

**【Title】 Fisheries Law Of the People's Republic of China (2004 Amendment)[已被修订]**  
**【法规标题】 中华人民共和国渔业法(2004 修正) [Revised]**

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Fisheries Law Of The People's Republic Of China (2004 Revision)  
(Adopted at the 14th Meeting of the Standing Committee of the National People's Congress and promulgated by Order No. 34 of the President of the People's Republic of China on January 20, 1986; amended for the first time according to the "Decision of the Standing Committee of the National People's Congress on the Amendment of the Fishery Law of the People's Republic of China" at the Eighteenth Session of the Standing Committee of the Ninth National People's Congress on October 31, 2000; amended for the second time according to the "Decision of the Standing Committee of the National People's Congress on the Amendment of the Fishery Law of the People's Republic of China" at the Eleventh Session of the Standing Committee of the Tenth National People's Congress on August 28, 2004)

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CHAPTER I GENERAL PROVISIONS

Article 1. This Law is formulated for the purpose of enhancing the protection, increase, development and reasonable utilization of fishery resources, developing artificial cultivation, protecting fishery workers' lawful rights and interests and boosting fishery production, so as to meet the requirements of socialist construction and the needs of the people.

中华人民共和国渔业法

（1986 年 1 月 20 日第六届全国人民代表大会常务委员会第十四次会议通过根据 2000 年 10 月 31 日第九届全国人民代表大会常务委员会第十八次会议《关于修改〈中华人民共和国渔业法〉的决定》第一次修正 根据 2004 年 8 月 28 日第十届全国人民代表大会常务委员会第十一次会议《关于修改〈中华人民共和国渔业法〉的决定》第二次修正）

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第一章 总则

第一条 为了加强渔业资源的保护、增殖、开发和合理利用，发展人工养殖，保障渔业生产者的合法权益，促进渔业生产的发展，适应社会主义建设和人民生活的需要，特制定本法。

Article 2. All productive activities of fisheries, such as aquaculture and catching or harvesting of aquatic animals and plants in the inland waters, tidal flats and territorial waters of the People's Republic of China, or in other sea areas under the jurisdiction of the People's Republic of China, must be conducted in accordance with this Law.

Article 3. In fishery production, the state shall adopt a policy that calls for simultaneous development of aquaculture, fishing and processing, with special emphasis on aquaculture and with priority given to different pursuits in accordance with local conditions.  
People's governments at various levels shall include fishery production in their economic development plans and take measures to enhance the overall planning and comprehensive utilization of water areas.

Article 4. The state shall encourage research in fishery science and technology and popularization of advanced technology in order to raise the level of the country's fishery science and technology.

Article 5. People's governments at various levels shall give moral encouragement or material awards to units and individuals who make outstanding contributions to the increase and protection of fishery resources, to development of fishery production, or to research in fishery science and technology.

Article 6. The department of fishery administration under the State Council shall be in charge of the administration of fisheries throughout the country. Departments of fishery administration under people's governments at or above the county level shall be in charge of fisheries in their respective areas. These departments shall be authorized to set up fishery superintendency agencies in important fishing areas and fishing ports. Departments of fishery administration under people's governments at or above the county level and their fishery superintendency agencies may appoint fishery inspectors who will carry out assignments that those departments and agencies entrust to them.

Article 7. State superintendence of fisheries shall operate under the principle of unified leadership and decentralized administration.  
Marine fishery shall be under the superintendence of departments of fishery administration under the people's governments of provinces, autonomous regions and centrally-administered municipalities contiguous to the sea, with the exception of those sea areas and fishing grounds with specially designated fishery resources that the State Council has put under direct administration of its fishery department and subordinate

第二条 在中华人民共和国的内水、滩涂、领海、专属经济区以及中华人民共和国管辖的一切其他海域从事养殖和捕捞水生动物、水生植物等渔业生产活动，都必须遵守本法。

第三条 国家对渔业生产实行以养殖为主，养殖、捕捞、加工并举，因地制宜，各有侧重的方针。各级人民政府应当把渔业生产纳入国民经济发展规划，采取措施，加强水域的统一规划和综合利用。

