

1991-1992) REGULATIONS OF THE PEOPLE'S REPUBLIC OF CHINA GOVERNING FOREIGN-RELATED MATTERS

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REGULATIONS FOR THE IMPLEMENTATION OF THE PEOPLE'S REPUBLIC OF CHINA ON THE PROTECTION OF TERRESTRIAL WILDLIFE

(Approved by the State Council on February 12, 1992 and promulgated by the Ministry of Forestry on
March 1, 1992)

Chapter I General Provisions

Article 1

These Regulations are formulated in accordance with the provisions of the "Law of the People's Republic of China on the Protection of Wildlife" (hereinafter referred to as the Law on Protection of Wildlife).

Article 2

The term "terrestrial wildlife" (hereinafter referred to as the wildlife) mentioned in these Regulations refers to the species of terrestrial wildlife which are precious or being endangered and the species which are beneficial or of important economic and scientific research value; whereas the "products of wildlife" refers to any part of wildlife and their derivatives.

Article 3

The competent department of forestry administration under the State Council shall be responsible for the nationwide administration of terrestrial wildlife. The competent departments of forestry administration under the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall be responsible for the administration of the terrestrial wildlife in their respective administrative areas. The competent departments of the administration of terrestrial wildlife under the people's governments of the autonomous prefectures, counties and cities shall be designated by the people's governments of the relevant provinces, autonomous regions or municipalities directly under the Central Government.

Article 4

The relevant governmental authorities at or above the county level shall encourage and support to undertake scientific research on wildlife by the relevant research or teaching units.

Article 5

The competent department of wildlife administration shall have the right to supervise and inspect the implementation of the Law on the Protection of Wildlife and these Regulations, whereas all units and individuals inspected shall have the obligation to be prepared for such inspection.

Chapter II Protection of Wildlife

Article 6

Local people's governments at or above the county level shall develop public education for the protection of wildlife, and may fix an appropriate time as the "Month for Protection of Wildlife" or the "Bird-loving Week," etc. in order to enhance the public consciousness of the protection of wildlife.

Article 7

The competent department of forestry administration under the State Council and the competent departments of forestry administration under the people's governments of the relevant provinces, autonomous regions and municipalities directly under the Central Government shall regularly carry out surveys of wildlife resources and keep records of them so as to provide the basis for the planning of the protection and development of wildlife resources and the preparation of the list or revised list of wildlife species under special protection by the State or local authorities.

General surveys of the wildlife resources shall be conducted once every ten years, the survey plan shall be approved by the competent department of forestry administration under the State Council or the competent department of forestry administration under the people's government of the relevant province, autonomous region or municipality directly under the Central Government.

Article 8

The competent departments of wildlife administration of the people's governments at or above the county level shall bring coordinate all possible social forces and adopt biological engineering and technical engineering measures to maintain and improve the living environment of wildlife, to protect and develop wildlife resources.

Any damage to the living and breeding areas or the living conditions of wildlife under special protection by the State or local authorities by an unit or individual shall be prohibited.

Article 9

If any injured, sick, hungry, straitened or lost wildlife under special protection by the State or local authorities is found by any unit or individual, same should be promptly reported to the local department of wildlife administration, and the local department of wildlife administration shall take timely measures to rescue. Alternately, such wildlife can be sent to the nearby unit which is capable of rendering rescue thereto. The salvaging unit shall immediately report the case to the competent department of the wildlife administration thereof, and the matter shall be dealt with in accordance with the provisions of the competent department of forestry administration under the State Council.

Article 10

All units or individuals shall have an obligation to take precautionary measures against any danger potential threatening wildlife under special protection by the State or local authorities. If the protection of wildlife under special protection by the State or local authorities causes losses, compensation may be claimed to the department of wildlife administration under the local people's government. If after investigation, it has been proved that the loss has actually happened and the compensation is necessary,

such compensation shall be made by the local people's government in accordance with the relevant provisions of the people's government of the relevant province, autonomous region or municipality directly under the Central Government.

