

CHINA. -- Forestry Act. -- 23 February 1979. -- Separate publication.¹

CHAPTER ONE

GENERAL RULES

1. Being important resources of the country, forests can provide the timber and various forestry products needed for the economic construction of the State and the livelihood of the people; can adjust climate, contain and reserve water resources, conserve soil and water, offer protection from wind and stop drifting sand and guarantee the development of agriculture and animal husbandry; and can prevent and control air pollution, protect and beautify the environment and promote the people's health in body and mind. This Forestry Act is hereby formulated for the specific purposes of speeding afforestation, strengthening forest protection and forestry management, and rationally exploiting and utilizing forest resources.

2. Forest resources include trees, bamboo and wooded lands as well as all plants and animals within the boundaries of forestry areas. Forests are classified into the following five categories, in accordance with their different uses: (1) Protection forests: Forests that mainly serve the purpose of protection. These include water and soil conservation forests, water resources containment forests, forests that offer protection from wind and stop drifting sand, farmland and pasture protection forests, river bank protection forests, road protection forests and national defence forests. (2) Timber forests: Forests that are used mainly for the purpose of producing timber and bamboo. (3) Economic forests: Trees that are used mainly for the purpose of producing fruit, edible oil, industrial raw material and materials for medicine. (4) Firewood and charcoal forests: Tall trees and shrubs that are mainly used for the purpose of producing fuels. (5) Forests with special uses: Forests and trees that are used mainly

for environmental protection, scientific experiments and other special purposes. These include experimental forests, seed-tree forests, environmental protection forests, landscape forests, trees at scenic spots, historical sites and sacred places of the revolution, and forests within natural resource protection areas.

3. In accordance with the stipulations in the Constitution on the system of ownership of the means of production for the present period, forests shall come under the socialist ownership of the whole people and the socialist collective ownership of the labouring masses. Trees planted by people's commune members around their houses or in places designated by the production teams shall be owned by the individual commune members. Trees planted by offices, organizations, PLA units, schools, factories, mines, agricultural and pastoral farms and other units in the places designated by the local revolutionary committees shall be owned by the respective units. Ownership of trees by the State, the collective or the individual shall be protected from encroachment. State-owned forests cannot be transferred to a collective or non-forestry unit; collective-owned forests cannot be transferred to an individual; and trees that belong to a commune, a production brigade or a commune member cannot be commandeered.

4. Counties, communes and production brigades in a forestry area shall practise the principle of taking forestry as the key link and ensuring all-round development. Designation of a forestry area county and of a forestry area commune or brigade shall be determined by the revolutionary committee of the province, autonomous region or directly administered municipality concerned.

5. In forestry building, the principle of taking administration as the foundation, building and managing forests simultaneously, more building than felling, combining exploitation and culturing, and multi-purpose use shall be practised.

6. The fundamental tasks of forestry building shall be: Vigorously carry out tree planting and afforestation constantly to expand forest areas and the amount of trees in reserve; strengthen forest protection, uphold the principle of rational exploitation and felling, and prepare for reproduction in good time; speed up the development and building of forestry areas, improve forest management, increase the production potential of forests, and rationally use forest resources; and strengthen forestry science and education, train forestry technicians, enhance scientific research and speedily modernize forestry production.

7. It is the glorious obligation and right of the people of the whole country to plant trees, carry out afforestation and take care of and protect

forests. All localities shall organize the masses to plant trees and carry out afforestation on tree-planting day each year and other such times as appropriate for tree planting in each respective area. Revolutionary committees at all levels shall constantly carry out propaganda and education on the need to love and protect forests and arouse the masses to protect forests and trees.

CHAPTER TWO

FORESTRY MANAGEMENT

8. The Ministry of Forestry, established under the State Council, is responsible for the country's forestry operation. To oversee local forestry development, forestry management organizations shall be established under the revolutionary committees of the provinces, autonomous regions, municipalities directly under the central government, autonomous prefectures, counties, autonomous counties, and municipalities. Specific companies or corporations for enterprise management may be established with regard to forest seeding, survey, planning, capital construction, timber production and processing, forest industrial production, supplies, and manufacturing, maintenance and repairs of machinery and equipment.

