

# Measures of Guangdong Province on the Administration of Sand Washing

(Promulgated by Decree No. 299 of the People's Government of Guangdong Province on January 14, 2023)

Article 1 These Measures are formulated for the purposes of strengthening the administration of sand washing activities, lawfully investigating and punishing illegal sand washing activities, safeguarding the ecological environment, and ensuring the safety of flood discharges and waterways, in accordance with the *Environmental Protection Law of the People's Republic of China*, the *Water Pollution Prevention and Control Law of the People's Republic of China*, the *Flood Control Law of the People's Republic of China*, and other relevant laws and regulations, and in light of the actual situation of Guangdong Province..

Article 2 These Measures are applicable to sand washing activities within the administrative area of this Province.

For the purposes of these Measures, the term “sand washing” refers to the process of producing construction sand by flushing, soaking, filtering, or desalinizing sea sand, mountain sand, silt, or construction waste.

Article 3 Sand washing (including flushing, soaking, filtering, or desalinizing sea sand, mountain sand, silt, and construction waste) or any other activity that may damage the ecology and pollute the environment is prohibited in seaward channels and river courses.

For the purposes of these Measures, the term “seaward channel” refers to an area where a river course meets the sea.

For the purposes of these Measures, the term “river course” refers to waters within the scope of river administration, such as rivers, lakes, reservoir areas, and artificial waterways.

Article 4 People's governments at or above the county level shall, in accordance with the principle of local administration, exercise unified leadership over the administration of sand washing within their respective administrative areas.

The competent department of the ecology and environment shall strengthen supervision over land-based sand washing sites, and investigate and punish the acts of discharging or dumping garbage or other wastes into seaward channels and river courses.

The competent department of water administration shall investigate and punish the acts of sand washing in seaward channels and river courses involving violations of laws and regulations on flood control and the administration of river courses, as well as illegal water drawing conducted at land-based sand washing sites.

The competent department for construction waste shall, in conjunction with relevant departments, enhance supervision over construction waste to prevent the acts of flushing, soaking, filtering, and dumping construction waste into seaward channels and river courses. Additionally, the competent department for housing and urban-rural development shall investigate and punish illegal acts relating to the use of non-compliant construction sand for municipal housing works.

Maritime authorities shall investigate and punish illegal acts of sand-washing vessels in violation of provisions on water traffic safety, or prevention and control of vessel pollution.

Vessel inspection agencies shall be responsible for inspecting vessels and

identifying any illegal refits to sand-washing vessels.

Departments engaged in public security, natural resources, transportation, market supervision, and comprehensive marine law enforcement shall effectively administrate sand washing activities according to their respective responsibilities.

Article 5 Land-based sand washing sites shall be strategically planned by people's governments at or above the county level, based on the territorial spatial planning and local conditions.

Completion of legal procedures for land use approval and planning permission are required for the establishment of land-based sand washing sites. Compliance with flood discharge and water conveyance requirements is also required if the land and shoreline fall within the scope of river course administration. Likewise, compliance with navigation conditions is also required if waterways are involved, or the site falls within the scope of waterway protection.

Land-based sand washing sites shall, in accordance with the provisions of the national water drawing permit system and the paid water use system, apply for water drawing permits, and use water in accordance with approved water use plans.

Land-based sand washing sites shall, in accordance with ecological environment management requirements, implement pollution control and ecological protection measures to ensure that pollutant discharge is compliant with standards.

Article 6 Land-based sand washing sites shall establish a sand washing work ledger to improve management of sand entering and leaving the site, and conduct tests on their product of construction sand to ensure its compliance with national, industrial, or local standards.

Article 7 Any unit or individual has the right to complain or report illegal sand washing acts.

People's governments at or above the county level shall guarantee access to government service hotlines such as "12345" for such complaints and reports.

Article 8 People's governments at or above the county level shall coordinate their law enforcement departments of public security, natural resources, the ecology and environment, housing and urban-rural development, transportation, water administration, market supervision, comprehensive marine law enforcement, maritime safety, and vessel inspection to conduct joint enforcement operations, and investigate and punish illegal acts related to sand washing.

