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ENFORCEMENT OF ENVIRONMENTAL LAWS IN CHINA

Ma Xiang Cong*

In conjunction with establishing and strengthening its environmental legislation, China has been paying great attention to the enforcement of the laws. There is recognition that enforcement of laws is necessary to ensure that these laws are fully complemented and that environmental improvements are realized.

DIFFICULTIES WITH ENFORCEMENT

Of course, it is easier to make laws than to enforce them. In the case of environmental laws, particularly given the conditions in China today, such enforcement is even more difficult than for other types of laws. The reasons are:

1. Environmental laws are new legal requirements established in the world primarily in the last twenty years and developed in China only since the late 1970s. The full legal requirements are not yet completely established. Many people are unfamiliar with these new laws and, in fact, have no real concept of environmental law. Some people think that only criminal law must be followed, while the enforcement of civil law, economic law or environmental law are discretionary.

2. Government departments and state-owned enterprises are in a very important position concerning rights and responsibilities under the environmental laws. Many provisions in the environmental laws are made in view of the fact that these organizations are directly or indirectly part of the government. In order to strictly enforce the law, there are many complex problems that need to be solved.

3. The ultimate purpose of environmental law is to harmonize the relation between human society and nature. To protect and improve the environment is a major task. We need a certain material and technical foundation to bring the environmental law into practice. China is a developing country

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with a very weak economy and limited technology. The adoption of protection measures will meet with restrictions. Thus environmental protection must be achieved along with the development of the economy and technology.

4. Environmental law is very comprehensive, involving many things and influencing many interests. Legal control may be achieved through administrative, civil or criminal means. To guarantee the enforcement of the environmental law requires close cooperation among EPA, other governmental departments, public security organs, procuratorial organs, and people's courts. Such cooperation, however, is difficult to achieve.

In the consideration of the factors above mentioned, the enforcement of environmental law must be guaranteed in the following respects:

1. Ideologically guaranteed;
2. Organizationally guaranteed;
3. Materially and technically guaranteed;
4. Supervisionally and managementally guaranteed;
5. Judically guaranteed; and
6. Legally guaranteed.

ADOPTION OF ENFORCEMENT MEASURES

In recent years, the Chinese government and the people have done many things in enforcing the environmental law. These developments have promoted the work of environment protection and improvement. The power of law has become more and more evident, but in some respects and in some places, the environmental laws have not been strictly enforced. The government is paying more attention to the problems of environmental law and enforcement as the following measures are being adopted.

DEVELOPMENT OF PUBLIC AWARENESS

Extensive advertisement and education concerning the environment and environmental laws are being carried out to enhance the nation's awareness about environmental problems and the need for environmental laws so as to ensure that the nation will be mentally prepared for the enforcement of the law.

To guarantee the enforcement of environmental law and mobilize the people of all walks of life to protect and improve the environment in which we live, people must know, understand and follow the law; be aware of the legal system of environment protection; understand why our country is making environmental laws and regulations; understand the impor-

tance of environmental protection and the relation between the environmental and the whole human society; know how to protect the environment; enable the people to cultivate correct thought, viewpoint and attitude towards our socialist environmental law; to understand the environmental protection and the environmental protection law; establish a modern environmental consciousness of treating, taking care of and protecting nature; stay firm to carry out our work according to the law and translate the legal requirements of environmental protection into real action.

Since the promulgation of the Environmental Protection Law, the people's governments at different levels as well as the departments concerned launched a broad education program among the people according to Article 30 of the Law which provides for environmental advertisement and education. In 1984, the Ministry of the Judiciary proposed to promote knowledge of the law. On November 22, 1985, the standing committee of the National People's Congress passed "The Decision on Popularizing Knowledge of Law in Citizens." Environmental law education, therefore, has been strengthened.

Different requirements, methods and ways have been adopted to carry out environmental science and environmental law education according to different ages, jobs, education levels and so forth.

The education and promotion of environmental science and law are gradually being incorporated into the national education plan. Many kindergartens, primary schools, middle schools and colleges give their students the cause of environmental science and law in different ways. According to their conditions and features, all workplaces are holding various seminars, courses and lectures on environmental protection for on-job workers.

The promotion of environmental protection and environmental law has been done in various ways, including through newspapers, radio broadcasts, TV, movies and songs, exhibitions, knowledge contests, writing competitions, summer camp, recreational parties, sports games, press conferences, as well as setting up nature museums. In order to organize and harmonize the education and promotion activities, some places also have set up education centers, and many environmental protection departments have education sections.