9. The state procuratorial organs will assign one to three forestry inspectors to each county's forestry department in forested areas, state forestry bureaux and state forests. These inspectors, whose functions and duties shall be defined uniformly by the state procuratorial organs, will not give up their production jobs and are responsible for inspecting the implementation of state forestry policy and decrees. The revolutionary committees of the provinces and autonomous regions will set up public security bureaux and police stations in major forested areas and establish a forestry police to strengthen security and protect the forests according to actual needs.

10. Revolutionary committees at all levels will strengthen forestry management. The state forestry bureaux and state timberyards manage state forests. Government organs, civic bodies, PLA units, schools, factories, mines, farms and ranches manage the forests they develop. Collective forests will be managed by timberyards and professional teams from communes and production brigades or by personnel assigned by communes and production brigades.

11. The state forestry bureaux and state timberyards are managed at different levels. State forestry bureaux in major forested areas are under the leadership of the Ministry of Forestry or the forestry departments of the provinces or autonomous regions where these bureaux are located.

Large state forests are under the leadership of forestry departments in provinces, autonomous regions or in the municipalities directly under the central government. All state forestry bureaux and state forests shall be managed as enterprises. State forests whose primary business is afforestation will be examined as are enterprises under construction. A review of investment results shall cover the entire production period prior to the start of logging. The period will include the time for the cutting, seeding, planting, caring and protection processes.

12. Forestry departments in provinces and autonomous regions may establish forestry companies in areas with relatively dense forests owned by collectives and, in order to give guidance to communes and production brigades on how to develop forestry production, may adopt such economic measures as signing contracts with the local communes and production brigades.

13. The State and the revolutionary committees at all levels will draw up long-range plans for the development of forestry. Forestry departments at various levels shall conduct periodic surveys of forest resources, as stipulated by the State, so as to collect the most up-to-date information on the forests. The state forestry bureaux and state timberyards shall formulate forestry management programmes in accordance with the long-range plans for the development of forestry and shall forward their programmes to their superior departments for approval before putting them into effect. The forestry departments advise communes, production brigades, government organs, civic bodies, PLA units, schools, factories, mines, farms and ranches on matters pertaining to forestry development planning.

14. Engineering units whose construction or mining projects call for use of forest land or felling of trees in forest areas shall seek prior consultation with the appropriate forestry management office and submit a report to the revolutionary committee of the concerned province, autonomous region or municipality directly under the central government for prior approval. Use of 1 000 mou¹ of forest land or more must be approved by the Ministry of Forestry and the trees felled shall be turned over to forestry management units for disposal. Compensation shall be made by the construction units for the land thus used and/or trees felled.

15. To improve forestry management and expedite road construction in forested areas, investments in road construction in state-owned forest areas will have priority over other capital construction projects in these areas. Road construction in forested areas owned by collectives will be financed by the local people or by the local people and the government jointly.

16. To take into account the characteristically long production cycle for forestry production and to compensate for lost forest resources resulting

¹ Ed. Note: 15 mou = 1 ha.

from past excessive cutting over a long period, a fixed forest culture fee shall be levied on the selling prices for timber, bamboo and other forestry products, and a forest culture funding system shall be established. Forest culture funds shall be used mainly for the purpose of preparing deforested land for reproduction and may also be used to build new forests. The funds shall be used under the supervision of the Ministry of Finance and the banks. There shall be two separate funds, for the culture of state forests and for collective forests. The state forest culture fund shall be managed by the forestry departments of provinces, autonomous regions and directly-administered municipalities. The Ministry of Forestry shall have the power to adjust the use of this fund. Regulations on the management of the culture fund for collective forests shall be determined by the revolutionary committees of the respective provinces, autonomous regions and directly-administered municipalities. Coal industry and paper manufacturing industry departments may set aside from their funds certain amounts of forest culture fees on the basis of coal and paper output to use to build forests providing timber for mine shaft props and the raw materials for manufacturing paper. Specific regulations for levying forest culture funds shall be formulated by the Ministries of Forestry and Finance.

