌,成为科研和教学的基地。

松山自然保护区重点保护天然油松林、其他针阔叶林、山顶草甸和自然景观,使其成为保存山区动植物种资源和野外生态学研究的基地。

二、市林业局是本市森林和野生动物类型自然保护区的主管机关。松山国家级自然保护区由市林业局会同所在区、县人民政府共同管理;百花山市级自然保护区由所在区、县人民政府林业行政主管部门管理,所在区、县人民政府负责监督检查。日常工作分别由各自然保护区管理机构负责。

百花山、松山自然保护区的规划,由市林业局会同市科学技术委员会、市公安局、市城市规划管理局、市环境保护局和自然保护区所在区、县人民政府共同制定,由市林业局和所在区、县人民政府监督实施。

三、百花山自然保护区和松山自然保护区的范围,分别为门头沟区百花山林场和延庆县松山林场所辖的区域。

Interim Provisions of the People's Government of Beijing Municipality on Administration of Baihuashan and Songshan Nature Reserves

(Promulgated by Document Jing Zheng Fa No. 39 of the People's Government of Beijing Municipality on March 15, 1986, and revised in accordance with Decree No. 12 of the People's Government of Beijing Municipality on December 31, 1997)

The following provisions are formulated for the purpose of strengthening the management of Baihuashan and Songshan Nature Reserves in accordance with the Measures for Management of Nature Reserves of Forest and Species of Wildlife approved by the State Council and promulgated by the Ministry of Forestry in light of the specific conditions of the two nature reserves:

1. Baihuashan and Songshan Nature Reserves are municipal nature reserves of forest and species of wildlife.

Baihuashan Nature Reserve focuses on the protection of natural vegetation, landform, flora, fauna, and landscape resources, so that it gradually recovers the typical natural appearance of the mountain area in North China and becomes the base of scientific research and teaching.

Songshan Nature Reserve focuses on the protection of natural *pinus tabulaeformis* forest, other mixed broadleaf-conifer forest, mountaintop meadow and natural landscape, so that it becomes the base of conservation of mountain animal and plant species resources and field ecological research.

2. The Municipal Bureau of Forestry is the competent authority of the nature reserves of forest and species of wildlife in this Municipality. Songshan National Nature Reserve shall be subject to the joint management of the Municipal Bureau of Forestry and the people's government of the district or county where it is located; Baihuashan Municipal Nature Reserve shall be subject to the management of the competent department for forestry of the people's government of the district or county where it is located, and to the supervision and inspection of the people's government of the district or county where it is located. The management organizations of each nature reserve shall be in the charge of the daily work.

The planning of Baihuashan and Songshan Natural Reserves shall be jointly formulated by the Municipal Bureau of Forestry, together with the Municipal Science and Technology Commission, the Municipal Public Security Bureau, the Municipal Urban Planning Administration, the Municipal Environmental Protection Bureau and the people's governments of the district or county where the natural reserves are located, and shall be implemented under the supervision of the Municipal Bureau of Forestry and the people's government of the district or county where the natural reserves are located.

四、在自然保护区范围内，根据自然资源分布情况，划定核心区和实验区。

百花山自然保护区的核心区在台岭——秋林铺路以西至流动耩山梁；实验区在台岭——秋林铺路以东至幼芋沟北梁。

松山自然保护区的核心区在塘子沟内西坡以西至人头沟北梁，长虫东沟、冷风窝东沟以东；实验区在冷风窝东沟以西至大庄科村界以东。

五、核心区为自然保护区的重点保护地区，只供进行观测研究。凡需进入核心区从事观测研究的，必须经市林业局批准。

实验区供开展科学实验、考察、教学实习、引种驯化、培育珍稀动植物等研究活动。凡需进入实验区从事研究活动的，必须经市林业局批准；进行教学实验的，必须经自然保护区所在区、县人民政府批准。

经批准进入核心区、实验区从事上述研究活动的，必须遵守自然保护区的管理规定，并交纳保护管理费。收费办法由市林业局制订。

六、自然保护区管理所，可按照不破坏自然资源的原则，在核心区和实验区以外的自然保护区，划定一定范围，从事生产、生活活动。

七、加强自然保护区的管理。

（一）自然保护区内，禁止采伐树木；禁止狩猎、捕鸟、放牧；禁止开荒、开山采石、取土；禁止一切野外用火。

（二）核心区和实验区内，禁止旅游。

（三）核心区内，禁止采挖标本或种苗；禁止修建建筑物和设施。在核心区以外的自然保护区内，采挖标本或种苗的，必须经自然保护区所在区、县人民政府批准；修建建筑物或设施的，必须征得自然保护区所在区、县人民政府和市林业局、市环境保护局和公安消防部门同意，报市规划管理局批准。

（四）自然保护区周围，不准建立污染环境的工矿企业及设施，其范围由市环境保护局划定。

3. The areas under the administration of Baihuashan Forest Farm in Mentougou District and Songshan Forest Farm in Yanqing County respectively fall within the scope and boundaries of Baihuashan Nature Reserve and Songshan Nature Reserve.

4. Within the scope and boundaries of the nature reserves, the core area and experimental area are defined in light of the distribution of natural resources.

The core area of Baihuashan Nature Reserve is located to the west of Tailing - Qiulinpu Road to Liudongjiang Ridge; the experimental area is located to the east of Tailing - Qiulinpu Road to Youyugou North Ridge.

The core area of Songshan Nature Reserve is located to the west of the west slope of Tangzigou to Rentougou North Ridge, and to the east of Changchong Donggou and Lengfengwo Donggou; the experimental area is located to the west of Lengfengwo Donggou and to the east of Dazhuangke Village boundary.

5. The core area is the key protected area of the nature reserves, only for observation and research. Those who need to enter the core area for observation and research must obtain the approval of the Municipal Bureau of Forestry.

The experimental area is used for scientific experiment, investigation, teaching practice, introduction and domestication, cultivation of rare animals and plants and other research activities. Those who need to enter the experimental area for research activities must obtain the approval of the Municipal Bureau of Forestry; those who need to conduct teaching experiments must obtain the approval of the people's government of the district or county where the natural reserves are located.

Those who enter the core area and experimental area for the above research activities as approved must abide by the management regulations of the nature reserves and pay the protection and management fee. The charging method shall be formulated by the Municipal Bureau of Forestry.

6. According to the principle of not damaging natural resources, the management offices of the natural reserves may delimit a certain area of the natural reserves outside the core area and experimental area to engage in production and living activities.

7. The management of the nature reserves shall be strengthened.

(1) Within the nature reserves, the activities of felling trees, hunting, catching birds, grazing, land reclamation, cutting into mountains for quarrying, borrowing earth, or using fire in the open air are prohibited;

(2) Tourism is prohibited in the core and experimental areas;

(3) In the core area, it is forbidden to excavate specimens or seedlings, or erect buildings and facilities. In the nature reserves other than the core area, the excavation of specimens or seedlings must be subject to the approval of the people's government of the district or county where the nature reserves are located; the construction of buildings or facilities must be approved by the people's government of the district or county where the nature reserves are located, the Municipal Bureau of Forestry, the Municipal Environmental Protection Bureau and the public safety and fire department, and submitted to the Municipal Planning Administration for approval;

八、对违反本规定的单位和个人，给予下列处罚：

（一）未经批准擅自进入自然保护区的，由自然保护区管理机构责令改正，并根据情节轻重处以 100 元以上 5000 元以下罚款。

（二）擅自在自然保护区内修建建筑物和设施的，由规划管理部门依照规划管理的法律、法规予以处罚。

（三）在自然保护区内狩猎、放牧、捕鸟、开荒、开山采石、挖沙取土和擅自采挖标本、种苗、采药，致使自然资源受到破坏的，由所在区、县林业行政主管部门没收违法所得，责令停止违法行为，限期恢复原状或者采取其他补救措施，并可处以 300 元以上 1 万元以下的罚款。

（四）在自然保护区内违反野外用火规定的，依据国家和本市有关森林防火的规定处理。

（五）违反本规定给自然保护区造成损失的，由所在区、县林业行政主管部门责令赔偿损失。

（六）拒绝、阻碍自然保护区管理人员依法执行公务的，依照《北京市农村林木资源保护管理条例》第三十条的规定处理。

九、本规定执行中的具体问题，由市林业局负责解释。

十、本规定自 1986 年 4 月 15 日起施行。

(4) No industrial and mining enterprises and facilities that pollute the environment shall be established around the nature reserves, and the scope and boundaries shall be determined by the Municipal Environmental Protection Bureau.

8. The following penalties shall be imposed on any units and individuals that violate the Provisions:

(1) The units and individuals that enter the nature reserves without approval shall be ordered to make corrections and fined not less than 100 yuan but not more than 5,000 yuan depending on the circumstances by the management organizations of the natural reserves;

(2) The units and individuals that erect buildings and facilities in the nature reserves without authorization shall be punished by the planning management departments in accordance with the laws and regulations on planning management;

(3) The units and individuals that engage in the activities of hunting, grazing, catching birds, land reclamation, cutting into mountains for quarrying, excavating sand, borrowing earth, as well as excavating specimens, seedlings and herbs without authorization in the nature reserves, resulting in damages to natural resources, shall have their illegal gains confiscated, and be ordered to stop the illegal act, restore to the original state within a specified time limit, or take other remedial measures by the competent department for forestry in the district or county where the natural resources are located, and a fine of not less than 300 yuan but not more than 10,000 yuan may be imposed;

(4) The units and individuals that violate the regulations on the use of fire in the open air in the nature reserves shall be dealt with in accordance with the relevant regulations of the State and this Municipality on forest fire prevention;

(5) The units and individuals that violate the Provisions and cause losses to the nature reserves shall be ordered to make compensation for the losses by the competent department for forestry of the district or county where the natural reserves are located;

(6) The units and individuals that refuse or obstruct the performance of duties by the administrative personnel of the nature reserves according to law shall be dealt with in accordance with the provisions of Article 30 of the Regulations of Beijing Municipality on the Protection and Administration of Rural Forest Resources.

9. The Municipal Bureau of Forestry shall be responsible for the interpretation of the specific issues in the implementation of the Provisions.

10. The Provisions shall come into force as of April 15, 1986.

北京市限制销售、使用塑料袋 和一次性塑料餐具管理办法

(1999 年 3 月 31 日北京市人民政府第 25 号令发布)

第一条 为了加强本市环境治理,防治塑料袋和一次性塑料餐具污染环境,根据本市实际情况,制定本办法。

第二条 凡在本市行政区域内销售和在经营中使用塑料袋,以及生产、销售和在经营中使用一次性塑料餐具(以下简称塑料餐具)的单位和个体工商户,均须遵守本办法。

第三条 禁止销售和在经营中使用厚度在 0.025 毫米以下(含 0.025 毫米,下同)的塑料袋。

商业企业和生活消费品、生产资料市场(以下简称市场)中的经营者在经营中使用的塑料袋必须印有本企业或者所在市场的名称。

鼓励使用布制、纸制等可重复使用的购物袋。

第四条 市场开办单位应当加强对市场内的经营者销售和使用塑料袋情况的监督检查,并指定柜台或者摊位集中向市场内的其他经营者出售合格的塑料袋。非指定的柜台或者摊位不得擅自向市场内的其他经营者出售塑料袋。

第五条 塑料餐具的生产者、销售者和在经营中使用塑料餐具的经营者,对塑料餐具负有回收利用的责任。在本市销售塑料餐具的生产者必须设置回收塑料餐具的站点并采取回收利用的措施,达到市环境保护管理部门规定的回收率。

禁止在铁路车站、长途汽车站、机场、首都文明景区(点)和宾馆饭店销售、使用一次性发泡塑料餐具。

国家对塑料餐具的销售和使用另有规定的,按照国家有关规定执行。

第六条 对违反本办法有下列行为之一的,由工商行政管理部门予以处罚:

Measures of Beijing Municipality for Administration of Restricted Sale and Use of Plastic Bags and Disposable Plastic Tableware

(Promulgated by Decree No. 25 of the Beijing Municipal People's Government on March 31, 1999)

Article 1 In order to strengthen the city's environmental treatment, prevent and control environmental pollution by plastic bags and disposable plastic tableware, these Measures are formulated according to the city's actual situation.

Article 2 The units and individual industrialists and tradesmen that sell and use plastic bags in business and that produce, sell and use in business disposable plastic tableware (herein referred to as plastic tableware) in the city's administrative area must observe these Measures.

Article 3 Sale and use in business of plastic bags under 0.025mm (inclusive) thick are prohibited.

Commercial enterprises and operators in daily consumer goods and production means markets(hereinafter referred to as markets) must have their enterprise or market names printed on the plastic bags they use in business .

Use of shopping bags made of cloth and paper that may be used repeatedly is encouraged.

Article 4 Units that run markets shall strengthen supervision and inspection on sale and use of plastic bags by operators in the market and designate counters or stalls to sell plastic bags up to the standard to other operators in the market in a concentrated way. Non-designated counters or stalls may not arbitrarily sell plastic bags to other operators in the market .

Article 5 Producers and sellers of plastic tableware and operators who use plastic tableware in business shall bear responsibility for recycling plastic tableware. Producers selling plastic tableware in the city must set up outlets to collect plastic tableware and take measures for recycling to reach the rate of recovery set by the municipal environmental protection administration department .

Sale and use of disposable foamed plastic tableware are prohibited in the railway stations , long distance bus stations, airport, civilized scenic areas (spots) of the Capital, guesthouses and hotels .

Where there are other State provisions concerning sale and use of plastic tableware, such provisions shall apply .

Article 6 Violations of these Measures with any of the following actions shall be

（一）销售或者在经营中使用厚度在 0.025 毫米以下的塑料袋的，处 20 元以上 200 元以下罚款；情节严重的，处 200 元以上 2000 元以下罚款。

（二）商业企业和市场中的经营者在经营中使用未印有本企业或者所在市场名称的塑料袋的，处 50 元以上 1000 元以下罚款，并处市场开办单位 50 元以上 1000 元以下罚款。

（三）市场开办单位未指定柜台和摊位集中向市场内的其他经营者出售塑料袋的，处市场开办单位 50 元以上 1000 元以下罚款。

（四）非指定的柜台或者摊位擅自向市场内的其他经营者出售塑料袋的，处 50 元以上 1000 元以下罚款。

第七条 对违反本办法有下列行为之一的，由环境保护管理部门责令限期改正，并予以处罚：

（一）塑料餐具生产者未设置回收塑料餐具的站点、不采取回收利用措施的，处 500 元以上 5000 元以下罚款；情节严重的，处 5000 元以上 3 万元以下罚款。

（二）塑料餐具生产者对塑料餐具的回收未达到规定的回收率的，处 200 元以上 2000 元以下罚款；情节严重的，处 2000 元以上 2 万元以下罚款。

（三）在铁路车站、长途汽车站、机场、首都文明景区（站）和宾馆饭店销售、使用一次性发泡塑料餐具的，处 50 元以上 500 元以下罚款；情节严重的，处 500 元以上 5000 元以下罚款。

第八条 本办法自 1999 年 5 月 1 日起施行。

punished by industry and commerce administration departments :

(1) For sale or use in business of plastic bags under 0.025mm thick , a fine of not less than 20 yuan and not more than 200 yuan shall be imposed; in the serious case, a fine of not less than 200 yuan and not more than 2,000 yuan shall be imposed;

(2) Commercial enterprises and operators in markets using in business plastic bags without printing their enterprise or market names shall have fines imposed of not less than 50 yuan and not more than 1,000 yuan, and the units that run the markets shall have fines imposed of not less than 50 yuan and not more than 1,000 yuan;

(3) The market-running units that to designate counters or stalls to sell plastic bags to other operators in a concentrated way shall have fines imposed of not less than 50 yuan and not more than 1,000 yuan;

(4) Non-designated counters or stalls that arbitrarily sell plastic bags to other operators shall have fines imposed of not less than 50 yuan and not more than 1,000 yuan.

Article 7 Violations of these Measures with any of the following actions shall be ordered to make corrections and be punished by the environmental protection administration departments:

(1) Producers of plastic tableware that fail to set up outlets to collect plastic tableware and fail to take measures for recycling shall have fines imposed of not less than 500 yuan and not more than 5,000 yuan; in the serious case, a fine of not less than 5,000 yuan and not more than 30,000 yuan shall be imposed;

(2) Producers of plastic tableware that fail to reach the rate of recovery as required shall have fines imposed of not less than 20 yuan and not more than 2,000 yuan; in the serious case, a fine of not less than 2,000 yuan and not more than 20,000 yuan shall be imposed;

(3) For sale and use of disposable foamed plastic tableware in the railway stations, long distance bus stations, airport, civilized scenic areas(spots) of the Capital, guesthouses and hotels shall have a fine imposed of not less than 50 yuan and not more than 500 yuan; for the serious case, a fine of not less than 500 yuan and not more than 5,000 yuan shall be imposed .

Article 8 These Measures shall become effective as of May 1, 1999.

北京市环境噪声污染防治办法

(2006年11月27日北京市人民政府第181号令公布)

第一章 总 则

第一条 为防治环境噪声污染,保护和改善生活环境,根据《中华人民共和国环境噪声污染防治法》,结合本市实际情况,制定本办法。

第二条 本办法适用于本市行政区域内环境噪声污染的防治。

第三条 区、县人民政府对本行政区域内声环境质量负责。

市和区、县环境保护行政主管部门对本行政区域内环境噪声污染防治实施统一监督管理。

公安部门负责对社会生活噪声和机动车噪声污染防治实施监督管理。

道路行政主管部门负责对道路、城市轨道交通噪声污染防治实施监督管理。

质量技术监督行政主管部门对工业产品、设备标准中规定的噪声限值实施监督管理。

铁路、民航行政主管部门依据各自职责分别对火车、民用航空器噪声污染防治实施监督管理。

规划、建设、工商、文化等部门依据各自职责对环境噪声污染防治进行监督管理。

第四条 居民委员会、村民委员会应当协助政府及相关部门对居住区噪声污染实施监督管理,调解邻里之间因噪声产生的纠纷。

第五条 任何单位和个人都有保护环境不受噪声污染的义务,并有权对产生环境噪声污染的单位和个人进行投诉、举报。

Measures of Beijing Municipality for Prevention and Control of Environmental Noise Pollution

(Promulgated by Decree No.181 of the People's Government of Beijing Municipality on November 27, 2006)

Chapter I General Provisions

Article 1 These Measures are formulated for the purposes of preventing and controlling environmental noise pollution, protecting and improving the living environment in accordance with the Law of the People's Republic of China on Prevention and Control of Environmental Noise Pollution and in light of the actual circumstances of this Municipality.

Article 2 These Measures apply to prevention and control of environmental noise pollution in the administrative area of this Municipality.

Article 3 The people's governments at the district or county level shall be responsible for the acoustic environmental quality within their respective administrative areas.

The competent administrative departments for environmental protection at the municipal and the district or county levels shall exercise unified supervision and administration of the prevention and control of environmental noise pollution within their respective administrative areas.

The departments for public security shall be responsible for exercising supervision and administration of the prevention and control of noise pollution by motor vehicles and social activities.

The competent administrative departments for roads shall be responsible for exercising supervision and administration of the prevention and control of noise pollution by road and city rail transportation.

The competent administrative department for quality and technical supervision shall be responsible for exercising supervision and administration of the noise level limits stipulated in the standards of industrial products or equipment.

The competent administrative departments for railways and civil aviation shall, according to their respective functions and duties, exercise supervision and administration of the prevention and control of noise pollution by trains and civil aircrafts respectively.

The departments of planning, construction, industry and commerce, culture, etc. shall, according to their respective functions and duties, carry out supervision and administration of the prevention and control of environmental noise pollution.

Article 4 The residents' committees and the villagers' committees shall assist the governments and relevant departments in exercising supervision and management of the prevention and control of environmental noise pollution in residential areas and mediating disputes among neighbors arising from noise pollution.

Article 5 All units and individuals shall have the obligation to protect the environment from noise pollution and have the right to complain about or exercise any unit or individual that produces environmental noise pollution.

第二章 环境噪声污染防治的监督管理

第六条 区、县人民政府应当根据城市规划和声环境质量标准，划定本行政区域内各类声环境质量标准的适用区域，并向社会公告，同时报市环境保护行政主管部门备案。

机场周围飞机噪声环境标准适用区域由市环境保护行政主管部门会同市有关行政主管部门和相关区、县人民政府划定，报市人民政府批准后实施。

第七条 规划行政主管部门在确定建设布局时，应当依据国家和本市声环境质量标准和民用建筑隔声设计规范，合理划定建筑物与交通干线的防噪声距离，并提出相应的规划设计要求。

第八条 新建、改建、扩建可能产生噪声污染的建设项目，应当遵守国家有关建设项目环境保护管理的规定，并在申请环境影响评价审批前征求所在区域居民和单位的意见。

第九条 新建民用建筑对外部环境噪声隔声质量及配套的供水、供热、电梯、通风等公用设施的隔声质量，应当符合国家和本市有关标准。

规划行政主管部门应当加强对建筑隔声设计质量的强制性标准执行情况的监督；建设行政主管部门应当加强对建筑隔声施工质量的强制性标准执行情况的监督。

第十条 对于在噪声敏感建筑物集中区域内造成严重环境噪声污染的企业事业单位，责令限期治理。被限期治理的单位应当按期完成治理任务。

对小型企业事业单位的限期治理，由区、县环境保护行政主管部门决定。限期治理期间，可以责令被限期治理的单位停止使用产生噪声污染的设备、设施或者限制设备、设施运行时间。

第十一条 居民住宅楼内不得设置可能产生噪声污染的餐饮和娱乐场所。

销售新建居民住宅的，房地产开发企业应当明示所销售住宅的建筑隔声情况及所

Chapter II Supervision And Administration Of The Prevention And Control Of Environmental Noise Pollution

Article 6 The people's governments at the district or county level shall, in accordance with the city planning and the standards for acoustic environmental quality, divide their respective administrative areas into different zones for application of different standards for acoustic environmental quality, and make the matter public to the society and at the same time submit it to the competent administrative department for environmental protection at the municipal level for the record.

The zones subject to the environment standards of aircraft noise in the surrounding area of the airports shall be demarcated by the competent administrative department for environmental protection at the municipal level together with the relevant administrative departments at the municipal level and related people's governments at the district or county level, and such demarcation shall come into force after being reported to and approved by the Municipal People's Government.

Article 7 When determining the layout of building, the competent administrative departments of planning shall, in accordance with the national and municipal standards for acoustic environmental quality and the sound insulation design standards for civil architecture, decide on the rational distance between the structures and the track trunk lines in order to keep the structures away from noises as well as raising requirements on planning and design accordingly.

Article 8 Anyone who intends to carry out a construction, renovation or expansion project which might cause environmental noise pollution shall observe the provisions of the State governing environmental protection for such projects, and solicit the comments and suggestions of the units and residents in the place where the construction project is located before applying for examination and approval of the evaluation of environment effects.

Article 9 The sound insulation quality of the newly constructed civil buildings against the external environment and that of its necessary water and heat supplying facilities, electric lifts, ventilation facilities and other public facilities must conform to the relevant standards of the State and this municipality.

