

# Forest Law of the People's Republic of China

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## Chapter I General Provisions

**Article 1** This Law is formulated and enacted in order to practice the concept that “Lucid waters and lush mountains are invaluable assets”, to protect, cultivate and rationally exploit forest resources, to accelerate territorial afforestation, safeguard forest ecological security, build ecological civilization, and to realize the harmonious coexistence of human being and nature.

**Article 2** Engagement in activities of protecting, cultivating and exploitation of forests and woods and the management and administration of forests, woods and forest lands within the territory of the People's Republic of China must abide by this Law.

**Article 3** To protect, cultivate and exploit forest resources, one should respect nature, conform to nature, and adhere to the principles of ecological priority, protection priority, combination of protection and cultivation and sustainable development.

**Article 4** The State adopts the target-based responsibility system and assessment and evaluation system for the protection and development of forest resources. The people's governments at the higher levels evaluate the achievements of the people's governments at the lower levels in the protection and development of forest resources, and in the prevention and control of forest fire and major forest pests, and make the evaluation results public.

Local people's governments may establish a system of forest directors in the light of the needs of the protection and development of forest resources in their respective administrative areas.

**Article 5** The State takes fiscal, tax, financial and other measures to support the protection and development of forest resources. People's governments at all levels should guarantee investment in forest ecological protection and restoration and promote forestry development.

**Article 6** With the aim of fostering a stable, healthy, high-quality and efficient forest ecosystem, the State implements classified management of public welfare forests and commercial forests, and highlights the dominant functions while giving full play to a variety of functions, so as to realize the sustainable exploitation of forest resources.

**Article 7** The State establishes the scheme of compensation for forest ecological benefits, strengthens support for the protection of public welfare forests, improves the transfer payment policy for key ecological function zones, and guides the people's governments of the beneficiary areas and forest ecological protection areas to compensate for ecological benefits through consultation.

**Article 8** The State Council and the people's governments of provinces, autonomous regions and municipalities directly under the central government may, pursuant to the provisions of the State on the autonomy of ethnic autonomous regions, adopt more preferential policies for forest protection and forestry development in ethnic autonomous regions.

**Article 9** The competent department of forestry under the State Council takes charge of the forestry work nationwide. The competent departments of forestry of local people's governments at or above the county level take charge of the forestry work within their respective areas.

People's governments at the village and township levels can determine relevant institutions or assign full-time or part-time personnel to be responsible for forestry work.

**Article 10** Tree planting, afforestation and forest protection are the obligation that citizens should fulfill. People's governments at all levels should organize voluntary tree planting and afforestation activities by all citizens.

Every March 12 is designated as tree planting day.

**Article 11** The State takes measures to encourage and support scientific research in forestry, popularize advanced and applicable forestry technology, and improve the scientific and technical level of forestry.

**Article 12** People's governments at all levels should strengthen the publicity, education and knowledge dissemination on forest resources protection, and encourage and support grass-roots self-governing mass-based organizations, news media, forestry enterprises and institutions, volunteers and other organizations to carry out publicity activities on forest resources protection.

Administrative departments of education and schools should educate students on the protection of forest resources.

**Article 13** Units or individuals that have scored remarkable achievements in tree planting and afforestation, forest protection, forest management and forestry scientific research shall be commended and rewarded in accordance with the relevant provisions of the State.

## **Chapter II Forest Ownership**

**Article 14** Forest resources belong to state ownership, excluding those belonging to collective ownership specified in the law.

The ownership of the state-owned forest resources shall be exercised by the State Council on behalf of the State. The State Council may authorize the competent department of natural resources under the State Council to uniformly perform the duties of owners of state-owned forest resources.

**Article 15** The ownership or right to use of the forest lands and the forest and woods on the forest lands shall be registered by the real estate registration authority in a unified way and the certificate shall be issued accordingly. The competent department of natural resources under the State Council shall be responsible for the registration of the forests, woods and forest lands of the key state-owned forest regions determined by the State Council (hereinafter referred to as the key state-owned forest regions).

Legitimate rights and interests of the owners and users of forests, woods and forest lands are protected by law upon which no unit or individual shall infringe.

The owners and users of the forests, woods and forest lands shall protect and make rational use of the forests, woods and forest lands in accordance with law, and shall not illegally change the use of the forest lands or destroy the forests, woods and forest lands.