CHAPTER THREE

FOREST PROTECTION

17. Organs in charge of forest protection shall be established by the departments concerned under the organization of the revolutionary committees of the respective provinces, autonomous regions, directly-administered municipalities and forestry area counties and in accordance with actual need. Grass-roots mass organizations for forest protection shall be set up by communes and brigades, as well as by state-operated forestry, agricultural and animal husbandry farms, factories and mines in forestry areas. Joint forest protection organizations shall be established in forestry areas stretching across administrative boundaries under the leadership of the revolutionary committees concerned. Communes and brigades, and state-operated forestry, agricultural and animal husbandry farms, factories and mines in forestry areas shall, under the leadership of county revolutionary committees, define their boundaries of responsibilities for forest protection, and have full- or part-time forest protection personnel appointed. The main functions and responsibilities of forest protection personnel: (1) Carry out patrols. (2) Prevent all acts that may damage forests. (3) Deliver those who set forest fires and other elements who violate law by damaging forests to the local public security departments.

18. Revolutionary committees at all levels and all departments concerned shall be required to adopt effective measures to prevent forest fires and

protect forest safety: (1) They shall determine forest fire prevention periods. During them safety rules against all activities in open fields in forestry areas that involve the use of fire and that may cause fire must be laid down and rigidly observed. (2) Various facilities to protect forests from fire shall be constructed in forestry areas. For state forest areas that cover large areas, civil aviation departments shall establish professional airborne forest protection contingents to carry out forest protection from the air. (3) When there is a forest fire, forces must be immediately organized to work hard to put it out. Vigorous support shall be rendered by local PLA units, and commercial, grain, public health and other departments. During the fighting of a forest fire, the transport and communications facilities belonging to the railway, highway, waterway transport, aviation and posts and telecommunications departments may be used on a priority basis. (4) It is necessary to determine the causes of forest fires, ascertain losses, trace the sources responsible and handle such cases sternly. (5) The State shall offer treatment to those who are injured or allowances to the families of those who lose their lives in fighting forest fires.

19. Destruction of forests for land reclamation or side-line production is strictly prohibited. If a forest has been destroyed, the unit or personnel that destroyed the forest should restore it within a set period of time. Cutting firewood, grazing livestock or quarrying in young forests, in mountainous areas marked off for forest cultivation, in forests that provide protection against wind and prevent sand from drifting, or in forests reserved for special uses is prohibited.

20. The State and revolutionary committees of all provinces, autonomous regions and municipalities directly under the Centre should designate habitats of rare animals and plants as natural preservation areas and set up organizations to strengthen preservation management and carry out scientific research.

21. Persons entering forest areas must observe the following stipulations: (1) During forest fire prevention periods all stipulations regarding forest protection and fire prevention must be observed. (2) Causing damage to forest trees, roads, rivers or engineering facilities which serve forestry is not allowed. (3) Herdsmen must strengthen supervision of their livestock to prevent damage to forest trees. (4) Hunters must observe the stipulations regarding hunting control.

22. Revolutionary committees at all levels must, in accordance with actual needs, set up organizations for forest pest prevention and treatment so as positively to prevent and treat forest pests, determine those forest tree seeds and seedlings which should be quarantined, designate those areas which should be quarantined and protected, carry out the quarantine of forest tree seeds and seedlings and prevent contamination by and the spread of dangerous pests.

CHAPTER FOUR

TREE PLANTING AND AFFORESTATION

23. The State and revolutionary committees at all levels should draw up plans and fulfil forest building tasks within the specified periods of time in accordance with the following stipulations:

(1) The forest-covered area in the whole country should be 30% of the country's total area. All provinces, autonomous regions and municipalities directly under the Centre as well as autonomous prefectures, counties and autonomous counties should make an account of their forest-covered areas. Such areas in counties in mountainous areas should generally exceed 40%; in counties in hilly areas they should generally exceed 20% and on plains they should generally exceed 10%.

(2) Various kinds of protective forests should be built in agricultural and pastoral areas, in areas with serious water loss and soil erosion and disastrous winds, on both sides of railways, highways, rivers and ditches, around reservoirs and along sea coasts and lakes.

(3) The State and all provinces, autonomous regions and municipalities directly under the Centre should build new timber and economic forest bases in a planned way. Those provinces and autonomous regions where forests are scarce must strive to become self-sufficient in timber. All production brigades and production teams that meet the necessary conditions should build firewood and charcoal forests, according to actual needs.

