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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)

CONTENTS

CHAPTER ONE GENERAL PRINCIPLES

CHAPTER TWO OPERATION AND ADMINISTRATION OF FORESTS

CHAPTER THREE FOREST PROTECTION

CHAPTER FOUR AFFORESTATION

CHAPTER FIVE FOREST CUTTING

CHAPTER SIX LEGAL RESPONSIBILITIES

CHAPTER SEVEN SUPPLEMENTARY ARTICLES

中华人民共和国森林法

(1984 年 9 月 20 日第六届全国人民代表大会常务委员会第七次会议通过 根据 1998 年 4 月 29 日第九届全国人民代表大会常务委员会第二次会议《关于修改〈中华人民共和国森林法〉的决定》修正)

目录

- 第一章 总则
- 第二章 森林经营管理
- 第三章 森林保护
- 第四章 植树造林
- 第五章 森林采伐

第六章 法律责任
第七章 附则

CHAPTER ONE GENERAL PRINCIPLES

第一章 总则

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.

第一条 为了保护、培育和合理利用森林资源,加快国土绿化,发挥森林蓄水保土、调节气候、改善环境和提供林产品的作用,适应社会主义建设和人民生活的需要,特制定本法。

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.

第二条 在中华人民共和国领域内从事森林、林木的培育种植、采伐利用和森林、林木、林地的经营管理活动,都必须遵守本法。

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.

第三条 森林资源属于国家所有,由法律规定属于集体所有的除外。

国家所有的和集体所有的森林、林木和林地,个人所有的林木和使用的林地,由县级以上地方人民政府登记造册,发放证书,确认所有权或者使用权。国务院可以授权国务院林业主管部门,对国务院确定的国家所有的重点林区的森林、林木和林地登记造册,发放证书,并通知有关地方人民政府。

森林、林木、林地的所有者和使用者的合法权益,受法律保护,任何单位和个人不得侵犯。

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.

第四条 森林分为以下五类:

(一) 防护林: 以防护为主要目的的森林、林木和灌木丛, 包括水源涵养林, 水土保持林, 防风固沙林, 农田、牧场防护林, 护岸林, 护路林;

(二) 用材林: 以生产木材为主要目的的森林和林木, 包括以生产竹材为主要目的的竹林;

(三) 经济林: 以生产果品, 食用油料、饮料、调料, 工业原料和药材等为主要目的的林木;

(四) 薪炭林: 以生产燃料为主要目的的林木;

(五) 特种用途林: 以国防、环境保护、科学实验等为主要目的的森林和林木, 包括国防林、实验林、母树林、环境保护林、风景林, 名胜古迹和革命纪念地的林木, 自然保护区的森林。

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.

第五条 林业建设实行以营林为基础, 普遍护林, 大力造林, 采育结合, 永续利用的方针。

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

第六条 国家鼓励林业科学研究, 推广林业先进技术, 提高林业科学技术水平。

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.

第七条 国家保护林农的合法权益，依法减轻林农的负担，禁止向林农违法收费、罚款，禁止向林农进行摊派和强制集资。

国家保护承包造林的集体和个人的合法权益，任何单位和个人不得侵犯承包造林的集体和个人依法享有的林木所有权和其他合法权益。

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.

第八条 国家对森林资源实行以下保护性措施：

- (一) 对森林实行限额采伐，鼓励植树造林、封山育林，扩大森林覆盖面积；
- (二) 根据国家和地方人民政府有关规定，对集体和个人造林、育林给予经济扶持或者长期贷款；
- (三) 提倡木材综合利用和节约使用木材，鼓励开发、利用木材代用品；
- (四) 征收育林费，专门用于造林育林；
- (五) 煤炭、造纸等部门，按照煤炭和木浆纸张等产品的产量提取一定数额的资金，专门用于营造坑木、造纸等用材林；
- (六) 建立林业基金制度。

国家设立森林生态效益补偿基金，用于提供生态效益的防护林和特种用途林的森林资源、林木的营造、抚育、保护和管理。森林生态效益补偿基金必须专款专用，不得挪作他用。具体办法由国务院规定。

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.