The competent administrative departments of planning shall strengthen supervision over implementation of compulsory standards of the design quality of noise insulation; and the competent administrative departments of construction shall strengthen supervision over implementation of compulsory standards of the construction quality of noise insulation.

Article 10 Any enterprise or institution that produces serious environmental noise pollution in an area where noise-sensitive structures are concentrated shall be ordered to control the pollution within a prescribed time limit. The unit that is ordered to control pollution within a prescribed time limit shall accomplish the task on schedule.

In the case of a small enterprise or institution, the decision on controlling pollution within a prescribed time limit shall be made by the competent administrative department for environmental protection at the district or county level. Within the prescribed time limit for pollution control, the unit that is ordered to control the pollution within a prescribed time limit may be ordered to stop using noise-producing equipment or facilities or limit such equipment or facilities' operation time.

Article 11 Places for catering and entertainment that probably produce noise pollution shall not be set up in any residential buildings.

The real estate enterprises shall, when selling newly constructed residential houses, indicate the sound insulation condition of the houses they are selling and the sound

在地声环境状况。

第十二条 环境保护行政主管部门有权对排放环境噪声的单位进行环境噪声污染防治现场检查。现场检查时发现设备、设施产生严重噪声污染的，可以责令停止使用该设备、设施或者限制设备、设施运行时间。被检查单位应当停止或者按照规定时间使用该设备、设施。

被检查的单位应当如实反映环境噪声污染防治情况，并提供必要的环境噪声污染防治资料。

第十三条 环境保护行政主管部门进行环境噪声污染防治现场检查时，应当出示有效执法证件，并为被检查者保守技术秘密和商业秘密。

第十四条 环境保护行政主管部门和其他负有噪声污染防治监督管理的部门应当向社会公布本部门负责受理噪声污染投诉、举报的机构名称及其联系方式。

第三章 施工噪声污染防治

第十五条 施工作业向周围生活环境排放噪声的，建设单位应当采取有效的噪声污染防治措施，使排放的噪声符合国家规定的施工场界环境噪声排放标准。采取噪声污染防治措施所需的费用列入工程造价。

第十六条 施工单位应当制定施工现场噪声污染防治管理制度并公告，把产生噪声的设备、设施布置在远离居住区的一侧。

第十七条 中考、高考期间及市人民政府规定的其他特殊时段内，除抢修抢险外禁止在噪声敏感建筑物集中区域内从事产生噪声的施工作业。

第十八条 噪声敏感建筑物集中区域内，禁止在夜间进行产生噪声污染的施工作业。但国家和本市重点工程、抢修抢险作业和因生产工艺要求以及其他特殊需要必须连续作业的除外。

国家和本市重点工程、因生产工艺要求或者其他特殊需要，确需在夜间进行施工

environment of the places where the houses are located.

Article 12 The competent administrative departments for environmental protection shall have the power to conduct on-the-spot inspection of the prevention and control of noise pollution by the units that emit environmental noise. When discovering that the equipment or facilities emit serious noise during on-the-spot inspection, they may order the units to stop using such equipment or facilities or limit their operation time. The units under inspection shall stop using or use such equipment or facilities within the prescribed time limit.

The units under inspection shall give a true account of the actual situation of the prevention and control of environmental noise pollution and provide the necessary information of prevention and control of environmental noise pollution.

Article 13 The competent administrative departments for environmental protection shall produce the valid credentials for law enforcement when conducting on-the-spot inspection of the prevention and control of environmental noise pollution and keep confidential the technological and business secrets of the units under inspection.

Article 14 The competent administrative departments for environmental protection and other departments responsible for supervision and administration of the prevention and control of noise pollution shall make public to the society the name of the agencies within their respective departments responsible for accepting the complaints or reports of noise pollution and the modes of contact thereof.

Chapter III Prevention And Control Of Construction Noise Pollution

Article 15 Where the construction operation might emit noise to the living environment of the neighborhood, the construction units shall take effective measures for prevention and control of environmental noise and keep the noise emitted in conformity with the standards set by the State on the emission of environmental noise within the boundary of a construction site. The expenses necessary for taking measures for prevention and control of noise pollution shall be incorporated into the project cost.

Article 16 The construction units shall formulate and make public the management systems for prevention and control of noise pollution within the construction sites and place the noise-producing equipment or facilities on the side far away from the residential areas.

Article 17 During the periods of secondary school or university entrance examination and other special time period set by the Municipal People's Government, any construction operation that produces environmental noise is forbidden in the areas where noise-sensitive structures are concentrated with the exception of rush repairs or rescue operation.

Article 18 In the areas where noise-sensitive structures are concentrated, any construction operation that produces environmental noise is forbidden at night, with the exception of the national and municipal key projects, rush repairs, rescue operation or continued operation required by production techniques or by special needs.

Where there is a real need to carry out construction operation at night due to the national and municipal key project, the requirements of production techniques or other special needs, an approval document permitting night operation shall be obtained from the

作业的，应当取得工程所在地建设行政主管部门核发的准予夜间施工的批准文件。

第十九条 进行夜间施工作业的，应当向周围居民公告。公告内容包括：施工项目名称、施工单位名称、夜间施工批准文号、夜间施工起止时间、夜间施工内容、工地负责人及其联系方式、监督电话等。

第四章 交通噪声污染防治

第二十条 新建、改建、扩建的高速路、快速路、主干路、城市高架路、铁路和城市轨道，经过已有的噪声敏感建筑物集中区域时，应当采取噪声污染防治措施。采取噪声污染防治措施所需的费用列入工程造价。

第二十一条 在已有的道路、铁路、城市轨道两侧建设噪声敏感建筑物的，建设单位应当采取必要的噪声污染防治措施。使噪声敏感建筑物室内声环境质量符合国家规定的标准。

第二十二条 本市在用机动车辆噪声排放，应当符合国家规定的在用机动车辆噪声排放标准。

在用机动车辆消声器及其他防治噪声污染的设备应当正常使用，禁止改装、拆除或者闲置。

除特种车辆外禁止安装使用外挂式音响设备。特种车辆装有外挂式音响设备的，应当按照规定使用。

第二十三条 公安部门可以根据需要在居民住宅区周边划定限制车辆夜间通行的路段和禁止鸣笛的区域，明确限制通行和禁止鸣笛的时段。

第二十四条 设置机动车停车场、候车站的，应当合理选择位置或者采取其他有效措施，减轻车辆产生的噪声对周围生活环境的影响。

第二十五条 铁路机车在本市建成区内行驶时，应当按照国家和本市有关规定限制鸣笛。

第二十六条 有关部门在制定机场飞行程序时，应当考虑噪声影响，尽量避开噪声敏感建筑物集中区域。

competent administrative department of construction the place where the project is located.

Article 19 Whichever intends to carry out construction operation at night shall make an announcement to the residents in the neighborhood. The contents of the announcement shall include the name of the construction project, the name of the construction unit, the number of the approval document permitting night operation, the starting and ending time of night construction, the contents of night construction, the name of the person in charge of the construction site and the mode of contact thereof, the telephone number for supervision, etc..

Chapter IV Prevention And Control Of traffic Noise Pollution

Article 20 For construction, renovation or expansion of highways, expressways, trunk road, urban overhead ways, railways and city rails that traverse areas where there are concentrated noise-sensitive structures, the measures for prevention and control of noise pollution shall be taken. The expenses necessary for taking measures for prevention and control of noise pollution shall be incorporated into the project cost.

Article 21 To build noise-sensitive structures on both sides of existing roads, railways and city rails, the construction units shall take necessary measures for prevention and control of noise pollution to enable the indoor acoustic environmental quality of the noise-sensitive structures to meet the standards set by the State.

Article 22 The emission of noise by the motor vehicles being used in this Municipality must conform to the standards on emission of noise by motor vehicles set by the State.

Mufflers and other equipment for prevention and control of noise pollution of the motor vehicles being used shall be kept in normal use and it is forbidden to alter or dismantle them, or keep them idle.

It is forbidden to equip the motor vehicles with any external sound equipment except the vehicles for special use. The vehicles for special use equipped with any external sound equipment shall be used in accordance with provisions.

Article 23 The departments for public security may, if necessary, demarcate the road sanctions where vehicles are restricted to pass through at night and no horn areas in the neighborhood of the residential areas and specify the time period for restricted flow of traffic and prohibited sounding of horns.

Article 24 For setting up parking areas or waiting stations, locations shall be selected in a rational way or other effective measures be taken to lessen the effect of noise produced by vehicles on the living environment of the neighborhood.

Article 25 When passing through the urban areas of this Municipality, the railway locomotives shall limit the sounding of horns in accordance with the relevant provisions of the State and this Municipality.

Article 26 When formulating the flight procedures in airports, the relevant department shall take the effect of noise into account and do its best to make the flights avoid the areas where noise-sensitive structures are concentrated.

民用航空器起飞、降落或者低空飞行时，应当遵守规定的飞行程序。

第二十七条 在飞机噪声环境标准适用区域内建设建筑物的，应当执行相应标准适用区域的规定。

第五章 社会生活噪声污染防治

第二十八条 禁止任何单位和个人在噪声敏感建筑物集中区域使用干扰他人的音响器材。但属于下列情况者，允许在一定时间内使用，并控制音量：

- （一）经依法批准的大型社会活动；
- （二）课、工间操；
- （三）抢险救灾等紧急情况。

禁止商业经营活动在室外使用音响器材或者采用其他发出噪声的方法招揽顾客，干扰周围生活环境。

第二十九条 在街道、广场、公园等公共场所组织娱乐、集会等活动，使用家用电器、乐器及其他音响器材的，应当控制音量，避免干扰周围生活环境。

第三十条 加工、维修、餐饮、娱乐、健身、超市及其他商业服务业经营者应当采取有效措施，防止生产经营活动产生噪声干扰周围生活环境。

第三十一条 在商业经营活动中使用空调器、冷却塔等可能产生环境噪声污染的设备、设施的，其经营管理者应当采取有效措施，使其边界噪声符合国家规定的环境噪声排放标准。

第三十二条 本市生产、销售的机动车防盗报警器应当符合国家规定的标准。

本市机动车辆不得安装使用不符合标准的机动车防盗报警器。

市质量技术监督行政主管部门对发现的不符合标准的机动车防盗报警器，应当向社会公布。

第三十三条 在噪声敏感建筑物集中区域内，设置或者解除机动车警戒或者寻车时，不得产生噪声。

机动车防盗报警器以鸣响方式报警后，使用者应当及时处理，避免长时间鸣响干

The civil aircrafts shall comply with the statutory flight procedures when taking off, landing or flying in low altitude.

Article 27 The construction of structures in the zones subject to the environment Standards of aircraft noise shall comply with the provisions on the zones subject to the corresponding standards.

Chapter V Prevention And Control Of Pollution By Noise Of Social Activities

Article 28 All units and individuals are forbidden to use any audio apparatus that may disturb others in the areas where noise-sensitive structures are concentrated. However, under the following circumstances, the audio apparatus may be used, within a certain time period and the sound volume shall be kept under control:

- (1) Large-scale social activities approved according to law;
- (2) Class-break or work-break exercises; or
- (3) Such emergency circumstances as rescue operation or disaster relief.

In commercial activities, it is forbidden to use audio apparatus or adopt other noise-emitting methods outdoor for attracting customers impairing the living environment of the neighborhood.

Article 29 Where household appliances, musical instruments or other audio apparatus are used for entertainment, gathering or other activities arranged and held at such public places as streets, squares or parks, the sound volume shall be kept under control to avoid impairing the living environment of the neighborhood.

Article 30 Business operators of processing, maintenance, catering, entertainment, body-building exercises, supermarket and other commercial services shall take effective measures to prevent the noise emitted from production and operation from impairing the living environment of the neighborhood.

Article 31 When using such equipment and facilities as air conditioners and cooling towers in commercial activities that might produce environmental noise pollution, the operators and managers shall take effective measures to keep the noise at the boundary in conformity with the standards set by the State on emission of environmental noise.

Article 32 The theft prevention alarming sirens for motor vehicles produced or sold in this Municipality shall conform to the standards set by the State.

No motor vehicles in this Municipality may be equipped with or use any theft prevention alarming sirens for motor vehicles that do not conform to the standards set by the State.

The municipal administrative department for quality and technical supervision shall make known to the society that any left prevention alarming sirens for motor vehicles are found not in conformity with the standards.

Article 33 For taking or dissolving guarding measures against motor vehicles or looking for cars in the areas where noise-sensitive structures are concentrated, no noise may be produced.

After the theft prevention alarming sirens for motor vehicles give out alarming,

扰周围生活环境。

第三十四条 使用家用电器、乐器或者进行其他室内娱乐活动的，应当控制音量或者采取其他有效措施，避免干扰周围生活环境。

第三十五条 法定休息日、节假日全天及工作日 12 时至 14 时、18 时至次日 8 时，禁止在已竣工交付使用的居民住宅楼内进行产生噪声的装修作业。在其他时段内进行装修作业的，应当采取措施，减轻对周围生活环境的干扰。

在已竣工交付使用的其他建筑内进行装修作业的，应当采取措施，减轻对周围生活环境的干扰。

第六章 法律责任

第三十六条 违反本办法第十条第一款规定，未完成治理任务的，由环境保护行政主管部门处 3 万元以下罚款；情节严重的，由市或者区、县人民政府依法责令停业、搬迁、关闭。

第三十七条 违反本办法第十二条第一款规定，被检查单位未停止或者未按照规定时间使用产生严重噪声污染的设备、设施的，由环境保护行政主管部门处 3 万元以下罚款。

第三十八条 违反本办法第十六条规定，施工单位未制定施工现场噪声污染防治管理制度，未把产生噪声的设备、设施布置在远离居住区一侧的，由城市管理综合执法部门责令改正，并可处 1 万元以上 3 万元以下罚款。

第三十九条 违反本办法第十七条规定，中考、高考期间以及市人民政府规定的其他特殊时段在噪声敏感建筑物集中区域内从事产生噪声的施工作业的，由城市管理综合执法部门责令停止违法行为，并处 1 万元以上 3 万元以下罚款。

第四十条 违反本办法第十八条第二款规定，未取得夜间施工批准文件进行夜间

the users shall deal with it promptly to avoid long-time alarming impairing the living environment of the neighborhood.

Article 34 Whoever uses household appliances or musical instruments or holds other indoor entertainment activities shall keep the sound volume under control or take other effective measures to avoid impairing the living environment of the neighborhood.

Article 35 Indoor decoration and refitting operation that might produce noise is forbidden in a residential building that is already completed and delivered for use in the whole day during the statutory rest days, the public holidays and the time period from 12 o'clock to 14 o'clock as well as from 18 o'clock to 8 o'clock of the next day during the working days. Whoever intends to carry out decoration and refitting operation during other time period shall take measures to mitigate the disturbance of the living environment of the neighborhood.

Whoever intends to carry out decoration and refitting operation in other buildings that are already completed and delivered for use shall take measures to mitigate the disturbance of the living environment of the neighborhood.

Chapter VI Legal Liability

Article 36 A unit which, in violation of the provisions of the first paragraph of Article 10 of these Measures, fails to put the pollution under control, shall be fined not more than 30,000 yuan by the competent administrative department for environmental protection; where the circumstances are serious, it shall be ordered to stop business, relocate or close down by the people's government at the municipal or the district or county level.

Article 37 A unit under inspection which, in violation of the provisions of the first paragraph of Article 12 of these Measures, fail to stop using or to use the equipment or facilities that emit serious noise pollution within the prescribed time period, shall be fined not more than 30,000 yuan by the competent administrative department for environmental protection.

Article 38 A construction unit which, in violation of the provisions of Article 16 of these Measures, fail to formulate the management systems for prevention and control of noise pollution within the construction sites or to place the noise-producing equipment or facilities on the side far away from the residential areas, shall be ordered to make corrections and may simultaneously be fined not less than 10,000 yuan but not more than 30,000 yuan by the department of comprehensive law enforcement in urban administration.

Article 39 A unit which, in violation of the provisions of Article 17 of these Measures, carries out construction operation that produces environmental noise during the periods of secondary school or university entrance examination and other special time period set by the Municipal People's Government in the areas where noise-sensitive structures are concentrated, shall be ordered to stop its illegal acts and simultaneously be fined not less than 10,000 yuan but not more than 30,000 yuan by the department of comprehensive law enforcement in urban administration.

Article 40 A unit which, in violation of the provisions of the second paragraph of Article 18 of these Measures, carries out construction operation at night without obtaining

施工的，由城市管理综合执法部门责令停止违法行为，并处1万元以上3万元以下罚款。

第四十一条 违反本办法第十九条规定，进行夜间施工作业未向周围居民公告相关内容的，由城市管理综合执法部门责令改正，并处1000元以上5000元以下罚款。

第四十二条 违反本办法第三十条规定，加工、维修、餐饮、娱乐、健身、超市及其他商业服务业经营者未采取有效措施，生产经营活动产生噪声干扰周围生活环境的，由环境保护行政主管部门责令改正；拒不改正的，处3万元以下罚款。

第四十三条 违反本办法规定，有下列行为之一的，由公安部门给予警告，警告后不改正的，处200元以上500元以下罚款：

（一）在噪声敏感建筑物集中区域使用干扰周围生活环境的音响器材；

（二）商业经营活动在室外使用音响器材或者采用其他发出噪声的方法招揽顾客，干扰周围生活环境的；

（三）在街道、广场、公园等公共场所组织娱乐、集会等活动，使用音响器材，产生噪声干扰周围生活环境的；

（四）未按照本办法第三十三条第二款规定及时处理，机动车防盗报警器长时间鸣响，干扰周围生活环境的；

（五）未按照本办法第三十四条规定控制音量或者采取措施，从家庭室内发出噪声干扰周围生活环境的；

（六）未按照本办法第三十五条规定进行装修作业，干扰周围生活环境的。

第四十四条 违反本办法，按照规划、建设、工商、文化、交通、质量技术监督等有关法律、法规、规章规定应当予以处理的，由有关部门依法处理。

第四十五条 受到环境噪声污染危害的单位和个人，有权要求加害人排除危害；造成损失的，有权要求依法赔偿。

赔偿责任和赔偿金额的纠纷，可以根据当事人的请求，由环境保护行政主管部门或者其他环境噪声污染防治工作的监督管理部门、机构及人民调解委员会调解处

an approval document permitting night operation, shall be ordered to stop illegal acts and simultaneously be fined not less than 10,000 yuan but not more than 30,000 yuan by the department of comprehensive law enforcement in urban administration.

Article 41 A unit which, in violation of the provisions of Article 19 of these Measures, carries out construction operation at night without making an announcement of the corresponding contents to the residents in the neighborhood, shall be ordered to make corrections and simultaneously be fined not less than 1,000 yuan but not more than 5,000 yuan by the department of comprehensive law enforcement in urban administration.

Article 42 A business operator of processing, maintenance, catering, entertainment, body-building exercises, supermarket and other commercial services, which in violation of the provisions of Article 30 of these Measures, fail to take effective measures resulting in noise from production and operation impairing the living environment of the neighborhood, shall be ordered to make corrections by the competent administrative department for environmental protection; whoever refuses to make such corrections shall be fined not more than 30,000 yuan.

Article 43 Whoever, in violation of the provisions of these Measures, commits any one of the following acts, shall be given a warning by the department for public security and whoever fails to make corrections after being given a warning shall be fined not less than 200 yuan but not more than 500 yuan:

(1) using any audio apparatus that may impair the living environment of the neighborhood in the areas where noise-sensitive structures are concentrated ;

(2) in commercial activities, using audio apparatus or adopting other noise-emitting methods outdoor for attracting customers impairing the living environment of the neighborhood ;

(3) using audio apparatus for entertainment, gathering or other activities arranged or held at such public places as streets, squares or parks resulting in producing noise impairing the living environment of the neighborhood;

(4) failing to promptly deal with the long-time alarming of the theft prevention alarming sirens for motor vehicles in accordance with the provisions of the second paragraph of Article 33 of these Measures resulting in impairing the living environment of the neighborhood;

(5) failing to keep the sound volume under control or take effective measures in accordance with the provisions of Article 34 of these Measures resulting in producing noise impairing the living environment of the neighborhood; or

(6) failing to carry out decoration and refitting operation in accordance with the provisions of Article 35 of these Measures resulting in impairing the living environment of the neighborhood.

Article 44 Those who, in violation of these Measures provisions, shall be handled in accordance with the provisions on planning, construction, industry and commerce, culture, communications, quality and technical supervision, etc., shall be handled by relevant departments.

Article 45 Any unit or individual suffering from the hazards of environmental noise pollution shall have the right to demand the polluter to eliminate the hazard; if a loss has been caused, it shall have the right to require compensation according to law.

Any dispute over the liability for losses or over the amount of compensation may, at the request of the parties concerned, be mediated by the competent administrative department for environmental protection or any other supervisory and administrative department

理；调解不成的，当事人可以向人民法院起诉。当事人也可以直接向人民法院起诉。

第四十六条 有环境噪声污染防治监督管理职责的行政机关及其工作人员不依法履行环境噪声污染防治监督管理职责，造成严重后果的，由其上级行政主管部门或者监察机关责令改正，对直接负责的主管人员和其他直接责任人依法给予行政处分；构成犯罪的，依法追究刑事责任。

第七章 附 则

第四十七条 本办法自 2007 年 1 月 1 日起施行。1984 年 3 月 8 日市人民政府发布、1997 年 12 月 31 日市人民政府修改的《北京市环境噪声管理暂行办法》同时废止。

or institution in charge of prevention and control of environmental noise or the people's mediation commission; if such mediation fails, the parties concerned may bring a lawsuit in a people's court. The parties concerned may also directly bring a lawsuit in a people's court.

Article 46 The administrative agencies with the functions and duties of prevention and control of environmental noise and their working staff, which fail to perform the functions and duties of prevention and control of environmental noise according to law causing serious results, shall be ordered to make corrections, and the directly responsible person in charge and other directly responsible person shall be given the administrative sanctions by the competent administrative authority at the higher level or the supervision agency; where a crime is constituted, criminal liability shall be investigated for according to law.

Chapter VII Supplementary Provisions

Article 47 These Measures shall be effective as of January 1, 2007. The Interim Measures of Beijing Municipality for Administration of Environmental Noise promulgated by the People's Government of Beijing Municipality on March 8, 1984 and amended by the People's Government of Beijing Municipality on December 31, 1997 shall be repealed simultaneously.

