THE FOREST LAW OF THE PEOPLE'S REPUBLIC OF CHINA

(Passed by the Seventh Session of the Standing Committee of the Sixth National People's Congress on September 20, 1984 and Revised in Line with the Decision on the Revision of the Forest Law of the People's Republic of China of the Second Session of the Ninth National People's Congress on April 29, 1998)

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CHAPTER ONE  GENERAL PRINCIPLES

Article 1 With a view to protecting, nurturing and rationally utilizing the forest resources, speeding up the greening of the country's territory, bringing into play the roles of the forest in terms of storing water, saving soil, adjusting the climate, improving the environment and supplying forest products, and meeting the needs of the socialist construction and the people's life, this law is hereby formulated.

Article 2 This law shall be abided by in the conduct of forest and forest tree cultivating, planting, logging and utilizing and in the operation and management of forests, trees and woodlands.

Article 3 The forest resources shall belong to the state, unless the law stipulates they belong to the collective.

For the forests, trees and woodlands owned by the state and the collective and the trees and woodlands owned by private individuals, the people's government above the county level shall register and record them, issue certificates and confirm the ownership and the right to use. The State Council may authorize the competent forestry authorities under the State Council to register and record the forests, trees and woodlands in key forest districts determined by the State Council to be owned by the state, issue certificates and inform relevant local people's governments.

The legitimate rights and interests of the owners and the users of the forests, trees and woodlands
shall be protected by the law; no organization and private individual shall such rights and interests.

Article 4 The forests are divided into the following five categories:

(1) Protection forests: forests, trees and bushes mainly aimed at protection, inclusive of water source storage forests, forests for water and soil conservation, wind protection and sand bind forests, forests for farmland and grassland protection, river bank protective belts and road protection belts;

(2) Timber stands: forests and trees mainly at timber production, inclusive of bamboo groves mainly aimed at bamboo production;

(3) Economic forests: trees mainly aimed at the production of fruits; edible oils, soft drinks and ingredients; industrial raw materials; and medicinal materials;

(4) Firewood forests: trees mainly aimed at the production of fuels;

(5) Forests for special uses: forests and trees mainly aimed at national defense, environmental protection and scientific experiments, inclusive of national defense forests, experimental forests, parent stands, environmental protection forests, scenic beauty forests, trees for sites of historical interests and the forests of natural protection areas.

Article 5 Construction of forestry shall be guided by the approach of forest ranging as the basis, universal forest protection, great forestation efforts, combination of cutting and planting, and sustainable utilization.

Article 6 The State encourages research of the forestry science, popularizes advanced forestry technology and raises the level of forestry science and technology.

Article 7 The State protects the legitimate rights and interests of forest growers, alleviates their burdens according to the law, forbids law-breaking imposition of levies and fines on them, and forbids the imposition of contributions and mandatory fund-raising on them.

The State protects the legitimate rights and interests of the collectives and private individuals who have contracted for forestation; no organization and private individual shall encroach upon the ownership of trees and other legitimate rights and interests entitled according to the law to the collectives and private individuals who have contracted for forestation.

Article 8 The State adopts the following protective measures on the forest resources:

(1) To impose a quota on forest cutting and encourage forest planting in order to expand the area of forest coverage;

(2) To offer economic support or long-term loans to the collectives and private individuals who plant and cultivate forests according to relevant stipulations of the central and local people's governments;

(3) To advocate comprehensive utilization and saving on the use of timber and encourage the development and utilization of timber substitutes;
(4) To collect forest cultivate levies which shall be used exclusively for forest planing and cultivation purposes;

(5) To make sure that coal and paper sectors shall apportion out of their output of coal, pulp and paper a certain amount of funds which shall be used exclusively for the nurturing of mine timber and timber for paper making; and

(6) To establish the forestry fund system.

