

**REGULATIONS FOR
THE IMPLEMENTATION OF
THE FISHERIES LAW OF
THE PEOPLE'S REPUBLIC
OF CHINA**

Adopted by the State Council on October 14,
1987, and promulgated by the Ministry of
Agriculture, Animal Husbandry and
Fisheries on October 20, 1987

Chapter I

General Provisions

Article 1

These regulations are formulated in accordance with Article 34 of the Fisheries Law of the People's Republic of China (hereinafter referred to as the Fisheries Law.)

Article 2

The terms used in the Fisheries Law and these regulations are explained as follows:

(1) The "inland water of the People's Republic of China" means the sea areas and the inland waters such as rivers and lakes inside the territorial sea baseline.

(2) "Other sea areas under the jurisdiction of the People's Republic of China" cover the sea areas under the jurisdiction of the People's Republic of China in accordance with its laws and the international treaties, agreements or other related international laws which it has concluded or to which it is a party.

(3) "Fishery waters" mean the spawning, feeding and overwintering grounds and the migration passages

of fish, shrimp, crab and shellfish as well as the aquaculture grounds of fish, shrimp, crab, shellfish, algae and other aquatic animals and plants in the water areas under the jurisdiction of the People's Republic of China.

Chapter II

Fishery Superintendence

Article 3

State superintendence of fisheries shall operate under the principle of unified leadership and decentralized administration.

The fisheries in the sea areas which are under the jurisdiction of the People's Republic of China but lie outside "the line of the State Council-designated areas where bottom trawl by motor-driven fishing vessels is banned" shall be under the superintendence of the department of fishery administration under the State Council and its subordinate marine fishery superintendence agencies. The fisheries in the sea areas inside the line shall be subject to the superintendence of the departments of fishery administration under the people's governments of provinces, autonomous regions and

centrally administered municipalities contiguous to the sea areas, with the exception of those areas specially designated by the State.

Fisheries in inland waters shall be subject to the superintendence of the departments of fishery administration under the local people's governments at or above the county level according to administrative divisions; The superintendence of fisheries in inland waters that straddle several administrative divisions shall be decided by the relevant people's governments at or above the county level through consultation or exercised by the departments of fishery administration of the people's governments at the next higher level and their subordinate fishery superintendence agencies. Fisheries in big rivers that run through several provinces, autonomous regions and centrally administered municipalities shall be under the superintendence of the departments of fishery administration under the State Council.

The common important and migratory fishery resources shall be placed under the unified superintendence of the State; the small and non-migratory fishery resources shall be subject to the superintendence of the departments of fishery administration under the local people's governments.

Article 4

The scope of superintendence of fisheries in the sea areas inside "the line of the areas where bottom trawl by motor-driven fishing vessels is banned" shall be determined by the departments of fishery administration under the people's governments of provinces, autonomous regions and centrally administered municipalities through consultation. If such scope is difficult to be determined, the fisheries in these areas may be placed under overlapping or joint superintendence, and when necessary, be decided by the department of fishery administration under the State Council.

Article 5

Production in fishing grounds and seasons shall be subject to the overall arrangement in accordance with the catch quotas of fishery resources and the principle that such operations are conducive to the protection, increase and rational utilization of fishery resources and that priority is given to adjacent regions while due considerations are given to other regions.

The department of fishery administration under the State Council or the units entrusted by it shall arrange the fishing operations in major fishing grounds and seasons and across the demarcation lines of different marine superintendences. The major fishing seasons

and grounds include the winter hairtail season in Zhou-shan fishing ground, the *Pseudosciaena crocea* season in Zhejiang fishing ground and in the fishing grounds of east and central Fujian province, the *P. crocea*, *P. polyactis* and pomfret seasons in Lusi fishing ground and the autumn prawn season in Bohai fishing ground.

Article 6

The fishery administration and fishing port superintendence agencies under the department of fishery administration under the State Council shall exercise the superintendence over fisheries and fishing ports on behalf of the State.

The department of fishery administration under the State Council shall set up fishery superintendence agencies in three sea areas of Yellow-Bohai Seas, East China Sea and South China Sea. When necessary, it shall also establish fishery administration and fishing port superintendence agencies in major fishing ports, frontier waters and big rivers that run through several provinces, autonomous regions and centrally administered municipalities.