（七）灾害防御

北京市实施《中华人民共和国防洪法》办法

（2001年5月18日北京市第十一届人民代表大会常务委员会第二十六次会议通过 根据2018年3月30日北京市第十五届人民代表大会常务委员会第三次会议通过的《关于修改〈北京市大气污染防治条例〉等七部地方性法规的决定》修正 根据2019年7月26日北京市第十五届人民代表大会常务委员会第十四次会议通过的《关于修改〈北京市河湖保护管理条例〉〈北京市农业机械化促进条例〉等十一部地方性法规的决定》修正）

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第一章 总 则

第一条 为了实施《中华人民共和国防洪法》（以下简称《防洪法》），结合本市实际情况，制定本办法。

第二条 本市防洪工作实行全面规划、统筹兼顾、预防为主、综合治理、局部利益服从全局利益和防汛与抗旱相结合的原则，兴利除害，确保首都安全。

第三条 本市应当加强永定河、潮白河、北运河等主要排洪河道、大中型水库、

vii. Disaster Prevention

Measures of Beijing Municipality for Implementing the Flood Control Law of the People's Republic of China

(Adopted at the 26th Meeting of the Standing Committee of the 11th People's Congress of Beijing Municipality on May 18, 2001, revised in accordance with the Decisions on Revising Seven Local Regulations including the "Regulations of Beijing Municipality on the Prevention and Control of Air Pollution" adopted at the 3rd Meeting of the Standing Committee of the 15th People's Congress of Beijing Municipality on March 30, 2018, and revised in accordance with the Decisions on Revising Eleven Local Regulations including the "Regulations of Beijing Municipality on the Protection and Administration of Rivers and Lakes" and the "Regulations of Beijing Municipality on the Promotion of Agricultural Mechanization" adopted at the 14th Meeting of the Standing Committee of the 15th People's Congress of Beijing Municipality on July 26, 2019)

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Chapter I General Provisions

Article 1 The Measures are formulated for the purpose of implementing the Flood Control Law of the People's Republic of China (hereinafter referred to as the Flood Control Law) in light of the actual circumstances of this Municipality.

Article 2 In the flood control work of this Municipality, the principles of unified planning, overall consideration, focusing on prevention, integrated measures for treatment, subordinating local interests to general interests and combination of flood control with drought fighting shall be applied to derive benefits and eliminate damage, so as to ensure the safety of the capital.

Article 3 This Municipality shall strengthen the flood control work in such main flood-draining river courses as the Yongding River, Chaobai River and Beiyun River, in large

泥石流易发区和规划市区等重点区域的防洪工作，防御、减轻洪涝灾害，维护人民的生命和财产安全，保障社会主义现代化建设顺利进行。

第四条 各级人民政府应当加强对防洪工作的统一领导，组织有关部门、单位，动员社会力量，开展全民防洪教育，普及防洪知识，提高水患意识，依靠科技进步，有计划地治理河流、湖泊，建设防洪工程，并加强防洪工程的维护和管理，建立并完善防洪体系和水文、气象、通信、预警以及洪涝灾害监测系统，巩固和提高防洪能力，确保安全。

根据防洪规划，防洪工程设施建设项目纳入年度国民经济和社会发展规划，所需费用纳入市和区财政预算。

第五条 市和区水行政主管部门在本级人民政府的领导下，负责本行政区域内防洪的组织、协调、监督、指导等日常工作。

住房城乡建设、规划自然资源、城市管理等部门和其他有关部门按照各自的职责分工，负责有关的防洪工作。

第六条 任何单位和个人都有保护防洪工程设施和依法参加防汛抗洪的义务，并有权劝阻和检举破坏防洪工程设施的行为。

在防洪工作中做出突出贡献的单位和个人，由各级人民政府或者有关部门给予表彰和奖励。

第二章 防洪规划

第七条 市和区人民政府应当依据国民经济和社会发展规划，按照城市防洪的要求编制防洪规划。防洪规划是防治洪涝灾害、河流和湖泊治理、防洪工程设施建设以及城市基础设施建设的基本依据。

全市防洪规划应当服从海河流域防洪规划。区防洪规划应当服从所在流域防洪规划和全市防洪规划。河流、湖泊防洪规划应当服从所在流域防洪规划。

and medium-sized reservoirs, in the areas where mud-rock flows easily occur, in the areas under city planning or other key areas, so as to control floods, guard against and mitigate damage done by floods and water-logging, preserve the safety of people's lives and property, and ensure the smooth progress of the socialist modernization construction.

Article 4 The people's governments at various levels shall strengthen the unified leadership over flood control, organize relevant departments and units, mobilize the general public, conduct flood control education for all people, disseminate the knowledge of flood control, enhance the awareness of the danger of inundation, rely on the achievements in science and technology, harness rivers and lakes in a planned way, and construct flood control projects, and shall strengthen the maintenance and management of flood control projects, set up and improve the flood control system and the systems of hydrology, meteorology, telecommunications, pre-warning, and monitoring of flood and water-logging disasters, consolidate and increase the flood control capacity, so as to ensure the safety.

In light of the plans for flood control, constructions of projects and facilities for flood control shall be incorporated into annual plans for national economy and social development, and the expenditures therefor shall be incorporated into the municipal and district fiscal budgets.

Article 5 The municipal and district competent departments for water shall, under the leadership of the people's governments at the corresponding levels, be responsible for the daily work in the way of organizing, coordinating, supervising and giving guidance to flood control within their respective administrative areas.

The departments for housing and urban-rural development, planning and natural resources and city management and other relevant departments shall, within their respective duties and functions, be responsible for the relevant work for flood control.

Article 6 Any unit and individual shall be obliged to protect the projects and facilities for flood control and join in efforts to control and fight floods according to law, and shall have the right to dissuade and report any act of damaging the projects and facilities for flood control.

The units and individuals that have made outstanding achievements in the work of flood control shall be commended and rewarded by the people's governments at various levels or the relevant departments.

Chapter II Plans for Flood Control

Article 7 The municipal and district people's governments shall, on the basis of the plans for national economic and social development and in light of the requirements for flood control in this Municipality, formulate flood control plans. Flood control plans shall provide the basis for the prevention and control of flood and water-logging disasters, the harnessing of rivers and lakes, the construction of projects and facilities for flood control, and the construction of urban infrastructures.

The municipal flood control plan shall be subordinate to the flood control plan for the Haihe River Basin. The flood control plans for districts shall be subordinate to the flood control plans for the river basins where they are situated and to the municipal flood control plan. The flood control plans for rivers and lakes shall be subordinate to the flood control plans for the river basins where they are situated.

防洪规划的规划期限由市人民政府确定。

防洪规划纳入城市总体规划。

第八条 防洪规划应当规定防洪标准，确定防护对象、治理目标和任务、防洪措施和实施方案；划定蓄滞洪区和防洪保护区的范围，规定蓄滞洪区的使用原则；制定易涝地区除涝措施，完善排涝系统；对山洪可能诱发山体滑坡、崩塌和泥石流地区以及其他山洪易发区，还应当划定重点防治区，制定防治措施。

第九条 全市防洪规划由市水行政主管部门会同有关部门编制，报市人民政府批准，并报国务院水行政主管部门备案。

东城区、西城区、朝阳区、海淀区、丰台区、石景山区、通州区的防洪规划由市水行政主管部门会同市规划自然资源部门和其他有关部门统一编制，报市人民政府批准。其他区防洪规划由本级水行政主管部门会同有关部门编制，报本级人民政府批准，并报市水行政主管部门备案。

第十条 永定河防洪规划按照国务院批准的方案执行，其他河道的防洪规划按照下列规定编制和批准：

（一）潮白河、北运河（含温榆河）、拒马河、沟洫河防洪规划由市水行政主管部门组织有关部门协同海河流域管理机构编制，经市人民政府审查提出意见后，报国务院水行政主管部门批准；

（二）凉水河、通惠河、清河以及其他跨区河道防洪规划由市水行政主管部门组织有关区水行政主管部门编制，征求有关区人民政府意见后，报市人民政府批准；

（三）除第（一）项、第（二）项规定以外的其他河道的防洪规划由河道所在地的区水行政主管部门会同有关部门编制，报本级人民政府批准，并报市水行政主管部门备案。

第十一条 依法划定的防洪规划保留区，由市或者区人民政府公告，明确界限，并设立标志。

The planning duration of a plan for flood control shall be determined by the Municipal People's Government.

Plans for flood control shall be incorporated into the overall city planning.

Article 8 A plan for flood control shall set forth the standards for flood control, define the objects to be protected, the objectives and tasks of harnessing, flood control measures and implementation programs, delimit the areas of flood storage and detention basins and the areas to be protected against floods, and lay down the principles for the use of flood storage and detention basins; shall include measures for drainage of water-logging in areas liable to water-logging to improve the systems for drainage of water-logging; and shall delimit the key areas for prevention and control and include measures for prevention and control with respect to the areas where mountain torrents may cause landslide, collapse and mud-rock flows and to the areas where mountain torrents easily occur.

Article 9 The municipal flood control plan shall be formulated by the municipal competent department for water together with the relevant departments, which shall be submitted to the Municipal People's Government for approval and filed with the competent department for water under the State Council for the record.

The flood control plans for Dongcheng District, Xicheng District, Chaoyang District, Haidian District, Fengtai District, Shijingshan District and Tongzhou District shall be formulated in a unified manner by the municipal competent department for water together with the municipal department for planning and natural resources and other relevant departments, which shall be submitted to the Municipal People's Government for approval. The flood control plans for other districts shall be formulated by the competent departments for water at the corresponding levels together with the relevant departments, which shall be submitted to the people's governments at the corresponding levels for approval and filed with the municipal competent department for water for the record.

Article 10 The flood control plan for the Yongding River shall be implemented as approved by the State Council, and the flood control plans for other river courses shall be formulated and approved in accordance with the following provisions:

(1) The flood control plans for the Chaobai River, Beiyun River (including Wenyu River), Juma River and Juru River shall, under the organization of the municipal competent department for water, be formulated by the relevant departments in coordination with the management authorities for the Haihe river basin, which shall be submitted to the competent department for water under the State Council for approval after being examined and commented on by the Municipal People's Government;

(2) The flood control plans for the Liangshui River, Tonghui River, Qinghe River and other river courses covering different districts shall, under the organization of the municipal competent department for water, be formulated by the relevant competent departments for water at the district level, which shall be submitted to the Municipal People's Government for approval after being commented on by the relevant people's governments at the district level; and

(3) The flood control plans for the river courses other than those defined in Items (1) and (2) shall be formulated by the competent departments for water of the districts where the river courses are located together with the relevant departments, which shall be submitted to the people's governments at the corresponding levels for approval and to the municipal competent department for water for the record.

Article 11 The planned reserves for flood control delimited according to law shall be made known to the general public by the municipal or district people's governments; the boundaries of such planned reserves shall be clearly defined and signs shall be set up therefor.

No construction project unrelated to flood control shall be built in the planned reserves as mentioned in the preceding paragraph. In special circumstances, if a construction project

前款规划保留区内，不得建设与防洪无关的建设项目；在特殊情况下，建设项目确需占用前款规划保留区内的土地的，应当按照国家规定的基本建设程序报请批准，并征求有关水行政主管部门的意见。

第三章 防洪工程设施建设与管理

第十二条 防洪应当蓄泄兼施，充分发挥水库、湖泊、洼淀和沟道截流工程的调蓄洪水功能；加强河道防护，定期疏浚河道，保持行洪畅通。

防洪应当保护、扩大林草植被，加强水土保持，充分利用砂石坑回补地下水。规划市区应当扩大河湖水面，建设低草坪、渗水地面，完善渗井系统，涵养水源，削减洪峰。

第十三条 各级人民政府及其水行政主管部门应当按照防洪规划，疏浚河流、湖泊，加固堤防，加强水库、闸坝等防洪工程设施建设和维护，巩固和提高防洪能力。

市和区人民政府应当加强对城市排涝管网、泵站的建设和管理，提高规划市区和其他城镇地区的排涝能力。

第十四条 防洪工程设施建设必须按照设防标准和技术规范、规程进行设计、施工、监理和验收，确保防洪工程设施的质量。其中规划市区防洪工程建设应当注重环境美化，维护古都风貌。

防洪工程设施竣工后，必须经水行政主管部门验收，确认符合防洪安全和运行管理标准的，方可投入使用。

防洪工程设施勘察、设计、施工、监理单位，必须具备相应的资质等级。

水行政主管部门应当对已投入使用的防洪工程设施，定期进行安全鉴定，对于不符合防洪安全要求的，应当改建、重建或者采取补救措施。

第十五条 永定河的规划治导线按照国务院水行政主管部门批准的方案执行。

really needs to occupy the land in the planned reserves as mentioned in the preceding paragraph, an application shall be submitted for approval in accordance with the basic construction procedures prescribed by the State, and the opinions of the relevant competent departments for water shall be solicited.

Chapter III Construction and Management of Projects and Facilities for Flood Control

Article 12 For the prevention and control of flood, attention shall be paid to flood storage as well as to flood discharge. The smooth drainage of floodwater shall be ensured by giving full play to flood redistribution and storage functions of reservoirs, lakes, low-lying lands and closure works in ditches, intensifying the protection of river courses and taking measures to remove and dredge silt at regular intervals.

For the prevention and control of flood, measures shall be taken to protect and expand the coverage of forest, grass and other vegetation, enhance the water and soil conservation, and make full use of sand pits to replenish groundwater. In the areas under city planning, water areas of rivers and lakes shall be expanded, low lawns and water-infiltrating ground surfaces shall be constructed, seepage wells shall be improved, and water shall be conserved, so as to whittle down flood peak.

Article 13 The people's governments at various levels and the competent departments for water thereof shall, in accordance with the plans for flood control, dredge rivers and lakes, consolidate the dikes, and strengthen the construction and maintenance of reservoirs, sluice gates and other projects and facilities for flood control, so as to reinforce and increase their ability in protecting against floods.

The municipal and district people's governments shall strengthen the construction and management of the pipe networks and pump stations for drainage of water-logging, and increase the ability of the areas under city planning and other urban areas to drain logged water.

Article 14 The construction of projects and facilities for flood control must be designed, constructed, supervised, and accepted upon inspection in accordance with the standards for flood control and with the technical norms and procedures, so as to ensure the quality of the projects and facilities for flood control. For the construction of projects and facilities for flood control in the areas under city planning, attention shall be paid to the beautification of environment so as to maintain the style and features of the ancient capital.

After the completion of the construction of projects and facilities for flood control, they may be put into use only after they have been accepted upon inspection by the competent departments for water and made sure that they conform to the safety standards for flood control and to the operation and management standards.

Units that are engaged in the survey, design, construction and supervision of projects and facilities for flood control must have corresponding qualifications.

For projects and facilities that have been put into use, the competent departments for water shall conduct safety assessment at regular intervals; those not in compliance with the safety standards for flood control shall be innovated, reconstructed or subject to remedy measures.

Article 15 The planned river-flow guiding lines for the Yongding River shall be

跨区河道的规划治导线由市水行政主管部门组织河道所在地的区水行政主管部门拟定，征求有关区人民政府意见后，报市人民政府批准。

第十六条 永定河、潮白河、北运河等市管河道实行河道管理机构统一管理与河流所在地的区水行政主管部门分段管理相结合；其他市管河流、渠道、水库、湖泊由市水行政主管部门授权的河道管理单位负责监督管理。

前款规定以外的其他河流、湖泊由其所在地的区水行政主管部门负责监督管理。

第十七条 市或者区人民政府应当按照管理权限对河道、湖泊和水库、闸坝等防洪工程设施划定管理范围和保护范围。

第十八条 在河道、湖泊管理范围内，禁止从事《北京市河湖保护管理条例》第十九条、第二十条所规定的影响河势稳定、危害河岸堤防安全和妨碍河道行洪的行为。

第十九条 在水库、闸坝管理和保护范围内以及河道、湖泊保护范围内，禁止进行爆破、打井、采石、取土等危害防洪工程设施安全的活动。

第二十条 对壅水、阻水严重的桥梁、引道、码头和其他跨河工程设施，根据该河道的防洪标准，有关水行政主管部门可以报请人民政府责令建设单位限期改建或者拆除。

新建、改建、扩建跨河、穿河、临河、穿堤的桥梁、码头、道路、渡口、管道、缆线和取水、排水等工程设施，按照《防洪法》第二十七条的规定执行。

第二十一条 各级人民政府要加强水库大坝、河湖堤防的安全管理。

管理单位应当对大坝、堤防、闸桥和其他水工程设施进行安全监测和检查，保证工程安全运行。

堤路结合的大坝、堤防、闸桥限制超重车辆通行，非堤路结合的大坝、堤防、闸桥禁止机动车辆通行，主管部门应当设立标志，但法律、法规另有规定的除外。

第二十二条 未达到设计防洪标准、抗震设防要求或者有严重质量缺陷的病险水库，应当采取除险、加固措施，限期消除隐患或者重建。

implemented in line with the schemes as approved by the competent department for water under the State Council.

The planned river-flow guiding lines for river courses covering different districts shall be worked out by the district competent departments for water in places where the river courses are situated under the organization of the municipal competent department for water, which shall be submitted to the Municipal People's Government for approval after being commented on by the district people's governments concerned.

Article 16 The Yongding River, Chaobai River, Beiyun River and other river courses under municipal administration shall be managed in a way of unified administration by river course authorities in combination with section-based administration by the district competent departments for water in places where the rivers are situated; other rivers, channels, reservoirs and lakes under municipal administration shall be supervised and managed by the river course authorities authorized by the municipal competent departments for water.

The rivers and lakes other than those provided in the preceding paragraph shall be supervised and managed by the district competent departments for water in places where they are situated.

Article 17 The municipal or district people's governments shall, within the scope of powers, delimit the range of management and protection of river courses, lakes, reservoirs, sluice gates and other projects and facilities for flood control.

Article 18 Within the scope and boundaries of management of river courses and lakes, it is prohibited to engage in any act affecting the stability of the river regime, endangering the safety of river banks and embankments, and impeding the flood discharge of river courses as stipulated in Articles 19 and 20 of the Regulations of Beijing Municipality on the Protection and Administration of Rivers and Lakes.

Article 19 Within the range of management and protection of reservoirs and sluice gates and within the range of protection of river courses and lakes, activities threatening the safety of projects and facilities for flood control such as exploding, well-digging, quarrying and earth-borrowing are prohibited.

Article 20 For those bridges, approaches, wharves and other engineering structures across a river which seriously intercept or block water, the competent departments for water concerned may, according to the flood control standards of the river courses, report to the people's government that will order the construction units to rebuild or dismantle them within a specified time limit.

The construction, reconstruction or expansion of such projects and facilities as bridges, wharves, roads, ferries, pipelines, cables, and engineering structures for tapping or draining water which need to cut across rivers, through rivers or embankments, or to stand on rivers shall be conducted in accordance with the provisions of Article 27 of the Flood Control Law.

Article 21 The people's governments at various levels shall strengthen safety management over dams of reservoirs and dikes of rivers and lakes.

Management units shall conduct safety monitoring and inspection over dams, dikes, water gate bridges and other water projects and facilities so as to ensure the safe operation of these projects.

Overloaded vehicles are restricted to pass through dams, dikes and water gate bridges serving as dikes and roads. All motor vehicles are prohibited from passing through dams, dikes and water gate bridges not serving as roads, and the competent departments shall set up signs to that effect, except as otherwise provided in laws and regulations.

Article 22 For dangerous reservoirs that fail to meet the designed standards for flood control or the requirements for fortification against earthquake or that have serious defects

病险水库应当限制蓄水或者停止蓄水。

第二十三条 本市应当加强城镇地区排水系统建设，保障排水畅通。

实行河道、湖泊排水总量控制制度。新建小区和其他新建、改建、扩建的建设项目，建设单位应当采取滞洪、蓄洪措施，严格控制入河排水量。

第二十四条 各级人民政府应当加强水土保持工作，采取综合治理措施，对泥石流易发区、矿山采空区和山洪可能诱发山体滑坡、崩塌区进行治理，加强监管。

禁止在上述地区进行除水土保持以外的一切开发建设活动。

第二十五条 蓄滞洪区应当按照防洪规划划定并报请市人民政府按照国务院规定的权限批准后予以公告。蓄滞洪区所在地的人民政府应当采取措施控制蓄滞洪区内人口的增长；制定防洪避险转移方案；组织有关部门对蓄滞洪区内的单位和居民进行防洪教育和避险演习；组织蓄滞洪区内的单位和居民积极参加防洪工作；因地制宜地采取防洪避险措施。

禁止在蓄滞洪区分洪口门 300 米范围内建设妨碍行洪的建筑物和构筑物。违反规定的，由水行政主管部门责令限期拆除，恢复原状。

在蓄滞洪区内建设大型建设项目，其审批程序按照《防洪法》第三十三条的规定执行。

第二十六条 各级人民政府应当组织水行政主管部门和有关部门对河道堤防、闸坝、水库、跨河设施、市政排水、危旧房屋、人防工程和其他地下建筑物以及山洪、泥石流易发区等重点部位，进行定期检查和监督；发现隐患，有关责任单位应当及时采取措施予以排除。

第二十七条 对居住在行洪河道内、水库淹没区内以及山洪、泥石流易发区内的居民，当地人民政府应当按照防洪规划有计划地组织外迁。市和区人民政府应当对外迁居民妥善安置。

第二十八条 任何单位和个人不得破坏、移动、侵占、擅自使用水文监测站的站房、

in quality, measures shall be taken to remove the danger and reinforce the reservoirs or rebuild the reservoirs with a specified time limit.

Dangerous reservoirs shall be restricted to store water or suspended from storing water.

Article 23 This Municipality shall strengthen the construction of the system of discharging water in urban areas so as to ensure smooth discharge of water.

The system of control over the total volume of water to be discharged from river courses and lakes shall be practiced. For newly constructed residence areas and other newly constructed, reconstructed or expanded construction projects, the construction units shall take measures to deter or store floods to strictly control the total volume of water to be discharged into rivers.

Article 24 The people's governments at various levels shall strengthen the work of water and soil conservation, take comprehensive measures to bring under control the areas where mud-rock flows easily occur, the areas where all mines have been exploited up and the areas where mountain torrents may cause landslide or collapse, and strengthen supervision over them.

All development or construction activities other than water and soil conservation shall be prohibited in the above-mentioned areas.

Article 25 The flood storage and detention basins shall be delimited in light of the plans for flood control and shall be made known to the general public after they are submitted to the Municipal People's Government and approved in line with the limits of authority prescribed by the State Council. The people's governments in places where the flood storage and detention basins are located shall take measures to control the population growth in flood storage and detention basins, formulate programs for controlling and warding off floods and evacuation, mobilize the relevant departments to conduct education among the units and residents in the flood storage and detention basins in the importance of flood control and to hold evacuation drills, mobilize the units and residents in the flood storage and detention basins to take an active part in the effort to control floods, and take measures suitable to local conditions to control and ward off floods.

It is prohibited to construct any buildings or structures blocking flood discharge within a range of 300 meters around the mouth of the flood diversion outfalls in flood storage and detention basins. Those who violate this provision shall be ordered by the competent departments for water to demolish these buildings or structures within a specified time limit and restore the places to their original state.

For the construction of any large-scale projects within flood storage and detention basins, the examination and approval procedures shall be in compliance with the provisions of Article 33 of the Flood Control Law.

Article 26 The people's governments at various levels shall mobilize the competent departments for water and other relevant departments to conduct regular inspection and supervision over dikes of river courses, sluice gates, reservoirs, cross-river facilities, municipal facilities for discharging water, dangerous and old buildings, civil air defence projects, other underground constructions, and other key areas where mountain torrents or mud-rock flows easily occur; the responsible units concerned shall take prompt measures to remove any hidden dangers already found.