The promotion and education help to strengthen people's environmental consciousness. Now in governments at different levels, leading officers are paying more attention to environmental protection and actively enforce the environmental laws. Many enterprises carefully carry out their environmen-

tal protection duties according to the law. And the broad masses are taking an active part in environmental protection activities; they are beginning to use legal means to protect their environmental benefits and fight against violators.

Nevertheless, the establishment of a strong environmental consciousness and a legal sense cannot be done overnight. It is especially a long term task for a country like China which has a big population and comparatively backward science and technology. The work we have done can hardly keep up with the requirements of development. So, we should continue to carry out education in this field. "The Environmental Protection law," "Land Management Law," "Forest Law," "Mining Resources Law," "Water Pollution Control Law," and "Marine Environment Protection Law" are the main contents in the education process. We should educate people to understand each legal system, their rights and duties in environmental protection, and the strategic significance of environmental protection, so that the people can follow the law, use environmental law to fight environmentally damaging actions, and protect the basic interest of the country and their own interests.

DEVELOPMENT OF MANAGEMENT SYSTEMS

We should complete the development of the environmental management systems, establish a management structure, and guarantee enforcement.

I will not say much about this topic as it requires special exposition. One thing should be pointed out, however—to set up a management system which is suitable for the environmental and other conditions of our country so as to establish a sound and comprehensive environmental management structure is an important organizational guarantee for environmental law enforcement. We have already made some progress in this regard. Now an improved system is being studied as a part of the reformation of the political system of the country.

In view of the developing situation, I think a few points need to receive more attention and to be further improved in the development of our environmental organization.

1. Emphasize governmental leadership for environmental protection and set up an environmental protection committee to help the governments in planning, leading, organizing and harmonizing the environmental protection work;

2. Enhance the authority of a government department to provide comparative centralized supervision on environmental protection matters;

3. Give resources management departments more authority in protecting land, water, forests, mining resources,

ocean and wildlife; also give the construction departments more authority in protective management of the urban environment; and also give the public health departments more authority in the management of some environmental problems;

4. Require each organization to incorporate environmental protection in their normal work;

5. Give more power to local governments in environment management so as to bring the initiative of the local governments into full play; and

6. Enhance harmony and cooperation between the central government and local governments and clearly designate the duties of each so as to practice good management of the environment.

INCREASED INVESTMENT IN ENVIRONMENTAL PROTECTION

The investment for environmental protection should be increased to promote scientific research and produce more pollution control equipment, so as to encourage enforcement from material and technological sides.

The enforcement of environmental law must rely mainly on strengthening and improving supervision and management. China is a developing country with limited economic power. It is impossible for the government to put substantial amounts of money into environmental protection. Nevertheless, the commitment has been made to gradually increase the investment as feasible.

In 1984, the departments concerned of the State Council jointly made the decision for collecting environmental protection funds. The enforcement of the decision by local governments as well as factories and enterprises has resulted in increased funds for environmental protection. During the period of 1981 to 1985, expenditures for pollution control totaled about RMB 17 billion—equal to about 0.67 percent of the national income. From 1986 to 1990, expenditures are estimated to be 33 billion—9.8 percent of the national income, and the amount is 94 percent more than the last five-year plan. The country will also increase investment in protecting land, mines, forests, water, the oceans and sea, wildlife, wild plants, fish resources and other environmental and natural resources. Environmental science and technology research should also be developed and should be the production of better pollution control equipment. There is no doubt that along with the strengthening of economic and technical ability as well as the material foundation, more resources could be provided for the enforcement of environmental laws.

STRENGTHENING OF ENVIRONMENTAL SUPERVISION

China should strengthen environmental management, enforce its laws strictly, and guarantee enforcement from the supervision side.

To strengthen environmental supervision is the basic means for guaranteeing environmental law enforcement. Supervision can be carried out in three ways: first, administrative supervision by EPA at all levels; second, administrative supervision of the other government agencies which are handling the work for enforcement of laws relating to environmental protection; and third, social supervision by citizens.