第四条 国家鼓励渔业科学技术研究，推广先进技术，提高渔业科学技术水平。

第五条 在增殖和保护渔业资源、发展渔业生产、进行渔业科学技术研究等方面成绩显著的单位和个人，由各级人民政府给予精神的或者物质的奖励。

第六条 国务院渔业行政主管部门主管全国的渔业工作。

县级以上地方人民政府渔业行政主管部门主管本行政区域内的渔业工作。

县级以上人民政府渔业行政主管部门可以在重要渔业水域、渔港设渔政监督管理机构。

县级以上人民政府渔业行政主管部门及其所属的渔政监督管理机构可以设渔政检查人员。

渔政检查人员执行渔业行政主管部门及其所属的渔政监督管理机构交付的任务。

第七条 国家对渔业的监督管理，实行统一领导、分级管理。

海洋渔业，除国务院划定由国务院渔业行政主管部门及其所属的渔政监督管理机构监督管理的海域和特定渔业资源渔场外，由毗邻海域的省、自治区、直辖市人民政府渔业行政主管部门监督管理。

fishery superintendency agencies.

Fishery in rivers and lakes shall be subject to the superintendence of the departments of fishery administration under the relevant people's governments at or above the county level in accordance with administrative divisions. Fishery administration for water areas that straddle several administrative divisions shall be decided by the relevant people's governments at or above the county level through consultation or placed under departments of fishery administration of people's governments at the next higher level and their subordinate fishery superintendency agencies.

Article 8. Foreigners and foreign fishing vessels must obtain permission from the relevant department under the State Council before entering the territorial waters of the People's Republic of China to carry on fishery production or investigations of fishery resources, and must abide by this Law and other related laws and regulations of the People's Republic of China. If those persons and vessels belong to countries that have signed relevant accords or agreements with the People's Republic of China, their activities shall be conducted in accordance with those accords or agreements.

State fishery administration and fishing port superintendency agencies shall exercise administrative and supervisory authority over external relations pertaining to fisheries and fishing ports.

Article 9. Neither the department in charge of fishery administration as well as its institutions for the supervision and administration of fishery nor their staff shall participate or be engaged in the activities of fishery production and operation.

## CHAPTER II AQUACULTURE

Article 10. The state shall encourage units under ownership by the whole people, units under collective ownership and individuals to make the best use of suitable water surfaces and tidal flats to develop aquaculture.

Article 11. The State shall make united programming on utilization of water areas, and determine which water areas and beaches may be utilized for aquatic breeding industry. Where a unit or an individual uses a water area or beach with ownership by the whole people which is determined by the State programming to be used for aquatic breeding industry, the user shall apply to the department in charge of fishery administration of the local people's government at the county level or above for the aquatic breeding certificate which shall be checked and issued by the people's government at the same level. With this certificate, the user is permitted to be engaged in aquatic breeding production in the said water area or beach. Specific measures for the check and issuance

江河、湖泊等水域的渔业，按照行政区划由有关县级以上人民政府渔业行政主管部门监督管理；跨行政区域的，由有关县级以上地方人民政府协商制定管理办法，或者由上一级人民政府渔业行政主管部门及其所属的渔政监督管理机构监督管理。

第八条 外国人、外国渔业船舶进入中华人民共和国管辖水域，从事渔业生产或者渔业资源调查活动，必须经国务院有关主管部门批准，并遵守本法和中华人民共和国其他有关法律、法规的规定；同中华人民共和国订有条约、协定的，按照条约、协定办理。