**Article 16** The state-owned forest lands and the forest and woods on the forest lands may be designated for use by forestry operators in accordance with law. The right to use the state-owned forest lands and the forests and woods on the forest lands acquired by the forestry operators in accordance with law may, upon approval, be transferred, leased, priced or contributed at a fixed price. The specific measures shall be formulated by the State Council.

Forestry operators should fulfill their obligations to protect and cultivate forest resources, ensure the steady growth of state-owned forest resources and improve the ecological functions of forests.

**Article 17** For the state-owned and collective forest lands, used by the peasants collectively in accordance with law (hereinafter referred to as collective forest lands) under an operation contract, the contractor has the management right of the forest lands and the ownership of the forests and woods on the contracted forest lands, unless otherwise stipulated in the contract. The contractor may transfer the right of management of forest lands, the right of ownership and the right of use of woods by means of leasing (subcontracting), shareholding and transfer in accordance with law.

**Article 18** The collective forest lands and the woods on these forest lands that have not been operated under a contract shall be managed by the rural collective economic organizations in a unified way. With the consent of more than two-thirds of the members of the villagers' meeting of the members of the collective economic organization or more than two-thirds of the representatives of the villagers and publicity, the right to the management of forest lands, the ownership and use right of woods may be transferred in accordance with law through bidding, auction, public consultation and other means.

**Article 19** A written contract should be signed for the transfer of management rights of the collective forest lands. The contract generally stipulates the rights and obligations of both parties, the transfer period, the transfer price and payment method, the disposal of woods and fixed production facilities on forest lands at the expiration of the transfer, and the liability for breach of contract, etc.

If the transferee violates the law or the contract and causes serious damage to the forests, woods and forest lands, the employer or the contractor has the right to recover the right to manage the forest lands.

**Article 20** Woods planted by state-owned enterprises, institutions, government organs, organizations and the armed forces shall be managed and protected by the units that have planted them and gains from the woods shall be budgeted pursuant to the State provisions.

Trees planted by rural inhabitants at the front and back of their farm houses, on plots of land for personal needs and plot on hills for personal needs belong to the said individuals. Trees planted by urban and township inhabitants in the courtyards of their own houses belong to the said individuals.

For state-owned and collective-owned barren hills, waste lands and desolate beaches suitable for afforestation contracted out to collectives or individuals for afforestation, the trees planted after contracting belong to the contracting collectives or individuals, unless otherwise stipulated in the contract.

Trees planted by other organizations or individuals shall be owned by those who planted them in accordance with law and shall enjoy the gains from the woods, unless otherwise stipulated in the contract.

**Article 21** In order to meet the needs of ecological protection, infrastructure construction and other public interests, where occupation or requisition of forest lands and woods is necessitated, the examination and approval procedures shall be followed in accordance with the Land Administration Law of the people's Republic of China and other laws and administrative regulations, and fair and reasonable compensation shall be given.

**Article 22** Disputes arising between units over timber and forest land ownership and the right of use shall be handled by people's governments at or above the county level in accordance with law.

Disputes arising between individuals and between an individual and a unit over woods ownership and the right of use of forest lands shall be handled by local people's governments at or above the towns and townships level in accordance with law.

When a party refuses to accept the decision of the people's government concerned, he/she may bring a suit at a people's court within 30 days from the date of receipt of the notice of the decision.

Pending a settlement of the dispute over woods and forest land ownership, neither of the parties shall cut down trees on the forest lands in dispute nor change the status quo of the forest lands, except for the needs of forest fire prevention, forest pest control and construction of major national infrastructure.

### **Chapter III Development Planning**

**Article 23** People's governments at or above the county level shall incorporate the protection of forest resources and the development of forestry into their plans for national economic and social development.

**Article 24** People's governments at or above the county level shall implement the requirements for the development and protection of territorial space, rationally plan the structure and distribution of the protection and exploitation of forest resources, set the objectives for the protection and development of forest resources, increase forest coverage and forest growing stock, and improve the quality and stability of the forest ecosystem.

**Article 25** The competent department of forestry of the people's governments at or above the county level shall, in accordance with the objectives of forest resources protection and development, formulate plans for forestry development. Forestry development plans at lower levels shall be compiled in accordance with forestry development plans at the higher levels.

**Article 26** The competent department of forestry of the people's governments at or above the county level may, in the light of local conditions, formulate specific plans for the protection and exploitation of forest lands, tree planting and afforestation, forest management and natural forest protection, etc.

**Article 27** The State shall establish a system for the investigation and monitoring of forest resources, thus to investigate, monitor and evaluate the current status quo and changes of forest resources throughout the country, and publish it on a regular basis.