Administrative Means

The environmental protection law provides that the EPA of governments at different levels and certain other administrative entities are empowered to supervise on behalf of the governments at different levels so as to ensure the actual enforcement of the law. They have the power to make on the spot tests of any enterprise of private manufacture within their jurisdiction, and to request these enterprises to provide needed information. In case any violation is discovered, the organs can adopt necessary administrative measures and order the violators to obey. Administrative penalties will be imposed for violations of environmental law. In the case of criminal violations, EPA should request the judicial organs to investigate and affix responsibility for the crime.

In China, EPA and other administrative organs have been active in environmental supervision so as to ensure the enforcement of environmental law. There are still some problems, however, which are mainly that no specific rules, measures and procedures have been worked out; no strong environmental supervision teams have been organized; the environmental protection work cannot be carried out as regular, standard and procedural practice; and law is enforced in a loose manner.

Since 1985, the state EPA has begun an environment supervisor system in some cities. Under this system the government appoints high quality environmental management personnel to become environmental supervisors on behalf of the government. Such a system has proved to be successful. The department concerned learns about environmental management and can set up a workable environmental supervision system to guarantee enforcement of the law.

Supervision By Organs Of State Power

The organs of state power are playing an important role in environmental law enforcement. According to provisions in the Constitution, the national People's Congress and its standing committee supervise enforcement of the Constitution and the laws, as well as the work of the State Council, the Supreme People's Court and the Supreme People's Procuratorate. Local people's congresses and their standing committees must follow and enforce the Constitution, laws, administrative regulations and local legal requirements within their administrative jurisdictions, and at the same time, supervise the work of governments, courts and procuratorates of their level.

With the increase in environmental problems and the development of environmental protection laws, the people's congresses at different levels and their standing committees are paying more and more attention to the enforcement of the laws and the work of environmental protection. For example:

1. When examining the budget and final accounts of the national economic and social development plan, the problems of environmental protection are being considered, and corresponding requirements and measures are being established.

2. When discussing major social economic questions and examining government work reports, enforcement and necessary measures are being considered.

3. Special examinations are made of environmental protection problems, and corresponding decisions are made accordingly. For example, in September of 1984, the standing committee of the people's congress in Hangzhou City heard a report from the director of the city EPA about environmental protection work, and then promulgated "Decision on Strengthening Environmental Protection Work." In May 1985, the people's congress of Shanxi Province specially examined a special report on environmental protection in that area and then made its "Decision on Strengthening Environmental Protection."

4. Proposals raised by deputies of congress are being reviewed and properly disposed of. In April 1984, the people's congress of Shanxi Province approved the report from the motion examining committee suggesting that an investigation committee be established for inspecting and supervising environmental pollution conditions.

5. The deputies of people's congresses and the members of standing committees have been organized to make spot inspections of environmental protection work by governmental departments and enterprises. For instance, the standing committee of the people's congress of Weifang City of Shandong Province set up an investigation group to inspect water pollu-

tion conditions in the city and to inform the government departments of ways to solve the problem.

6. Deputies of people's congresses have addressed inquiries to the government on environmental problems. In April 1987, at the people's congress of Ahzoyang County of Shandong Province, fifteen deputies jointly raised an inquiry on the pollution control problem caused by gold production, and the county magistrate answered the inquiry and described measures for resolving the problem.

In addition, the organs of state power also ensure the enforcement of environmental law through supervising the work of judicial organs.

The supervision by such organs of power carries great authority. Such supervision of environmental law enforcement by government and judicial organs promotes the overall development of environmental protection work and at the same time raises people's consciousness of environmental laws.

Social Supervision By The General Masses

To mobilize the general masses to practice social supervision is one of the basic measures for guaranteeing the enforcement of environmental laws, and it is also a supplement to state environmental supervision.

The general masses live in the environment—they are the direct victims of environmental pollution and ecosystem damage. They know best about environmental conditions and are most sensitive about degradation of environmental quality. They are naturally active in protecting and improving the environment and in fighting against environmental pollution and damage. The general masses are the basic force in enforcing environmental laws.

The legal basis for social supervision is the provision in the Constitution: "According to the laws, the people may through various ways and forms manage state affairs, economic and cultural affairs, and social affairs." The Environmental Protection Law also states that "Citizens have the right to supervise, accuse and bring law suits against units or individuals who cause pollution and damage to the environment."

Such supervision is carried out by the broad masses on all units and individuals. The masses supervise whether legal requirements are followed, accuse polluting and environmentally damaging actions, and report such actions to the proper departments.