国家渔政渔港监督管理机构对外行使渔政渔港监督管理权。

第九条 渔业行政主管部门和其所属的渔政监督管理机构及其工作人员不得参与和从事渔业生产经营活动。

## 第二章 养殖业

第十条 国家鼓励全民所有制单位、集体所有制单位和个人充分利用适于养殖的水域、滩涂，发展养殖业。

第十一条 国家对水域利用进行统一规划，确定可以用于养殖业的水域和滩涂。单位和个人使用国家规划确定用于养殖业的全民所有的水域、滩涂的，使用者应当向县级以上地方人民政府渔业行政主管部门提出申请，由本级人民政府核发养殖证，许可其使用该水域、滩涂从事养殖生产。核发养殖证的具体办法由国务院规定。集体所有的或者全民所有由农业集体经济组织使用的水域、滩涂，可以由个人或者集体承包，

of aquatic breeding certificates shall be stipulated by the State Council. Water areas and beaches with collective ownership or with ownership by the whole people but used by the agricultural collective business organization may be individually or collectively contracted for aquatic breeding production.

Article 12. The local people's government at the county level or above shall give precedence to the local fishery producers while checking and issuing aquatic breeding certificates.

Article 13. In case any dispute arises between the parties due to the aquatic breeding production with a water area or beach determined by the State programming to be used for aquatic breeding industry, it shall be handled in accordance with the procedures stipulated in relevant laws. Before the dispute is settled, neither party shall destroy the aquatic breeding production.

Article 14. Where a water area or beach with collective ownership is requisitioned for use for State construction, it shall be handled in accordance with the provisions relating to the requisition of land in [the Law of the People's Republic of China on Administration of Land](#).

Article 15. The local people's government at the county level or above shall take measures to strengthen its protection on the production bases of commercial fish and the key water areas for aquatic breeding in the suburban areas of the city.

Article 16. The state encourages and supports the breeding, cultivation and popularization of good aquatics. No new aquatic may be popularized unless it has been examined and approved by the National Committee for Examination and Approval of Original Breeding and Good Breeding and has been announced by the fishery administrative department of the State Council.

The import and export of aquatic fingerlings shall be examined and approved by the department in charge of fishery administration of the State Council or of the provincial, autonomous regional, municipal people's governments.

The production of aquatic fingerlings shall be examined and approved by the department in charge of fishery administration of the local people's government at the county level or above, except for the aquatic fingerlings cultivated or used by the fishery producers themselves.

Article 17. Quarantine must be executed for the import and export of aquatic fingerlings in order to prevent disease from passing into or out of the territory. Specific quarantine work shall be carried out in accordance with the provisions in the laws and administrative regulations on the

从事养殖生产。

第十二条 县级以上地方人民政府在核发养殖证时，应当优先安排当地的渔业生产者。

第十三条 当事人因使用国家规划确定用于养殖业的水域、滩涂从事养殖生产发生争议的，按照有关法律规定的程序处理。在争议解决以前，任何一方不得破坏养殖生产。

第十四条 国家建设征用集体所有的水域、滩涂，按照《[中华人民共和国土地管理法](#)》有关征地的规定办理。

第十五条 县级以上地方人民政府应当采取措施，加强对商品鱼生产基地和城市郊区重要养殖水域的保护。

第十六条 国家鼓励和支持水产优良品种的选育、培育和推广。水产新品种必须经全国水产原种和良种审定委员会审定，由国务院渔业行政主管部门公告后推广。水产苗种的进口、出口由国务院渔业行政主管部门或者省、自治区、直辖市人民政府渔业行政主管部门审批。水产苗种的生产由县级以上地方人民政府渔业行政主管部门审批。但是，渔业生产者自育、自用水产苗种的除外。

第十七条 水产苗种的进口、出口必须实施检疫，防止病害传入境内和传出境外，具体检疫工作按照有关动植物进出境检疫法律、行政法规的规定执

quarantine of animals and plants imported and exported.  
The safety for imported transgenosis aquatic fingerlings must be evaluated. Specific administration shall be carried out in accordance with relevant provisions of the State Council.