### **Chapter IV Forest Protection**

**Article 28** The State strengthens the protection of forest resources, giving full play to the functions of forests in water storage and soil conservation, climate regulation, environmental improvement, biodiversity conservation and the provision of forest products.

**Article 29** Funds allocated by the central and local governments for the construction, cultivation, protection and management of public welfare forests and economic compensation for the right holders of non-state-owned public welfare forests shall be used for the said special purpose. The specific measures shall be formulated by the financial department under the State Council jointly with the competent department of forestry.

**Article 30** The State supports the transformation and development of key forest regions, the protection and restoration of forest resources, the improvement of production and living conditions, and the promotion of economic and social development there. Key forest regions shall enjoy the transfer payment and other policies of key ecological functional regions of the State in accordance with the provisions.

**Article 31** The State shall establish a system of nature reserves with national parks as the main body and strengthen protection and management in typical forest ecological regions in different natural zones, forest regions where precious animals and plants grow and breed, natural tropical rainforest regions and other natural forest regions with special protection value.

The State supports the protection and restoration of forest resources in ecologically fragile areas.

People's governments at or above the county level should take measures to protect the wild plant resources with special value.

**Article 32** The State implements a comprehensive system for protecting natural forests, strictly limits the cutting of natural forests, strengthen the management and protection capacity of natural forests, protects and repairs natural forest resources, and gradually improve the ecological functions of natural forests. Specific measures shall be formulated by the State Council.

**Article 33** Local people's governments at all levels should organize the departments concerned in the establishment of forest protection organizations to be responsible for the work of forest protection; step up forest protection in the light of actual requirements by building additional forest protection facilities; supervise and urge units concerned to make a forest protection pledge, organize mass forest protection, delimit forest protection responsibility areas and assign full-time or part-time forest guards.

Forest guards may be appointed by people's governments at the county level or at the village level. Main responsibilities of a forest guard are to patrol and protect forest and if fire, forest pests and the destruction of forest resources are discovered, they should be promptly dealt with and reported to the local department of forestry.

**Article 34** Local people's governments at all levels should be responsible for forest fire prevention in their respective administrative areas and play the role of mass prevention. People's governments at or above the county level should organize and lead departments of emergency management, forestry and public security to cooperate closely to earnestly carry out the work of prevention and extinguishment of forest fires and rescue operations in accordance with the division of responsibilities:

- (1) organizing and carrying out publicity activities on forest fire prevention and popularizing knowledge on forest fire prevention;
- (2) delimiting fire prevention areas and specifying forest fire prevention periods;
- (3) installing fire prevention facilities in forest regions and providing fire prevention equipment and materials;
- (4) establishing a forest fire monitoring and early warning system to reduce hidden dangers in a timely manner;
- (5) formulating emergency plans for forest fires and immediately organizing efforts in fire extinguishment and rescue operations in the event of a forest fire; and
- (6) guaranteeing the expenses required to prevent and extinguish forest fires.

The national comprehensive fire control and rescue team performs the missions of prevention, extinguishment of forest fires and rescue operations assigned by the State.

**Article 35** The competent departments of forestry of the people's governments at or above the county level shall be responsible for the monitoring, quarantine and prevention and control of forest pests in their respective administrative areas.

The competent department of forestry of the people's governments at or above the provincial level shall be responsible for determining the quarantine pests of forest plants and their products and specifying epidemic areas and protected areas.

Local people's governments shall be responsible for the prevention and control of major forest pest disasters. In the event of major forest pest disasters such as outbreak and danger, the local people's government shall organize the eradication and treatment efforts in a timely manner.

Under the support and guidance of the government, the forest operators shall prevent and control the forest pests within their management scope.

**Article 36** The State protects forest lands, strictly controls the conversion of forest lands into non-forest lands, and controls the total amount of occupied forest lands so as to ensure that the amount of forest lands remains unchanged. The occupation of forest lands by various construction projects should not exceed the total occupation quota of forest lands in the administrative area.

**Article 37** No forest land or less forest land should be occupied in exploration and mining of mineral resources and other construction projects; where occupation or requisition of forest land is necessitated, formalities of examination and approval for land use for construction should be completed pursuant to laws and administrative regulations on land administration upon the examination, verification and consent of the competent department of forestry of the people's government at or above the county level.

The unit that occupies or uses forest land should pay the forest vegetation restoration fee. Measures for the administration of the collection and use of forest vegetation recovery fees shall be formulated by the financial department under the State Council jointly with the competent department of forestry.