Article 27 For residents living within river courses for flood discharge, inundated areas of reservoirs, or the areas where mountain torrents or mud-rock flows easily occur, the local people's governments shall, in light of the plans for flood control, mobilize them to move out in a planned way. The municipal and district people's governments shall properly resettle the residents to be moved out.

Article 28 No units or individuals may undermine, move, occupy or use without authorization hydrologic facilities of hydrometric stations, such as buildings, surveying and

测验设施、标志、场地、道路、缆线、自动测报系统等水文设施以及防汛通信设施和雨情、水情自动采集设施；确需移动或者占用上述设施的，建设单位应当征得市水行政主管部门同意，并负责恢复上述设施的原有功能，承担相应的费用。

任何单位和个人不得干扰防汛通信和雨情、水情采集专用频率。

第四章 防汛抗洪

第二十九条 防汛抗洪工作实行各级人民政府行政首长负责制，统一指挥、分级分部门负责。

第三十条 市和区人民政府设立防汛指挥机构，负责领导、组织和统一指挥本行政区域内的防汛抗洪工作。

第三十一条 市人民政府防汛指挥机构由市有关部门、北京卫戍区、武警北京总队等单位负责人组成，市长担任指挥，其办事机构设在市应急管理部门。

永定河、潮白河、北运河和大中型水库应当设立防汛机构，负责所管辖范围内的防汛抗洪工作。

第三十二条 区人民政府防汛指挥机构由区有关部门、当地驻军、人民武装部等单位负责人组成，区长担任指挥，其办事机构设在区应急管理部门。

乡、镇人民政府和街道办事处应当设立防汛机构，在上级防汛指挥机构的领导下，负责本行政区域内的防汛抗洪工作。

第三十三条 本市的防汛期为每年6月1日至9月15日。特殊情况下，市防汛指挥机构可以宣布提前或者延长防汛期。

当河道水情接近设计洪水位、历史最高洪水位，水库水位接近设计洪水位以及防洪工程设施发生重大险情时，市或者区防汛指挥机构可以宣布进入紧急防汛期。

第三十四条 永定河防御洪水方案按照国务院批准的方案执行，其他河道、水库、

testing facilities, signs, grounds, roads, cables, automatic testing and forecasting systems, and telecommunication facilities for flood control, as well as the facilities for automatic collection of rain condition and water regimen; where it is necessary indeed to move, occupy or use the above-mentioned facilities, the construction units shall obtain permission from the municipal competent department for water, and shall be required to restore their original functions, and bear the expenses therefor.

No units or individuals may interfere in the telecommunications in flood control or in the frequencies specially used for the collection of rain condition and water regimen.

Chapter IV Flood Control and Flood Fighting

Article 29 The administrative heads of the people's governments at all levels shall assume overall responsibility for the work of flood control, with different levels and different departments responsible for part of work under a centralized command.

Article 30 The municipal and district people's governments shall respectively set up their flood control headquarters, which shall be responsible for guiding, organizing and directing in a unified way flood control and flood fighting within their respective administrative areas.

Article 31 The municipal flood control headquarters shall consist of the responsible persons of the relevant departments of this Municipality, the Beijing Garrison Command, and the General Headquarters of Beijing Armed Police Force, etc., with the mayor of this Municipality as the Commander. Its office shall be set up within the municipal competent department for water.

For the Yongding River, Chaobai Rive, Beiyun River and large and medium-sized reservoirs, flood control organs shall be set up, which shall be responsible for flood control and flood fighting within the areas under their administration.

Article 32 The flood control headquarters under the district people's governments shall consist of the responsible persons of the relevant departments of the districts, local garrisons and the people's armed forces departments, etc., with the heads of the districts as the commanders. Their offices shall be set up within the district departments for emergency management.

The town or township people's governments and sub-district offices shall set up flood control organs, which shall be responsible for flood control and flood fighting within their respective administrative areas under the leadership of the flood control headquarters at the next higher level.

Article 33 The flood season of this Municipality lasts through June 1 to September 15 of each year. In special circumstances, the municipal flood control headquarters may declare an advance or extension of the flood season.

When the water condition of a river course is close to the designed flood level or the highest flood level in history or the water level of a reservoir is close to the designed flood level or, when a flood control project or facility is found to be in a critically dangerous condition, the municipal or district flood control headquarters may declare the start of an urgent flood control period.

Article 34 The flood control programs for the Yongding River shall be implemented as approved by the State Council, and the flood control programs for other river courses,

湖泊防御洪水方案按下列规定编制和批准：

（一）潮白河、北运河（含温榆河）以及其他跨省、市河道防御洪水方案由市水行政主管部门协同海河流域管理机构编制，经市人民政府审查提出意见后，报国务院水行政主管部门批准；

（二）密云水库、官厅水库防御洪水方案由市水行政主管部门编制，报市人民政府批准，并报国务院水行政主管部门备案；

（三）怀柔水库、十三陵水库、城市河湖以及其他市管水库、河道防御洪水方案由各管理单位编制，报市水行政主管部门批准；

（四）除第（二）项、第（三）项规定以外的其他大、中型水库防御洪水方案由所在地的区水行政主管部门和有关部门编制，报本级人民政府批准，并报市水行政主管部门备案；

（五）除第（一）项、第（二）项、第（三）项、第（四）项规定以外的其他河道、小型水库防御洪水方案由所在地的区水行政主管部门编制，报本级人民政府批准。

第三十五条 在汛期，水库、闸坝和其他水工程设施的运用，必须服从有关防汛指挥机构的调度、指挥和监督。永定河防汛调度按照国家防汛指挥机构的命令执行；市管河道、水库以及跨区河道防汛调度命令由市防汛指挥机构下达；其他河道、水库防汛调度命令由所在地的区防汛指挥机构下达。水行政主管部门应当加强水库、闸坝和其他水工程设施的运营管护，确保正常运行。

在汛期，水库不得擅自汛期限水位以上蓄水，其汛期限水位以上防洪库容的运用，必须服从防汛指挥机构的调度、指挥和监督。

第三十六条 对河道、湖泊范围内阻碍行洪的障碍物，按照谁设障、谁清除的原则，由市或者区防汛指挥机构责令限期清除；逾期不清除的，由有关防汛指挥机构组织强行清除，清除费用由设障者承担。

第三十七条 在汛期，公安、交通等有关部门应当保障防汛指挥和抢险救灾车辆

reservoirs and lakes shall be formulated and approved in accordance with the following provisions:

(1) The flood control programs for the Chaobai River, Beiyun River (including Wenyu River) and other river courses covering different provinces and/or cities shall be formulated by the municipal competent department for water in coordination with the Haihe river basin authorities, which shall be submitted to the competent department for water under the State Council for approval after being examined and commented on by the Municipal People's Government;

(2) The flood control programs for the Miyun Reservoir and Guanting Reservoir shall be formulated by the municipal competent department for water, which shall be submitted to the Municipal People's Government for approval, and to the competent department for water under the State Council for the record;

(3) The flood control programs for the Huairou Reservoir, Shisanling Reservoir, rivers and lakes in this Municipality, and other reservoirs and river courses under the administration of this Municipality shall be respectively formulated by the administrative departments concerned, which shall be submitted to the municipal competent department for water for approval;

(4) The flood control programs for the large and medium-sized reservoirs other than those referred to in Items (2) and (3) shall be formulated by the district competent departments for water in places where they are located and the relevant departments, which shall be submitted to the people's governments at the corresponding levels for approval, and to the municipal competent department for water for the record; and

(5) The flood control programs for the river courses and small reservoirs other than those referred to in Items (1), (2), (3) and (4) shall be formulated by the district competent departments for water in places where they are located, which shall be submitted to the people's governments at the corresponding levels for approval.

Article 35 During a flood season, the reservoirs, sluice gates and other water projects and facilities shall be used under the control, command and supervision of the flood control headquarters concerned. The flood control order concerning the Yongding River shall be implemented as issued by the national flood control headquarters; the flood control orders concerning the river courses and reservoirs under the administration of this Municipality and the river courses covering different districts shall be issued by the municipal flood control headquarters; the flood control orders concerning other river courses and reservoirs shall be issued by the district flood control headquarters in places where they are located. The competent departments for water shall strengthen the operation, management and protection of reservoirs, sluice gates and other water projects and facilities to ensure their normal operation.

During a flood season, water in any reservoir may not, without authorization, be stored above the limits of flood-season water level; the flood-control storage capacity above the limits of flood-season water level shall be used under the control, command and supervision of the flood control headquarters concerned.

Article 36 The municipal or district flood control headquarters shall order the removal, within a specified time limit, of the obstacles to flood discharge within the areas of river courses or lakes in accordance with the principles of whoever places the obstacles removes them. If the person fails to remove the obstacles at the expiration of the time limit, the flood control headquarters concerned shall have them removed by compulsory means, and the expenses thus incurred shall be borne by the person who places the obstacles.

Article 37 During a flood season, public security organs, transport departments and other departments concerned shall give priorities to the passage of vehicles used for flood

优先通行，并按特种车辆对待。

防汛指挥和抢险救灾车辆标志由市公安局交通管理部门印制，市防汛指挥机构统一核发。

第三十八条 各级人民政府应当组织有关部门和企业、事业单位做好防汛抗洪物资的储备。市和区防汛指挥机构储备的防汛抗洪物资，所需资金和储备费用由本级财政负担；企业、事业单位自备的防汛抗洪物资，所需资金和储备费用由企业、事业单位自行承担。

在紧急情况下，储备的防汛抗洪物资应当服从上级防汛指挥机构的统一调度，调用的物资在汛期结束后应当及时归还；造成损坏或者无法归还的，按照有关规定给予适当补偿或者作其他处理。

第三十九条 住房城乡建设、规划自然资源、城市管理等部门应当加强房屋、人防工程和其他地下建筑物、市政设施等防洪安全的检查，及时处理各种隐患，并制定防洪预案，督促产权单位或者责任人采取应急措施，确保安全度汛。

第四十条 市和区人民政府应当加强非工程防洪措施建设，按照国家规定建立以信息采集、通讯、计算机网络和决策支持为主要内容的防汛指挥系统。

第四十一条 在汛期，气象、水文、电信、运输、电力、物资、商业、公安等有关单位应当按照各自的职责，优先为防汛抗洪服务。

第五章 保障措施

第四十二条 各级人民政府应当保证实施防洪规划和防洪年度计划所需资金。

市和区人民政府应当在每年财政预算中安排资金，主要用于下列支出：

- （一）防洪工程设施建设、维护和改造；
- （二）水文测报、通信设施、生物措施等非防洪工程设施的建设、维护、改造和修复；

control commanding and emergency rescue, and treat them as vehicles for special purposes.

The signs for vehicles used for flood control commanding and emergency rescue shall be printed and made by the municipal public security traffic control department, and uniformly issued by the municipal flood control headquarters.

Article 38 The people's governments at various levels shall mobilize the relevant departments, enterprises and institutions to do well in the storage of materials used for flood control and flood fighting. For the materials used for flood control and flood fighting stored by the municipal and district flood control headquarters, the funds and storage expenses therefor shall be borne by the governments at the corresponding levels; for the materials used for flood control and flood fighting stored by enterprises and institutions on their own, the funds and storage expenses therefor shall be borne by these enterprises and institutions themselves.

In case of emergencies, the materials stored for flood control and flood fighting shall be used under the unified control of the flood control headquarters at the next higher level, and the requisitioned materials shall be returned without delay after the flood season ends; for those that are damaged or unreturnable, appropriate compensation shall be made or, the matter shall be dealt with otherwise in accordance with the relevant provisions.

Article 39 The departments for housing and urban-rural development, planning and natural resources and city management shall strengthen the inspection over the flood control safety with respect to buildings, civil air defence projects and other underground construction, and municipal facilities, promptly deal with all types of hidden dangers, formulate preliminary programs for flood control, and urge the units owning property rights and responsible persons to take emergency measures, so as to ensure safety in the flood season.

Article 40 The municipal and district people's governments shall strengthen the construction of non-project measures for flood control, and shall, in accordance with the provisions of the State, establish the flood control commanding systems focusing on the collection of information, communication, computer networks, and decision-making support.

Article 41 During a flood season, the relevant departments for meteorology, hydrology, telecommunications, transport, electric power, materials, commerce, public security, etc. shall, in accordance with their respective duties, give priorities in providing services for flood control.

Chapter V Safeguard Measures

Article 42 The people's governments at various levels shall secure the funds necessary for implementing plans for flood control and annual plans for flood control.

The municipal and district people's governments shall, in their annual fiscal budgets, include funds which shall mainly cover the following expenses:

(1) construction, maintenance and renovation of projects and facilities for flood control;

(2) construction, maintenance, renovation and repairing of non-flood control projects and facilities, such as meteorological surveying and forecasting, communication facilities, and biological facilities;

(三) 水毁工程修复;

(四) 抗洪抢险经费;

(五) 防汛工作经费;

(六) 储备防汛物资。

防洪资金必须专款专用, 严格审计监督。

第四十三条 受洪水威胁地区的企业、事业单位, 应当自筹资金, 建设必要的防洪自保工程。

各级人民政府应当支持单位和个人按照防洪规划, 采取自办、联办等多种形式, 建设、修建水利工程和营造护堤、护岸林。

第六章 法律责任

第四十四条 违反本办法, 依照《防洪法》和本办法追究法律责任。

第四十五条 违反本办法第十九条规定, 在水库、闸坝管理和保护范围内以及河道、湖泊保护范围内, 进行爆破、打井、采石、取土等危害防洪工程设施安全的活动的, 由水行政主管部门责令停止违法行为, 恢复原状或者采取其他补救措施, 可以处 1 万元以上 5 万元以下罚款。

第四十六条 违反本办法第二十一条第三款规定, 在堤路结合的大坝、堤防、闸桥行驶超重车辆, 在非堤路结合的大坝、堤防、闸桥行驶机动车辆的, 由水行政主管部门处以 200 元以下罚款。

第四十七条 国家工作人员违反《防洪法》和本办法, 依照《防洪法》第六十四条规定, 构成犯罪的, 依法追究刑事责任; 尚不构成犯罪的, 给予行政处分。

第七章 附 则

第四十八条 本办法自 2001 年 6 月 1 日起施行。

- (3) repairing of projects damaged by floods;
- (4) expenses for fighting floods and emergency response;
- (5) expenses for flood control; and
- (6) storage of materials used for flood control.

Funds for flood control shall be earmarked for flood control, and shall be subject to strict supervision through audit.

Article 43 The enterprises and institutions in areas which are vulnerable to floods shall raise funds by themselves to construct necessary self-protection projects for flood control.

The people's governments at various levels shall support units and individuals to separately or cooperatively, in accordance with the plans for flood control, construct water conservancy projects and plant trees that protect dikes and banks.

Chapter VI Legal Liability

Article 44 Whoever violates the Measures shall be investigated for legal liability in accordance with the Flood Control Law and the Measures.

Article 45 Whoever, in violation the provisions of Article 19 of the Measures, conducts activities threatening the safety of projects and facilities for flood control such as exploding, well-digging, quarrying, and earth-borrowing within the range of management and protection of reservoirs and sluice gates and within the range of protection of river courses and lakes shall be ordered to stop the illegal act, restore to the original state or adopt other remedial measures by the competent departments for water, and may be fined not less than 10,000 yuan but not more than 50,000 yuan.

Article 46 Whoever, in violation of the provisions of Paragraph 3, Article 21 of the Measures, drives overloaded vehicles on dams, dikes or water gate bridges serving as dikes and roads, or drives motor vehicles on dams, dikes or water gate bridges not serving as roads shall be fined not more than 200 yuan by the competent departments for water.

Article 47 Staff members of state organs who violate the Flood Control Law and the Measures shall, in accordance with the provisions of Article 64 of the Flood Control Law, be investigated for criminal liability if a crime is constituted, or given administrative sanctions if their acts are not serious enough to constitute a crime.

Chapter VII Supplementary Provisions

Article 48 The Measures shall come into force as of June 1, 2001.

北京市实施《中华人民共和国气象法》办法

(2005年12月1日北京市第十二届人民代表大会常务委员会第二十四次会议通过 根据2019年7月26日北京市第十五届人民代表大会常务委员会第十四次会议通过的《关于修改〈北京市河湖保护管理条例〉〈北京市农业机械化促进条例〉等十一部地方性法规的决定》修正)

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第一章 总 则

第一条 为了实施《中华人民共和国气象法》，结合本市实际情况，制定本办法。

第二条 在本市行政区域内从事气象探测、预报、服务和气象灾害防御、气候资源利用、气象科学技术研究等活动，应当遵守《中华人民共和国气象法》和本办法。

第三条 气象事业是科技型、基础性社会公益事业。

本市气象工作应当坚持公共气象、安全气象和资源气象的发展方向，为首都经济建设、社会发展、人民生活和国际交往以及重大活动提供气象服务。

Measures of Beijing Municipality for Implementing the Meteorology Law of the People's Republic of China

(Adopted at the 24th Meeting of the Standing Committee of the 12th People's Congress of Beijing Municipality on December 1, 2005, and revised in accordance with the Decisions on Revising Eleven Local Regulations including the "Regulations of Beijing Municipality on the Protection and Administration of Rivers and Lakes" and the "Regulations of Beijing Municipality on the Promotion of Agricultural Mechanization" adopted at the 14th Meeting of the Standing Committee of the 15th People's Congress of Beijing Municipality on July 26, 2019)

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Chapter I General Provisions

Article 1 The Measures are formulated for the purpose of implementing the Meteorology Law of the People's Republic of China in light of the actual circumstances of this Municipality.

Article 2 The Meteorology Law of the People's Republic of China and the Measures shall be observed in such activities as meteorological observation, forecast, services, prevention of meteorological disasters, exploitation of climatic resources and research on meteorological science and technology which are carried out within the administrative area of this Municipality.

Article 3 The meteorological service is a scientific and basic social public welfare service.

The meteorological work in this Municipality shall stick to the public-oriented, safety-oriented and resources-oriented development and offer meteorological service for the capital's economic and social development, people's well-being, international exchanges and major activities.

第四条 市和区人民政府应当加强对气象工作的领导和协调，将气象事业依法纳入同级国民经济和社会发展规划及财政预算，以保障其充分发挥为社会公众、政府决策和经济发展服务的功能。

市和区人民政府根据本地区社会经济发展的需要所建设的地方气象事业项目，其投资主要由本级财政承担。

第五条 市和区气象主管机构在上级气象主管机构和本级人民政府的领导下，负责本行政区域内的气象工作。未设置气象主管机构的区，其气象工作由市气象主管机构负责。

发展改革、财政、规划自然资源、住房城乡建设、水务、公安、应急管理、广播电视、通信等部门应当按照各自的职责做好与气象相关的工作。

第六条 从事气象业务活动，应当遵守国家和本市制定的气象技术标准、规范和规程。

本市气象技术地方标准由市市场监督管理部门组织制定和发布；气象技术规范和规程由市气象主管机构会同有关部门制定。

第七条 本市鼓励和支持气象科学技术研究、气象科学知识普及，培养气象人才，推广先进的气象科学技术，保护气象科技成果，加强国际气象合作与交流，发展气象信息产业，提高气象工作水平。

对在气象工作中做出突出贡献的单位和个人，由市和区人民政府给予表彰和奖励。

第二章 气象设施建设与气象探测环境保护

第八条 市气象主管机构根据国家气象设施建设规划，组织有关部门编制本市气象设施建设规划，报市人民政府批准后实施；区气象主管机构根据本市气象设施建设规划，组织有关部门编制本地区气象设施建设规划，报本级人民政府批准后实施，并

Article 4 The municipal and district people's governments shall strengthen their leadership over and coordination of meteorological activities, and incorporate meteorological service into the national economic and social development plans and fiscal budgets of the corresponding levels according to law, so as to ensure the full function in the service of the general public, government decision-making and economic development.

Local meteorological projects initiated by the municipal and district people's governments to meet the needs of local social and economic development shall mainly be financed by the people's governments at the corresponding levels.

Article 5 The competent meteorological departments at the municipal and district level shall be responsible for the meteorological work within their respective administrative areas under the leadership of the competent meteorological departments at the next higher level and the people's governments at the corresponding levels. The competent meteorological department at the municipal level shall be responsible for the meteorological work in the districts that do not have the competent meteorological departments.

The departments for development and reform, finance, planning and natural resources, housing and urban-rural development, water affairs, public security, emergency management, radio and television, telecommunications, etc. shall, within their respective functions and duties, bring relevant meteorological work to success.

Article 6 The meteorological technical standards, rules and regulations formulated by the State and this Municipality shall be complied with in the engagement of meteorological activities.

The local meteorological technical standards of this Municipality shall be formulated and publicized by the municipal department for market supervision and administration; the meteorological technical rules and regulations shall be formulated by the competent meteorological department at the municipal level together with relevant departments.

Article 7 This Municipality shall encourage and support research on meteorological science and technology and popularization of knowledge of meteorological science, train meteorological professionals, promote advanced meteorological science and technology, protect the achievements in meteorological science and technology, increase international cooperation and exchange in the field of meteorology and develop the meteorological information industry, in order to improve the meteorological work.

The units and individuals that have made outstanding contributions to the meteorological work shall be commended and rewarded by the municipal and district people's governments.

Chapter II Construction of Meteorological Facilities and Protection of Environs for Meteorological Observation

Article 8 The competent meteorological department at the municipal level shall, based on the national plans for construction of meteorological facilities, organize relevant departments to work out the plans for construction of meteorological facilities of this Municipality and implement the said plans after reporting them to the Municipal People's Government for approval; the competent meteorological departments at the district level

送市气象主管机构备案。

气象设施建设规划应当与城乡规划相衔接。

第九条 市和区人民政府应当加强规划市区、新城、人口居住密集区、开发区和气象灾害多发区等重点区域的气象设施建设。

第十条 本市依法保护气象设施，任何组织或者个人不得侵占、损毁或者擅自移动气象设施。

确因实施城乡规划或者国家重点工程建设，需要迁移国家基准气候站、基本气象站的，建设单位应当报经国务院气象主管机构批准；需要迁移其他气象台站的，建设单位应当报经市气象主管机构批准。迁建费用由建设单位承担。

迁移气象台站应当按照国家有关规定进行对比观测。迁移后的气象台站应当符合城乡规划、气象设施建设布局以及气象探测环境的保护标准。

第十一条 本市依法保护气象探测环境。市和区人民政府应当按照法定的保护标准划定气象探测环境的保护范围。气象探测环境保护范围应当向社会公布，并纳入城乡规划。

气象台站的气象探测环境不符合保护标准的，由市气象主管机构提出意见，市或者区人民政府组织有关部门进行治理。

第十二条 新建、扩建、改建建设工程，应当避免危害气象探测环境；确实无法避免的，建设单位应当依法事先征得气象主管机构的同意，并采取相应的措施后，方可建设。

第十三条 在气象探测环境保护范围内，禁止从事下列活动：

- （一）设置障碍物，进行爆破、采砂石、焚烧等；
- （二）种植影响气象探测的农作物、树木；
- （三）设置影响气象探测设施工作效能的高频电磁辐射装置；
- （四）设置影响气象探测的热源、污染源等源体；

shall, based on the plans for construction of meteorological facilities of this Municipality, organize relevant departments to work out the local plans for construction of meteorological facilities, implement the said plans after reporting them to the local people's governments at the corresponding levels for approval and submit them to the competent meteorological department at the municipal level for the record.