Article 7

Fishery inspectors are authorized to examine the certificates and licenses of all fisheries and fishery vessels, and to inspect fishing vessels, fish gears, catches and

fishing methods.

Fishery inspectors may perform their duties only when they are qualified in the technical proficiency checking conducted by the department of fishery administration under the State Council or the departments of fishery administration under the provincial people's governments.

Article 8

The departments of fishery administration and their subordinate fishery superintendence agencies shall supervise and check the implementation of the Fisheries Law and these Regulations in coordination with the departments of public security, sea surveillance, communication, environmental protection and industrial and commercial administration.

Article 9

Mass organizations for fishery protection and administration shall carry out fishery protection and administration under the professional guidance of the departments of fishery administration under the local people's governments at or above the county level.

Chapter III

Aquaculture

Article 10

State and collectively-owned units engaged in aquaculture using state-owned water surfaces and tidal flats must apply to the people's governments at or above the county level for licenses.

The licenses for using state-owned water surfaces and tidal flats for aquaculture within the administrative division of a county shall be examined and granted by the people's government of that county. The licenses for using state-owned water surfaces and tidal flats which straddle several counties shall be examined and granted by the counties concerned through consultation, and when necessary, the licenses shall be examined and granted by the people's government at the next higher level.

Article 11

If the units which have obtained the aquaculture licenses using state-owned water surfaces and tidal flats fail to carry out aquaculture without any proper reason

or their stocking quantity is below 60 percent of the average stocking quantity in the water areas of the same standard in that locality, they shall be regarded as having neglected the use of such water surfaces and tidal flats.

Article 12

The natural spawning, breeding and feeding grounds of fish, shrimp, crab, shellfish and algae in state-owned water surfaces and tidal flats as well as their major migration passages must be protected and shall not be used as aquaculture grounds.

Article 13

Requisition of the collectively-owned water surfaces and tidal flats for state construction shall be handled in accordance with the Land Administration Regulations of the State.

Chapter IV

Fishing

Article 14

The classification of inshore and offshore fishing grounds:

1. Bohai Sea and Yellow Sea are inshore fishing

grounds.

2. The sea areas inside the lines connecting the following four base points are inshore fishing grounds of East China Sea and the sea areas outside the lines are offshore fishing grounds of East China Sea. The four base points are:

- (1) 33 degrees north latitude and 125 degrees east longitude;
- (2) 29 degrees north latitude and 125 degrees east longitude;
- (3) 28 degrees north latitude and 124.5 degrees east longitude;
- (4) 27 degrees north latitude and 123 degrees east longitude.

3. The sea areas inside the following two bathymetric lines are inshore fishing grounds of South China Sea; the sea areas outside these lines are offshore fishing grounds of South China Sea. The two bathymetric lines are:

- (1) The 80-meter bathymetric line east of 112 degrees east longitude;
- (2) The 100-meter bathymetric line west of 112 degrees east longitude.

Article 15

Under state regulations, fishing licenses must be ob-

tained for fishing operations.

Any units or individual that wants to engage in offshore or deep-sea fishing must apply for first and after their applications have been examined by the departments of fishery administration under the people's governments of provinces, autonomous regions and centrally administered municipalities and approved by the department of fishery administration under the State Council. Fishing vessels engaged in offshore fishery must operate within the approved sea areas and fishing seasons and are not allowed to fish in inshore waters.

Licenses for using large trawls and purse seines in inshore fishing shall be approved and granted by the department of fishery administration under the State Council. Fishing licenses for other fishing operations in inshore waters shall be approved and granted by the departments of fishery administration under the people's governments of provinces, autonomous regions and centrally administered municipalities in accordance with the state-stipulated standards of fishing vessels, gears and nets.

Fishing licenses in inland waters shall be approved and granted by the departments of fishery administration under the people's government at or above the county level.

The forms of fishing licenses shall be worked out by the department of fishery administration under the State Council.

Article 16

No joint fishery ventures shall engage in inshore fishing under the water of jurisdiction of the People's Republic of China without the permission of relevant departments in charge under the State Council.