The competent department of forestry of the people's governments at or above the county level should arrange tree planting and afforestation pursuant to relevant provisions and restore forest vegetation. The area of tree planting and afforestation should not be less than the area of forest vegetation reduced as a result of occupation and requisition of forest lands. The competent department of forestry at the next higher level should supervise, urge and inspect the competent department of forestry at the next lower level at regular intervals in the organization of tree planting and afforestation and restoration of forest vegetation.

**Article 38** Temporary use of forest lands should be subject to the approval of the competent department of forestry of the people's government at or above the county level; the period of temporary use of forest land should not exceed two years in general, and no permanent building shall be built on the forest lands temporarily used.

Within one year after the expiration of the term for the temporary use of forest land, the units or individuals using the land should restore vegetation and conditions for forestry production.

**Article 39** Destruction of forest for reclamation and destruction of forest for quarrying, sand gathering and earth gathering as well as other acts of forest destruction are prohibited.

Discharging sewage and sludge containing heavy metals or other toxic and harmful substances exceeding the standard into forest lands, as well as dredging sediment, tailings and slag that may cause forest pollution are prohibited.

Cutting of firewood and grazing in young forest lands and special-purpose forests are prohibited.

Personnel entering forests and the fringe areas of forests must not shift or damage marks set up in the service of forestry without authorization.

**Article 40** The State protects ancient and famous trees and precious trees. The destruction of ancient and precious trees and their natural environment in which they live is prohibited.

**Article 41** People's governments at all levels should strengthen the construction of forestry infrastructure, apply advanced and applicable scientific and technological means, and improve the capacity of forest management and protection such as forest fire prevention and control of forest pests.

All units concerned should strengthen forest management and protection. State-owned forestry enterprises and institutions shall increase input to strengthen forest fire prevention and control of forest pests and prevent and stop the destruction of forest resources.

## **Chapter V Tree Planting and Afforestation**

**Article 42** The State makes overall plans for tree planting and afforestation in urban and rural areas, carries out large-scale land afforestation activities, beautifies urban and rural areas, promotes the construction of forest cities and the revitalization of rural areas, and builds beautiful homes.

**Article 43** People's governments at all levels should organize all trades and professions and rural and urban inhabitants in tree planting and afforestation.

On barren hills, waste lands and desolate beaches suitable for afforestation that belong to the State, afforestation shall be organized by the competent departments of forestry and other relevant competent departments of the people's governments at or above the county level; on those belonging to collectives, afforestation shall be organized by collective economic organizations.

Afforestation shall be organized by the competent departments concerned in the light of local conditions on either side of railways, highways, on either banks of rivers and on the rim of lakes and reservoirs in urban planning areas; on land under use by industrial and mining areas, industrial parks, organs and schools, armed forces barracks as well as areas managed by farms, cattle farms and fish farms, afforestation shall be the responsibility of the said units.

The specific measures for organizing afforestation in urban areas shall be formulated by the State Council.

State-owned and collective-owned barren hills and waste lands suitable for afforestation may be contracted out to collectives or individuals for afforestation.

**Article 44** The State encourages citizens to participate in tree planting and afforestation by means of afforestation, tending, management and protection, and recognition and adoption etc.

**Article 45** People's governments at all levels organize activities of tree planting and afforestation, make scientific plans and take measures in the light of local conditions, in organizing afforestation and afforestation, to optimize the structure of forest species and tree species, encourage the use of local tree species and superior tree species, and create mixed forests, so as to improve the quality of afforestation and afforestation.

For afforestation and afforestation projects invested by the State or mainly invested by the State, superior tree varieties should be used in accordance with the provisions of the State.

**Article 46** People's governments at all levels should take measures focusing on natural restoration and combining natural restoration with artificial restoration to protect and restore forest ecosystems in a scientific way. Local people's governments should organize closure of mountains and hills for afforestation in newly-planted young forest lands and other places that necessitate the closure of mountains and hills for afforestation.

People's governments at all levels should, in a planned way, organize and implement the conversion of farmland to forests and grasslands for ecological restoration, as defined by the State Council, such cultivated land that is subject to slope cultivation, serious desertification, stony desertification, and serious pollution.

People's governments at all levels should, in the light of local conditions, carry out forest ecological restoration projects and restore vegetation to the abandoned and damaged mountains, degraded forest lands and barren hills, wasteland and desolate beaches suitable for forestry caused by natural factors.