The plans for construction of meteorological facilities shall be linked to the urban and rural planning.

Article 9 The municipal and district people's governments shall strengthen the construction of meteorological facilities in such major areas as the areas under city planning, new towns, densely populated areas, development zones and meteorological disaster-prone areas.

Article 10 This Municipality shall protect meteorological facilities according to law. No organizations or individuals may seize, damage or destroy meteorological facilities, or relocate them without authorization.

Where it is definitely necessary to relocate any national reference climatological stations or basic meteorological stations for the implementation of urban and rural planning or the construction of key national projects, the construction units shall report the matter to the competent meteorological department under the State Council for approval; where it is definitely necessary to relocate other meteorological offices or stations, the construction units shall report the matter to the competent meteorological department at the municipal level for approval. The expenses for relocation and reconstruction shall be borne by the construction units.

Contrastive observation shall be carried out in accordance with relevant provisions of the State prior to relocation of meteorological offices or stations. The meteorological offices or stations relocated shall conform to the urban and rural planning, the construction layout of meteorological facilities and the standards of protection of environs for meteorological observation.

Article 11 This Municipality shall protect the environs for meteorological observation according to law. The municipal and district people's governments shall delimit the protected environs for meteorological observation in accordance with the statutory protection criteria. The protected environs for meteorological observation shall be made known to the general public and incorporated into the urban and rural planning.

Where the environs for meteorological observation of meteorological offices or stations do not conform to the protection criteria, the competent meteorological department at the municipal level shall put forward its opinions and the municipal or district people's governments shall organize relevant departments to deal with it.

Article 12 The construction, expansion and reconstruction of construction projects shall avoid jeopardizing the environs for meteorological observation; where it is really impossible to avoid the jeopardizing, the construction units shall, in advance, ask for permission of the competent meteorological departments according to law and no construction may be started until appropriate measures are taken.

Article 13 Within the protected environs for meteorological observation, the following activities are prohibited:

- (1) placing obstacles, blasting, excavating sand or stone, setting on fire, etc;
- (2) planting crops or trees which impair meteorological observation;
- (3) installing high-frequency electromagnetic radiation devices which impair the performance of meteorological measuring instruments;
- (4) bringing in such sources as sources of heat or pollution which impair meteorological observation; and

(五) 其他影响气象探测的活动。

第三章 气象预报与灾害性天气警报

第十四条 本市公众气象预报和灾害性天气警报由气象主管机构所属的气象台站按照职责统一发布。其他任何组织或者个人不得向社会发布公众气象预报和灾害性天气警报。

市和区气象主管机构所属的气象台站（以下简称本市气象台站）应当提高公众气象预报和灾害性天气警报的准确性、及时性和服务水平。

本市的公众气象预报发布时间应当向社会公布。

第十五条 本市气象台站应当为国家和本市举办的重大活动提供定时、定点气象预报，并根据天气变化情况及时补充或者订正。

第十六条 市和区气象主管机构应当采取多种形式，方便公众查询和获取气象信息。

本市气象台站应当根据当地农业生产的特点和需要，及时主动提供气象信息服务。

第十七条 本市气象台站应当根据需要，发布城市环境、交通、旅游、农业和火灾气象等级等专业气象预报。

第十八条 各级广播、电视台站和市人民政府指定的报纸、网站，应当安排专门的时间、频率、频道或者版面，每天播发或者刊登公众气象预报或者灾害性天气警报。

广播、电视播出单位应当根据本地区公众的视听习惯和收视效果确定气象预报节目的播发时间。因特殊情况确需改变播发时间的，应当事先征得有关气象台站的同意；对国计民生可能产生重大影响的灾害性天气警报和补充、订正的气象预报，应当及时增播或者插播。

本市气象台站负责制作气象预报节目，并应当保证其制作的气象预报节目的质量。

(5) other activities which impair meteorological observation.

Chapter III Meteorological Forecast and Severe Weather Warning

Article 14 The public meteorological forecast and severe weather warning in this Municipality shall be issued in a unified manner by the meteorological offices or stations subordinate to the competent meteorological department at the municipal level within their respective functions and duties. No other organizations or individuals may issue to the public meteorological forecast and severe weather warning.

The meteorological offices or stations subordinate to the competent meteorological departments at the municipal and district level (hereafter referred to as meteorological offices or stations of this Municipality) shall issue public meteorological forecast and severe weather warning with improved accuracy, timeliness and service.

The releasing time of public meteorological forecast of this Municipality shall be made known to the general public.

Article 15 The meteorological offices or stations of this Municipality shall provide meteorological forecast for a certain place and a certain time for major activities held by the State and this Municipality and make timely amendments or corrections as the weather changes.

Article 16 The competent meteorological departments at the municipal and district level shall take various means to provide convenience for the public to inquire and acquire meteorological information.

The meteorological offices or stations of this Municipality shall provide timely meteorological information service based on the characteristics and needs of local agricultural production.

Article 17 The meteorological offices or stations of this Municipality shall, based on the needs, issue specialized meteorological forecasts for urban environment, traffic, tourism, agriculture, fire danger class, etc.

Article 18 Radio and television stations at various levels and newspapers and websites designated by the Municipal People's Government shall arrange the particular timeslot, frequency, channel or space everyday to broadcast or publish the public meteorological forecast or severe weather warning.

Radio or televisions stations shall fix the timeslots for broadcasting meteorological forecast programs based on local audience's watching and listening habits and effects. Where the timeslots need to be changed due to special circumstances, the consent of the relevant meteorological offices or stations shall be obtained in advance; any severe weather warning or supplementary or corrected forecast that has a vital bearing on the national economy and people's well-being shall be added or inserted into other ongoing programs.

The meteorological offices or stations of this Municipality shall be responsible for producing meteorological forecast programs and shall guarantee the quality of the meteorological forecast programs they have prepared.

第十九条 广播、电视、报纸、电信、网站等媒体以及其他信息载体向社会传播本市气象预报和灾害性天气警报的，应当使用气象主管机构所属的气象台站直接提供的适时气象信息，并标明发布时间和气象台站的名称。通过传播气象信息获得的收益，应当提取一部分支持气象事业的发展。

第二十条 无线电管理机构和有关电信运营单位应当保障气象通信畅通，准确、及时地传递气象情报、气象预报和灾害性天气警报。

气象无线电专用频道和信道受法律保护，任何组织或者个人不得挤占和干扰。

第四章 气象灾害防御

第二十一条 市和区人民政府应当加强气象灾害监测和预警系统建设，组织气象主管机构和其他有关部门，结合本地区气象灾害的特点，编制气象灾害防御规划，并采取有效措施，提高防御气象灾害的能力。

气象灾害防御规划应当主要包括以下内容：

- （一）气象灾害防御的原则和目标；
- （二）气象灾害状况、发展趋势预测和评估；
- （三）气象灾害易发区域和重点防御区域；
- （四）气象灾害防御的主要任务和措施；
- （五）气象灾害防御设施建设。

第二十二条 市和区人民政府应当根据防御气象灾害的需要和气象灾害防御规划，制定气象灾害应急预案，并根据气象灾害的严重性和紧急程度启动相应的应急预案，避免或者减轻气象灾害。

第二十三条 市和区气象主管机构应当组织对重大灾害性天气的跨地区、跨部门的联合监测和预报工作，并对重大气象灾害作出评估，为本级人民政府组织防御和减轻气象灾害提供决策依据。

Article 19 Such media as radio, television, newspaper, telecommunication and website and other information carriers intending to issue to the public meteorological forecast and severe weather warning of this Municipality shall use the latest meteorological information directly provided by the meteorological offices or stations subordinate to the competent meteorological departments while indicating the time of issue and the name of the offices or stations. Part of the revenues from the distribution of meteorological information shall be drawn to support the development of meteorological service.

Article 20 The radio administrative institutions and relevant telecommunication business units shall ensure unblocked meteorological telecommunication for the accurate and timely dissemination of meteorological information, forecast and severe weather warning.

Wireless frequencies and channels specified for meteorological use are protected by law. No organizations or individuals may occupy or interfere with them.

Chapter IV Preparedness and Resilience Building

Article 21 The municipal and district people's governments shall strengthen the construction of monitoring and warning systems for meteorological disasters, organize the competent meteorological departments and other relevant departments, in line with the characteristics of local meteorological disasters, to work out plans for meteorological disaster preparedness, and take effective measures to improve resilience to such disasters.

The plans for meteorological disaster preparedness shall mainly include the following contents:

- (1) principles and targets of meteorological disaster preparedness;
- (2) prediction and assessment of circumstances and developing trends of meteorological disasters;
- (3) areas susceptible to meteorological disasters and key areas for preparedness of such disasters;
- (4) main tasks and measures for meteorological disaster preparedness; and
- (5) construction of facilities for meteorological disaster preparedness.

Article 22 The municipal and district people's governments shall, in light of the needs and plans for meteorological disaster preparedness, work out emergency response to meteorological disasters, and based on the seriousness and emergency of the meteorological disasters, make arrangements for carrying out the corresponding emergency plans to avert or mitigate meteorological disasters.

Article 23 The competent meteorological departments at the municipal and district level shall make arrangements for joint monitoring and forecast of significant weather events among regions or departments and make assessment of severe weather disasters, which shall serve as the decision-making basis for the people's governments at the corresponding levels to organize prevention and mitigation of meteorological disasters.

本市气象台站应当加强对可能影响本地区的暴雨（雪）、寒潮、大风（沙尘暴）、低温、高温、干旱、雷电、冰雹、霜冻和大雾等灾害性天气的监测和预报，并及时报告有关气象主管机构。

第二十四条 市气象主管机构所属的气象台站根据灾害性天气的监测和预报，按照国家和本市的有关规定，向社会发布气象灾害预警信号。

第二十五条 市和区气象主管机构可以利用机场、火车站、主要交通干道、旅游景区、繁华地区以及人员密集的公共场所设有的公共信息播发设施，播发灾害性天气警报信息。

第二十六条 本市鼓励单位和个人及时向当地人民政府或者气象主管机构报告气象灾害。当地人民政府或者气象主管机构接到报告后，应当立即组织人员对气象灾害发生地区进行现场调查，并及时向上级人民政府或者上级气象主管机构报告。

第二十七条 市和区人民政府应当根据干旱、冰雹等气象预报或者灾害性天气警报，按照《人工影响天气管理条例》规定，安排人工影响天气作业，防御或者减轻气象灾害。

人工影响天气作业的单位应当建立、健全安全作业责任制，采取安全保障措施，确保作业安全。

第二十八条 各类建（构）筑物、场所和设施应当按照《气象灾害防御条例》和有关防雷技术标准安装雷电防护装置。

第二十九条 雷电防护装置的设计、施工、竣工验收和检测应当执行国家和本市有关规定。

雷电防护装置检测单位，应当按照国家规定，取得相应的资质，并在资质等级范围内从事检测。

The meteorological offices or stations of this Municipality shall improve their monitoring and forecast of severe weather which may probably impact the local community, such as rainstorm (snowstorm), cold wave, strong wind (sand and dust storm), low temperature, high temperature, drought, thunderstorm and lightning, hail, frost, and fog, and promptly report to relevant competent meteorological departments.

Article 24 The meteorological offices or stations subordinate to the competent meteorological department at the municipal level shall, in accordance with relevant provisions of the State and this Municipality, send out the early warning signals of meteorological disasters to the public based on the monitoring and forecast of severe weather.

Article 25 The competent meteorological departments at the municipal and district level may utilize the public information broadcasting facilities installed in airports, railway stations, main traffic artery, scenic spots, busy areas and other densely-populated public areas to broadcast the information of severe weather warning.

Article 26 This Municipality shall encourage units and individuals to report meteorological disasters timely to the local people's governments or the local competent meteorological departments. Once the local governments or the local competent meteorological departments receive the reports, they shall immediately organize personnel to do spot investigation of the meteorological disaster-stricken areas and timely report the matters to the governments at a higher level or the competent meteorological departments at a higher level.

Article 27 The municipal and district people's governments shall, in accordance with the provisions of the Regulations on Administration of Weather Modification, arrange weather modification operations to prevent or mitigate meteorological disasters based on such weather forecast or severe weather warning as drought and hail.

The units engaged in weather modification operations shall establish and improve the responsibility system of safe operation and adopt safety precaution measures to ensure safety of operations.

Article 28 All kinds of buildings, structures, places and facilities shall be equipped with lightning prevention devices in accordance with the Regulations on the Prevention of and Preparedness for Meteorological Disasters and relevant technical standards for lightning prevention.

Article 29 The design, construction, completion, acceptance and testing of lightning prevention devices shall be carried out in accordance with the relevant provisions of the State and this Municipality.

Testing units of lightning prevention devices shall, in accordance with the provisions of the State, obtain the corresponding qualifications and conduct testing within the scope and grade of their qualifications.

第五章 气候资源开发利用和保护

第三十条 气候资源的开发利用和保护应当坚持可持续发展的原则，合理开发、综合利用、因地制宜、趋利避害，防止破坏气候资源。

第三十一条 市和区人民政府应当加强气候资源开发利用和保护工作，组织开发和推广效益显著的气候资源利用项目。

第三十二条 市气象主管机构应当加强气候资源的综合调查、区划工作，组织进行气候监测、分析、评价，并对可能引起气候恶化的大气成分进行监测，定期发布全市气候状况公报。

第三十三条 本市鼓励单位和个人充分利用太阳能、风能等气候资源；在农村地区因地制宜推广应用户用太阳能、小型风能等技术。

第三十四条 城乡规划、重点建设工程、重大区域性经济开发项目和大型太阳能、风能等气候资源开发利用项目应当依法进行气候可行性论证。

第三十五条 人工影响天气机构应当加强人工影响天气的科学技术研究，在适宜的气象条件下实施人工影响天气作业，开发云水资源，增加水资源量。

第六章 法律责任

第三十六条 违反本办法第十条规定，侵占、损毁或者未经批准擅自移动气象设施的，由气象主管机构责令停止违法行为，限期恢复原状或者采取其他补救措施，可以并处5万元以下罚款；造成损失的，依法承担赔偿责任；构成犯罪的，依法追究刑事责任。

第三十七条 违反本办法第十三条规定，在气象探测环境保护范围内从事危害气象探测环境活动的，由气象主管机构责令停止违法行为，限期恢复原状或者采取其他

Chapter V Exploitation and Protection of Climatic Resources

Article 30 The exploitation and protection of climatic resources shall stick to the principle of sustainable development, and the development and use shall be in a sound and comprehensive way, adapt to the local conditions, seek advantages and avoid disadvantages, and prevent damaging climatic resources.

Article 31 The municipal and district people's governments shall strengthen the work relating to exploitation and protection of climatic resources and organize the development and promotion of exploitation projects of climatic resources which have prominent effects.

Article 32 The competent meteorological department at the municipal level shall strengthen the overall survey and zoning of climatic resources, coordinate efforts in climate monitoring, analysis and assessment and in the monitoring of the atmosphere composition that may cause climate deterioration, and issue, at regular intervals, bulletins on climatic status of the whole city.

Article 33 This Municipality shall encourage units and individuals to fully utilize such climatic resources as solar and wind energy; and make extensive application of such technology as solar energy for family use and small-scale wind energy in rural areas adapting to their local conditions.

Article 34 The climatic feasibility studies relating to the urban and rural planning, key construction projects, major regional economic development projects and large-scale projects for exploitation of climatic resources such as solar and wind energy shall be conducted according to law.

Article 35 The weather modification institutions shall strengthen scientific and technological research on weather modification and carry out weather modification operations in proper meteorological conditions to develop the cloud water resources and increase the amount of water resources.

Chapter VI Legal Liability

Article 36 Whoever, in violation of the provisions of Article 10 of the Measures, seizes, damages or destroys or relocates without authorization meteorological facilities shall be ordered to stop these illegal acts, restore to the original state within a specified time limit or take other remedial measures, and may be fined not more than 50,000 yuan by the competent meteorological departments; and shall bear the compensation responsibility according to law where losses are caused; if a crime is constituted, criminal liability shall be investigated for according to law.

Article 37 Whoever, in violation of the provisions of Article 13 of the Measures, within the protected environs for meteorological observation, engages in activities which impair the environs for meteorological observation shall be ordered to stop the illegal acts, restore to the original state within a specified time limit or take other remedial measures, and may be fined not more than 50,000 yuan by the competent meteorological departments;

补救措施，可以并处5万元以下罚款；造成损失的，依法承担赔偿责任；构成犯罪的，依法追究刑事责任。

第三十八条 违反本办法第十四条第一款规定，非法向社会发布公众气象预报或者灾害性天气警报的，由气象主管机构责令改正，给予警告，可以并处5万元以下罚款。

第三十九条 违反本办法第十九条规定，广播、电视、报纸、电信、网站等媒体以及其他信息载体向社会传播本市气象预报或者灾害性天气警报，未使用气象主管机构所属的气象台站直接提供的适时气象信息的，由气象主管机构责令改正，给予警告，可以并处5万元以下罚款。

第四十条 违反本办法第二十八条规定，应当安装防雷装置而拒不安装的，以及安装不符合使用要求的防雷装置的，由气象主管机构责令限期改正，并按照国家和本市的有关规定依法处理。

第四十一条 市和区气象主管机构对违反有关气象法律、法规和规章的行为予以行政处罚的，应当及时将有关单位的违法行为信息记入本市企业信用信息系统。

第四十二条 本市气象工作人员由于玩忽职守，导致重大漏报、错报公众气象预报、灾害性天气警报，以及丢失或者毁坏原始气象探测资料、伪造气象资料等事故的，依法给予行政处分；致使国家利益和人民生命财产遭受重大损失，构成犯罪的，依法追究刑事责任。

第七章 附 则

第四十三条 本办法中下列用语的含义是：

（一）地方气象事业项目，是指市和区人民政府根据本地区经济社会发展的需要建设的气象探测系统、气象通信系统、气象信息处理系统、气象预报系统、气象灾害监测预警系统、气象服务系统、人工影响天气、气候资源开发利用和保护等项目。

and shall bear the compensation responsibility according to law where losses are caused; if a crime is constituted, criminal liability shall be investigated for according to law.

Article 38 Whoever, in violation of the provisions of Paragraph 1, Article 14 of the Measures, issues to the general public meteorological forecast and severe weather warning shall be ordered to make corrections and given a warning, and may be fined not more than 50,000 yuan by the competent meteorological departments.

Article 39 Such media as radio, television, newspaper, telecommunication and website and other information carriers, in violation of the provisions of Article 19 of the Measures, failing to use the latest meteorological information directly provided by the meteorological offices or stations subordinate to the competent meteorological departments when issuing to the public meteorological forecast and severe weather warning of this Municipality shall be ordered to make corrections and given a warning, and may be fined not more than 50,000 yuan by the competent meteorological departments.

Article 40 Whoever, in violation of the provisions of Article 28 of the Measures, refuses to install lightning prevention devices that shall be installed and installs lightning prevention devices that do not conform to the use requirements shall be ordered to make corrections within a specified time limit by the competent meteorological departments, and the matters shall be handled according to law in compliance with relevant provisions of the State and this Municipality.

Article 41 Where the competent meteorological departments at the municipal and district level impose administrative penalties on the violations of laws, regulations and rules relating to meteorology, they shall timely record the message of such illegal acts committed by relevant units into the enterprise credit information system of this Municipality.

Article 42 The staff engaging in meteorological work in this Municipality who neglect their duties and consequently fail to make important public meteorological forecast or to send out severe weather warning, or make wrong forecast or send out wrong warning, or who lose or damage the raw meteorological observation data or fabricate meteorological data shall be given administrative sanctions according to law; where they cause heavy losses to state interests or people's lives or property, which is serious enough to constitute a crime, they shall be investigated for criminal liability according to law.

Chapter VII Supplementary Provisions

Article 43 For the purpose of the Measures, the definitions of the following terms are:

(1) Local meteorological projects refer to those projects initiated by the municipal and district people's governments to meet the needs of local economic and social development, such as meteorological detection systems, meteorological communication systems, meteorological information processing systems, meteorological forecast systems, meteorological disaster monitoring and warning systems, meteorological service systems, weather modification, and exploitation and protection of climatic resources.

（二）气象灾害预警信号，是指由有发布权的气象台站为有效防御和减轻突发气象灾害而向社会公众发布的警报信息图标。

第四十四条 本办法自 2006 年 3 月 1 日起施行。

(2) Early warning signals of meteorological disasters refer to the alert information icons released to the general public by the meteorological offices or stations that have the releasing power in order to prevent and mitigate sudden meteorological disasters.

Article 44 The Measures shall come into force as of March 1, 2006.

北京市实施《中华人民共和国防震减灾法》规定

(2013年7月26日北京市第十四届人民代表大会常务委员会

第五次会议通过)

第一条 为了防御和减轻地震灾害,保护人民生命财产安全,根据《中华人民共和国防震减灾法》及相关法律、法规,结合本市实际情况,制定本规定。

第二条 在本市行政区域内进行防震减灾活动,应当遵守相关法律、行政法规及本规定。

第三条 市和区、县人民政府应当加强对防震减灾工作的领导,根据中国地震烈度区划图或者地震动参数区划图、本市地震小区划图、地震安全性评价结果确定的抗震设防要求、国家及本市有关建设工程的强制性标准和本市防震减灾规划,做好抗震设防工作。

区、县人民政府应当建立健全防震减灾工作机构。乡镇人民政府、街道办事处应当明确专人负责防震减灾工作。

地震工作主管部门和规划、发展改革、住房城乡建设、农村工作等相关行政部门,按照职责分工做好防震减灾工作。

第四条 市地震工作主管部门应当会同有关部门编制本市防震减灾规划,报市人民政府批准。防震减灾规划应当与国民经济和社会发展规划、城乡规划和土地利用总体规划相衔接。市地震工作主管部门应当根据本市防震减灾规划制订本市年度防震减灾工作计划。

区、县人民政府应当根据本市防震减灾规划及年度防震减灾工作计划制订区县防震减灾年度工作计划,并组织实施。

Provisions of Beijing Municipality for Implementing the Law of the People's Republic of China on Protecting against and Mitigating Earthquake Disasters

(Adopted at the 5th Meeting of the Standing Committee of the 14th People's Congress of Beijing Municipality on July 26, 2013)

Article 1 These Provisions are formulated for the purposes of protecting against and mitigating earthquake disasters and ensuring the safety of people's lives and property in accordance with the Law of the People's Republic of China on Protecting against and Mitigating Earthquake Disasters and relevant laws and regulations and in light of the actual circumstances of this Municipality.