第九条 国家和省、自治区人民政府，对民族自治地方的林业生产建设，依照国家对民族自治地方自治权的规定，在森林开发、木材分配和林业基金使用方面，给予比一般地区更多的自主权和经济利益。

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.

第十条 国务院林业主管部门主管全国林业工作。县级以上地方人民政府林业主管部门，主管本地区的林业工作。乡级人民政府设专职或者兼职人员负责林业工作。

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.

第十一条 植树造林、保护森林，是公民应尽的义务。各级人民政府应当组织全民义务植树，开展植树造林活动。

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.

第十二条 在植树造林、保护森林、森林管理以及林业科学研究等方面成绩显著的单位或者个人，由各级人民政府给予奖励。

CHAPTER TWO OPERATION AND ADMINISTRATION OF FORESTS

第二章 森林经营管理

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.

第十三条 各级林业主管部门依照本法规定，对森林资源的保护、利用、更新，实行管理和监督。

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.

第十四条 各级林业主管部门负责组织森林资源清查，建立资源档案制度，掌握资源变化情况。

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.

第十五条 下列森林、林木、林地使用权可以依法转让，也可以依法作价入股或者作为合资、合作造林、经营林木的出资、合作条件，但不得将林地改为非林地：

（一）用材林、经济林、薪炭林；

（二）用材林、经济林、薪炭林的林地使用权；

（三）用材林、经济林、薪炭林的采伐迹地、火烧迹地的林地使用权；

（四）国务院规定的其他森林、林木和其他林地使用权。

依照前款规定转让、作价入股或者作为合资、合作造林、经营林木的出资、合作条件的，已经取得的林木采伐许可证可以同时转让，同时转让双方都必须遵守本法关于森林、林木采伐和更新造林的规定。

除本条第一款规定的情形外，其他森林、林木和其他林地使用权不得转让。

具体办法由国务院规定。

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.

第十六条 各级人民政府应当制定林业长远规划。国有林业企业事业单位和自然保护区，应当根据林业长远规划，编制森林经营方案，报上级主管部门批准后实行。

林业主管部门应当指导农村集体经济组织和国有的农场、牧场、工矿企业等单位编制森林经营方案。

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.

第十七条 单位之间发生的林木、林地所有权和使用权争议，由县级以上人民政府依法处理。

个人之间、个人与单位之间发生的林木所有权和林地使用权争议，由当地县级或者乡级人民政府依法处理。

当事人对人民政府的处理决定不服的，可以在接到通知之日起一个月内，向人民法院起诉。

在林木、林地权属争议解决以前，任何一方不得砍伐有争议的林木。

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.

第十八条 进行勘查、开采矿藏和各项建设工程，应当不占或者少占林地；必须占用或者征用林地的，经县级以上人民政府林业主管部门审核同意后，依照有关土地管理的法律、行政法规办理建设用地审批手续，并由用地单位依照国务院有关规定缴纳森林植被恢复费。森林植被恢复费专款专用，由林业主管部门依照有关规定统一安排植树造林，恢复森林植被，植树造林面积不得少于因占用、征用林地而减少的森林植被面积。上级林业主管部门应当定期督促、检查下级林业主管部门组织植树造林、恢复森林植被的情况。

任何单位和个人不得挪用森林植被恢复费。县级以上人民政府审计机关应当加强对森林植被恢复费使用情况的监督。

CHAPTER THREE FOREST PROTECTION

第三章 森林保护

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.

第十九条 地方各级人民政府应当组织有关部门建立护林组织，负责护林工作；根据实际需要在大面积林区增加护林设施，加强森林保护；督促有林的和林区的基层单位，订立护林公约，组织群众护林，划定护林责任区，配备专职或者兼职护林员。

护林员可以由县级或者乡级人民政府委任。护林员的主要职责是：巡护森林，制止破坏森林资源的行为。对造成森林资源破坏的，护林员有权要求当地有关部门处理。

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.