## **Chapter VI Forest Management and Administration**

**Article 47** In accordance with the needs of ecological protection, the State designates the forest lands with important ecological location or fragile ecological conditions and the forest lands on which the main purpose is to give full play to ecological benefits as public welfare forests. The forest lands not designated as public welfare forest and the forests on the forest lands belong to commercial forest.

**Article 48** Public welfare forests should be designated and announced by the State Council and the people's governments of provinces, autonomous regions and municipalities directly under the central government.

The forest lands and the forests on the forest lands in the following areas should be classified as public welfare forest:

- (1) catchment areas at the source of important rivers;
- (2) protection areas of main rivers, tributaries and drinking water sources;
- (3) areas around important wetlands and important reservoirs;
- (4) nature reserves of forest and terrestrial wildlife;
- (5) the basic dry forest belts of windbreak and sand fixation forests in the areas of serious desertification and soil erosion;
- (6) coastal shelterbelts;
- (7) undeveloped and unused original forest areas; and
- (8) other areas to be designated.

If the delimitation of public welfare forest involves non-state-owned forest lands, a written agreement should be signed with the obligee and reasonable compensation should be given.

If the public welfare forest is to be adjusted, it should be approved by the original delimitation organ and be announced.

Regulations on the delimitation and management of state-level public welfare forests are formulated by the State Council; regulations on the delimitation and management of local level public welfare forests are formulated by the people's governments of provinces, autonomous regions and municipalities directly under the central government.

**Article 49** The State strictly protects public welfare forests.

The competent department of forestry of the people's governments at or above the county level should, in a planned way, organize the operators of public welfare forests to take measures such as stand conversion and forest tending to improve the quality and ecological protection function of public welfare forests for low-quality and low-efficiency forests such as sparse forests and incomplete forests with low ecological functions.

On the premise of meeting the requirements of ecological location protection of public welfare forest and not affecting the ecological function of public welfare forest, through scientific verification, the forest land resources and forest landscape resources of public welfare forests can be reasonably exploited, and the under-forest economy and forest tourism can be moderately developed. In carrying out the above activities, the use of public welfare forests should strictly abide by the relevant provisions of the State.

**Article 50** The State encourages the development of the following commercial forests:

- (1) forests and woods with timber production as the main aim;
- (2) forests and woods with producing fruit, oil, beverage, seasoning, industrial raw materials, medicinal materials and other forest products as the main aim;



- (3) forests and woods with producing fuel and other biomass energy as the main aim; and
- (4) other forests and woods with generating economic benefits as the main aim.

On the premise of ensuring ecological security, the State shall encourage the construction of fast-growing and high-yield, precious tree species and large-diameter timber forests, increase forest reserves, and ensure the security of timber supply.

**Article 51** Commercial forests are independently managed by forest operators in accordance with law. On the premise of not destroying the ecology, intensive management measures can be taken to make rational use of forests, woods, and forest lands, and improve the economic benefits of commercial forests.

**Article 52** The construction of the following engineering facilities directly serving the forestry production and operation on the forest lands, which meet the standards set by the relevant departments of the State, is approved by the competent department of forestry of the people's government at or above the county level, without the need to go through the examination and approval procedures for the construction land; if the forest lands need to be occupied beyond the standards, the examination and approval procedures for the construction land should be completed in accordance with the law:

- (1) facilities for cultivating and producing seeds and seedlings;
- (2) facilities for storing seeds, seedlings and wood;
- (3) skidding road, hauling road, fire patrol road and forest footpath;
- (4) facilities for forestry scientific research and popularization and education;
- (5) facilities for wildlife protection, forest protection, forest pest control, forest fire prevention and woods quarantine;
- (6) infrastructure of water supply, power supply, heat supply, gas supply and communication; and
- (7) other engineering facilities directly serving forestry production.

**Article 53** State-owned forestry enterprises and institutions should compile forest management plan, specify the management measures for forest cultivation and management and protection, and submit forest management plan to the competent department of forestry of the people's government at or above the county level for approval before implementation. Forest management plans for key forest regions are implemented after approval by the competent department of forestry under the State Council.

The State supports and guides other forest operators to compile forest management plans.

The specific regulation on compiling forest management plans shall be formulated by the competent department of forestry under the State Council.