Article 18. The department in charge of fishery administration of the local people's government at the county level or above shall strengthen technical guidance and disease prevention for the aquatic breeding production.

Article 19. Baits or feedstuff containing poisonous or harmful substances shall not be used in the aquatic breeding production.

Article 20. In the aquatic breeding production, the ecological environment of water areas shall be protected, and the aquatic breeding density shall be scientifically determined, baits be reasonably cast, fertilizer be reasonably thrown, and medicament be reasonably used. The water areas shall not be polluted.

### CHAPTER III FISHING

Article 21. The State takes measures in finance, credit and taxation to encourage and support the development of ocean fishery industry, and arranges continental-river and inshore fishing according to the fishable amount of the fishery resources.

Article 22. The State determines the total fishable amount of the fishery resources and implements fishing quota system in accordance with the principle that the fishing amount shall be lower than the increasing amount of the fishery resources. The department in charge of fishery administration of the State Council shall be responsible for organizing the investigation and evaluation of fishery resources, and provide scientific basis for the implementation of the fishing quota system. The total amount of the fishing quota for inland seas, territorial seas, exclusive economic zones and other jurisdictional seas of the People's Republic of China shall be determined by the department in charge of fishery administration of the State Council, and shall be distributed and reported to the governments level by level after it is submitted to and approved by the State Council. The total amount of the fishing quota for important rivers and pools determined by the State shall be determined by relevant provincial, autonomous regional, municipal people's governments or determined through consultation, and shall be distributed and reported level by level. The distribution of the total amount of the fishing quota shall embody the principle of fairness and justness. The distribution methods and distribution results must be open to the society and be supervised. The department in charge of fishery administration of the State Council

行。引进转基因水产苗种必须进行安全性评价，具体管理工作按照国务院有关规定执行。

第十八条 县级以上人民政府渔业行政主管部门应当加强对养殖生产的技术指导和病害防治工作。

第十九条 从事养殖生产不得使用含有毒有害物质的饵料、饲料。

第二十条 从事养殖生产应当保护水域生态环境，科学确定养殖密度，合理投饵、施肥、使用药物，不得造成水域的环境污染。

### 第三章 捕捞业

第二十一条 国家在财政、信贷和税收等方面采取措施，鼓励、扶持远洋捕捞业的发展，并根据渔业资源的可捕捞量，安排内水和近海捕捞力量。

第二十二条 国家根据捕捞量低于渔业资源增长量的原则，确定渔业资源的总可捕捞量，实行捕捞限额制度。国务院渔业行政主管部门负责组织渔业资源的调查和评估，为实行捕捞限额制度提供科学依据。中华人民共和国内海、领海、专属经济区和管辖海域的捕捞限额总量由国务院渔业行政主管部门确定，报国务院批准后逐级分解下达；国家确定的重要江河、湖泊的捕捞限额总量由有关省、自治区、直辖市人民政府确定或者协商确定，逐级分解下达。捕捞限额总量的分配应当体现公平、公正的原则，分配办法和分配结果必须向社会公开，并接受监督。国务院渔业行政主管部门和省、自治区、直辖市人民政府渔业行政主管部门应当加强对捕捞限额制度实施情况的监督检查，对超过上级下达的捕捞限额指标的，应当在其次年捕捞限额指标中予以核减。



and of the provincial, autonomous regional, municipal people's governments shall strengthen its supervision and inspection on the implementation of the fishing quota system. For the amount which exceed the fishing quota target required by the upper level, the said department shall check and reduce its fishing quota of the next year.

Article 23. The State implements fishing license system on fishery industry.