Chapter III Administration of Hunting and Catching of Wildlife

Article 11

The hunting, catching or killing of wildlife under special protection by the State shall be prohibited.

If, under any of the following cases, the hunting and catching of wildlife under special protection by the State is necessary, the organization concerned must apply for a special hunting and catching license:

- (1) Where the wildlife has to be hunted and caught for the purpose of scientific exploration and survey of resources;
- (2) Where the origin of the wildlife has to be obtained from nature for the purpose of domestication and breeding thereof under special protection by the State;
- (3) Where the wildlife under special protection by the State has to be obtained from nature for the purpose of undertaking scientific research above the provincial level or the production of medicine by the State;
- (4) Where the wildlife under special protection by the State has to be obtained from nature for the purpose of popularization of knowledge about wildlife or for the purpose of education or exhibition;
- (5) Where the wildlife under special protection by the State has to be obtained from nature for the purpose of the requirement of State affairs;
- (6) Where, on the basis of sound judgement, the wildlife has to be hunted or caught for the purpose of adjusting or controlling the population or structure of wildlife under special protection by the State;
- (7) Where the wildlife under special protection by the State has to be caught or hunted for other special reasons.

Article 12

The procedures for the application for special license for hunting or catching wildlife are as follows:

- (1) Where the catching of wildlife under first class State protection is necessary, the application must be made to the competent department of forestry administration under the State Council for a special hunting or catching license, and attached with the views of the competent department of forestry administration under the people's government of the province, autonomous region or municipality directly under the Central Government where the applicant's place of residence is located and where the catching is to be carried out.
- (2) Where the catching of wildlife under second class State protection is to be carried out in the applicant's own province, autonomous region or municipality directly under the Central Government, the applicant must apply to the competent department of forestry administration under the people's government of the province, autonomous region or municipality directly under the Central Government for a special hunting or catching license, and attached with the views of the competent department of wildlife administration under the people's government at or above the county level, where the applicant's residence is located.

(3) Where the catching of wildlife under second class State protection is to be carried out across the borders of different provinces, autonomous regions or municipalities directly under the Central Government, the applicant must apply to the competent department of forestry administration under the people's governments of the provinces, autonomous regions or municipalities directly under the Central Government where the catching is to be carried out for a special hunting or catching license, the application shall be attached with the views of the competent department of forestry administration under the people's government of the province, autonomous region or municipality directly under the Central Government where the applicant's residence is located.

Any zoo applying for the catching of the wildlife under first class State protection shall have the application examined and approved by the competent department of construction administration under the State Council before it is submitted to the competent department of forestry administration under the State Council for a special hunting or catching license. Where the catching of wildlife under second class State protection is to be carried out, the application shall be examined and approved by the competent department of construction administration under the government at the same level with the competent department of forestry administration before it is submitted to the competent department of forestry administration under the people's government of the relevant province, autonomous region or municipality directly under the Central Government where the applicant's residence is located for a special hunting or catching license.

The department responsible for issuing the special hunting or catching license shall decide to approve or disapprove the application within three months from the receipt of the application.

Article 13

No special hunting or catching license shall be issued under any of the following circumstances:

(1) Where there are legal and non-catching or non-hunting methods available to the applicant to obtain the species of wildlife under special protection by the State or the products thereof or to fulfil the applicant's purpose;

(2) The application made is not in conformity with the relevant provisions of the State, or the applicant's hunting gear or hunting method is inappropriate, or the season or location for hunting or catching not suitable;

(3) The catching or hunting is not justified taking into consideration the situation of wildlife resources;

Article 14

The unit or individual that has obtained the special hunting or catching license shall observe the stipulations contained therein with respect to the species, quantity, area, time limit, gear and method of hunting or catching, in order to prevent the wildlife from accidental injury and their living environment from accidental damage. After the completion of hunting or catching, an application for examination shall be made within ten days to the competent department of wildlife administration under the relevant people's government at county level. The competent department of wildlife administration under the people's government at county level shall exercise supervision and inspection over the hunting and catching of wildlife under special protection by the State within their respective administrative area, and timely report the results of supervision and inspection to the department by which the hunting and catching application had been approved.