The State shall establish the forestry ecological efficiency compensation fund, which shall be used for the building, cultivation and management of protection forests with ecological efficiency and the forest resources and trees with special uses. The forestry ecological efficiency compensation fund shall be used exclusively for its designated purpose and shall not be used for any other purpose. The specific methods shall be formulated by the State Council.

Article 9 In terms of the forestry production and construction in ethnic minority autonomous areas, in line with the stipulations of the state in regard to the autonomous right of ethnic minority autonomous areas, the State and the people's government at the provincial or autonomous region level will offer more autonomy and economic benefits than ordinary areas in connection with forestry development, timber distribution and forestry fund utilization.

Article 10 The competent forestry authorities under the State Council shall be responsible for the forestry work nationwide. The competent forestry authorities under the people's government above the county level shall be responsible for the forestry work in their jurisdiction. The people's government at the township level shall set up full-time or part-time posts responsible for the forestry work.

Article 11 Tree planting and forest protection shall be the duties performed by every and each citizen. The people's government at various levels shall organize all the citizens to plant trees as an obligatory duty and conduct afforestation activities.

Article 12 The people's government at various levels shall award organizations or private individuals who have made outstanding achievements in connection with afforestation, forest protection, forest management and forestry-related scientific research.

CHAPTER TWO OPERATION AND ADMINISTRATION OF FORESTS

Article 13 The competent forestry authorities at various levels shall, according to the stipulations of this law, exercise administration and supervision over the protection, utilization and renewal of forests.

Article 14 The competent forestry authorities at various levels shall be responsible for sorting out forest resources, establish the resources archives system and take hold of the situation in terms of resources changes.

Article 15 The use right for the following forests, trees and woodlands can be transferred according to the law. It can also, according to the law, be priced and converted into shares or used as conditions for equity or cooperative joint ventures for forestation and operation of trees. However, woodlands shall not be converted into non-woodlands.
(1) Timber stands, economic forests and firewood forests;

(2) The woodland use right for timber stands, economic forests and firewood forests;

(3) The woodland use right for the cutting blanks and the burns of timber stands, economic forests and firewood forests;

(4) The use right for other forests, trees and other woodlands stipulated by the State Council.

In case of transfer, conversion into shares after pricing, or being used as conditions for equity or cooperative joint ventures for forestation and operation of trees in line with the previous paragraph, the forest tree cutting license already obtained may be concurrently transferred; at the same time, the two sides of the transfer shall observe the stipulations of this law with regard to forest and forest tree cutting and reforestation.

With the exception of the circumstances specified in Paragraph One of this article, the use right for other forests, trees and other woodlands cannot be transferred.

The specific methods shall be formulated by the State Council.

Article 16 The people's government at various levels shall formulate long-term forestry plans. State-owned forestry enterprises, institutions and natural protection zones shall, according to the long-term forestry plans, formulate their forestry operation programs, which shall be implemented after submission to and approval of the competent authorities at a higher level.

The competent forestry authorities shall guide rural collective economic organizations and state-owned farms, pasture lands, industrial enterprises and mines in the formulation of their forest operation programs.

Article 17 A dispute between organizations in connection with the ownership and the use right of trees and woodlands, it shall be up to the people's government above the county level to resolve it according to the law.

A dispute between private individuals or between a private individual and an organization in connection with the ownership of trees and the use right of woodlands, it shall be up to the people's government at the county or township level to resolve it according to the law.

Should the parties concerned refuse to accept the resolution decision of the people's government, they may, within one month upon receipt of notification, bring a suit before the people's court.

Before the dispute regarding the rights of trees and woodlands is resolved, no party shall cut trees in dispute.

Article 18 Prospecting, mining and various construction projects shall not occupy or occupy as little as possible woodlands; in case of necessary occupancy or expropriation of woodlands, upon examination and approval of the competent forestry authorities under the people's government above the county level, the examination and approval formalities for land needed for construction shall be gone through in line with relevant land administration laws and administrative regulations; and the land-use organization shall pay forest vegetation recovery expenses in line with the relevant provisions of the State Council. The forest vegetation recovery payments shall be used for designated purposes; the competent forestry authorities shall use
them, according to relevant stipulations, for afforestation, recovery of forest vegetation; the area of afforestation shall not be smaller than the area of forest vegetation reduced as a result of woodlands occupied or expropriated. The competent forestry authorities at a higher level shall periodically urge and inspect the competent forestry authorities at a lower level in the organization of afforestation and recovery of forest vegetation.