Mass supervision could be carried out in many forms. These include: directly contact the unit or individual who is polluting and damaging the environment, tell them about the violation, and ask them to correct the action; report orally or

in writing to EPA, the people's government of other leading authorities and ask them to solve the problem; report to deputies of the people's congress and request them to contact the department concerned; write letters or articles to newspapers exposing and denouncing violations and solve the problems through public pressure.

The most popular and effective way is to set up mass supervision groups, nets, supervisors, stations and other means to carry out supervision work for those enterprises which pollute and damage the environment. Many regions have made widespread use of this general approach with good results and experiences.

The mass supervision is not carried out evenly in all places. There is still potential in further promoting and strengthening the work.

STRENGTHEN THE JUDICIAL SYSTEM TO GUARANTEE THE ENFORCEMENT OF ENVIRONMENTAL LAWS

In order to guarantee the enforcement of environmental protection laws and regulations, persons who violate the environmental laws must be responsible for their acts. The law stipulates three kinds of responsibilities, i.e., administrative, civil and criminal responsibilities. The administrative responsibility is regulated by each environmental protection law; the civil responsibility is fixed by the General Rule of Civil Law and the environmental protection laws and regulations; the criminal responsibility is stipulated by the environmental protection laws to dispose "according to" or "in the light of" the terms and regulations of the Criminal Law.

Administrative penalties are determined by EPA or other state administrative organs empowered by the law. In case the person in question refuses to obey, a law suit may be brought in court. The civil disputes caused by pollution and damages to the environment could be settled through EPA, but it is not the only procedure. The party in question could bring a law suit in court directly or after an unsuccessful effort at settlement. To affix criminal responsibilities could only go through the judicial procedure. Therefore, strengthening the judicial system has great importance in enforcing the laws.

The so called "environmental judicatory" is comprised of the activities of the people's courts and procuratorial organs to dispose of environmental cases and affix legal responsibilities on violators. The courts, as the judicial organ of the state, have the judicial right to determine various environmental cases. The procurators have the right to investigate and institute proceedings against legal violations to the environment. The pub-

lic security organs may also join in investigations of environmental cases.

To summarize, our judicial organs guarantee enforcement of laws in the following four respects:

1. Trying environmental civil cases, i.e., to remedy torts caused by pollution and environmental damages. Such cases are tried according to the procedures stipulated by the Civil Procedural law. The courts when trying the cases, will first try to settle the case; if settlement is not successful, sentence will be given. The result of such procedure can not only satisfy economic damage claims and safeguard victim's interests, but can also lay emphasis on eliminating environmental pollution and damages, and controlling pollution as to realize the task of protecting the environment.

Since the promulgation of the Environmental Protection Law, local courts have disposed of many civil cases, including damages to others caused by air, water, soil and plant pollution; environmental tort cases caused by noise and vibration; right infringement cases caused by damaging land, forest and other resources. Most of the cases involve claims for economic damages caused by pollution and environmental degradation. Some are personal injury cases, involving claims for environmental changes. For example, Chungqing City intermediate people's court's case—a production team of Shapingba District v. Chungqing Dongfeng Chemical Factory for poison gas polluting land and agriculture plants; Xian City intermediate people's court's case of 1980—residents of Bafuzhuang v. Xincheng File Factory for noise, smokedust and poison gas pollution; Hainan intermediate people's court 1980 case - Hainan District EPA v. City Construction Bureau for illegal construction of bitumen workshop to endanger the environment; Qingdao intermediate people's court case—Wang Juan v. Qingdao Chemical Factory for personal health damage caused by factory pollution.

When disposing of such damage claim cases, we adopt the principle of "none-fault liability" (strict liability).

2. Trying criminal cases which endanger the environment, processed according to the Criminal Procedural Law, including procuratorial organ's investigation, public prosecution, and court proceedings.

Soon after the promulgation of the Environmental Protection Law in 1979, the judicial organs started to dispose of environmental criminal cases. On October 27, 1979, Suzhou intermediate People's court held a public trial of a pollution case which resulted in Suzhou People's Chemical Factory worker Zhang Chang Lin being sentenced for two years imprisonment. He left his post without permission, causing a leak of

28 tons of cyaniding sodium and seriously polluting the nearby water bodies, killing fish and endangering people. This is the first case of a conviction for environmental pollution crimes in China. After this case, many courts sentenced a lot of environmental damaging actions as criminal action, including the crimes of environmental pollution, illegal hunting for precious wildlife, damaging scenery posts, illegal fishing, destroying animals and plants in nature protection zones, etc. With respect to crimes of illegally cutting of trees, judicial organs have been handling such cases for a long time already and have strengthened the work recently.