**Article 54** The State strictly controls the annual rate of forest felling. Annual quotas for felling for their respective administrative areas shall be worked out by the competent department of forestry of the people's governments of provinces, autonomous regions and municipalities directly under the central government, in accordance with the principle that the rate of consumption is lower than the rate of growth, and submitted to competent department of forestry under the State Council for approval upon examination and verification by people's governments at the corresponding level, and implemented after publicity. The annual rate of forest felling for key forest regions shall be worked out by the competent department of forestry under the State Council, and shall be promulgated for implementation after being submitted to and approved by the State Council.

**Article 55** The felling of forests and woods must abide by the following provisions:

- (1) for public welfare forests, only felling in the nature of tending, renewal, transformation of low-quality and low-efficiency forests is permitted, with the exception of the needs for scientific research or experiment,

prevention and control of forest pests, construction of fire prevention facilities, construction of biological fire separation zone, natural disasters and so on.

(2) for commercial forests, various modes of felling should be employed in the light of the different conditions. Total felling shall be strictly controlled and renewed afforestation shall be completed follow the felling; and

(3) for nature reserves, felling is strictly prohibited, with the exception of the needs for prevention and control of forest pests, forest fire prevention, maintenance of the living environment of the main protected objects, and natural disasters, and the bamboo forests outside the experimental area.

The competent department of forestry of the people's governments at or above the provincial level should, in accordance with the provisions above and in accordance with the principles of classified forest management, priority for protection, and efficiency and effectiveness-oriented, formulate corresponding technical regulations for felling.

**Article 56** Any felling of woods of forest lands should apply for a felling permit and the felling must be carried out pursuant to the provisions of the permit; The felling of bamboo forests outside the nature reserve does not need a feeling permit, but should be in conformity with the technical regulations on felling.

Rural inhabitants who intend to fell scattered trees owned individually by themselves and growing on plots of land for their personal needs or at the front and back of their farm houses are not required to apply for a felling permit.

The renewal and felling of farmland shelterbelts, windbreaks and sand fixation forests, road protection forests, bank protection forests and urban trees on non-forest land should be managed by the relevant competent departments in accordance with the relevant provisions.

Cutting and transplanting trees should be managed in accordance with provisions for felling. Specific regulations shall be formulated by the competent department of forestry under the State Council.

Forging, altering, buying or selling, and leasing timber felling permits are prohibited.

**Article 57** The felling permits are issued by the competent department of forestry of the people's government at or above the county level.

The competent department of forestry of the people's government at or above the county level should take measures to facilitate the felling permits for the applicant.

The competent department of forestry of the people's government at the county level or the people's government at the township level entrusted by the competent department of forestry of the people's government at the county level shall issue a felling permit for rural inhabitants to cut trees on their own reserved mountains and collective forest lands contracted to individuals.

**Article 58** Units must, in applying for felling permits, present documents on the location, forest type, tree species, area, retained area, mode of felling, renewal measures, and ownership of the woods relating to the felling. In case of exceeding the area or retained area prescribed by the competent department of forestry of the people's government at or above the provincial level, documents on survey and design of the felling area should also be presented.

**Article 59** If it is in conformity with the technical regulations for felling, departments in charge of examination, verification and issuance of felling permits should issue the felling permits in a timely manner. However, departments in charge of examination, verification and issuance of felling permits must ensure that the issued felling permits are not more than the approved annual felling quotas.

**Article 60** No felling permit should be issued in case of the following:

(1) felling of forests and trees during the closing period in case of closure of mountains and hills for afforestation;

- (2) felling of forests and woods when the reforestation task has not been completed in accordance with the regulations after the felling in the previous year;
- (3) felling of forests and woods hit by forest fires or forest pest disasters that caused major deforestation, while no preventive and improvement measures were taken in the previous year; and
- (4) other circumstances under which felling is prohibited as prescribed by laws and regulations and by the competent department of forestry under the State Council.

**Article 61** Units and individuals that fell woods should complete reforestation in accordance with relevant regulations. The area of reforestation should not be less than the area of felling, and the reforestation should meet the standards specified in the relevant technical regulations.

**Article 62** The State encourages and guides financial institutions to carry out forest-related mortgage loans, forestry and agriculture credit loans and other credit businesses that are in line with the characteristics of forestry, and supports forest ownership collection and storage institutions to carry out market-oriented collection and storage guarantee through providing interest subsidy, forest right collection and storage guarantee subsidy and other measures.

**Article 63** The State supports the development of forest insurance. The people's governments at or above the county level provide subsidies for forest insurance in accordance with law.

**Article 64** Forestry operators may voluntarily apply for forest certification to promote the improvement of forest management level and sustainable management.