Article 15

Those engaging in the hunting or catching of wildlife not under special protection by the State must have the hunting license, and shall observe the stipulations contained therein with respect to the species, quantity, area, time limit, gear and method of hunting.

The hunting license shall be made by the competent department of forestry administration under the relevant people's government of the province, autonomous region or municipality directly under the Central Government in accordance with the stipulations formulated by the competent department of forestry administration under the State Council, and shall be issued by the competent department of wildlife administration under local people's government at or above the county level or by a department authorized thereby. The hunting license shall be examined once a year.

Article 16

The competent departments of forestry administration under the people's governments of provinces, autonomous regions or municipalities directly under the Central Government shall, on the basis of the current situation of non-protected species of wildlife resources within their respective administrative areas, decide the species of wildlife for hunting, and control the annual quota of hunting and catching of wildlife species. The species of wildlife for hunting and the annual quota of hunting and catching shall be drawn up by the competent department of wildlife administration under the people's government at the county level in the light of the principles of preserving resources and sustainable utilization, and approved by the competent department of forestry administration under the people's government of the relevant province, autonomous region or municipality directly under the Central Government, and submitted to the competent department of forestry administration under the State Council for the record.

Article 17

The hunting activities shall be planned and organized by the competent department of wildlife administration under the local people's government at or above the county level.

The establishment of hunting sites in the appropriate areas shall be approved by the competent department of forestry administration under the people's government of the relevant province, autonomous region or municipality directly under the Central Government.

Article 18

The utilization of military weapons, air guns, poison, explosives, ground guns, rifles in group, hunting devices not directly operated by man and threatening the safety of livestock or human beings, illuminated hunting at night, annihilation hunting by means of encirclement, fire attack, smoke attack and other hunting gears and methods prohibited by the stipulations of the people's government at or above the county level or its competent department of wildlife administration shall be prohibited.

Article 19

Field survey or scientific research on wildlife under special protection by the State undertaken by scientific research bodies or educational institutions shall be arranged by the competent department of forestry administration under the State Council if the wildlife species involved are those under first class protection by the State, whereas similar arrangement shall be made by the competent department of forestry administration under the people's government of the relevant province, autonomous region or municipality directly under the Central Government if the wildlife species involved are under second class protection by the State, and the local competent department of wildlife administration shall give support to such survey or research.

Article 20

Any foreigner intending to make field surveys or to collect specimens or to make film or videos of wildlife under special protection by the State in the territory of China must apply to the competent department of forestry administration under the people's government of the relevant province, autonomous region or municipality directly under the Central Government where the relevant species of wildlife under special protection by the State exist. After such application has been examined by the above said department, it shall be submitted to and approved by the competent department of forestry administration under the State Council or by a body authorized thereby.

Article 21

Any foreigner engaging in hunting in the territory of China must observe the relevant provisions of laws and regulations of China, and hunt in the hunting sites open to foreigners that have been approved by the competent department of forestry administration under the State Council.

Chapter IV Administration of Domestication and Breeding of Wildlife

Article 22

A domestication and breeding license is required for the domestication and breeding of wildlife under special protection by the State. Where production and economic results are the major objectives of the domestication and breeding of wildlife under special protection by the State, an application must be made to the administrative authorities for industry and commerce for record and registration by presenting the domestication and breeding licenses thereto.

The competent department of forestry administration under the State Council and the competent departments of forestry administration under the people's governments of the relevant provinces, autonomous regions or municipalities directly under the Central Government may, in light of the circumstances of the case, entrust the departments concerned at same level to approve or issue the domestication and breeding licenses of wildlife under special protection by the State. The competent department of forestry administration may entrust the competent department of construction administration at the same level to issue the domestication and breeding licenses if any zoo intends to domesticate and breed wildlife under special protection by the State.