No organization and private individual shall divert the forest vegetation recovery payments. The competent auditing authorities of the people's government above the county level shall strengthen their supervision of the situation in connection with the use of the forest vegetation recovery payments.

CHAPTER THREE FOREST PROTECTION

Article 19 The local people's government at various levels shall organize competent authorities to establish a forest protection organization to take charge of the work of forest protection; add forest protection facilities and enhance forest protection in light of actual needs; and urge grass-roots organizations with forests and in forest districts to conclude forest protection covenants, mobilize the masses to protect forests, delimit forest protection responsibility zones, and provide full-time or part-time forest protection personnel.

Forest protection personnel may be appointed by the people's government at the county or township level. The main duties and responsibilities of a forest protection person are to patrol and protect forests and stop activities that damage forest resources. In case of damages to forest resources, the forest protection person shall have the right to request the local competent authorities to resolve the issue.

Article 20 The forest public security authorities, established in line with the relevant provisions of the State, shall be responsible for the maintenance of social security and order in their jurisdiction, protect the forest resources in their jurisdiction and, in line with the provisions of this law, within the scope of the mandate from the competent forestry authorities under the State Council, act on their behalf in the exercise of the administrative punishment rights as specified in Articles 39, 42, 43 and 44 of this law.

The armed forest police forces shall implement the tasks of forest fire prevention and fighting given by the State.

Article 21 The local people's government at various levels shall make earnest efforts to do well in the prevention and fighting of forest fires:

(1) To specify a forest fire prevention period, during which no fire shall be used out in the field in the forest area; should special circumstances demand the use of fire, approval shall be obtained from the people's government at the county level or the authorities authorized by the people's government at the county level;

(2) To erect fire prevention facilities;

(3) To immediately mobilize the local military and civilian population and relevant authorities to fight a fire upon its breakout; and

(4) When a person is injured, maimed or killed in forest fire fighting, if he is an state employee, the medical fees and pension shall be provided by his employer; if he is not a state employee, the
organization that causes the fire shall provide the medical fees and pension in line with the competent authorities under the State Council; and, if the organization that causes the fire has no responsibility for the fire or is indeed incapable of bearing the expenses, the local people's government shall provide medical expenses and pension.

Article 22 The competent forest authorities at various levels shall be responsible for the organization of the work of forest insect pest prevention.

The competent forestry authorities shall be responsible for stipulating the quarantine range of forest tree seedlings, delimit the epidemic area and the protection area and conduct quarantine of forest tree seedlings.

Article 23 Land reclamation at the expense of deforestation, rock quarrying, sand quarrying, soil extracting and other activities at the expense of deforestation shall be forbidden.

Firewood cutting and grazing shall be forbidden in seedling forests and special-use forests.

No person that enters into the forest and its adjacent area shall, without authorization, remove or damage marks that serve the forestry sector.

Article 24 The competent forestry authorities under the State Council and the people's government at the provincial, autonomous region or directly-administered municipality level shall delimit natural protection areas to strengthen protection and administration in typical forest ecology areas in different natural terrain, forest districts where previous animals and plants grow and breed, natural tropical rain forest districts and other natural forest districts with special protection value.

The administrative methods for natural protection zones shall be formulated by the competent forestry authorities under the State Council, upon whose approval such methods shall be implemented.

Earnest protection should be extended to precious trees outside of the natural protection areas and the plant resources with special value inside the forest districts; without the approval of the competent forestry authorities at the provincial, autonomous region or directly-administered municipality, no cutting and collecting shall take place.