**Article 65** Timber processing enterprise should establish an account for the entry and exit of raw materials and products. No unit or individual may purchase, process or transport timber that he/she clearly knows was piratically felled or indiscriminately felled in forest regions.

## **Chapter VII Supervision and Inspection**

**Article 66** The competent department of forestry of the people's governments at or above the county level shall, in accordance with the provisions of this Law, supervise and inspect the protection, restoration, exploitation and renewal of forest resources, and investigate and deal with illegal actions such as destruction of forest resources in accordance with law.

**Article 67** The competent department of forestry of the people's governments at or above the county level, in performing their duties of supervision and inspection of forest resources protection, has the right to take the following measures:

- (1) entering the production and operation site for on-site inspection;
- (2) consulting and copying relevant documents and materials, and sealing up the documents and materials that may be transferred, destroyed, concealed or tampered with;
- (3) sealing up or detaining timbers of illegal origin and tools, equipment or property engaged in activities of destroying forest resources; and
- (4) sealing up locations related to activities of destroying forest resources.

The competent department of forestry of the people's governments at or above the provincial level may interview the person-in-charge of the local people's governments at or above the county level and their relevant departments in the regions where the protection and development of forest resources are not effective, where the problems are prominent, and where the masses have strong reactions, and requires them to take measures to rectify them in time. The rectification situation should be disclosed to the public.

**Article 68** The competent department of natural resources and the competent department of forestry of the people's government at or above the county level may bring a lawsuit to the people's court against whoever

that has caused destruction of forest resources in accordance with law and claim compensation for the damage to the infringer.

**Article 69** Audit institutions shall, in accordance with the relevant provisions of the State, conduct audit supervision over the assets of state-owned forest resources.

## **Chapter VIII Legal Liability**

**Article 70** If the competent department of forestry of the people's government at or above the county level or other relevant state organs fail to perform their duties in accordance with the provisions of this Law, the person-in-charge held directly responsible and other personnel directly responsible shall be imposed administrative sanctions in accordance with law.

If a decision on administrative sanction is not imposed according to the provisions of this Law, the competent department at a higher level has the right to order the competent department at a lower level to make a decision on administrative sanctions or directly imposes administrative sanctions.

**Article 71** Whoever infringes upon the lawful rights and interests of the owners or users of forests, woods or forest lands in violation of the provisions of this Law shall be investigated of criminal liability in accordance with law.

**Article 72** If a state-owned forestry enterprise or institution, in violation of the provisions of this Law, fails to fulfill its obligation to protect and cultivate forest resources, fails to compile a forest management plan or fails to carry out forest operation activities in accordance with the approved forest management plan, the competent department of forestry of the people's government at or above the county level shall order it to make corrections within a time limit, and shall punish the person-in-charge held directly responsible and other personnel directly responsible in accordance with law.

**Article 73** Whoever, in violation of the provisions of this Law, changes the use of forest lands without the examination and approval by the competent department of forestry of the people's government at or above the county level; the offender shall be ordered by the competent department of forestry of the people's government at or above the county level to complete the restoration of vegetation and forestry production conditions within a time limit, and concurrently imposed a fine of less than three times the expenses required for the restoration of vegetation and forestry production conditions.

Although approved by the competent department of forestry of the people's government at or above the county level, those who occupy forest lands without going through the formalities for examination and approval of construction land shall be punished in accordance with the relevant provisions of the *Land Administration Law of the People's Republic of China*.

If a permanent building is built on the temporarily used forest lands, or the vegetation or forestry production conditions are not restored within one year after the expiration of the temporarily used forest lands, the penalty shall be imposed in accordance with the provisions of the first paragraph of this article.

**Article 74** Whoever, in violation of the provisions of this Law, engages in reclamation, quarrying, sand gathering, earth gathering or other activities resulting in damage to woods; the offender shall be ordered by the competent department of forestry of the people's government at or above the county level to stop the illegal acts, to plant more than 100% and less than three times the number of the trees destroyed in situ or in other places, and may be imposed a fine of more than 100% and less than five times the value of the trees destroyed. Whoever, in violation of the provisions of this Law, engages in such activities resulting in damage to forest lands; the offender shall be ordered by the competent department of forestry of the people's government at or above the county level to stop the illegal acts, to stop the illegal acts within a time limit, and may be imposed a fine of less than three times the expenses required for the restoration of vegetation and forestry production conditions.