The domestication and breeding licenses shall be made by the competent department of forestry administration under the State Council.

Article 23

With respect to the species of wildlife imported or introduced from abroad or from other provinces, autonomous regions or municipalities directly under the Central Government for the purposes of domestication and breeding, appropriate measures shall be adopted to prevent the wildlife from escaping; if it is necessary to release the species of wildlife, the unit concerned shall apply to the local competent department of forestry administration under the people's government of the relevant province, autonomous region or municipality directly under the Central Government, and such an application shall be submitted to and approved by the competent department of forestry administration under the State Council or by a department authorized thereby, after being proved by the research institute designated by the competent department of forestry administration under the people's government at or above the provincial level.

If the imported wildlife has been released without authorization or has escaped owing to improper handling, same shall be recaptured within a prescribed time limit or other remedial measures must be taken, as ordered by the competent department of wildlife administration.

Article 24

The precious and endangered species of wildlife imported from abroad may, after the examination and identification by the competent department of forestry administration under the State Council, be considered as the species of wildlife under special protection by the State. While other species of wildlife imported from abroad may, after the examination and identification by the competent department of forestry administration under the people's government of the relevant province, autonomous region or municipality directly under the Central Government, be considered as the wildlife under local special protection.

Chapter V Administration of Business Operation and Utilization of Wildlife

Article 25

Any unit purchasing wildlife of domestication and breeding under special protection by the State or the products thereof shall be proposed by the competent department of forestry administration under the people's government of the relevant province, autonomous region or municipality directly under the Central Government with consultation with the parties concerned, and approved by the people's government at the same level or the department authorized thereby, and an application, with the documents of approval attached, shall be made to the administrative authorities for industry and commerce for record and registration.

No unit approved for registration according to the preceding paragraph may purchase the wildlife under special protection by the State or the products thereof that is not permitted to be sold.

Article 26

Anyone engaged in the business operation or utilization of wildlife not under special protection by the State or the products thereof shall apply to the administrative authorities for industry and commerce for record and registration. Units or individuals approved and registered to be engaged in the business operation or utilization of wildlife not under special protection by the State or the products thereof shall engage in the business operation or utilization thereof within the limitation of the annual quota approved by the competent department of forestry administration under the people's government of the relevant province, autonomous region or municipality directly under the Central Government or by a department authorized thereby.

Article 27

The sale and purchase of species of wildlife under special protection by the State or the products thereof in the market place shall be prohibited.

If any unit or individual with hunting license intends to sell the lawfully obtained wildlife not under special protection by the State or the products thereof, the sale shall be made in conformity with the species and quantity specified in the hunting license to the unit which has been approved for registration or in the market place designated by the department concerned under the local people's government.

Article 28

The competent department of wildlife administration and the administrative authorities for industry and commerce under the people's government at or above the county level shall establish a system of supervision and inspection over the business operation and utilization of wildlife or the products thereof, and to enhance the supervision and control over the business operation and utilization of wildlife or the products thereof.

Transactions of wildlife or their products inside fair markets shall be supervised and managed by the administration authorities for industry and commerce; while those outside fair markets shall be supervised and managed by the departments of wildlife administration, the administration authorities for industry and commerce or units authorized by them.

Article 29

An application shall be made to the competent department of wildlife administration under the people's government at the county level by attached with the special hunting and catching license and the domestication and breeding license, if transportation or carrying of wildlife under special protection by the State or the products thereof is to be made out of a county. The application shall be submitted to and approved by the competent department of forestry administration under the people's government of the relevant province, autonomous region or municipality directly under the Central Government or by a department authorized thereby. If the transportation of wildlife under special protection by the State is necessary for the breeding of wildlife among different zoos, the application for the transportation shall be approved by the competent department of construction administration under the people's government of the relevant province, autonomous region or municipality directly under the Central Government authorized by the competent department of forestry administration at the same level.