Article 2 Relevant laws, regulations and these Provisions shall be obeyed in activities carried out for protecting against and mitigating earthquake disasters within the administrative area of this Municipality.

Article 3 The people's governments at the municipal and the district or county level shall improve their leadership over the work for protecting against and mitigating earthquake disasters and make a success of the work for fortification against earthquakes in accordance with the seismic intensity zoning map or ground motion parameter zoning map of China, the seismic micro-zoning map of this Municipality, the requirements for fortification against earthquakes set by the seismic safety assessment results, the compulsory standards of the State and this Municipality on construction projects as well as the plans of this Municipality for protecting against and mitigating earthquake disasters.

The people's governments at the district or county level shall establish and improve the working bodies for protecting against and mitigating earthquake disasters. The people's governments at the town or township level and sub-district offices shall designate special personnel to be responsible for the work of protecting against and mitigating earthquake disasters.

The administrative departments for seismic work and relevant administrative departments for planning, development and reform, housing and urban-rural construction, and rural work shall make a success of the work for protecting against and mitigating earthquake disasters according to the division of their functions and duties.

Article 4 The administrative department for seismic work at the municipal level shall, together with relevant departments, compile the plan for protecting against and mitigating earthquake disasters of this Municipality and report it to the Municipal People's Government for approval. The plan for protecting against and mitigating earthquake disasters shall be dovetailed with the plan for national economy and social development, urban and rural planning, and overall planning for land utilization. The administrative department for seismic work shall formulate the annual work plan for protecting against and mitigating earthquake disasters of this Municipality in accordance with the plan of this Municipality for protecting against and mitigating earthquake disasters.

The people's governments at the district or county level shall formulate the annual work plan for protecting against and mitigating earthquake disasters in their respective districts or counties in accordance with the plan for protecting against and mitigating earthquake disasters and the annual work plan for protecting against and mitigating earthquake disasters of this Municipality and organize their implementation.

市和区、县人民政府应当将防震减灾工作经费列入财政预算，保障防震减灾规划和工作计划的实施。

第五条 市和区、县人民政府应当加强防震减灾知识的宣传和教育工作，增强公民防灾减灾的意识和能力。

第六条 地震监测台网实行统一规划，分级、分类管理。

市和区县地震监测台网建设、运行和维护的经费，列入财政预算。

第七条 市和区县地震工作主管部门应当加强对强震动监测设施建设的监督管理，并对监测设施建设给予技术指导。

新建、扩建、改建下列建设工程，应当建设强震动监测设施，并符合同步建设的基础设施、公共服务设施规划管理的规定，建设费用由建设单位承担：

（一）特大桥梁、大中型水库大坝；

（二）供水、供电、供气、供热主干线及大型交通、通信枢纽等城市基础设施主体工程；

（三）120米以上的高层建筑；

（四）法律、法规和市人民政府确定的其他重大建设工程。

前款所列设施或者建筑物的所有权人负责强震动监测设施的管理和运行维护，并保证监测数据的正常传输。强震动监测设施的运行维护费用由财政部门给予适当补贴。

市和区县地震工作主管部门负责本市强震动监测数据的归集和使用管理。

第八条 市地震工作主管部门应当会同农业、林业、水务、气象、国土等部门建立地震宏观异常现象会商机制，对相关情报、信息进行共享、会商处理。

地震预报意见由市人民政府按照国务院规定的程序发布。

第九条 本市根据防震减灾规划和计划，开展地震活动断层探测和地震小区划工作。相关管理工作由地震工作主管部门负责。

第十条 新建、扩建、改建建设工程应当按照国家和本市规定的抗震设防要求进

The people's governments at the municipal and the district or county level shall include the funds for the work for protecting against and mitigating earthquake disasters in their financial budgets to ensure the implementation of the plans for protecting against and mitigating earthquake disasters and the work plans.

Article 5 The people's governments at the municipal and the district or county level shall strengthen the publicity and education of knowledge about protecting against and mitigating earthquake disasters to enhance citizens' awareness and capability of protecting against and mitigating earthquake disasters.

Article 6 Earthquake monitoring stations and networks shall be planned in a unified manner and subject to graded or classified administration.

The funds for construction, operation and maintenance of earthquake monitoring stations and networks at the municipal and the district or county level shall be included in financial budgets.

Article 7 The administrative departments for seismic work at the municipal and the district or county level shall strengthen supervision and administration of the construction of facilities for monitoring strong ground motions and provide technical guidance on the construction of monitoring facilities.

In new construction, expansion or reconstruction of the following construction projects, the facilities for monitoring strong ground motions shall be constructed and the provisions on planning administration of synchronously constructed infrastructure and public service facilities shall be complied with, while the construction expenses shall be assumed by the development units:

- (1) especially big bridges, and large and medium reservoir dams;
- (2) main lines for water supply, power supply, gas supply and heat supply, as well as main parts of such urban infrastructure as large transportation and communication hubs;
- (3) high rise buildings higher than 120 meters;
- (4) other major construction projects determined by laws, regulations and the Municipal People's Government.

The owners of the facilities or buildings listed in the preceding paragraph shall be responsible for management, operation maintenance of the facilities for monitoring strong ground motions and ensure normal transmission of monitoring data. The administrative departments for finance shall appropriately subsidize the operation maintenance of the facilities for monitoring strong ground motions.

The administrative departments for seismic work at the municipal and the district or county level shall be responsible for the collection, utilization and management of monitoring data of strong ground motions in this Municipality.

Article 8 The administrative department for seismic work at the municipal level shall, together with the departments for agriculture, forestry, water affairs, meteorology and State-land, establish a mechanism for consulting about the macroscopic seismic abnormal phenomena to share and consult to deal with relevant information.

The earthquake prediction shall be released by the Municipal People's Government in accordance with the procedures provided by the State Council.

Article 9 This Municipality shall carry out the exploration of active seismic faults and the work on seismic micro-zoning in accordance with the plan and work plan for protecting against and mitigating earthquake disasters. Relevant administration work shall be undertaken by the administrative departments for seismic work.

Article 10 As to new construction, expansion or reconstruction of construction

行建设。建设工程抗震设防要求应当纳入控制性详细规划编制内容，相关单位在进行建设工程立项审批、规划许可、工程设计、工程施工、竣工验收时应当审查建设工程是否符合抗震设防要求。

第十一条 下列建设工程，建设单位应当按照国家和本市规定进行地震安全性评价，并按照经审定的地震安全性评价报告确定的抗震设防要求进行抗震设防：

（一）对社会有重大价值或者重大影响的大型交通、电站、通信枢纽、广播电视设施、学校、医院、供水、供电、供气、供热设施等建设工程；

（二）受地震破坏后可能引发严重次生灾害的水库大坝、堤防，贮油、贮气设施，输油、输气设施，贮存易燃易爆、剧毒和强腐蚀性物质的设施，核供热、核能研究、核能利用放射性物质贮存设施等建设工程。

需要进行地震安全性评价的建设工程的具体范围由市地震工作主管部门会同市规划、发展改革、住房城乡建设等部门确定。

建设单位应当在竣工验收后将建设工程抗震设防情况向建设工程所在地的区县地震工作主管部门备案。

第十二条 按照国家和本市规定，已经建成的建设工程有下列情形之一的，所有权人应当委托相关单位进行抗震鉴定，相关行政主管部门根据防震减灾的需求也可以委托进行抗震鉴定：

（一）达到设计使用年限需要继续使用的；

（二）进行结构改造或者改变使用用途可能影响抗震性能的；

（三）未采取抗震设防措施或者达不到现行抗震设防要求的。

鉴定单位应当向所有权人出具抗震鉴定报告，抗震鉴定报告应当包括鉴定结论、加固价值评估及抗震设防建议。抗震鉴定报告应当报送区县住房城乡建设、地震部门备案。

第十三条 房屋建筑所有权人应当根据抗震鉴定报告，对不符合抗震设防标准且

projects, construction shall be carried out in accordance with the requirements for fortification against earthquakes provided by the State and this Municipality. The requirements for fortification against earthquakes for construction projects shall be included in the compiled contents of regulatory detailed plans, and relevant units shall examine whether the construction projects conform to the requirements fortification against earthquakes when carrying out project approval, planning permit, project design or construction, or project acceptance upon completion.

Article 11 The development units shall carry out seismic safety assessment on the following construction projects in accordance with the provisions of the State and this Municipality, and conduct fortification against earthquakes in accordance with the requirements for fortification against earthquakes set in the approved report on seismic safety assessment:

(1) such construction projects with significant value to or influences on the society as large transportation facilities, power stations, communication hubs, radio and television facilities, schools, hospitals, and facilities for water supply, power supply, gas supply and heat supply;

(2) such construction projects which may induce serious secondary disasters after destroyed in earthquakes as reservoir dams, dykes, facilities for storing oil or gas, facilities for transporting oil or gas, facilities for storing flammable or explosive, highly toxic and highly corrosive materials, as well as facilities for storing radioactive substances for nuclear heating, nuclear energy research and nuclear energy utilization.

The specific scope of construction projects subject to seismic safety assessment shall be determined by the administrative department for seismic work at the municipal level, together with the departments for planning, development and reform, and housing and urban-rural construction at the municipal level.

The development units shall, after the acceptance upon completion, file for the record the conditions of construction projects' fortification against earthquakes with the administrative departments for seismic work at the district or county level at the places where the projects are located.

Article 12 Where the completed construction projects, in accordance with the provisions of the State and this Municipality, fall in any of the following circumstances, their owners shall entrust relevant units with the appraisal in terms of seismic resistance and relevant administrative departments may also entrust the appraisal in this respect in accordance with the needs for protecting against and mitigating earthquake disasters:

(1) in need of continuous service though reaching the working life designed;

(2) structural reconstruction or changing use purposes possibly influencing the function of seismic resistance;

(3) failing to adopt measures to fortify against earthquakes or failing to reach current requirements for fortification against earthquakes.

The appraisal units shall issue the appraisal reports on seismic resistance to the owners, which shall include appraisal conclusions, value of reinforcement evaluated and suggestions on fortification against earthquakes. The appraisal reports on seismic resistance shall be submitted to the administrative departments for housing and urban-rural construction, and seismic work at the district or county level for the record.

Article 13 The owners of housing buildings shall, in accordance with the appraisal reports on seismic resistance, adopt measures of seismic resistance and reinforcement on housing buildings not conforming to the standards on fortification against earthquakes and

具有加固价值的房屋建筑采取抗震加固措施。

抗震加固改造方案应当经房屋建筑所有权人共同决定。抗震加固改造方案应当明确具体实施抗震加固改造项目管理人，项目管理人承担建设单位的相关职责，依法组织竣工验收。

第十四条 按照国家和本市规定，区、县人民政府可以组织房屋建筑所有权人进行抗震加固。

区、县人民政府应当根据抗震鉴定情况，编制抗震加固改造计划，并逐年推进。

住房城乡建设、规划、地震等行政主管部门以及教育、卫生、文物等行业主管部门应当对抗震加固项目进行监督管理。

任何单位和个人不得阻挠、妨碍抗震加固的实施。

第十五条 按照国家和本市规定，经抗震鉴定、安全鉴定为危险房屋，需要停止使用的，房屋建筑所有权人及使用人应当根据鉴定报告的处理建议停止使用并搬出危险部位。

使用人拒不按照规定搬出的，住房城乡建设主管部门应当书面责令使用人搬出，情况紧急危及公共安全的，为预防突发事件的发生，区、县人民政府可以依法责成有关部门组织搬出，并妥善安置。

第十六条 市和区、县人民政府应当扶持、引导农民建设抗震农民住宅，并逐步将农民住宅建设纳入规范化管理。

编制乡镇规划和村庄规划时应当落实防震减灾规划的相关要求，充分考虑防震减灾工作。

住房城乡建设、规划、质量技术监督、地震等部门应当制定抗震农民住宅建设技术标准，编制抗震农民住宅设计图集和施工技术指南，并免费提供。

第十七条 本市鼓励、引导农民进行住宅抗震加固。

区、县人民政府统筹安排本区县农民住宅抗震加固改造工作；乡镇人民政府负责

with value of reinforcement.

The renovation schemes for seismic resistance and reinforcement shall be jointly decided by the owners of housing buildings. The renovation schemes for seismic resistance and reinforcement shall specify the managers to specifically implement the renovation projects for seismic resistance and reinforcement, who shall undertake relevant functions and duties of the development units and organize the acceptance upon completion according to law.

Article 14 In accordance with the provisions of the State and this Municipality, the people's governments at the district or county level may organize the owners of housing buildings to carry out seismic resistance and reinforcement.

The people's governments at the district or county level shall prepare the renovation plan for seismic resistance and reinforcement in accordance with the appraisals of seismic resistance, and implement the plan year by year.

The administrative departments for housing and urban-rural construction, planning and seismic work and the industrial departments for education, health and cultural relics shall carry out supervision and administration of the projects for seismic resistance and reinforcement.

No unit or individual may obstruct or hinder the implementation of seismic resistance and reinforcement.

Article 15 Where the housing buildings, in accordance with the provisions of the State and this Municipality, are determined to be dangerous once upon appraisal on seismic resistance and safety appraisal and need to be ceased for utilization, their owners and users shall cease the utilization and move out of dangerous parts in accordance with the handling opinions of the appraisal reports.

Where the users refuse to move out as stipulated, the administrative departments for housing and urban-rural construction shall order the users in writing to move out. In the case of emergencies endangering the public security, the people's governments at the district or county level may order relevant departments to organize the removal and make appropriate arrangements according to law in order to prevent the occurrence of emergencies.

Article 16 The people's governments at the municipal and the district or county level shall support and guide villagers to construct houses with seismic resistance, and gradually incorporate the construction of villagers, houses in standardized management.

In compiling town or township planning and village planning, relevant requirements of the plans for protecting against and mitigating earthquake disasters shall be put into practice and the work in this respect shall be given sufficient consideration.

The administrative departments for housing and urban-rural construction, planning, quality and technical supervision, seismic work, etc. shall formulate the technical standards for construction of villagers, houses with seismic resistance, compile the collection of design drawings and technical guidelines on construction of villagers, houses with seismic resistance, and provide them free of charge.

Article 17 This Municipality encourages and guides villagers to carry out seismic resistance and reinforcement for their houses.

The people's governments at the district or county level shall make overall arrangements of the renovation work on seismic resistance and reinforcement for villagers' houses within their respective districts or counties, while the people's governments at the town or township level shall be responsible for the specific organization and implementation work,

具体组织实施工作，并指导村民委员会引导农民进行住宅抗震加固。

住房城乡建设、规划、农村工作等行政主管部门对农民住宅抗震加固改造工作提供技术指导，并对工程质量进行监督管理。

第十八条 市规划主管部门应当会同市地震、应急管理等部门，组织编制本市地震应急避难场所规划。地震应急避难场所规划经市人民政府批准后纳入本市各级城乡规划。区、县人民政府应当组织地震应急避难场所和配套设施建设，拓展绿地、公园、操场、广场、体育场馆等公共场所地震应急避难功能，并做好周边疏散通道的日常维护。

地震工作主管部门应当按照规定和标准，认定地震应急避难场所，并将地震应急避难场所的位置向社会公布。地震工作主管部门应当加强对地震应急避难场所运行维护情况的监督检查，每2年组织一次对地震应急避难场所的核定。

地震应急避难场所的所有权人负责地震应急避难场所的维护和管理，并按照规定设置地震应急避难场所标志。财政部门给予适当补贴。

第十九条 市和区、县人民政府应当完善地震应急决策、指挥、预警、处置、响应、善后等各项工作机制。

第二十条 市地震工作主管部门应当按照国家和本市规定，会同有关部门进行地震风险评估。

供排水、供电、供气、供热、交通、通信等城市基础设施和本市各专项应急指挥部办公室应当将与地震灾害有关的基础数据提供给地震工作部门。地震工作主管部门应当根据地震发生发展机理，活动断层和地震小区划情况，编制风险源和风险区划图，并向前述部门或者单位提出地震应急风险防范任务要求。

地震工作主管部门应当将风险源、风险区划图和地震应急风险防范任务要求报送市和区、县人民政府及应急管理部门。

第二十一条 本市建立健全与国家有关部门，驻京中国人民解放军、中国人民武

and direct the villagers, committees to guide the villagers to carry out seismic resistance and reinforcement for their houses.

The administrative departments for housing and urban-rural construction, planning, rural work, etc, shall provide technical guidance on the renovation work on seismic resistance and reinforcement for villagers houses, and carry out supervision and administration of the project quality.

Article 18 The department for planning at the municipal level shall, together with the administrative departments for seismic work and emergency response at the municipal level, organize the compilation of the planning for emergency shelters against earthquake disasters in this Municipality, which shall be included in the urban-rural planning at all levels within this Municipality upon approval of the Municipal People's Government. The people's governments at the district or county level shall organize the construction of emergency shelters against earthquake disasters and supporting facilities and equipment, expand the functions of emergency shelters against earthquake disasters in such public places as green land, parks, playgrounds, squares and stadiums, and make a success of daily maintenance of surrounding evacuation passageways.

The administrative departments for seismic work shall, in accordance with provisions and standards, recognize emergency shelters against earthquake disasters, and publish the locations thereof to the society. The administrative departments for seismic work shall strengthen the supervision and inspection of the operation and maintenance of emergency shelters against earthquake disasters, and organize the verification of emergency shelters against earthquake disasters every two years.

The owners of emergency shelters against earthquake disasters shall be responsible for the maintenance and management of emergency shelters against earthquake disasters and set up the signs for emergency shelters against earthquake disasters in accordance with norms. The administrative departments for finance shall offer appropriate subsidies.

Article 19 The people's governments at the municipal and the district or county levels shall improve all working mechanisms in terms of decision on response to emergencies, command, early warning, handling, response and rehabilitation.

Article 20 The administrative department for seismic work at the municipal level shall carry out evaluation of seismic risks with relevant departments in accordance with the provisions of the State and this Municipality.

Urban infrastructure for water supply and drainage, power supply, gas supply, heat supply, transportation and communications, as well as all specialized commands for emergency response in this Municipality shall provide the administrative departments for seismic work with basic data related to earthquake disasters. The administrative departments for seismic work shall, in accordance with the mechanism for seismic occurrence and development, active faults and circumstances of seismic microzoning, formulate the zoning map of risk sources and risks and raise requirements on tasks of preventing risks in response to seismic emergencies to the departments or units mentioned above.

The administrative departments for seismic work shall submit the zoning map of risk sources and risks and requirements on tasks of preventing risks in response to seismic emergencies to the people's governments at the municipal and the district or county levels and the administrative departments for emergency response.

Article 21 This Municipality shall establish and improve a joint mechanism for emergency response to earthquakes with the relevant departments of the State, the Chinese People's Liberation Army and the Chinese People's Armed Police Force stationed in Beijing,

装警察部队，周边省、自治区、直辖市的地震应急联动机制，加强统一指挥，统筹应急资源，保障地震应急信息沟通，资源共享。

第二十二条 本市各级人民政府及其工作部门应当制定本行政区域或者本部门的
地震应急预案。企事业单位、社会团体、居民委员会和村民委员会应当制定本单位的
地震应急预案。地震应急预案应当包括地震应急避险线路图和人员疏散应急方案。

第二十三条 本市鼓励志愿者组织、机关、社会团体、企事业单位建立地震应急
志愿者队伍，承担地震应急科普宣传、信息报告工作，接受地震应急先期处置、善后
的知识培训和演练。市和区县地震工作主管部门应当对志愿者队伍予以指导。

第二十四条 政府工作部门、企事业单位、社会团体应当根据应急预案，组织开
展地震应急演练。街道办事处、乡镇人民政府应当指导居民委员会、村民委员会组织
本地区居民、村民开展地震应急演练。

市和区、县人民政府应当根据实际需要，在本级财政预算和物资储备中安排地震
应急和救灾资金、物资。有关行政主管部门应当加强对地震应急和救护物资生产、销
售的监督管理，引导市民储备必要的应急和救护物资，提高市民在地震灾害中自救、
互救的能力。

第二十五条 防震减灾知识应当纳入中小学校教学计划，学校应当开展专题教育，
每年至少组织一次应急疏散演练，培养学生的安全避险意识和自救互救能力。教育行
政主管部门应当加强检查指导并推广先进学校的典型经验。

地震工作主管部门应当会同有关部门制作防震减灾知识宣传材料。新闻媒体应当
在公益广告时间或者版面免费刊播适当比例的防震减灾公益性宣传内容。

防震减灾科普教育基地应当免费对公众开放。

第二十六条 本市建立防震减灾信息系统，市地震工作主管部门负责全市防震减
灾信息系统建设和运行管理工作。防震减灾信息系统包括地震观测信息系统、地震烈
度速报系统和地震预警系统。

and the neighboring provinces, autonomous regions and municipalities directly under the Central Government so as to strengthen unified command, make overall arrangements of resources for emergency response and ensure communication of seismic emergency response information and resource sharing.

Article 22 The people's governments at all levels of this Municipality and the working departments thereof shall formulate precautionary plans for response to earthquakes within their respective administrative areas or departments. Enterprises, institutions, public organizations, residents' committees and villagers, committees shall formulate precautionary plans for response to earthquakes within their respective units. The precautionary plans for response to earthquakes shall include route maps in response to earthquakes and for avoiding risks as well as emergency plans for evacuating people.

Article 23 This Municipality encourages volunteer organizations, organs, public organizations, enterprises and institutions to establish teams of volunteers for response to earthquakes, which shall undertake the popularization and publicity of science and information report related to emergency response to earthquakes, and accept training and drills as to preliminary handling of emergency response to earthquakes and post-earthquake rehabilitation. The administrative departments for seismic work at the municipal and the district or county level shall offer guidance to the teams of volunteers.

Article 24 The working departments of governments, enterprises and institutions, and public organizations shall organize drills for emergency response to earthquakes in accordance with the precautionary plan for emergency response. The sub-district offices and the people's governments at the town or township level shall guide residents, committees or villagers' committees to organize residents and villagers within their respective areas to carry out drills for emergency response to earthquakes.

The people's governments at the municipal and the district or county level shall, in light of actual needs, allocate funds and materials for emergency response to earthquakes and rescue from their financial budgets and material reserves at the same level. Relevant administrative department shall strengthen supervision and administration of the production and sale of materials for emergency response to earthquakes and rescue, guide citizens to reserve necessary materials for emergency response and rescue, and increase citizens' capability of self and mutual rescue from earthquake disasters.

Article 25 The knowledge on protecting against and mitigating earthquake disasters shall be incorporated into the teaching plans of primary and secondary schools, which shall conduct education on special topics, and organize at least once emergency evacuation drills each year so as to foster students' awareness of the importance of safely avoiding risks and capability of self- and mutual-rescue. The administrative departments for education shall strengthen inspection and guidance, and spread the typical experiences of advanced schools.

The administrative departments for seismic work shall, together with relevant departments, work out the materials for publicizing the knowledge about protecting against and mitigating earthquake disasters. News media shall publish and broadcast appropriate proportion of public welfare contents of the knowledge about protecting against and mitigating earthquake disasters free of charge during public welfare advertisement period or on public welfare advertisement page.