Article 25 There shall be no hunting of the wild animals on the national protection list in the forest districts; if hunting is needed to meet special needs, formalities shall be gone through in line with relevant regulations of the State.

CHAPTER FOUR AFFORESTATION

Article 26 The people's government at various levels shall formulate afforestation plans and, according to local conditions, determine their targets for the increase in the forest coverage of their respective regions.

The people's government at various levels shall organize different walks of life and urban and rural citizens to complete the tasks set out in the afforestation plan.

In case of state-owned waste mountains and land suitable for tree planting, the competent forestry authorities and other competent authorities shall organize forestation; in case of collective-owned waste mountains and land, the collective economic organizations shall organize
Alongside the railways, roads, rivers, lakes and reservoirs, various competent authorities shall organize forestation according to local conditions; in industrial and mining areas, in the land used by government authorities and schools, in the barracks of troops and in the areas managed by farms, pasture lands and fishing banks, the relevant organizations shall be responsible for forestation.

The waste mountains and land suitable for tree planting owned by the state and the collective can be contracted by the collective or private individuals for forestation.

Article 27 The trees planted by state-owned enterprises, institutions, government authorities, mass organizations and troops shall be operated by the forestation organizations and the yields from trees shall be disposed by them in accordance with the provisions of the State.

The trees planted by a collectively owned organization shall be owned by itself.

The trees that a rural citizen has planted in the front and at the back of the house, in his private farm plot and in his private forest segment shall be owned by him. The trees that an urban citizen and/or worker has planted in the courtyard of a self-owned house shall be owned by him.

If the collective or private individual contract for the state-owned and collectively owned waste mountains and land suitable for tree planting, the trees planted after the contract shall be owned by the contracting collective or private individual; if the contract has other provisions, those contractual provisions shall be followed.

Article 28 With regard to of newly planted seedling forests and other places that need to be sealed off for cultivation purposes, the local people's government shall organize the effort to seal off the mountain for forest cultivation.

CHAPTER FIVE  FOREST CUTTING

Article 29 In compliance with the principle that the consumption of timber shall be lower than the growth, the State shall impose strict controls over the annual forest cutting volume. In the formulation of the annual cutting quotas, the state-owned enterprise, institution, farmland, factory or mine shall be calculated as a unit for state-owned forests and trees, and the county as a unit for collectively used forests and trees and the privately owned trees. The competent forestry authorities at the provincial, autonomous region and directly-administered municipality shall compile a summary sheet, which shall be submitted to the State Council for approval after the examination of the people's government at the same level.

Article 30 The State shall formulate a unified annual timber production plan. The annual timber production plan shall not exceed the approved annual cutting quota. The scope of mandatory administration shall be stipulated by the State Council.

Article 31 The following provisions shall be observed in the course of forest and forest tree cutting:

(1) For mature timber stands, the approaches of selection cutting, clear cutting and shelterwood cutting shall be applied respectively in light of different situations. Clear cutting shall be put
under strict controls and the reforestation shall be completed in the same or next year of the cutting;

(2) Among the protection forests and forests with special uses, the national defense forest, the parent stand, the environmental protection forest and the scenic beauty forest can only permit cutting for cultivation and reforestation purposes;

(3) Among the forests with special uses, the trees in sites of historical interests and revolutionary commemoration and the forest in the natural protection area shall forbid cutting.

Article 32 To cut trees, it shall be necessary to apply for the cutting license and conduct the cutting according to the provisions of the license; this does not cover the cutting by rural citizens of the isolated trees in their private farm plots and surrounding their houses.

When state-owned forestry enterprises, institutions, government authorities, mass organizations, troops, schools and other state-owned enterprises and institutions apply for tree cutting, the local competent forestry authorities above the county level shall, in line with relevant stipulations, examine the application and issue the cutting license.

For the reforestation-oriented cutting of protective forests alongside the railways and roads and in cities and townships, the competent authorities shall examine the application and issue the cutting license in conformity with relevant stipulations.