3. In environmental administrative cases, the courts dispose of the cases in which the party in question does not obey the administrative penalty and brings a law suit for the matter. Such cases are processed according to the stipulations of the Civil Procedural Law.

The plaintiffs, in environmental administrative cases, are the units or individuals who are administratively punished, while the defendents are EPA or other administrative organs which exercise state environmental supervision and management authority. Trying such cases is different from trying environmental civil cases. The Court should review and confirm whether the administrative decision is legal and correct. The courts will not process any settlement, but will make a judgment on investigations. If the decision is correct and legal, the case will be rejected, whereas if the decision has any mistakes in facts holding or applying law stipulations, such decisions will be cancelled or amended. The Superior Court gave clear indications of this issue on November 6, 1985.

According to the Superior Court's indication, the local courts in many places tried many environmental administrative cases. For example, on March 21, 1986, Shanghai Chemical Products Transportation Company had a car that leaked sulphuric acid during transport and the leak polluted the nearby water-bodies. The EPA of Wushung District imposed 20,000 RMB penalty to the Company on July 15, the same year according to the law. The Company would not obey the penalty and brought a law suit in Shanghai Intermediate Court. After investigation and court debate, the intermediate court rejected the case and maintained EPA's penalty decision.

4. Helping administrative organs enforce the penalty decision, the Marine Environmental Protection Law and Water Pollution Control Law stipulates that the party in question may bring an action in court if they would not obey the penalty decision, and the decision making organs may also apply to the court for enforcement of their penalty decision. This is a

very important measure to guarantee the enforcement of environmental laws. Courts, after receiving an application from administration organs, should make an investigation on the facts. If they hold the decision is correct, an "Enforcement Notice" will be sent to the party in question to designate time limits for enforcement. If the time is exceeded, enforcement will be compelled. If the decision has any mistakes, it will not be enforced and the concerned administrative organs will be so informed. The Superior Court gave clear directions on September 14, 1985.

Pursuant to the above mentioned stipulations and directions, the courts have been very active in dealing with such cases. In Shandong Province, for example, the Laixi County EPA decided to impose 1,000 yan RMB on a citizen for illegal mining and disposing of waste residue into a reservoir. The party in question refused to obey, therefore, EPA applied to the court for enforcement. After accepting and hearing the case, the court held that the decision made by EPA is correct and the party in question must obey the decision immediately.

Judicial organs are active in trying environment cases, applying sanctions on illegal and criminal actions which damage the environment, and protecting the social interests and interests of individuals and units. All these factors play a great role in guaranteeing the enforcement of environmental laws.

The environmental judicial work is still in an early stage and the development in every place is not the same. In some places, the judicial organs and their working staffs are not clearly aware of the importance of environmental protection and do not take the initiative to apply the suitable laws. Some even do not want to accept environmental cases, or they delay the trying of such cases. Some courts do not investigate and affix criminal responsibility on serious environmental damaging actions, but instead impose administrative penalty or damage claims. Very few courts had the misjudgement to punish the victims. All these must be corrected.

To strengthen environmental judiciary, correctly using law stipulations through judicial organs guarantees the enforcement of environmental laws, which is a very critical task in Chinese environmental law construction. Departments concerned are adopting correspondence measures for the task now. The Superior Court decided on November 28, 1984, that marine environmental pollution cases and marine resources cases are within the jurisdiction of the Marine Court. The Superior Court, Ministry of Public Security and Superior Procuratorate, set up several water courts and forest public security

organs, procuratorial organs and courts. Some provinces and cities have established administrative courts.

On August 17, 1985, the Trial Committee of the Superior Court held a special meeting to discuss Shekou District EPA of Shenzheng City vs. Hongkong Kada Company Ltd., a case involving environmental pollution. The Committee held that the decision made by the EPA was correct and in accordance with the Environmental Protection Law, and it stopped the pollution action and protected the people's health. This is the first time the state superior judicial organs held a special meeting to discuss environmental pollution cases and used the summary of experiences to direct environmental judicial work. The activity shows that the superior judicial organs devoted much attention to environmental judicial work.