Educational bases for popularization of science about protecting against and mitigating earthquake disasters and education shall be open to the public free of charge.

Article 26 This Municipality sets up an information system for protecting against and mitigating earthquake disasters. The administrative department for seismic work at

区、县人民政府应当建立地震灾情信息速报网络和灾情速报平台。

市地震工作主管部门应当充分发挥在京防震减灾科研机构优势，联合开展地震预报基础研究，不断提高预测水平。

第二十七条 行政机关工作人员在防震减灾工作中不依法履行职责，依照《中华人民共和国防震减灾法》和《行政机关公务员处分条例》的规定给予行政处分。

第二十八条 违反本规定第七条第二款规定，建设单位未建设强震动监测设施的，地震工作主管部门应当责令限期改正；逾期不改正的，处2万元以上20万元以下罚款。

第二十九条 本规定所称建设工程或者房屋建筑的所有权人，包括产权人和依法承担产权人责任的管理人。

第三十条 本规定自2014年1月1日起施行。2001年10月16日北京市第十一届人民代表大会常务委员会第三十次会议通过的《北京市实施〈中华人民共和国防震减灾法〉办法》同时废止。

the municipal level shall be responsible for the construction, operation and management of the information system for protecting against and mitigating earthquake disasters. The information system for protecting against and mitigating earthquake disasters shall include the information system for observing earthquakes, the system for rapid report of seismic intensity and the system for pre-warning against earthquakes.

The people's governments at the district or county level shall establish the networks for rapid report of information related to earthquake disasters and platforms for rapid report of earthquake disasters.

The administrative department for seismic work at the municipal level shall give full play to the advantages of research institutions for protecting against and mitigating earthquake disasters stationed in Beijing, jointly carry out basic research on the forecast of earthquakes and improve the level of forecast continuously.

Article 27 The working staff of administrative organs failing to perform their functions and duties according to law in the work of protecting against and mitigating earthquake disasters shall be given sanctions in accordance with the Law of the People's Republic of China on Protecting against and Mitigating Earthquake Disasters and the Regulations on Sanctions of Public Servants of Administrative Organs.

Article 28 The development units, in violation of the provisions of Paragraph 2 of Article 7 of these Provisions, failing to construct facilities for monitoring strong ground motions, shall be ordered to make corrections within a specified time limit by the administrative departments for seismic work; where they fail to make corrections upon expiry of the time limit, a fine of not less than 20, 000 yuan but not more than 200, 000 yuan shall be imposed.

Article 29 The term owners of construction projects or housing buildings mentioned in these Provisions refers to the property owners or managers who assume the responsibilities of property owners according to law.

Article 30 These Provisions shall be effective as of January 1, 2014. The measures of Beijing Municipality for Implementing the Law of the People's Republic of China on Protecting against and Mitigating Earthquake Disasters adopted at the 30th Meeting of the Standing Committee of the 11th People's Congress of Beijing Municipality on October 16, 2001 shall be repealed simultaneously.

北京市气象灾害防御条例

(2018年11月23日北京市第十五届人民代表大会常务委员会
第九次会议通过)

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第一章 总 则

第一条 为了加强气象灾害防御,避免和减轻气象灾害造成的损失,维护城市正常运行,保障人民生命财产安全,根据《中华人民共和国气象法》《中华人民共和国突发事件应对法》《气象灾害防御条例》等法律、行政法规,结合本市实际情况,制定本条例。

第二条 本条例适用于本市行政区域内气象灾害的预防、预报预警、应急处置和隐患治理等活动。

本条例所称气象灾害,是指暴雨、暴雪、寒潮、大风、沙尘暴、低温、高温、干旱、雷电、冰雹、霜冻和大雾等造成人身财产、社会功能、生态环境等损害的事件。

第三条 气象灾害防御工作坚持以人为本、顺应自然的理念,实行政府主导、部门联动、社会参与的原则,构建预防科学、预报准确、预警及时、应对快速、治理有效的气象防灾减灾体系。

第四条 市和区人民政府应当加强对气象灾害防御工作的组织、领导和协调,健全管理体制和工作机制,将气象灾害防御工作纳入本级国民经济和社会发展规划,所

Regulations of Beijing Municipality on the Prevention of Meteorological Disasters

(Adopted at the 9th Meeting of the Standing Committee of the 15th People's Congress of Beijing Municipality on November 23, 2018)

Contents

Chapter I	General Provisions
Chapter II	Prevention
Chapter III	Forecasting, Early Warning and Emergency Disposal
Chapter IV	Treatment of Hidden Dangers
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Chapter I General Provisions

Article 1 These Regulations are formulated for the purposes of strengthening the prevention of meteorological disasters, avoiding and mitigating the losses caused by meteorological disasters, maintaining the normal operation of this Municipality and ensuring the safety of people's lives and properties in accordance with the Meteorological Law of the People's Republic of China, the Emergency Response Law of the People's Republic of China and the Regulations on the Prevention of Meteorological Disasters and in light of the actual circumstances of this Municipality.

Article 2 These Regulations shall apply to the prevention, forecasting, early warning, emergency disposal and treatment of hidden dangers of meteorological disasters within the administrative area of this Municipality.

The "meteorological disasters" as mentioned in these Regulations refer to the events such as rainstorm, snowstorm, cold wave, windstorm, sandstorm, low temperature, high temperature, drought, thunder and lightening, hailstorm, frost and dense fog that cause damages to people's lives and properties, social functions and ecological environment.

Article 3 The prevention of meteorological disasters shall adhere to the concepts of people-orientation and conforming to nature, as well as follow the principles of government leadership, joint action of departments and social participation, in order to build a system for prevention and mitigation of meteorological disasters that is scientific in prevention, accurate in forecasting, timely in early warning, quick in response and effective in treatment.

Article 4 The municipal and district people's governments shall strengthen the organization, leadership and coordination of the prevention of meteorological disasters, improve the management system and working mechanism, incorporate the prevention of meteorological disasters into the national economic and social development planning at

需经费列入本级政府预算。

市和区气象主管机构及政府有关部门应当按照职责分工，共同做好本行政区域的气象灾害防御工作。

第五条 乡镇人民政府、街道办事处应当履行气象灾害防御职责，将气象灾害防御纳入安全社区建设和网格化管理体系，确定人员与气象主管机构和应急管理等部门共同做好气象灾害防御工作。

第六条 居民委员会、村民委员会应当协助乡镇人民政府、街道办事处做好气象灾害防御知识宣传、预警信息传递、应急演练、应急联络和灾情调查等工作。

第七条 本市鼓励开展气象灾害防御科学技术研究，支持气象灾害防御先进技术的推广和应用，加强国内外技术交流与合作，提高气象灾害防御的科技水平。

气象主管机构应当会同市场监督管理等部门建立健全气象灾害防御技术标准体系，指导和规范气象灾害防御工作。

第八条 市人民政府应当与周边省、自治区、直辖市建立健全气象灾害防御协作机制，推进气象灾害防御规划、政策措施和技术标准的协调一致，统筹气象灾害防御设施布局，开展气象灾害防御业务合作和科学技术研究，提升气象灾害联防联控水平。

第九条 市和区人民政府及政府有关部门应当采取多种形式，加强气象灾害防御和救助知识的宣传教育，提高公众的防灾避险意识和自救互救能力。

第十条 公民、法人和其他组织应当增强防灾避险意识，提高自救互救能力；主动获取气象灾害预警信息，做好应急准备，依法服从有关部门的指挥，开展自救互救；配合有关部门做好灾情调查工作。

第十一条 本市支持公益性社会组织和志愿者队伍等社会力量有序参与气象灾害防御知识宣传、应急演练、灾情收集、灾害救援等气象灾害防御活动。

第十二条 本市鼓励和引导公民、法人和其他组织提供气象灾害防御信息、技术等市场服务，气象主管机构及有关部门应当建立相应的监督管理制度。

the corresponding levels, and include the funds required in the government budgets at the corresponding levels.

The municipal and district meteorological authorities and the relevant government departments shall, in accordance with their duties and responsibilities, jointly do a good job in the prevention of meteorological disasters within their respective administrative regions.

Article 5 The township and town people's governments and sub-district offices shall perform their duties of preventing meteorological disasters, incorporate the prevention of meteorological disasters into the system for construction of safe communities and grid management, and determine the personnel who shall, together with the meteorological authorities and emergency management departments, do a good job in preventing meteorological disasters.

Article 6 The residents' committees and villagers' committees shall assist the township and town people's governments and sub-district offices in doing a good job in publicity of meteorological disaster prevention knowledge, transmission of early warning information, emergency drills, emergency liaison and disaster investigation.

Article 7 This Municipality shall encourage scientific and technological studies on the prevention of meteorological disasters, support the popularization and application of advanced technologies for the prevention of meteorological disasters, strengthen technical exchange and cooperation at home and abroad, and improve the scientific and technological level of the prevention of meteorological disasters.

The meteorological authorities shall, together with the departments for market regulation, establish and improve the technical standard system for the prevention of meteorological disasters, in order to guide and standardize the prevention of meteorological disasters.

Article 8 The Municipal People's Government shall establish and improve the cooperation mechanism for the prevention of meteorological disasters with the neighboring provinces, autonomous regions and municipalities directly under the Central Government, in order to promote the coordination and consistency of the planning, policy measures and technical standards for the prevention of meteorological disasters, coordinate the layout of meteorological disaster prevention facilities, carry out business cooperation and scientific and technological studies for the prevention of meteorological disasters, and enhance the level of joint prevention and joint treatment of meteorological disasters.

Article 9 The municipal and district people's governments and the relevant government departments shall adopt various forms to strengthen the propaganda and education of meteorological disaster prevention and relief knowledge, and to enhance the public's awareness of disaster prevention and ability of self-rescue and mutual rescue.

Article 10 Citizens, legal persons and other organizations shall strengthen their awareness of disaster prevention and enhance their ability of self-rescue and mutual rescue; take the initiative to obtain early warning information of meteorological disasters, prepare for emergencies, obey the command of the relevant departments in accordance with the law, and carry out self-rescue and mutual rescue; and cooperate with the relevant departments in disaster investigation.

Article 11 This Municipality shall support public welfare social organizations and volunteer teams to participate orderly in publicity of meteorological disaster prevention knowledge, emergency drills, disaster information collection, disaster relief and other meteorological disaster prevention activities.

Article 12 This Municipality shall encourage and guide citizens, legal persons and other organizations to provide meteorological disaster prevention information and

本市鼓励和支持保险机构开发气象灾害保险产品，引导公民、法人和其他组织购买气象灾害保险。

第二章 预 防

第十三条 市人民政府应当建立气象灾害信息共享制度，加强对气象灾害信息资源的综合开发利用。

气象主管机构负责组织编制气象灾害信息共享目录，建立气象灾害信息共享平台；发展改革、教育、经济信息化、公安、规划自然资源、生态环境、住房城乡建设、城市管理、交通、农业农村、水务、文化旅游、应急管理、园林绿化等部门以及铁路、公路、民航、通信、电力等单位负责提供水旱灾害、城乡积涝、地质灾害、环境污染、交通监控、电网故障、森林火险、农业灾害等与气象灾害有关的信息。

气象灾害信息共享平台的信息应当依法向社会公开。

第十四条 市人民政府应当每五年组织气象主管机构及政府有关部门对本行政区域内发生的气象灾害的种类、次数、强度和造成的损失等情况开展普查，进行风险评估。根据气象灾害风险评估结果划定气象灾害风险区域，并向社会公布。

第十五条 市和区人民政府应当组织气象主管机构及发展改革、应急管理、规划自然资源、交通、水务等部门，根据上一级人民政府的气象灾害防御规划、城市总体规划、土地利用总体规划和防灾减灾救灾规划，结合本地区气象灾害普查和风险评估情况，编制本行政区域的气象灾害防御规划，确定中长期防御措施。

气象灾害防御规划由气象主管机构组织实施。

第十六条 编制城乡规划时，组织编制机关应当进行气候可行性论证，统筹考虑气候的适宜性、影响性、风险性，科学确定和调整规划内容，并就城乡空间布局、生态环境保护、基础设施建设等内容，征求气象主管机构的意见。

technologies and other market services. The meteorological authorities and the relevant departments shall establish corresponding supervision and management systems.

This Municipality shall encourage and support insurance agencies to develop meteorological disaster insurance products, and guide citizens, legal persons and other organizations to purchase meteorological disaster insurances.

Chapter II Prevention

Article 13 The Municipal People's Government shall establish a system for sharing meteorological disaster information and strengthen the comprehensive development and utilization of meteorological disaster information resources.

The meteorological authorities shall be responsible for organizing the formulation of the information sharing catalogue for meteorological disasters and establishing information sharing platforms for meteorological disasters; the departments for development and reform, education, economy and information technology, public security, planning and natural resources, ecological environment, housing and urban-rural development, urban management, transport, agriculture and rural affairs, water affairs, culture and tourism, emergency management and landscaping, as well as the railway, highway, civil aviation, communications and power units, shall be responsible for providing meteorological disaster-related information such as flood and drought disasters, urban and rural waterlogging, geological disasters, environmental pollution, traffic monitoring, failure of power grid, forest fire risk, and agricultural disasters.

The information on the information sharing platforms for meteorological disasters shall be made public to the society in accordance with the law.

Article 14 The Municipal People's Government shall organize every five years the meteorological authorities and the relevant government departments to conduct general surveys on the types, frequency, intensity and losses caused of meteorological disasters occurring in their respective administrative areas and carry out risk assessment. Risky areas of meteorological disasters shall be delimited according to the results of risk assessment on meteorological disasters and announced to the public.

Article 15 The municipal and district people's governments shall organize the meteorological authorities and the departments for development and reform, emergency management, planning and natural resources, transport and water affairs to formulate the planning for the prevention of meteorological disasters and determine the medium and long term prevention measures in accordance with the meteorological disaster prevention planning, overall urban planning, overall land use planning and disaster prevention, mitigation and relief planning of the people's governments at the next higher level, and in combination with the general surveys and risk evaluation on meteorological disasters within their respective areas.

The meteorological disaster prevention planning shall be organized for implementation by the meteorological authorities.

Article 16 In formulating urban and rural planning, the organizing organs shall conduct climate feasibility demonstration, take into account the suitability, impact and risks of climate in an overall manner, scientifically determine and adjust the planning contents, and seek the opinions of the meteorological authorities on urban and rural spatial layout, ecological environment protection and infrastructure construction.

气象灾害易发区应当根据气象灾害防御需要纳入城乡规划中的禁止建设区域或者限制建设区域。

第十七条 有关部门在组织编制基础设施建设、城镇建设、公共服务设施建设、旅游开发建设等规划时，应当结合本市气象灾害的特点和可能造成的危害，科学确定规划内容，依法进行气候可行性论证，并征求气象主管机构的意见。

第十八条 项目建设单位在组织国家和本市重点建设项目论证时，应当按照国家有关规定进行气候可行性论证。项目审批部门应当统筹考虑气候的适宜性、影响性、风险性，并征求气象主管机构的意见。

需要进行气候可行性论证的重点建设项目的具体范围，由市气象主管机构会同发展改革、规划自然资源等部门确定并公布。

第十九条 在制定供水、排水、供热、燃气、道路、桥梁、轨道交通、电力、通信等基础设施和其他建筑物、构筑物及其附属设施的工程建设标准和技术规范时，制定部门应当充分考虑气象灾害可能造成的影响，依据气象灾害风险区域划分情况，设定气象灾害设防标准，提高建设项目的气象灾害防御水平。

第二十条 本市各级人民政府及政府有关部门应当根据气象灾害防御规划，结合本地区气象灾害的特点和可能造成的危害，组织制定本地区和本行业相关气象灾害应急预案，依法向社会公布，并按照应急预案开展气象灾害应急演练，提高应急救援能力。

相关气象灾害应急预案应当纳入本级人民政府突发事件应急预案体系。

第二十一条 机关、团体、企业事业单位应当将气象灾害防御纳入本单位突发事件应急预案，配合所在地人民政府开展气象灾害应急演练和培训。

供水、排水、供电、供气、供热、供油、交通、通信、危险化学品、有线电视网络等重要设施和车站、机场、景区、商场、学校、医院、社会福利机构等公共场所以及其他人员密集场所的经营、管理单位，应当根据本单位特点制定气象灾害应急预案，建立日常检查制度，明确责任人，及时消除隐患，保障运营安全。

Meteorological disaster-prone areas shall be incorporated into the prohibited or restricted construction areas in urban and rural planning according to the needs of meteorological disaster prevention.

Article 17 When organizing the formulation of the planning for infrastructure construction, urban construction, public service facility construction and tourism development and construction, the relevant departments shall scientifically determine the planning contents, conduct climate feasibility demonstration in accordance with the law, and seek the opinions of the meteorological authorities in light of the characteristics and possible hazards of meteorological disasters in this Municipality.

Article 18 When organizing the demonstration of key national and municipal construction projects, the project construction units shall conduct climate feasibility demonstration in accordance with the relevant provisions of the State. The project approval departments shall take into account the suitability, impact and risks of climate as a whole and seek the opinions of the meteorological authorities.

The specific scope of key construction projects requiring climate feasibility demonstration shall be determined and announced by the municipal meteorological authority together with the departments for development and reform and planning and natural resources.

Article 19 In formulating the standards and technical specifications for the construction of infrastructure for water supply, drainage, heating, gas, roads, bridges, rail transit, electric power and communications and other buildings, structures and ancillary facilities, the formulating departments shall give full consideration to the possible impact of meteorological disasters, determine the standards for the prevention of meteorological disasters in accordance with the division of risky areas of meteorological disasters, and improve the level of the construction projects to prevent meteorological disasters.

Article 20 The people's governments and the relevant government departments at all levels in this Municipality shall, in accordance with the planning for the prevention of meteorological disasters and in light of the characteristics and possible hazards of meteorological disasters within their respective regions, organize the formulation of contingency plans for meteorological disasters within their respective regions and in corresponding industries, publish them to the public in accordance with the law, and carry out emergency drills against meteorological disasters in accordance with the contingency plans to improve the emergency rescue capability.

The relevant contingency plans for meteorological disasters shall be incorporated into the emergency plan system of the people's governments at the corresponding levels.

Article 21 Organs, organizations, enterprises and public institutions shall incorporate the prevention of meteorological disasters into their contingency plans and cooperate with the local people's governments in conducting emergency drills and training against meteorological disasters.

The operating and managing units of key facilities for water supply, drainage, power supply, gas supply, heat supply, oil supply, transport, communications, dangerous chemicals and cable television network, public places such as stations, airports, scenic spots, shopping malls, schools, hospitals and social welfare institutions and other crowded places shall,

第二十二条 市气象主管机构应当为国家和本市举办的重大活动提供气象服务保障，避免和减轻气象灾害对重大活动造成的影响。

第二十三条 本市各级人民政府及政府有关部门应当对负有气象灾害防御工作职责的国家机关工作人员及其他应急救援人员开展培训，提高应对气象灾害的决策和处置能力。

市气象主管机构负责组织编制气象灾害防御科普资料，并会同市教育、公安、人力资源社会保障、住房城乡建设、交通、文化旅游等部门制定气象灾害防御指南。机关、团体、企业事业单位应当开展气象灾害防御指南的教育培训。

广播、电视、报纸、互联网等媒体和公共交通工具运营单位应当开展气象灾害防御公益宣传。

第三章 预报预警与应急处置

第二十四条 市和区人民政府应当将气象灾害应对纳入突发事件应急指挥体系，完善跨区域、跨部门、跨行业的气象灾害监测信息网络；在气象灾害易发区、人口密集区、农产品生产区等区域，增加自动观测等设备设施，建设气象灾害实时和实景监测系统。

第二十五条 市气象主管机构应当加强数值天气预报的开发应用，完善气象灾害分区预报预警方法，提高气象灾害预报预警的准确率和时效性。

第二十六条 市和区突发事件预警信息发布机构按照国家和本市规定的职责、程序向社会发布气象灾害预警信息，及时向有关部门通报。

其他单位或者个人不得向社会发布气象灾害预警信息。

第二十七条 市和区突发事件预警信息发布机构应当会同有关部门组织广播、电视、报纸、电信、互联网等媒体和公共交通工具运营单位建立气象灾害预警信息

in accordance with their characteristics, formulate contingency plans for meteorological disasters, establish daily inspection systems, and determine the persons in charge, in order to eliminate hidden dangers in time and ensure operational safety.

Article 22 The municipal meteorological authority shall provide meteorological service assurance for major events organized by the State and this Municipality, so as to avoid and mitigate the impact of meteorological disasters on major events.

Article 23 The people's governments and the relevant government departments at all levels in this Municipality shall carry out training of the staff of state organs and other emergency rescue personnel who are responsible for the prevention of meteorological disasters, so as to improve their decision-making and disposal capabilities in response to meteorological disasters.

The municipal meteorological authority shall be responsible for organizing the formulation of popular scientific materials on meteorological disaster prevention, and shall, together with the municipal departments for education, public security, human resources and social security, housing and urban-rural development, transport and culture and tourism, formulate the guidelines for the prevention of meteorological disasters. Organs, organizations, enterprises and public institutions shall carry out education and training on the guidelines for the prevention of meteorological disasters.

The media such as radio, television, newspapers and the Internet and the operating and managing units of public transport means shall carry out public welfare propaganda for the prevention of meteorological disasters.

Chapter III Forecasting, Early Warning and Emergency Disposal

Article 24 The municipal and district people's governments shall incorporate the response to meteorological disasters into the emergency command system, and improve the information network for monitoring meteorological disasters across regions, departments and industries; and add equipment and facilities for automatic observation and build real-time and on-the-spot monitoring systems against meteorological disasters in areas prone to meteorological disasters, densely populated areas and agricultural production areas.

Article 25 The municipal meteorological authority shall strengthen the development and application of numerical weather prediction, improve the methods of prediction and early warning of meteorological disasters by section, and improve the accuracy and timeliness of the prediction and early warning of meteorological disasters.

Article 26 The municipal and district information issuing agencies for early warning of emergencies shall, in accordance with the responsibilities and procedures prescribed by the State and this Municipality, issue early warning information on meteorological disasters to the society and timely inform the relevant departments.

No other unit or individual may issue early warning information on meteorological disasters to the society.