第二十条 依照国家有关规定在林区设立的森林公安机关，负责维护辖区社会治安秩序，保护辖区内的森林资源，并可以依照本法规定，在国务院林业主管部门授权的范围内，代行本法第三十九条、第四十二条、第四十三条、第四十四条规定的行政处罚权。

武装森林警察部队执行国家赋予的预防和扑救森林火灾的任务。

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.

第二十一条 地方各级人民政府应当切实做好森林火灾的预防和扑救工作：

（一）规定森林防火期，在森林防火期内，禁止在林区野外用火；因特殊情况需要火用的，必须经过县级人民政府或者县级人民政府授权的机关批准；

（二）在林区设置防火设施；

（三）发生森林火灾，必须立即组织当地军民和有关部门扑救；

（四）因扑救森林火灾负伤、致残、牺牲的，国家职工由所在单位给予医疗、抚恤；非国家职工由起火单位按照国务院有关主管部门的规定给予医疗、抚恤，起火单位对起火没有责任或者确实无力负担的，由当地人民政府给予医疗、抚恤。

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.

第二十二条 各级林业主管部门负责组织森林病虫害防治工作。
林业主管部门负责规定林木种苗的检疫对象,划定疫区和保护区,对林木种苗进行检疫。

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.

第二十三条 禁止毁林开垦和毁林采石、采砂、采土以及其他毁林行为。
禁止在幼林地和特种用途林内砍柴、放牧。
进入森林和森林边缘地区的人员,不得擅自移动或者损坏为林业服务的标志。

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.

第二十四条 国务院林业主管部门和省、自治区、直辖市人民政府,应当在不同自然地带的典型森林生态地区、珍贵动物和植物生长繁殖的林区、天然热带雨林区和具有特殊保护价值的其他天然林区,划定自然保护区,加强保护管理。

自然保护区的管理办法,由国务院林业主管部门制定,报国务院批准施行。

对自然保护区以外的珍贵树木和林区内具有特殊价值的植物资源,应当认真保护;未经省、自治区、直辖市林业主管部门批准,不得采伐和采集。

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.

第二十五条 林区内列为国家保护的野生动物，禁止猎捕；因特殊需要猎捕的，按照国家有关法规办理。

CHAPTER FOUR AFFORESTATION

第四章 植树造林

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 forestation.

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.

第二十六条 各级人民政府应当制定植树造林规划，因地制宜地确定本地区提高森林覆盖率的奋斗目标。

各级人民政府应当组织各行各业和城乡居民完成植树造林规划确定的任务。

宜林荒山荒地，属于国家所有的，由林业主管部门和其他主管部门组织造林；属于集体所有的，由集体经济组织组织造林。

铁路公路两旁、江河两侧、湖泊水库周围，由各有关主管单位因地制宜地组织造林；工矿区，机关、学校用地，部队营区以及农场、牧场、渔场经营地区，由各该单位负责造林。

国家所有和集体所有的宜林荒山荒地可以由集体或者个人承包造林。

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.

第二十七条 国有企业事业单位、机关、团体、部队营造的林木，由营造单位经营并按照国家规定支配林木收益。

集体所有制单位营造的林木，归该单位所有。

农村居民在房前屋后、自留地、自留山种植的林木，归个人所有。城镇居民和职工在自有房屋的庭院内种植的林木，归个人所有。

集体或者个人承包国家所有和集体所有的宜林荒山荒地造林的，承包后种植的林木归承包的集体或者个人所有；承包合同另有规定的，按照承包合同的规定执行。

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.

第二十八条 新造幼林地和其他必须封山育林的地方，由当地人民政府组织封山育林。

CHAPTER FIVE FOREST CUTTING

第五章 森林采伐

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.