The fishing licenses for large scale dragnet and pursue net operation on the sea and the fishing operation on the mutually administered fishing areas determined by the agreement concluded between the People's Republic of China and a relevant country or the fishing operation on the high seas shall be approved and issued by the department in charge of fishery administration of the State Council. The fishing licenses for other operations shall be approved and issued by the department in charge of fishery administration of the local people's government at the county level or above. However, the fishing licenses approved and issued for operations on the sea shall not exceed the target required by the State on the control of vessel and net facilities. Specific measures shall be stipulated by the provincial, autonomous regional, municipal people's governments.

Fishing licences may not be sold, leased or transferred by other illegal means, and they may not be altered.

Fishing operations on jurisdictional seas of other countries shall be approved by the department in charge of fishery administration of the State Council, and abide by relevant treaties and agreements concluded or acceded to by the People's Republic of China and the laws of relevant countries.

Article 24. A fishing license may be issued to the applicant only if he fulfills the following conditions:

- (1) he has the fishing vessel inspection certificate;
- (2) he has the fishing vessel registration certificate;
- (3) he fulfills other conditions stipulated by the department in charge of fishery administration of the State Council.

The fishing certificates approved and issued by the department in charge of fishery administration of the local people's government at the county level or above shall fit in with the fishing quota target required by the department in charge of fishery administration of the people's government at the upper level.

Article 25. The unit or individual engaged in fishing operation must operate in accordance with the provisions in the fishing license on type of operation, location, time limit, quantity of fishing facilities and fishing quota, and abide by relevant provisions of the State on the protection of fishery resources. Large scale fishing vessels shall keep fishing logs.

第二十三条 国家对捕捞业实行捕捞许可证制度。海洋大型拖网、围网作业以及到中华人民共和国与有关国家缔结的协定确定的共同管理的渔区或者公海从事捕捞作业的捕捞许可证，由国务院渔业行政主管部门批准发放。其他作业的捕捞许可证，由县级以上地方人民政府渔业行政主管部门批准发放；但是，批准发放海洋作业的捕捞许可证不得超过国家下达的船网工具控制指标，具体办法由省、自治区、直辖市人民政府规定。捕捞许可证不得买卖、出租和以其他形式转让，不得涂改、伪造、变造。

到他国管辖海域从事捕捞作业的，应当经国务院渔业行政主管部门批准，并遵守中华人民共和国缔结的或者参加的有关条约、协定和有关国家的法律。

第二十四条 具备下列条件的，方可发给捕捞许可证：

- (一) 有渔业船舶检验证书；
- (二) 有渔业船舶登记证书；

(三) 符合国务院渔业行政主管部门规定的其他条件。县级以上地方人民政府渔业行政主管部门批准发放的捕捞许可证，应当与上级人民政府渔业行政主管部门下达的捕捞限额指标相适应。

第二十五条 从事捕捞作业的单位和个人，必须按照捕捞许可证关于作业类型、场所、时限、渔具数量和捕捞限额的规定进行作业，并遵守国家有关保护渔业资源的规定，大中型渔船应当填

写渔捞日志。

Article 26. Vessels that are produced, rebuilt, purchased and imported for shipping operation must be inspected and proved qualified by the fishing vessel inspection department before it is launched for operation. Specific measures shall be stipulated by the State Council.

Article 27. The construction of fishing harbors shall abide by the State's united programming, and the principle of benefiting the investors shall be implemented. The local people's government at the county level or above shall strengthen its supervision and administration on the fishing harbors located in its own administrative region, and maintain the normal order of these fishing harbors.

#### CHAPTER IV INCREASE AND PROTECTION OF FISHERY RESOURCES

Article 28. Departments of fishery administration under the people's governments at and above the county level shall work out overall plans and take measures to increase fishery resources in the fishery waters under their jurisdiction. These departments may collect fees from the units and individuals profited by the use of such waters and devote the money thus collected to the increase and protection of fishery resources. The procedures for collecting such fees shall be formulated by the department of fishery administration and the department of finance under the State Council, and must be approved by the State Council before going into effect.