Article 17

No fishing licenses shall be granted to those who:

1. Employ fishing gears or fishing methods that cause damage to fishery resources and are banned by formal decrees;
2. Build, rebuild, buy or import fishing vessels without obtaining permission in accordance with state regulations;
3. Fail to obtain fishery vessel's books, navigation signatory books, officer's certificates, ship household registers and fisherman's certificates.

Article 18

Sports fishing and manual collecting of small amounts of aquatic products in uncultivated and unmanaged tidal flats are not required to apply for fishing licenses, but administration shall be strengthened on such activities to prevent damage to fishery resources.

Concrete administrative measures shall be worked out by the people's governments at or above the county level.

Article 19

Fishing in prohibited fishing areas and closed seasons, using banned fishing gears and fishing methods, or catching the species of fishery resources under special protection for scientific research and other special purposes must be approved by the departments of fishery administration under the people's governments at or above the provincial level.

Chapter V
Increase and Protection
of Fishery Resources

Article 20

Electrical fishing, cormorant fishing and Qiaogu fishing are prohibited. If electrical and cormorant fishing in specially designated water areas are really necessary, they must be approved by the departments of fishery administration under the people's governments of provinces, autonomous regions and centrally administered municipalities.

Article 21

The departments of fishery administration under

the people's governments at or above the county level shall, in accordance with the terms of reference prescribed in Article 3 of these Regulations, designate the species of fishery resources under special protection and establish the standards for catching these species. For spawning, feeding and overwintering grounds and migration passages of important species fish, shrimp, crab, shellfish, algae and other aquatic animals and plants, these departments shall designate prohibited fishing areas and closed seasons, banned or restricted fishing gears and methods and minimum mesh-sizes, and shall work out other measures to protect fishery resources.

Article 22

Building artificial fish reefs outside "the line of the areas where bottom trawling by motor-driven fishing vessels is banned" must be approved by the department of fishery administration under the State Council; Building artificial fish reefs inside the line must be approved by the departments of fishery administration under the people's governments of relevant provinces, autonomous regions and centrally administered municipalities or the units authorized by them.

Artificial fish reefs must be built in places away from the main navigation channels and important anchorages and the relevant departments of communica-

tion and marine administration must be notified.

Article 23

Under normal circumstances, bottom-set fishing shall not be carried out across different counties. The departments of fishery administration under the people's governments at or above the county level shall prescribe limits to the number of net stakes and the operational grounds, and designate closed seasons for such fishing operations. Bottom-set marine fishing shall not be carried out beyond "the line of the areas where bottom trawling by motor-driven fishing vessels is banned".

Article 24

Catching the fry of aquatic animals of important economic value such as Eel, Hilsa herring, Mitten crab, Porgy and *Epinephelus* or the spawning aquatic animals for aquaculture or other special purposes must be approved by the department of fishery administration under the State Council or the people's governments of provinces, autonomous regions and centrally administered municipalities. At the same time, special permits must be obtained before such catching is carried out in the designated areas and time and strictly in accordance with the assigned quotas. The authorization of catching the fry of other aquatic animals of important economic value shall be decided by the departments of fishery

administration under the people's governments of provinces, autonomous regions and centrally administered municipalities.

Article 25

Catching the fry and the spring parent prawns of *Penaeus orientalis* is prohibited. If the breeding parent prawns are needed for cultivation, they must be bred by the breeding units within a time limit. The time limit and administrative methods shall be worked out by the department of fishery administration under the State Council.

Article 26

Any units or individuals who directly channel and use water in key producing areas of the fry of fish, shrimp, crab and shellfish must take protective measures such as avoiding the dense schooling periods and areas of such fry or erecting net screens.

Article 27

The departments of fishery administration at various levels shall monitor the pollution of fishery waters; the monitoring network of fishery environmental protection shall be incorporated with the national environmental monitoring network. The fishery administration and fishing port superintendence agencies shall, in collaboration with the departments of environmental

protection, investigate and handle any fishery losses arising from pollution.

Article 28

Ship breaking is prohibited in key fishery waters. The units which carry out ship breaking in other fishery waters and cause losses in fishery resources shall be responsible for compensating such losses in accordance with relevant regulations.