Article 30

With respect to the export of wildlife under special protection by the State or the products thereof, and the import or export of wildlife or the products thereof which are restricted by international conventions to which China is a party, an application for examination shall be made to the competent department of forestry administration under the people's government of the relevant province, autonomous region or municipality directly under the Central Government where the unit or individual concerned is located. Such application shall be submitted to and approved by the competent department of forestry administration under the State Council or by the State Council. Where the import or export is made for trade purposes, same must be undertaken by the unit which has the right to be engaged in import and export trade.

Where any zoo intends to import or export wildlife described in the preceding paragraph for the purpose of mutual exchanges, same shall be examined and approved by the competent department of construction administration under the State Council, before the application thereof has been approved by the competent department of forestry administration under the State Council or submitted to the State Council for the approval by the competent department of forestry administration under the State Council.

Article 31

The economic benefits derived from the exhibition of wildlife or the products thereof in foreign countries and from other activities shall be mainly used for the purpose of wildlife protection.

Chapter VI Awards and Penalties

Article 32

Any unit or individual that has achieved any of the following deeds shall be awarded by the people's government at or above the county level or by the competent department of wildlife administration thereunder:

(1) Where outstanding contribution has been made in the survey of wildlife resources and protection and maintenance, public education, development and utilization;

(2) Where outstanding achievements have been made in the implementation of laws and regulations on wildlife protection;

(3) Where outstanding achievements have been made in the rescue, protection, domestication and breeding of precious and endangered species of wildlife;

(4) Where any act of violation of laws and regulations on wildlife protection has been stopped in time or has been honoured for the prosecution thereof;

(5) Where outstanding contribution has been made in the handling of cases of damage to wildlife resources;

(6) Where great achievements have been made in the scientific research of wildlife or remarkable benefits have been gained in the application of the results of scientific research;

(7) Where five years or more have been worked continuously in the grass-roots unit on the protection and maintenance of wildlife and outstanding achievements have been made;

(8) Where other special contribution has been made in the protection and maintenance of wildlife.

Article 33

Illegal catching or killing of wildlife under special protection by the State shall be liable to be prosecuted in accordance with the Supplementary Provisions on the Punishment of Crimes for Catching or Killing Precious or Endangered Species of Wildlife Under Special Protection by the State promulgated by the Standing Committee of the National People's Congress of the People's Republic of China, if the case is obviously not serious and the damage is a minor one, or the circumstances of the offence are too slight to be punished, the department of wildlife administration shall confiscate the capture quarries, hunting and catching gears and the illegal income obtained therefrom, and revoke the special hunting and catching license, besides a fine of below ten times the value of the capture quarries or, in case there is no capture quarry, a fine below 10,000 yuan (RMB) shall be imposed.

Article 34

Anyone, in violation of the provisions of the laws and regulations on wildlife protection, hunting or catching wildlife in non-hunting area or during a season closed to hunting, or using prohibited hunting gear or methods for the hunting and catching of wildlife which are not under special protection by the State, shall be imposed a fine in accordance with the provisions of Article 32 of the Law on the Protection of Wildlife, and the fine shall be imposed according to the following stipulations:

(1) In case there are capture quarries, a fine below eight times the value of the capture quarries shall be imposed;

(2) In case there is not capture quarry, a fine below 2,000 yuan (RMB) shall be imposed.

Article 35

Anyone, in violation of the provisions of the laws and regulations on wildlife protection, hunting or catching wildlife which are not under the special protection by the State without a hunting license or in violation of the stipulations of the hunting license, shall be imposed a fine in accordance with provisions of Article 33 of the Law on the Protection of Wildlife, and the fine shall be imposed according to the following stipulations:

(1) In case there are capture quarries, a fine below five times the value of the capture quarries shall be imposed;

(2) In case there is no capture quarry, a fine below 1,000 yuan (RMB) shall be imposed.