In June 1987, the National Court Conference held that the criminal activities were very serious in some fields. Courts should not shut their eyes to things that harm the interests of the people, but rather to strengthen the connection with administrative organs to strictly punish violators. The criminal actions include cutting of trees, denudation of trees, rubbering and destroying mining resources, hunting and collecting precious animals and plants, and destroying animal and plant resources of nature protection zones. This shows that judicial organs are further strengthening environmental protection through criminal laws.

PROPERLY HANDLING ENVIRONMENTAL DISPUTES AND CORRECTLY SOLVING CONTRADICTIONS BETWEEN FACTORIES AND THE MASSES

Along with environmental pollution and degradation of the ecosystem, environmental disputes often occur and have the trend of developing. Properly handling the disputes in a timely fashion is an important aspect in enforcing environmental laws.

The so called environmental disputes are contradictions between the polluter and the sufferer, normally caused by units or individuals who violate environmental protection laws by polluting and damaging the environment and encroaching upon other people's interests (including environmental rights, personal rights and property rights). Most of the disputes involve factories that pollute the environment and enterprises that have surrounding residents.

Environmental disputes are actually civil tort disputes with many special features, such as wide variety, complex conditions, sharp contradiction, high technology requirements and difficulty in handling, etc. People's vital interests, normal

production order and social order, are at stake so they must be handled carefully and properly.

According to the law stipulations, environmental disputes could be handled in the following four ways:

1. Self-discuss and settle between the parties in question;
2. Settle through EPA and other environmental supervision authorities;
3. Dispose by court using civil procedures; and
4. Settle or decide by arbitration (marine environmental pollution disputes relating to foreign parties only).

In view of recent years experiences, no matter what methods are used, the following principles must be followed:

1. Handle the disputes in a careful and serious manner, investigate promptly, try to solve the problem in the early stages and avoid contradiction. Facts show that bureaucratic delay by leaders from departments concerned and government organs increases contradiction and causes sorrowful results. We must do our best to avoid such a situation.

2. While handling disputes, use the facts as the basis and the law as the standard. We must remember that environmental protection is one of the basic state policies. We must master every environmental protection law, make a thorough investigation, adopt suitable legal stipulations, and handle disputes construing the law strictly.

3. Using settlement as a primary measure. In order to be successfully settled, disputes must be solved equally and reasonably, and both parties should act in good faith. The polluting party is the main source of the conflict, therefore, they should listen to the sufferer's opinions, take the responsibility of controlling environmental pollution and degradation, and pay damages.

In China, most of the disputes are solved through settlement, including administrative settlement and judicial settlement. Such methods could both solve the problem and keep a better relation between parties, using every positive factor to protect the environment and promote economic development.

4. Consideration must be given to the interests of the state, organizations, and individuals. The state's interest is to develop the economy and other social causes, protect and improve the environment, and make the economy and environment develop in harmony. An organization's interest is their legal right. Under the pre-condition of protecting the environment, organizations could develop production, carry out business, and pay attention to benefits including economic, social and environmental. They should not obtain benefits for the organization to the damage of environmental benefit. An individual's interest is the legal right of every citizen to environ-

mental rights, property rights and personal rights. The state and organizations should respect citizen's legal rights. When those rights are encroached, the encroaching party should stop the action, eliminate the danger, and reimburse damages. Citizens should understand the difficulties of the state and organizations and not raise any unreasonable requirements. Citizens are forbidden to use illegal measures to fight against pollution and damages.

5. All parties concerned should make a concerted effort to solve disputes, including the parties in question, leading authorities, environmental protection organs, public security organs, procuratorial organs and courts, environmental supervision and science research organs, as well as other concerned departments. All parties should actively pursue the joint enforcement of environmental laws.

Finally, one thing that should be pointed out is that the completion and perfection of law itself is very important to guarantee the enforcement of environmental laws. Presently, the Chinese environmental laws are not completed and corresponding legal regulations are not fully established. This is one of the important reasons enforcement is difficult. Therefore, we must strengthen environmental legislation and promulgate necessary laws and regulations to form a complete legal system. At the same time, we should sum up the experiences and identify shortcomings to provide information to judicial organs to amend and supplement the existing environmental laws and regulations. The completion of law itself is a reliable guarantee for the enforcement of environmental laws.