Chapter VI

Penalty

Article 29

Fines to be imposed in accordance with Article 28 of the Fisheries Law shall be executed as follows:

1. Anyone who uses explosives or poisons in fishing, fishes in violation of the regulations on prohibited fishing areas and closed seasons, or catches rare aquatic animals under state protection without permission shall be fined 50—5,000 Renminbi yuan for such activities in inland waters, and 500—50,000 yuan at sea;
2. Anyone who uses Qiaogu fishing shall be fined 1,000—50,000 yuan;
3. Anyone who uses cormorant fishing without

permission shall be fined 50—200 yuan;

4. Anyone who carries out electrical fishing without permission shall be fined 200—1,000 yuan for such activities in inland waters and 500—3,000 yuan at sea;

5. Anyone who fishes with nets of which meshes are smaller than the stipulated minimum mesh-sizes shall be fined 50—1,000 yuan.

Article 30

Fines to be imposed in accordance with Article 29 of the Fisheries Law shall not exceed 1,000 yuan.

Article 31

Fines to be imposed in accordance with Article 30 of the Fisheries Law shall be executed as follows:

1. A fine of 50—150 yuan for a non motor-driven fishing vessel engaged in inland fishery;

2. A fine of 100—500 yuan for a motor-driven fishing vessel engaged in inland fishery and for a non motor-driven fishing vessel engaged in marine fishery;

3. A fine of 200—20,000 yuan for a motor-driven fishing vessel engaged in marine fishery.

Article 32

Fines to be imposed in accordance with Article 31 of the Fisheries Law shall be executed as follows:

1. A fine of 25—50 yuan for a non motor-driven fishing vessel engaged in inland fishery;

2. A fine of 50—100 yuan for a motor-driven fishing vessel engaged in inland fishery or for a non motor-driven fishing vessel engaged in marine fishery;

3. A fine of 50—3,000 yuan for a motor-driven fishing vessel engaged in marine fishery;

4. A fine of 3,000—20,000 yuan for a foreign fishing vessel which enters into and fishes in the inshore waters of China without permission.

Article 33

Anyone who trades in, leases, alters or transfers fishing licenses by other illegal means shall have his unlawful incomes confiscated and his fishing licenses revoked in addition to a fine of 100—1,000 yuan.

Article 34

If a fine is to be imposed in accordance with Article 28, 30, 31 or 32 of the Fisheries Law, an additional fine of 100—500 yuan shall be imposed on the captain of a vessel or the person in charge of a unit as the case may be.

Article 35

Those who fail to take protective measures in accordance with the Fisheries Law and these Regulations and cause losses to fishery resources and those who reclaim land from lakes or enclose tidal flats for cultivation without permission shall be held responsible according to the Law.

Article 36

Any joint fishery venture shall be subject to the confiscation of its catches and unlawful incomes in addition to a fine of 3,000—50,000 yuan if it violates the provisions in Article 16 of these Regulations.

Article 37

Any foreigner and foreign fishing vessel which enters the water areas under the jurisdiction of the People's Republic of China without permission to carry out fishing production or surveys on fishery resources in violation of Article 8 of the Fisheries Law shall be ordered to leave or be expelled by the departments of fishery administration or their subordinate fishery superintendence agencies. In addition, these departments or agencies may also impose a fine and confiscate the catches and fishing gears.

Article 38

The departments of fishery administration or their subordinate fishery superintendence agencies must fill in and issue the papers on penalty decisions; they must also give receipts for the fines they have imposed and the fishing gears, catches and unlawful incomes they have confiscated, and have these penalties recorded on fishing licenses.

Article 39

Anyone who commits either of the following acts shall be punished by the public security organs in accordance with the Regulations of the People's Republic of China Concerning Punishments in Security Administration; if his act constitutes a criminal offense, he shall be investigated by judicial organs for his responsibility according to the Law:

1. Refusing and obstructing fishery inspectors from performing his lawful duties;
2. Stealing, looting or damaging fishing gears, fishing vessels and the catches.

Article 40

If a fishery inspector neglects his duties or bends the Law for selfish benefits, he shall receive administrative sanctions by the unit where he belongs to or by the department in charge at the next higher level; if his act constitutes a criminal offense, he shall be investigated for his responsibility according to the Law.

Chapter VII

Supplementary Provisions

Article 41

The right to interpret these Regulations rests with

the Ministry of Agriculture, Animal Husbandry and Fisheries.

Article 42

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