Article 9 Law enforcement departments of the ecology and environment, transportation, water administration, comprehensive marine law enforcement, and maritime safety and other law enforcement departments shall intensify their routine inspection and investigation of illegal acts related to sand washing. All departments shall, in accordance with the law, investigate and handle illegal acts under their jurisdiction. Illegal acts not within their jurisdiction must be promptly referred to the competent law enforcement department. Disputes over referrals shall be resolved through negotiation amongst the concerned law enforcement departments. If negotiation fails, the common administrative organ at the next higher level to the parties shall designate the competent department. Where a violation of law is suspected of constituting a crime, it shall be promptly transferred to a judicial organ for investigation of criminal liability in accordance with the law.

Article 10 Where law enforcement departments, in the course of performing their duties, need assistance from other law enforcement departments, shall request in writing. Those other law enforcement departments shall provide assistance and complete relevant tasks within 15 working days from the date of receiving such written requests. If an extension is necessary, they shall inform the requesting

department before the above time limit expires. If unable to assist, they shall inform the requesting department within 2 working days of receiving the written request.

Article 11 Where, in violation of the provisions of Article 3 of these Measures, sand washing in seaward channel and river waters shall be dealt with in accordance with the following provisions:

(1) Acts involving discharge or dumping of industrial residues, urban garbage, or other wastes into water bodies shall be handled by the competent department for the ecological environment, in accordance with the *Water Pollution Prevention and Control Law of the People's Republic of China*, and other applicable laws, regulations, and rules.

(2) Acts involving dumping garbage or muck into water bodies so as to impede flood discharge, or illegal disposal of sand, gravel or silt, shall be handled by the department of water administration in accordance with the *Flood Control Law of the People's Republic of China* and the *Regulations of the People's Republic of China on the Administration of River Courses*, and other applicable laws, regulations, and rules.

(3) Acts endangering safety of navigation, such as dumping sand, gravel, mud, garbage, or other wastes within waterways or within the scope of waterway protection shall be handled by the competent department for transportation in accordance with the *Waterway Law of the People's Republic of China*, and other applicable laws, regulations, and rules.

(4) Acts involving unauthorized dumping of construction waste generated during construction by construction units shall be handled by the competent department for environmental health in accordance with the *Law of the People's Republic of China on the Prevention and Control of Environment Pollution by Solid Wastes*, and other applicable laws, regulations, and rules.

(5) Acts involving sand washing vessels without qualified vessel inspection certificates shall be handled by the maritime authority in accordance with the *Regulations of the People's Republic of China on Administration of Traffic Safety in Inland Waters*, and other applicable laws, regulations, and rules.

Article 12 Where, in violation of the provisions of Article 5 of these Measures, land-based sand washing sites that fail to follow legal procedures for land use approval and planning permission, fail to obtain water drawing permits, fail to implement pollution control and ecological protection measures, or illegally discharge pollutants, shall be dealt with by the departments of natural resources, the ecology and environment, water administration, urban management comprehensive law enforcement, and other departments, according to their respective duties, in accordance with the *Land Administration Law of the People's Republic of China*, the *Urban and Rural Planning Law of the People's Republic of China*, the *Water Law of the People's Republic of China*, the *Environmental Protection Law of the People's Republic of China*, the *Water Pollution Prevention and Control Law of the People's Republic of China*, and other applicable laws, regulations, and rules.

Article 13 Departments of natural resources, the ecology and environment, housing and urban-rural development, transportation, water administration, comprehensive marine law enforcement, maritime safety, and vessel inspection, and their staff members, who, in the administration of sand washing acts, are found guilty of dereliction of duty, abuse of authority, favoritism or other irregularities, shall be punished in accordance with the law. If a crime is constituted, criminal liability shall be investigated for in accordance with law.

Article 14 These Measures shall come into force as of April 1, 2023.