Article 27 The municipal and district information issuing agencies for early warning of emergencies shall, together with the relevant departments, organize the media such as radio, television, newspapers, telecommunications and the Internet and the operating and

传播机制。

有关媒体和单位应当按照国家和本市的有关规定准确播发或者刊载气象灾害预警信息。紧急情况下，广播、电视、电信、互联网等媒体应当采取滚动字幕、加挂气象灾害预警信息、中断正常播出、发送手机短信等方式迅速播报气象灾害预警信息及有关防御知识。

第二十八条 车站、机场、景区、商场、学校、医院、社会福利机构等公共场所以及其他人员密集场所的经营、管理单位，应当通过电子显示装置、有线广播等方式向公众传播气象灾害预警信息，并及时更新。

第二十九条 市和区人民政府及政府有关部门应当完善农村地区气象灾害预警信息传递机制，加强气象灾害预警信息接收终端建设，通过互联网、手机客户端、手机短信、有线广播、高音喇叭和手摇报警器等方式，及时传递气象灾害预警信息。

第三十条 本市各级人民政府及政府有关部门应当根据气象灾害预警信息和应急预案启动标准，及时启动相关气象灾害应急预案，并按照各自职责做好相应的应急处置工作。

规划自然资源、生态环境、城市管理、交通、应急管理、农业农村、园林绿化等部门应当根据应急处置工作需要，与气象主管机构进行会商。

第三十一条 教育、公安、规划自然资源、生态环境、住房城乡建设、城市管理、交通、水务、园林绿化等部门根据相关气象灾害应急预案，可以采取临时交通管制、限制生产经营单位用水和用气、企业事业单位停工停课、社会单位错峰上下班等应急处置措施。

政府有关部门应当根据相关气象灾害应急预案，组织有关单位及时开放办公楼、体育场馆、学校、商场、宾馆、饭店、公园等场所用于应急避险。

市和区人民政府应当按照防灾减灾救灾要求和相关规划，制定本行政区域应急避险场所建设、维护和使用方案，并与本级应急预案相衔接，加强对公民应急避险的宣

managing units of public transport means to establish a mechanism for disseminating early warning information on meteorological disasters.

The relevant media and units shall accurately disseminate or publish early warning information on meteorological disasters in accordance with the relevant provisions of the State and this Municipality. In emergencies, radio, television, telecommunications, the Internet and other media shall adopt such means as using scrolling subtitles, adding warning information on meteorological disasters, interrupting normal broadcasting and sending short messages on mobile phones to quickly broadcast early warning information and related prevention knowledge on meteorological disasters.

Article 28 Operating and managing units of public places such as stations, airports, scenic spots, shopping malls, schools, hospitals and social welfare institutions and other crowded places shall disseminate and timely update early warning information on meteorological disasters to the public through electronic display devices and wired broadcasting.

Article 29 The municipal and district people's governments and the relevant government departments shall improve the transmission mechanism for early warning information on meteorological disasters in rural areas, strengthen the construction of receiving terminals for early warning information on meteorological disasters, and timely transmit early warning information on meteorological disasters through the Internet, mobile client, short messages, wired broadcasting, loudspeaker and hand emergency signaling apparatus.

Article 30 The people's governments and the relevant government departments at all levels in this Municipality shall, in accordance with the early warning information on meteorological disasters and the standards for launching contingency plans, launch the relevant contingency plans for meteorological disasters in a timely manner, and do a good job in the corresponding emergency disposal according to their respective duties.

The departments for planning and natural resources, ecological environment, urban management, transport, emergency management, agriculture and rural affairs and landscaping shall consult with meteorological authorities in accordance with the needs of emergency disposal.

Article 31 The departments for education, public security, planning and natural resources, ecological environment, housing and urban-rural development, urban management, transport, water affairs and landscaping may, in accordance with the relevant contingency plans for meteorological disasters, adopt emergency disposal measures such as temporary traffic control, restriction of water and gas use by production and business units, suspension of production and classes in enterprises and public institutions, and staggered working hours in social units.

The relevant government departments shall, in accordance with the relevant contingency plans for meteorological disasters, organize the relevant units to open office buildings, stadiums, schools, shopping malls, hotels, parks and other places in a timely manner for emergency refuge.

The municipal and district people's governments shall, in accordance with the requirements of disaster prevention, mitigation and relief and the relevant plans, formulate plans for the construction, maintenance and use of emergency shelters in their respective administrative regions, which shall be connected to the contingency plans at the

传和指导。

第三十二条 本市建立健全与国家有关部门，驻京中国人民解放军、中国人民武装警察部队，周边省、自治区、直辖市的气象灾害应急联动机制，加强统一指挥，统筹应急资源，保障气象灾害应急信息沟通和资源共享。

第三十三条 大型群众性活动的主办者或者承办者应当将气象灾害风险评估纳入安全风险预测或者安全风险评估，主动获取气象灾害预警信息，并根据气象灾害预警信息调整活动方案，确保活动安全。

公安部门根据气象灾害预警信息，可以要求大型群众性活动的主办者或者承办者调整活动方案。主办者或者承办者应当按照有关部门的要求，调整活动方案或者采取相应的应急处置措施。

第三十四条 市人民政府应当组织气象主管机构和应急管理、水务、科技等部门开展情景模拟研究，对重特大气象灾害发生风险和应急能力进行评估，完善气象灾害防御规划、应急预案和隐患治理措施。

第四章 隐患治理

第三十五条 市和区人民政府应当结合本地区气象灾害种类和特点，有重点地对气象灾害隐患进行排查，并组织有关部门、单位和个人采取规划、工程和技术等措施进行隐患治理，避免和减轻气象灾害的影响。

发生重特大气象灾害的，市和区人民政府应当组织开展专项调查，根据调查结果治理气象灾害隐患，完善气象灾害防御规划和应急预案。

第三十六条 编制城乡规划时，组织编制机关应当结合土地利用规划，统筹考虑城乡地区绿化建设、河湖水系、道路系统和其他公共空间实际情况，完善通风廊道系统，增加空气流动性，避免和减轻大雾、高温等气象灾害造成的危害。

corresponding levels, so as to strengthen publicity and guidance of emergency refuge to citizens.

Article 32 This Municipality shall establish and improve the linkage mechanism for emergency response to meteorological disasters with the relevant state departments, the Chinese People's Liberation Army and the Chinese Armed Police Force stationed in Beijing, and the surrounding provinces, autonomous regions and municipalities directly under the Central Government, strengthen unified command, as well as coordinate emergency resources, in order to ensure the communication of emergency information on meteorological disasters and sharing of materials.

Article 33 The sponsors or organizers of large-scale mass activities shall incorporate the risk assessment of meteorological disasters into the safety risk prediction or safety risk assessment, take the initiative to obtain early warning information on meteorological disasters, and adjust the schemes of activities according to the early warning information on meteorological disasters to ensure the safety of activities.

The public security departments may, according to the early warning information on meteorological disasters, request the sponsors or organizers of large-scale mass activities to adjust their schemes of activities. The sponsors or organizers shall adjust the schemes of activities or take corresponding emergency measures in accordance with the requirements of the relevant departments.

Article 34 The Municipal People's Government shall organize the meteorological authorities and the departments for emergency management, water affairs, and science and technology to conduct scenario simulation studies, assess the risk of and capacity of emergency response to severe and catastrophic meteorological disasters, as well as improve the planning for meteorological disaster prevention, contingency plans and measures against hidden dangers.

Chapter IV Treatment of Hidden Dangers

Article 35 The municipal and district people's governments shall, in light of the types and characteristics of meteorological disasters in their respective regions, investigate the hidden dangers of meteorological disasters selectively, and organize the relevant departments, units and individuals to take planning, engineering and technical measures to deal with the hidden dangers so as to avoid and mitigate the impact of meteorological disasters.

In the event of severe and catastrophic meteorological disasters, the municipal and district people's governments shall organize special investigations, control hidden dangers of meteorological disasters according to the results of investigations, and improve the planning and contingency plans for the prevention of meteorological disasters.

Article 36 In formulating the urban and rural planning, the organizing organs shall, in light of land use planning, take into account the actual situations of greening construction, river and lake systems, road systems and other public spaces in urban and rural areas as a

市规划自然资源部门应当会同气象主管机构、住房城乡建设等部门制定通风廊道技术规范和管理办法。

第三十七条 水务部门应当利用天然湖泊和人工湖、地下蓄水池、透水地面、透水管道、渗水井等设施，有效调蓄雨水，减少地表径流。

水务部门应当会同政府有关部门统一规划建设公共排水管网及其配套设施，做到雨污分流，并与道路规划建设相协调。

第三十八条 排水设施运营单位应当加强排水管网和防涝设施的建设与改造，做好排水管网和防涝设施的日常检查与维护，保持排水通畅；在立交桥、低洼路段等易涝点设置警示标识，定期进行巡查并根据实际需要增加蓄水、排水设施，避免和减轻暴雨灾害造成的损失。

第三十九条 新建、改建、扩建建设项目应当按照本市有关规定和技术标准配套建设雨水收集利用设施。市和区人民政府应当支持和鼓励已建成的工程项目补建雨水收集利用设施，并在农村地区因地制宜建设雨水收集利用设施。

第四十条 建筑物、构筑物、户外广告牌、玻璃幕墙、树木的所有权人或者管理人，应当定期开展防风避险巡查，设置必要的警示标识，采取措施及时消除搁置物、悬挂物脱落、坠落和树木折断等安全隐患，避免和减轻大风灾害造成的危害。

第四十一条 园林绿化、水务等部门应当根据气象灾害防御规划，通过植树造林、增加绿地和水体面积、保护河湖、恢复湿地等措施，避免和减轻高温灾害造成的影响。

第四十二条 农业农村、园林绿化等部门应当引导低温、寒潮等气象灾害多发地区的农民，调整农业生产布局和种植业结构，加强设施农业保温措施，避免和减轻低温、寒潮灾害造成的损失。

第四十三条 建筑物、构筑物、场所和设施应当安装符合国家和本市有关标准的防雷装置。所有权人或者管理人应当对投入使用的防雷装置进行日常维护，并按照有关技术标准进行安全检测。

whole, improve ventilation corridor systems, increase air mobility, and avoid and mitigate the damages caused by meteorological disasters such as heavy fog and high temperature.

The municipal department for planning and natural resources shall formulate technical specifications and management measures for ventilation corridors together with the meteorological authorities and the departments for housing and urban-rural development.

Article 37 The departments for water affairs shall make use of natural lakes and artificial lakes, underground reservoirs, permeable surface, permeable pipelines and soakage pits to effectively regulate and store rainwater and reduce surface runoff.

The departments for water affairs shall, together with the relevant government departments, conduct unified planning and construction of the public drainage network and supporting facilities to achieve diversion of rain and sewage, which shall be consistent with road planning and construction.

Article 38 Operating units of drainage facilities shall strengthen the construction and renovation of drainage network and waterlogging prevention facilities, do a good job in routine inspection and maintenance of drainage network and waterlogging prevention facilities, and maintain smooth drainage; and set up warning signs at waterlogging-prone places such as overpasses and low-lying sections, conduct regular inspections and add water storage and drainage facilities according to actual needs, in order to avoid and mitigate the losses caused by rainstorm disasters.

Article 39 Rainwater collection and utilization facilities shall be constructed in accordance with the relevant provisions and technical standards of this Municipality for newly constructed, renovated and expanded projects. The municipal and district people's governments shall support and encourage the construction of rainwater collection and utilization facilities for completed projects, and build rainwater collection and utilization facilities in rural areas according to local conditions.

Article 40 Owners or administrators of buildings, structures, outdoor billboards, glass curtain walls and trees shall conduct regular wind-proof and hazard-avoidance inspections, set up necessary warning signs, as well as take measures to eliminate in time hidden safety hazards of the fall or drop of any objects placed or displayed thereon and the breaking of trees, so as to avoid and mitigate the losses caused by high wind disasters.

Article 41 The departments for landscaping and water affairs shall, in accordance with the planning for the prevention of meteorological disasters, avoid and mitigate the impact of high temperature disasters by planting trees, increasing green space and water area, protecting rivers and lakes, and restoring wetlands.

Article 42 The departments for agriculture and rural affairs and landscaping shall guide farmers in areas prone to meteorological disasters such as low temperature and cold wave to adjust the layout of agricultural production and the structure of planting industry, and strengthen insulation measures in facility agriculture, in order to avoid and mitigate the losses caused by low temperature and cold wave disasters.

Article 43 Buildings, structures, places and facilities shall be equipped with lightning protection devices that meet the relevant standards of the State and this Municipality. Owners or administrators shall carry out routine maintenance of the lightning protection devices put into use and carry out safety testing in accordance with the relevant technical

第四十四条 市和区人民政府应当加强人工影响天气的科学研究和资金投入，合理利用人工影响天气技术，开展增雨雪、防雹、消雨等工作，避免和减轻气象灾害的影响。

第五章 法律责任

第四十五条 本市各级人民政府、气象主管机构和政府有关部门及其工作人员有下列行为之一的，由其上级机关或者监察机关责令改正；造成严重后果的，对直接负责的主管人员和其他直接责任人员依照有关法律、行政法规和本市行政问责办法追究责任：

- （一）未按照规定提供气象灾害信息资源的；
- （二）未按照规定开展气候可行性论证的；
- （三）未按照规定制定气象灾害防御指南的；
- （四）未按照规定制定气象灾害应急预案，或者未组织开展气象灾害应急演练的；
- （五）未按照规定制作、发布和传播气象灾害预警信息或者在制作、发布和传播气象灾害预警信息过程中存在重大过失的；
- （六）未按照规定采取应急处置措施的；
- （七）未按照规定履行气象灾害隐患排查治理职责的；
- （八）法律、行政法规规定的其他行为。

滥用职权、徇私舞弊、玩忽职守，致使国家利益和人民生命财产遭受重大损失，涉嫌构成犯罪的，依法追究刑事责任。

第四十六条 违反本条例第二十一条、第三十五条规定，导致发生重大、特别重大气象灾害或者气象灾害危害扩大的，按照《中华人民共和国突发事件应对法》和《北京市实施〈中华人民共和国突发事件应对法〉办法》的规定对有关单位进行处罚。

第四十七条 违反本条例第二十六条第二款规定，单位或者个人违反规定向社会发布气象灾害预警信息的，由气象主管机构责令改正，给予警告，可以并处5万元以

standards.

Article 44 The municipal and district people's governments shall strengthen scientific research and investment in weather modification, make rational use of weather modification techniques, and carry out such work as precipitation enhancement, hail suppression and rain reduction, in order to avoid and mitigate the impact of meteorological disasters.

Chapter V Legal Liability

Article 45 The people's governments, meteorological authorities and the relevant government departments at various levels in this Municipality and their staff members, under one the following circumstances, shall be ordered by the higher authorities or supervisory organs to make corrections; if serious consequences are caused, the leading persons directly in charge and other persons directly in charge shall be investigated for responsibilities in accordance with the relevant laws, administrative regulations and the administrative accountability measures of this Municipality:

- (1) failing to provide information resources on meteorological disasters as stipulated;
- (2) failing to carry out climate feasibility demonstration as stipulated;
- (3) failing to formulate guidelines for the prevention of meteorological disasters as stipulated;
- (4) failing to formulate contingency plans for meteorological disasters as stipulated, or failing to organize emergency drills against meteorological disasters;
- (5) failing to produce, publish and disseminate early warning information on meteorological disasters as stipulated, or having gross negligence when producing, publishing and disseminating early warning information on meteorological disasters;
- (6) failing to take emergency measures as stipulated;
- (7) failing to perform the duties of investigation and control of hidden dangers of meteorological disasters as stipulated;
- (8) committing other acts prescribed by laws and administrative regulations.

In the event of misuse of authority, irregularities for favoritism, and neglect of duty, which causes heavy losses to national interests and people's lives and properties, if a crime is constituted, the criminal liability shall be investigated for in accordance with the law.

Article 46 Where a violation of the provisions of Articles 21 and 35 of these Regulations results in the occurrence of severe or catastrophic meteorological disasters or the expansion of the hazards caused by meteorological disasters, the provisions of the Emergency Response Law of the People's Republic of China and the Measures of Beijing Municipality for Implementing the Emergency Response Law of the People's Republic of China shall be followed to impose penalties against the relevant units.

Article 47 Any unit or individual, in violation of the provisions of Paragraph 2 of Article 26 of these Regulations, publishing early warning information on meteorological disasters to the public shall be ordered by the meteorological authorities to make corrections and given a warning, and a fine of not more than 50,000 yuan may be imposed; in the event

下罚款；构成违反治安管理行为的，由公安机关依法给予处罚。

第四十八条 违反本条例第四十条规定，所有权人或者管理人未履行本条例规定的职责，致使建筑物、构筑物和其他设施的搁置物、悬挂物脱落、坠落或者树木折断，造成人员伤亡或者财产损失的，应当依法承担民事责任。

第六章 附 则

第四十九条 本条例自 2019 年 1 月 1 日起施行。

of violating the administration of public security, the public security organs shall impose penalties in accordance with the law.

Article 48 If owners or administrators, in violation of the provisions of Article 40 of these Regulations, fail to perform the duties prescribed in these Regulations and cause the fall or drop of any objects placed or displayed on buildings, structures and other facilities or the breaking of trees, thereby resulting in casualties or property losses, they shall bear civil liabilities in accordance with the law.

Chapter VI Supplementary Provisions

Article 49 These Regulations shall be effective as of January 1, 2019.

北京市防御雷电灾害若干规定

(2002年7月29日北京市人民政府第102号令公布 根据
2018年2月12日北京市人民政府第277号令修改)

第一条 为了防御和减轻雷电灾害(以下简称防雷),保护国家财产和人民生命财产安全,根据《中华人民共和国气象法》和国家有关规定,结合本市实际情况,制定本规定。

第二条 本市行政区域内的防雷工作,适用本规定。

第三条 市气象局组织管理和监督指导全市的防雷工作;区气象局负责本行政区域内的防雷工作。

住房城乡建设、规划国土、公安、消防、质量技术监督等行政主管部门按照各自职责,配合市和区气象局做好防雷工作。

第四条 区人民政府应当加强对防雷工作的领导,组织有关部门采取有效措施做好防雷工作,提高对雷电灾害的防御能力。

第五条 市和区气象局应当加强防雷科普宣传,做好雷电灾害的监测、预警和雷击事故的统计、鉴定,指导对雷电灾害防护装置(以下简称防雷装置)的检测等服务工作。

第六条 下列场所和设施,应当安装防雷装置:

- (一)《建筑物防雷设计规范》规定的第一、二、三类防雷建筑物;
- (二)计算机信息系统、通讯设施、广播电视设施、自动控制和监控设施;
- (三)石油、化工、燃气等易燃易爆物资的生产、储运、输送、销售等场所和设施;
- (四)露天的大型娱乐、游乐设施;

Several Provisions of Beijing Municipality on the Prevention of Lightning Disasters

(Promulgated by Decree No. 102 of the People's Government of Beijing Municipality on July 29, 2002, and revised in accordance with Decree No. 277 of the People's Government of Beijing Municipality on February 12, 2018)

Article 1 The Provisions are formulated for the purposes of preventing and mitigating lightning disasters (hereinafter referred to as lightning protection) and protecting state property and the people's lives and property in accordance with the Meteorology Law of the People's Republic of China and the relevant provisions of the State and in light of actual circumstances of this Municipality.

Article 2 The Provisions shall apply to the lightning protection work within the administrative area of this Municipality.

Article 3 The Municipal Bureau of Meteorology shall organize the management, supervision and guidance of lightning protection work of the whole city; the district bureaus of meteorology shall be responsible for the lightning protection work within their respective administrative areas.

The competent departments for housing and urban-rural development, planning and land resources, public security, fire service, quality and technology supervision, etc. shall, within their respective duties and functions, cooperate with the municipal and district bureaus of meteorology in lightning protection work.

Article 4 The district people's governments shall strengthen their leadership over the work of lightning protection, and organize the relevant departments to take effective measures to do a good job in lightning protection and improve the ability in preventing lightning disasters.

Article 5 The municipal and district bureaus of meteorology shall strengthen the popularization of lightning protection, do a good job in the monitoring and early warning of lightning disasters as well as the statistics and survey of lightning accidents, and guide the detection of and other services for lightning disaster protection devices (hereinafter referred to as lightning protection devices).

Article 6 Lightning protection devices shall be installed in the following places and facilities:

- (1) the first class, second class and third class buildings to be protected against lightning as specified in the Design Code for Lightning Protection of Buildings;
- (2) computer information systems, communication facilities, radio and television facilities, automatic control and monitoring facilities;
- (3) places and facilities for production, storage, transportation and sale of inflammable and explosive materials such as petroleum, chemical products and gas;
- (4) large-scale open-air entertainment and recreation facilities; and

(五) 国家规定应当安装防雷装置的其他场所和设施。

第七条 防雷工程设计单位应当按照防雷设计规范和技术标准进行设计；防雷工程施工单位应当按照防雷工程设计文件进行施工。

第八条 按照本规定第六条规定安装的防雷装置的所有权人或者使用权人，应当做好防雷装置的日常维护工作，并按照国家气象主管机构规定的期限接受检测。

检测不合格的防雷装置，所有权人或者使用权人应当及时整改。

第九条 防雷检测单位应当根据法律、法规、规章和技术标准的有关规定，开展检测工作；检测工作结束后，应当出具检测报告；检测报告的数据应当公正、准确。

第十条 遭受雷电灾害的单位，应当自遭受雷电灾害之日起3日内向市或者区气象局报告情况。市和区气象局应当按照国家有关规定对雷电灾害进行调查和鉴定。

第十一条 违反本规定第六条规定，应当安装防雷装置而拒不安装的，由市或者区气象局责令限期改正；逾期不改的，可以处3万元以下罚款；导致雷击发生重大或者特大安全事故的，依法追究法律责任。

第十二条 违反本规定第八条规定，拒不接受防雷检测或者经检测不合格拒绝整改的，由市或者区气象局责令改正，可以处2万元以下罚款。

第十三条 本规定自2002年9月1日起施行。

(5) other places and facilities where lightning protection devices shall be installed as prescribed by the State.

Article 7 The design units of lightning protection projects shall prepare design in accordance with the design codes and technical standards for lightning protection; and the construction units of lightning protection projects shall engage in construction in accordance with the design documents for lightning protection projects.

Article 8 The owner or user of the lightning protection devices installed in accordance with the provisions of Article 6 of the Provisions shall do a good job in the daily maintenance of the lightning protection devices and accept tests within the time limit as specified by the competent meteorological department of the State.

The owner or user of unqualified lightning protection devices shall take rectification measures in a timely manner.

Article 9 The lightning protection testing units shall carry out testing work in accordance with the relevant provisions of laws, regulations, rules and technical standards; after the testing work is completed, a testing report shall be issued; the data in the testing report shall be fair and accurate.

Article 10 The units that sustained damage from lightning disasters shall report the situation to the municipal or district bureau of meteorology within 3 days from the date of the disasters. The municipal and district bureaus of meteorology shall, in accordance with relevant regulations of the State, conduct investigation and survey of the lightning disasters.

Article 11 Whoever, in violation of the provisions of Article 6 of the Provisions, refuses to install lightning protection devices shall be ordered by the municipal or district bureau of meteorology to make corrections within a specified time limit; if he fails to do so within the time limit, a fine of not more than 30,000 yuan may be imposed; if a major or critical safety accident occurs due to lightning stroke, legal responsibility shall be investigated for according to law.

Article 12 Whoever, in violation of the provisions of Article 8 of the Provisions, refuses to accept lightning protection tests or refuses to take rectification measures after failing the test shall be ordered to make corrections and may be fined not more than 20,000 yuan by the municipal or district bureau of meteorology.

Article 13 The Provisions shall come into force as of September 1, 2002.