第二十九条 国家根据用材林的消耗量低于生长量的原则，严格控制森林年采伐量。国家所有的森林和林木以国有林业企业事业单位、农场、厂矿为单位，集体所有的森林和林木、个人所有的林木以县为单位，制定年采伐限额，由省、自治区、直辖市林业主管部门汇总，经同级人民政府审核后，报国务院批准。

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.

第三十条 国家制定统一的年度木材生产计划。年度木材生产计划不得超过批准的年采伐限额。计划管理的范围由国务院规定。

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.

第三十一条 采伐森林和林木必须遵守下列规定：

（一）成熟的用材林应当根据不同情况，分别采取择伐、皆伐和渐伐方式，皆伐应当严格控制，并在采伐的当年或者次年内完成更新造林；

（二）防护林和特种用途林中的国防林、母树林、环境保护林、风景林，只准进行抚育和更新性质的采伐；

（三）特种用途林中的名胜古迹和革命纪念地的林木、自然保护区的森林，严禁采伐。

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.

第三十二条 采伐林木必须申请采伐许可证，按许可证的规定进行采伐；农村居民采伐自留地和房前屋后个人所有的零星林木除外。

国有林业企业事业单位、机关、团体、部队、学校和其他国有企业事业单位采伐林木，由所在地县级以上林业主管部门依照有关规定审核发放采伐许可证。

铁路、公路的护路林和城镇林木的更新采伐，由有关主管部门依照有关规定审核发放采伐许可证。

农村集体经济组织采伐林木，由县级林业主管部门依照有关规定审核发放采伐许可证。

农村居民采伐自留山和个人承包集体的林木，由县级林业主管部门或者其委托的乡、镇人民政府依照有关规定审核发放采伐许可证。

采伐以生产竹材为主要目的的竹林，适用以上各款规定。

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.

第三十三条 审核发放采伐许可证的部门，不得超过批准的年采伐限额发放采伐许可证。

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.

第三十四条 国有林业企业事业单位申请采伐许可证时，必须提出伐区调查设计文件。其他单位申请采伐许可证时，必须提出有关采伐的目的、地点、林种、林况、面积、蓄积、方式和更新措施等内容的文件。

对伐区作业不符合规定的单位，发放采伐许可证的部门有权收缴采伐许可证，中止其采伐，直到纠正为止。

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.

第三十五条 采伐林木的单位或者个人，必须按照采伐许可证规定的面积、株数、树种、期限完成更新造林任务，更新造林的面积和株数不得少于采伐的面积和株数。

Article 36 The operation, supervision and administration methods for timber in forest districts shall be separately formulated by the State Council.

第三十六条 林区木材的经营和监督管理办法，由国务院另行规定。

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.

第三十七条 从林区运出木材，必须持有林业主管部门发给的运输证件，国家统一调拨的木材除外。

依法取得采伐许可证后，按照许可证的规定采伐的木材，从林区运出时，林业主管部门应当发给运输证件。

经省、自治区、直辖市人民政府批准，可以在林区设立木材检查站，负责检查木材运输。对未取得运输证件或者物资主管部门发给的调拨通知书运输木材的，木材检查站有权制止。

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.

第三十八条 国家禁止、限制出口珍贵树木及其制品、衍生物。禁止、限制出口的珍贵树木及其制品、衍生物的名录和年度限制出口总量，由国务院林业主管部门会同国务院有关部门制定，报国务院批准。

出口前款规定限制出口的珍贵树木或者其制品、衍生物的，必须经出口人所在地省、自治区、直辖市人民政府林业主管部门审核，报国务院林业主管部门批准，海关凭国务院林业主管部门的批准文件放行。进出口的树木或者其制品、衍生物属于中国参加的国际公约限制进出口的濒危物种的，并必须向国家濒危物种进出口管理机构申请办理允许进出口证明书，海关并凭允许进出口证明书放行。

CHAPTER SIX LEGAL RESPONSIBILITIES

第六章 法律责任

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 reseedling 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 reseedling 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 reseedling not in line with the relevant stipulations of the State, the competent forestry authorities shall do the reseedling 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.