Article 29. The State protects germ plasm resources of aquatic products and their surviving environment, and establishes preservation areas for germ plasm resources of aquatic products in the main regions where germ plasm resources of aquatic products with high economic value and heredity and breeding value can grow and breed. No unit or individual shall be engaged in fishing activities in the preservation areas for germ plasm resources of aquatic products without the approval by the department in charge of fishery administration of the State Council.

Article 30. Such methods of destroying fishery resources as killing fish by explosion, with poison or with electricity, etc. are prohibited for fishing. It is prohibited to produce, sell or use banned fishing facilities. It is prohibited to go fishing in the banned fishing areas or within the banned fishing periods. It is prohibited to go fishing with nets smaller than the smallest size of mesh. The undersized fish among the fishing gains shall not exceed the stipulated proportion. It is prohibited to sell illegally fished fishing gains in the banned fishing areas or within the banned fishing periods.

第二十六条 制造、更新改造、购置、进口的从事捕捞作业的船舶必须经渔业船舶检验部门检验合格后，方可下水作业。具体管理办法由国务院规定。

第二十七条 渔港建设应当遵守国家的统一规划，实行谁投资谁受益的原则。县级以上地方人民政府应当对位于本行政区域内的渔港加强监督管理，维护渔港的正常秩序。

#### 第四章 渔业资源的增殖和保护

第二十八条 县级以上人民政府渔业行政主管部门应当对其管理的渔业水域统一规划，采取措施，增殖渔业资源。县级以上人民政府渔业行政主管部门可以向受益的单位和个人征收渔业资源增殖保护费，专门用于增殖和保护渔业资源。渔业资源增殖保护费的征收办法由国务院渔业行政主管部门会同财政部门制定，报国务院批准后施行。

第二十九条 国家保护水产种质资源及其生存环境，并在具有较高经济价值和遗传育种价值的水产种质资源的主要生长繁育区域建立水产种质资源保护区。未经国务院渔业行政主管部门批准，任何单位或者个人不得在水产种质资源保护区内从事捕捞活动。

第三十条 禁止使用炸鱼、毒鱼、电鱼等破坏渔业资源的方法进行捕捞。禁止制造、销售、使用禁用的渔具。禁止在禁渔区、禁渔期进行捕捞。禁止使用小于最小网目尺寸的网具进行捕捞。捕捞的渔获物中幼鱼不得超过规定的比例。在禁渔区或者禁渔期内禁止销售非法捕捞的渔获物。

重点保护的渔业资源品种及其可捕

The varieties of fishery resources under key protection as well as their fishable standards, the banned fishing areas and the banned fishing periods, fishing facilities and fishing methods prohibited to be used, the smallest size of mesh, and other measures to protect fishery resources shall be stipulated by the department in charge of fishery administration of the State Council or of the provincial, autonomous regional, municipal people's governments.

Article 31. Catching fry of aquatic animals of important economic value shall be prohibited. Catching fry of aquatic animals of important economic value or spawning aquatic animals under protection for artificial breeding or for other special purposes must be approved by the department of fishery administration under the State Council or by departments of fishery administration under the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government, and it must be conducted in the designated areas and times and strictly in accordance with the quotas assigned. Measures shall be adopted to protect fry of aquatic animals when channeling or using water from water areas that specialize in producing such fry.

Article 32. When building sluices and dams which will have serious effects on fishery resources on the migration routes of fish, shrimp and crabs, the construction units must build fish passages or adopt other remedial measures.

Article 33. For water bodies that are used for fisheries and also serve the purposes of water storage and regulation and irrigation, the departments concerned shall fix the lowest water level required for fishery.

Article 34. It shall be forbidden to reclaim land from lakes. Without approval from a people's government at or above the county level, it shall not be allowed to enclose tidal flats for cultivation and no one shall be allowed to reclaim land from water areas that are used as major seedling producing centres and aquatic breeding grounds.