For the rural collective economic organizations to cut trees, the competent forestry authorities at the county level shall examine the application and issue the cutting license in conformity with relevant stipulations.

For rural citizens to cut the trees in their private forest segments and in the collectively owned forests they have contracted, the competent forestry authorities at the county level or the people's government at the township level which has been duly authorized shall examine the application and issue the cutting license.

The cutting of bamboo groves that are mainly aimed at bamboo wood shall be governed by the stipulations of the above articles.

Article 33 The authorities in charge of examining and issuing cutting licenses shall not issue the cutting licenses in excess of the annual cutting quota.

Article 34 When a state-owned forestry enterprise or institution applies for the cutting license, it shall come up with a cutting area survey and design document. When other organizations apply for the cutting license, they shall come up with a document that contains such contents as cutting objective, location, tree species, tree situation, area, stock, approach and reforestation measures.

With regard to organizations that conduct cutting operations in violation of provisions, the cutting license issuing authorities have the right to confiscate the cutting license and suspend their cutting operations until corrective measures are taken.

Article 35 Tree cutting organizations or private individuals shall, in accordance with the area, number of trees, tree species and period of time specified in the cutting license, finish the reforestation task; the area and number of trees in the reforestation shall not be smaller than those cut.
Article 36 The operation, supervision and administration methods for timber in forest districts shall be separately formulated by the State Council.

Article 37 The transport timber out of forest districts, it shall be necessary to present the transport documentation issued by the competent forestry authorities with the exception of timber uniformly allocated and transferred by the State.

After the cutting license has been obtained according to the law, the competent forestry authorities shall issue transport documentation to the timber cut in line with the provisions of the license when it is transported out of the forest districts.

With the approval of the people's government at the provincial, autonomous region or directly administered municipality level, timber inspection posts can be set up in forest districts to take charge of the inspection of timber transport. The timber inspection post shall have the right to stop the transport of timber without transport documentation or the allocation and transfer notice issued by competent materials authorities.

Article 38 The State forbids or restricts the export of precious trees and their products and derivatives. The list of precious trees and their products and derivatives, the export of which is forbidden or restricted, and the annual export quantitative restrictions shall be formulated by the competent forestry authorities under the State Council together with relevant authorities under the State Council and submitted to the State Council for approval.

To export the precious trees or their products and derivatives, the export of which is restricted according to the provisions of the above paragraph, it shall be imperative to go through the examination of the competent forestry authorities under the people's government at the provincial, autonomous region or directly administered municipality where the exporter is located and obtain the approval from the competent forestry authorities under the State Council; the customs shall release the goods upon the presentation of the approval documentation from the competent forestry authorities under the State Council. In case that the imported and/or exported trees or their products and derivatives fall into the category of endangered species, the import and export of which is restricted by the international covenants that China has acceded to, it shall be necessary to file an application with the national administrative authorities in charge of the import and export of endangered species for a certificate of import and export permission; the customs shall release the goods upon the presentation of the import and export certificate.

CHAPTER SIX LEGAL RESPONSIBILITIES

Article 39 In case of unlawful cutting of forests or other trees, compensation in damages shall be paid according to the law; the competent forestry authorities shall order the reseeding of trees tens of times the number of trees unlawfully cut, confiscate the unlawfully cut trees or income generated from selling unlawfully cut trees, and impose a fine amounting to between three times and 10 times the value of the unlawfully cut trees.

In case of wanton cutting of forests or other trees, the competent forestry authorities shall order the reseeding of trees five times the number of trees wantonly cut and impose a fine amounting to between two times and five times the value of the wantonly cut trees.

In case of refusal to re-seed trees or tree reseeding not in line with the relevant stipulations of the State, the competent forestry authorities shall do the reseeding on behalf of the law-breakers who
shall pay for all the necessary expenses therein.

Should the unlawful or wanton cutting of forests or other trees constitute a criminal offense, the legal responsibilities shall be investigated and dealt with.