第三十九条 盗伐森林或者其他林木的，依法赔偿损失；由林业主管部门责令补种

盗伐株数十倍的树木，没收盗伐的林木或者变卖所得，并处盗伐林木价值三倍以上十倍以下的罚款。

滥伐森林或者其他林木，由林业主管部门责令补种滥伐株数五倍的树木，并处滥伐林木价值二倍以上五倍以下的罚款。

拒不补种树木或者补种不符合国家有关规定的，由林业主管部门代为补种，所需费用由违法者支付。

盗伐、滥伐森林或者其他林木，构成犯罪的，依法追究刑事责任。

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.

第四十条 违反本法规定，非法采伐、毁坏珍贵树木的，依法追究刑事责任。

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.

第四十一条 违反本法规定，超过批准的年采伐限额发放林木采伐许可证或者超越职权发放林木采伐许可证、木材运输证件、批准出口文件、允许进出口证明书的，由上一级人民政府林业主管部门责令纠正，对直接负责的主管人员和其他直接责任人员依法给予行政处分；有关人民政府林业主管部门未予纠正的，国务院林业主管部门可以直接处理；构成犯罪的，依法追究刑事责任。

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.

第四十二条 违反本法规定，买卖林木采伐许可证、木材运输证件、批准出口文件、允许进出口证明书的，由林业主管部门没收违法买卖的证件、文件和违法所得，并处违法买卖证件、文件的价款一倍以上三倍以下的罚款；构成犯罪的，依法追究刑事责任。

伪造林木采伐许可证、木材运输证件、批准出口文件、允许进出口证明书的，依法追究刑事责任。

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.

第四十三条 在林区非法收购明知是盗伐、滥伐的林木的，由林业主管部门责令停止违法行为，没收违法收购的盗伐、滥伐的林木或者变卖所得，可以并处违法收购林木的价款一倍以上三倍以下的罚款；构成犯罪的，依法追究刑事责任。

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 reseeded 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 reseeded of trees between one time and three times the number of trees damaged. In case of refusal to re-seed trees or tree reseeded not in line with the relevant stipulations of the State, the competent forestry authorities shall do the reseeded on behalf of the law-breakers who shall pay for all the necessary expenses therein.

第四十四条 违反本法规定，进行开垦、采石、采砂、采土、采种、采脂和其他活动，致使森林、林木受到毁坏的，依法赔偿损失；由林业主管部门责令停止违法行为，补种毁坏株数一倍以上三倍以下的树木，可以处毁坏林木价值一倍以上五倍以下的罚款。

违反本法规定，在幼林地和特种用途林内砍柴、放牧致使森林、林木受到毁坏的，依法赔偿损失；由林业主管部门责令停止违法行为，补种毁坏株数一倍以上三倍以下的树木。

拒不补种树木或者补种不符合国家有关规定的，由林业主管部门代为补种，所需费用由

违法者支付。

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.

第四十五条 采伐林木的单位或者个人没有按照规定完成更新造林任务的，发放采伐许可证的部门有权不再发给采伐许可证，直到完成更新造林任务为止；情节严重的，可以由林业主管部门处以罚款，对直接责任人员由所在单位或者上级主管机关给予行政处分。

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.

第四十六条 从事森林资源保护、林业监督管理工作的林业主管部门的工作人员和其他国家机关的有关工作人员滥用职权、玩忽职守、徇私舞弊，构成犯罪的，依法追究刑事责任；尚不构成犯罪的，依法给予行政处分。

CHAPTER SEVEN SUPPLEMENTARY ARTICLES

第七章 附则

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.

第四十七条 国务院林业主管部门根据本法制定实施办法，报国务院批准施行。

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.

第四十八条 民族自治地方不能全部适用本法规定的，自治机关可以根据本法的原则，结合民族自治地方的特点，制定变通或者补充规定，依照法定程序报省、自治区或者全

国人民代表大会常务委员会批准施行。

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

9 8 5 年 1 月 1 日起施行。

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第四十九条 本法自 1