(4) Those cities and industrial and mining areas that meet the necessary conditions should build garden forests and environmental protection forests with the view of providing each person with a tree-covered area of not less than 5 sq.m. on the average.

(5) In planting trees and building forests, technical rules and procedures should be strictly carried out to ensure the survival and growth of forests. In forest building and renovation covering large areas, it is necessary to pay attention to renewing tree seeds and building hybrid forests.

24. Revolutionary committees at all levels should draw up plans for forest building on suitable barren mountains and barren land and set a time limit for such forest building. In the case of state-owned barren mountains and barren land suitable for forest building, if for no valid reason forest building has not been completed within the prescribed time, it is necessary to investigate and determine the responsibility of the leadership concerned. As for collectively owned barren mountains and land suitable for forest building, the State should make the necessary arrange-

ments for forest building, while the proceeds from the forest should go to the units that build it.

25. Tree planting and forest building on both sides of railways, highways, rivers and ditches, around reservoirs, near industrial and mining areas, offices, schools and PLA barracks, as well as on agricultural and livestock farms should be carried out by the units concerned within the time set by the local revolutionary committees.

26. After felling a forest, renovation should be carried out the same year or in the following year, in accordance with state stipulations.

27. Cultivation and felling of state-owned forests and the transformation of low-yield forests should be included in state plans, and should be managed according to the conditions the forests are in so as to promote rapid growth and a bumper harvest of forest trees.

28. Forestry departments at all levels must vigorously popularize fine-quality, fast-growing seedlings, establish seed-tree forests and seed gardens, cultivate good-quality and sturdy seedlings and plant forests with only fine-quality seedlings.

CHAPTER FIVE

LOGGING AND FOREST UTILIZATION

29. Felling of forests must be well planned. In both local and state forests, the number of trees felled each year should not exceed the number of seedlings grown that year. Both state and local lumber production must be reflected in state and local plans. No felling outside plans shall be permitted. Felling in state forests should be carried out by state forestry bureaux and logging stations according to state plans. Felling in collectively owned forests should comply with state guidelines and with contracts signed between the unit owning the forest and the forestry department concerned. When a commune or brigade wants to cut trees for its use in commune- or brigade-owned forests, prior approval must be obtained from the county revolutionary committee if the annual felling exceeds 10 cu. m. of lumber. When an office, organization, PLA unit, school, factory, mine, farm or livestock farm wants to cut trees for its own use in forests owned by the unit itself, prior approval must be obtained from the forestry department of the province, autonomous region or municipality directly under the Centre if the annual felling amounts to over 100 cu.m. of lumber.

30. Felling of forests must comply with the following regulations:
(1) Felling of timber forests must be carried out in compliance with state

regulations to ensure proper operations. (2) In protective forests such as forests for environmental protection and for landscape improvement and seed-tree forests, no cutting other than for regeneration purposes is permitted. (3) No cutting of any nature should be permitted in forests intended for ecological protection. The forestry departments have the authority to sanction any violations of the above regulations.

31. The forestry departments should set up special organizations to control and manage the production of bamboo and lumber products, firewood and charcoal. Complying with the principle of making proper use of waste lumber materials, the forestry and supply and marketing departments may also work out joint plans — subject to approval by the planning commission of the province, the autonomous region or the municipality directly under the Centre — for setting up agencies for the production and marketing of bamboo and lumber products, firewood and charcoal. No unauthorized units or individuals may enter a forest to cut trees or process and buy lumber.

32. To ship lumber of finished and half-finished bamboo or lumber products to localities outside the producing county, one must first obtain a transport certificate to be issued by the county's forestry department. For shipments of such products to localities outside the province or autonomous region, one must obtain a transport certificate issued by the provincial or autonomous regional forestry department.

33. Efforts should be made actively to develop the multiple use of lumber and build, in forest areas, lumber processing plants and chemical plants using lumber as raw material so as to promote the utilization of forestry resources and lumber.

34. Lumber for construction purposes must be gradually standardized. Lumber processing enterprises in forest areas should process lumber based on the demand and supply of lumber materials in specific localities, while lumber processing enterprises in cities should centralize processing and unify supply.