Whoever, in violation of the provisions of this Law, fells firewood, destroys seedlings or grazes in young forest land resulting in damage to woods, shall be ordered by the competent department of forestry of the people's government at or above the county level to stop the illegal acts, and plant more than 100% and less than three times the number of trees destroyed in situ or in other places within a time limit.

The discharge of sewage and sludge containing heavy metals or other toxic and harmful substances to the forest land, as well as the desilting sediment, tailings, slag, etc. that may cause pollution of the forest lands, shall be punished in accordance with the relevant provisions of the *Law of the people's Republic of China on the Prevention and Control of Soil Pollution*.

**Article 75** Whoever, in violation of the provisions of this Law, shifts or damages forest protection signs without authorization; the offender shall compensate for restoring the forest protection signs completed by the competent department of forestry of the people's government at or above the county level.

**Article 76** Whoever engages in pirate felling of forest and woods; the offender shall be ordered by the competent department of forestry at or above the county level to plant more than 100% and less than five times the number of trees piratically felled in situ or in other places within a time limit, and concurrently imposed a fine of more than five times and less than ten times the value of the trees piratically felled.

Whoever engages in indiscriminate felling of forest and woods shall be ordered by the competent department of forestry of the people's government at or above the county level to plant more than 100% and less than three times the number of trees indiscriminately felled and concurrently imposed a fine of more than three and less than five times the value of the trees indiscriminately felled.

**Article 77** Whoever engages in forging, altering, buying or selling, and leasing timber felling permits, in violation of the provisions of this Law, shall be confiscated of the permits or documents illegally bought or sold and the illegal gains, and concurrently imposed a fine of more than 100% and less than three times the amount of price of the permits or documents illegally bought or sold; if there is no illegal income, the offender may be imposed a fine of less than RMB 20,000.

**Article 78** Whoever illegally purchases, timber that he/she clearly knows was piratically felled or indiscriminately felled in forest regions shall be ordered by the competent department of forestry of the people's government at or above the county level to stop the illegal acts, confiscated of the timber piratically felled or indiscriminately felled and illegally purchased, processed or transported or the gains from the sales thereof, and may be concurrently imposed a fine of less than three times the amount of the price of the timber illegally purchased, processed or transported.

**Article 79** If any timber felling unit or individual, in violation of the provisions of this Law, fails to fulfill the renewal afforestation tasks pursuant to provisions, the competent department of forestry of the people's government at or above the county level shall order him to do so within a time limit; if the offender fails to do so within the time limit, he/she may be imposed a fine of less than twice the expenses required for completing the renewal afforestation tasks; the person-in-charge and other personnel directly responsible shall be imposed administrative sanctions in accordance with law.

**Article 80** Whoever, in violation of the provisions of this Law, refuses or obstructs the competent department of forestry of the people's government at or above the county level from carrying out supervision and inspection in accordance with law may be imposed a fine of less than RMB 50,000, and if the circumstances are serious, the offender may be ordered to suspend production or business for rectification.

**Article 81** In case of any of the following circumstances, in violation of the provisions of this Law, the competent department of forestry of the people's government at or above the county level shall do it on his/her behalf in accordance with law, and the expenses required shall be paid by the offender:

- (1) refusing to restore the vegetation and forestry production conditions, or failing to meet the relevant provisions of the State;
- (2) refusing to plant trees or failing to conform to relevant state provisions in planting trees.

The standards for vegetation restoration, forestry production conditions and tree replanting shall be formulated by the competent department of forestry of the people's government at or above the provincial level.

**Article 82** The public security organs may, in accordance with the relevant provisions of the State, exercise on its behalf the power of administrative penalties specified in Articles 74, 76, 77 and 78 of this Law.

Whoever, in violation of the provisions of this Law, constitutes a violation of public security administration; the offender shall be imposed a public security administrative sanction in accordance with law; where a crime has been constituted, criminal liability shall be investigated in accordance with law.

## **Chapter IX Supplementary Provisions**

**Article 83** The meanings of the following terms employed in this Law are:

- (1) forests, including arbor forests, bamboo forests, and shrubbery forests specified by the State. According to its use, it can be divided into shelter forest, special-purpose forest, timber forest, economic forest, and fuel forests.
- (2) woods, including trees and bamboo.
- (3) forest lands, referring to the lands designated by the people's government at or above the county level used for the development of forestry including arbor forest lands with a canopy density of 0.2 or more, as well as bamboo forest lands, shrubbery forest lands, sparse forest lands, after-logging lands, after-fire lands, un-forested land, nursery lands, etc.

**Article 84** This Law enters into force as of July 1, 2020.