Article 35. To conduct underwater explosions, exploration and construction that may have serious effects on fishery resources, the construction units shall consult in advance with the department of fishery administration under the relevant people's government at or above the county level and take measures to prevent or minimize the damage to fishery resources. In case any damages to fishery resources occur therefrom, the relevant people's government at or above the county level shall order the responsible party to pay compensation.

Article 36. The people's governments at all levels shall take measures to

捞标准，禁渔区和禁渔期，禁止使用或者限制使用的渔具和捕捞方法，最小网目尺寸以及其他保护渔业资源的措施，由国务院渔业行政主管部门或者省、自治区、直辖市人民政府渔业行政主管部门规定。

第三十一条 禁止捕捞有重要经济价值的水生动物苗种。因养殖或者其他特殊需要，捕捞有重要经济价值的苗种或者禁捕的怀卵亲体的，必须经国务院渔业行政主管部门或者省、自治区、直辖市人民政府渔业行政主管部门批准，在指定的区域和时间内，按照限额捕捞。在水生动物苗种重点产区引水用水时，应当采取措施，保护苗种。

第三十二条 在鱼、虾、蟹洄游通道建闸、筑坝，对渔业资源有严重影响的，建设单位应当建造过鱼设施或者采取其他补救措施。

第三十三条 用于渔业并兼有调蓄、灌溉等功能的水体，有关主管部门应当确定渔业生产所需的最低水位线。

第三十四条 禁止围湖造田。沿海滩涂未经县级以上人民政府批准，不得围垦；重要的苗种基地和养殖场所不得围垦。

第三十五条 进行水下爆破、勘探、施工作业，对渔业资源有严重影响的，作业单位应当事先同有关县级以上人民政府渔业行政主管部门协商，采取措施，防止或者减少对渔业资源的损害；造成渔业资源损失的，由有关县级以上人民政府责令赔偿。

第三十六条 各级人民政府应当采



protect and improve the ecological environment of fishery water areas, prevent and cure pollution.

The supervision and administration of the ecological environment of fishery water areas as well as the investigation and treatment of fishery pollution accidents shall be executed in accordance with relevant provisions in [the Law of the People's Republic of China on the Protection of Sea Environment](#) and the [Water Pollution Prevention and Control Law of the People's Republic of China](#).

Article 37. The State carries out key protection on aquatic wild animals which are valuable or in severe danger such as white-flag dolphins, etc. in order to prevent them from dying out. It is prohibited to fish and kill, or hurt the aquatic wild animals under the State's key protection. Where it is needed to fish the aquatic wild animals under the State's key protection due to scientific research, domestication and breeding, exhibition or other special circumstances, it shall be executed in accordance with the provisions in [the Law of the People's Republic of China on the Protection of Wild Animals](#).

## CHAPTER V LEGAL LIABILITY

Article 38. Where the methods of destroying fishery resources such as killing fish by explosion, with poison or with electricity, etc. are used for fishing, the provisions on banned fishing areas or banned fishing periods are violated in fishing, or banned fishing facilities, fishing methods or nets smaller than the smallest size of mesh are used for fishing, or the undersized fish among the fishing gains exceeds the stipulated proportion, the fishing gains and illegal proceeds shall be confiscated, and a fine of 50,000 yuan or less shall be imposed; if the case is serious, the fishing facilities shall be confiscated and the fishing license shall be revoked; if the case is particularly serious, the fishing vessel may be confiscated; if such acts constitute an offence, criminal liabilities shall be investigated in accordance with the law.

The department in charge of fishery administration of the local people's government at the county level or above shall timely investigate and dispose of the acts of selling illegally fished fishing gains in the banned fishing areas or within the banned fishing periods.

Where fishing facilities prohibited to be used are produced or sold, the illegally produced or sold fishing facilities and the illegal proceeds shall be confiscated, and a fine of 10,000 yuan or less shall be imposed.