CHAPTER SIX

AWARDS AND PENALTIES

35. The State and revolutionary committees at all levels should provide moral encouragement or material rewards, in accordance with the significance of contributions, to the following meritorious units: (1) Units

which have conscientiously implemented forestry policies and principles, fulfilled state plans in an all-round way and achieved advanced domestic levels in major economic and technical targets for three consecutive years. (2) Units which have made outstanding achievements in forest protection and have been free of forest fires for three consecutive years. (3) Units which have achieved high production, good quality and low cost in nursing seedlings and fulfilled seedling nursing tasks for three consecutive years. (4) Units which have fulfilled all afforestation plans ahead of schedule at low cost and with high quality and speed. (5) Units which have distinguished themselves by cultivating forests in a timely way, actively improving low-yield forests, achieving rapid tree growth and increasing lumber production. (6) Units which have distinguished themselves by persistently felling trees and reforestation in a rational and timely manner. (7) Units which have distinguished themselves by actively developing consolidated forest utilization, saving lumber and constantly raising lumber utilization. (8) Units which have distinguished themselves by popularizing education and carrying out scientific forestry research.

36. Moral as well as material rewards should be given by the State or revolutionary committees at all levels, based on one's contribution, to any of the following meritorious individuals: (1) An individual who has worked in a basic-level forestry unit for more than 15 years, has cherished forestry and scored remarkable achievements. (2) An individual who has introduced inventions or made major innovations in production, teaching and scientific forestry research. (3) An individual who has firmly guarded his production post, observed labour discipline and rendered meritorious services in fulfilling production targets. (4) An individual who has played an exemplary role in enforcing law and implementing forestry policy and made remarkable achievements in resolutely struggling against violations of law. (5) An individual who has bravely and unswervingly fought forest fires and achieved remarkable results. (6) An individual who has rendered meritorious service in preventing and averting accidents, and prevented the State and the people from suffering a major loss of property.

37. Disciplinary actions of varying degrees, including dismissal of an offender from public office, should be taken against state workers who are found delinquent in one of the following aspects: (1) Those who are incompetent in leadership and have caused damage to forestry production. (2) Those who have defied policies, laws, rules and regulations in forestry and caused damages to forests or serious waste of lumber. (3) Those who have failed to fell trees and reforest according to state laws. (4) Those who have illegally used funds earmarked for forest cultivation. (5) Those who have resorted to deception and submitted false reports on achievements.

38. Those who have destroyed trees in rural and urban areas, around houses and villages and along roads and waterways should be asked to grow three trees for each one they destroyed or pay a fine.

39. Those who have committed not so serious a violation of the Forestry Act should be asked to make compensation for the losses or pay a fine and turn in any illegally obtained property; those who have seriously violated the Act should be punished by law if they are involved in any one of the following acts: (1) Starting a forest fire; (2) destroying a forest for the purpose of land reclamation or for the development of side-line production or animal husbandry; (3) collecting firewood, grazing flocks and gathering pebbles and stones in a young forest, in a mountain area which has been marked off for forest cultivation, in a forest built for protection against sandstorms and holding sand dunes in check, or a forest built for any other special purpose; (4) violating regulations covering natural preservation or hunting control; (5) entering forest areas without authorization to procure lumber, bamboo, firewood, charcoal or finished or semi-finished wood or bamboo products; (6) illegally taking lumber or felling trees, or stealing or looting lumber; (7) carrying out speculative and profiteering activities in lumber markets; (8) violating the Forestry Act, disobeying advice, and assaulting personnel guarding forests; (9) becoming seriously delinquent in work, thus causing damage to a forest.

40. Those who wilfully start a forest fire in order to destroy a forest, organize a gang to destroy a forest or kill personnel guarding a forest should be severely dealt with and punished by law.

41. In any violation of the Forestry Act committed under the direction of a unit's responsible person, actions should be taken not only against the offender but also against the responsible person; the latter should be seriously dealt with based on the nature of the case.

CHAPTER SEVEN

APPENDIX

42. Details concerning the implementation of the Forestry Act shall be formulated by the Ministry of Forestry with the approval of the State Council. Specific measures for enforcing the Act should be formulated by the revolutionary committees of the various provinces, autonomous regions and municipalities directly under the Centre.