Article 40 In case of unlawful cutting and destruction of precious trees in violation of the provisions of this law, legal responsibilities shall be investigated and dealt with.

Article 41 In case that the approved annual cutting quota is exceeded in the issuance of the tree cutting licenses or the authorization is exceeded in the issuance of the tree cutting licenses, tree transport documentation, export approval documentation and import and export permit certificates in violation of the provisions of this law, the competent forestry authorities of the people's government at a higher level shall order corrective action and give administrative punishments to those directly responsible executives and employees. If the relevant competent forestry authorities of the people's government have not ordered corrective action, the competent forestry authorities under the State Council may directly handle the case; if a criminal offense is found to exist, the legal responsibilities shall be investigated and dealt with.

Article 42 In case that the tree cutting license, timber transport documentation, export approval documentation and import and export permit certificate are traded in violation of the provisions of this law, the competent forestry authorities shall confiscate the unlawfully traded certificates and documentation and illegal income, and impose a fine amounting to between one time and three times the payment for the unlawfully traded certificates and documentation; if a criminal offense is committed, the legal responsibilities shall be investigated and dealt with.

In case of forging the tree cutting license, timber transport documentation, export approval documentation and import and export permit certificate, the legal responsibilities shall be investigated and dealt with.

Article 43 In case of knowingly purchasing trees unlawfully or wantonly cut in forest districts, the competent forestry authorities shall order the termination of the law-breaking activities, confiscate the illegally purchased trees unlawfully or wantonly cut or income from selling such trees, and may impose a fine amounting to between one time and three times the payment for the illegally purchased trees; if a criminal offense is found to exist, the legal responsibilities shall be investigated and dealt with.

Article 44 In case that land reclamation, rock quarrying, sand quarrying, soil extracting, seed collecting, resin tapping and other activities are conducted in violation of the provisions of this law, as a result of which the forests and trees are damaged, the compensation in damages shall be paid; the competent forestry authorities shall order the termination of the law-breaking activities and the reseeding of trees between one time and three times the number of trees damaged and may impose a fine amounting to between one time and five times the value of the trees damaged.

In case that firewood cutting and grazing in seedling forests and forests with special uses have led to the destruction of forests and trees in violation of the provisions of this law, the compensation in damages shall be paid; the competent forestry authorities shall order the termination of the law-breaking activities and the reseeding of trees between one time and three times the number of trees damaged.
In case of refusal to re-seed trees or tree reseeding not in line with the relevant stipulations of the State, the competent forestry authorities shall do the reseeding on behalf of the law-breakers who shall pay for all the necessary expenses therein.

Article 45 Should tree cutting organizations or private individuals fail to finish the reforestation task in line with the provisions, the authorities which have issued the cutting license shall have the right to issue no more cutting licenses to them until they have completed their reforestation tasks; in case of acts serious in nature, the competent forestry authorities may impose a fine and give administrative punishments to the employer or competent authorities at a higher level of those directly responsible persons.

Article 46 In case that the staff members of the competent forestry authorities and other state authorities engaged in the protection of forest resources and forestry supervision and administration abuse their powers, neglect their duties and play favoritism, if a criminal offense is committed, the legal responsibilities shall be investigated and dealt with; and, if a criminal offense is not committed, administrative punishments shall be given.

CHAPTER SEVEN SUPPLEMENTARY ARTICLES

Article 47 The competent forestry authorities under the State Council shall, according to this law, formulate the implementing methods, which shall be implemented after submission to and approval of the State Council.

Article 48 If the provisions of this law cannot be fully applicable to ethnic minority autonomous regions, the autonomy authorities may, in line with the principles of this law and based upon the characteristics of ethnic minority autonomous regions, formulate contingent or supplementary provisions, which shall be implemented after submission to and approval of the provincial or autonomous government or the Standing Committee of the National People's Congress in conformity with legal procedures.

Article 49 This law shall go into effect as from January 1, 1985.