Article 36

Anyone, in violation of the provisions of the laws and regulations on wildlife protection, destroying the main areas where wildlife under special protection by the State or local authorities lives and breeds in nature reserves or areas closed to hunting, shall be imposed a fine in accordance with the provisions of Article 34 of the Law on the Protection of Wildlife, and the fine shall be imposed below three times the cost for the restoration thereof.

Where the main areas in which wildlife not under special protection by the State or local authorities lives and breeds in nature reserves or areas closed to hunting are destroyed, the competent department of wildlife administration shall order to stop the destructive action and to restore these areas to their original state within a prescribed time limit, besides, a fine below two times the cost for restoration thereof shall be imposed.

Article 37

Where anyone in violation of the provisions of the laws and regulations on wildlife protection, sells, purchases, transports or carries wildlife under special protection by the State or local authorities or the products thereof, such wildlife and products and his unlawful income obtained therefrom shall be confiscated by the administrative authorities for industry and commerce or by the competent department of wildlife administration authorized thereby, and a fine below ten times the value thereof shall be imposed.

Article 38

Anyone forging, selling or transferring a hunting license or a domestication or breeding license shall be imposed a fine below 5,000 yuan (RMB) in accordance with the provisions of Article 37 of the Law on the Protection of Wildlife. Anyone forging, selling or transferring special hunting and catching license or an import or export permit shall be imposed a fine below 50,000 yuan (RMB) in accordance with the provisions of Article 37 of the Law on the Protection of Wildlife.

Article 39

Where anyone, in violation of the provisions of the laws and regulations on wildlife protection, domesticates or breeds wildlife under special protection by the State without domestication or breeding license or domesticates or breeds the wildlife under special protection by the State beyond those specified in the domestication or breeding license, his unlawful income shall be confiscated by the competent department of wildlife administration, and a fine below 3,000 yuan (RMB) shall be imposed; besides, the species of wildlife may be concurrently confiscated and the domestication and breeding license may be revoked.

Article 40

Where any foreigner makes surveys, collects specimens or makes films or videos of wildlife under special protection by the State in the field within the territory of China without being approved, the data of survey and shooting and the specimens collected by him shall be confiscated by the competent department of wildlife administration, and he may concurrently be imposed a fine below 50,000 yuan (RMB).

Article 41

Anyone who has committed any of the following acts being not so serious as to constitute a crime shall, in accordance with the provisions on Penalties for Violation of Public Security Regulations, be punished by the public security organs:

- (1) Refusing or impeding the staff of wildlife administration to carry out their duty;
- (2) Stealing, robbing or intentionally damaging instruments, devices or facilities for protection of wildlife;
- (3) Stealing, robbing or snatching the species of wildlife that are not under special protection by the State or the products thereof;
- (4) Hunting or catching without being approved a small number of wildlife that are not under special protection by the State.

Article 42

Where anyone has violated the provisions of the laws and regulations on wildlife protection and has been ordered to recapture the wildlife or to carry out the restoration within a prescribed time limit but has failed to do so, the recapture or restoration may be carried out by the competent department of wildlife administration or the department authorized thereby, and the total cost for recapture or restoration shall be borne by the violator that has been ordered to do the recapture or restoration.

Article 43

Anyone who has violated the provisions of the laws and regulations on wildlife protection, if the case is so serious as to constitute a crime, shall be liable to be prosecuted.

Article 44

The wildlife or the products thereof confiscated in accordance with the provisions of the laws and regulations on wildlife protection shall be dealt with according to the provisions made by the competent department of forestry administration under the State Council.

Chapter VII Supplementary Provisions

Article 45

The competent department of forestry administration under the State Council shall be responsible for the interpretation of these Regulations.

Article 46

These Regulations shall come into force as of the date of promulgation.