Article 39. For anyone who steals or loots the aquatic products bred by others or destroy the breeding water or breeding facilities of others, he shall be ordered to remedy his acts, and may be imposed a fine of 20,000 yuan or less; if such acts cause any damage to others, he shall bear the compensation liability in accordance with the law; if such acts constitute

取措施，保护和改善渔业水域的生态环境，防治污染。

渔业水域生态环境的监督管理和渔业污染事故的调查处理，依照《[中华人民共和国海洋环境保护法](#)》和《[中华人民共和国水污染防治法](#)》的有关规定执行。

第三十七条 国家对白鳍豚等珍贵、濒危水生野生动物实行重点保护，防止其灭绝。禁止捕杀、伤害国家重点保护的水生野生动物。因科学研究、驯养繁殖、展览或者其他特殊情况，需要捕捞国家重点保护的水生野生动物的，依照《[中华人民共和国野生动物保护法](#)》的规定执行。

## 第五章 法律责任

第三十八条 使用炸鱼、毒鱼、电鱼等破坏渔业资源方法进行捕捞的，违反关于禁渔区、禁渔期的规定进行捕捞的，或者使用禁用的渔具、捕捞方法和小于最小网目尺寸的网具进行捕捞或者渔获物中幼鱼超过规定比例的，没收渔获物和违法所得，处五万元以下的罚款；情节严重的，没收渔具，吊销捕捞许可证；情节特别严重的，可以没收渔船；构成犯罪的，依法追究刑事责任。在禁渔区或者禁渔期内销售非法捕捞的渔获物的，县级以上地方人民政府渔业行政主管部门应当及时进行调查处理。

制造、销售禁用的渔具的，没收非法制造、销售的渔具和违法所得，并处一万元以下的罚款。

第三十九条 偷捕、抢夺他人养殖的水产品的，或者破坏他人养殖水体、养殖设施的，责令改正，可以处二万元以下的罚款；造成他人损失的，依法承担赔偿责任；构成犯罪的，依法追究刑

an offence, criminal liabilities shall be investigated in accordance with the law.

Article 40. Where a water area or beach with ownership by the whole people used for aquatic breeding production lies waste for one year or longer without any justifiable reason, the authority which issues the aquatic breeding certificate shall order the user to develop and utilize it within a time limit; should the user fail to develop and utilize it within the time limit, his aquatic breeding certificate shall be revoked, and a fine of 10,000 or less may also be imposed.

For anyone who is engaged in aquatic breeding production in a water area with ownership by the whole people without permission before obtaining the aquatic breeding certificate in accordance with the law, he shall be ordered to remedy his acts, and re-apply for the aquatic breeding certificate or dismantle the aquatic breeding facilities within a time limit. For anyone who is engaged in aquatic breeding production in a water area with ownership by the whole people before obtaining the aquatic breeding certificate in accordance with the law or who exceeds the permitted fishing scope in the aquatic breeding certificate, thus hinders water carriage or flood drainage, he shall be ordered to dismantle the aquatic breeding facilities within a time limit, and may be imposed a fine of 10,000 yuan or less.

Article 41. For anyone who goes fishing without permission before obtaining the fishing license in accordance with the law, the fishing gains and illegal proceeds shall be confiscated, and a fine of 100,000 yuan or less shall be imposed; if the case is serious, the fishing facilities and the fishing vessel may also be confiscated.

Article 42. For anyone who goes fishing by violating the provisions in the fishing license on type of operation, location, time limit, quantity of fishing facilities, the fishing gains and illegal proceeds shall be confiscated, and a fine of 50,000 yuan or less may also be imposed; if the case is serious, the fishing facilities may also be confiscated and the fishing license be revoked.

Article 43. Where the fishing license is altered, bought, sold, leased or otherwise transferred, the illegal proceeds shall be confiscated, and the fishing license be revoked, and a fine of 50,000 yuan or less may also be imposed; where the acts of forging, mutilating, buying or selling the fishing license constitute an offence, criminal liabilities shall be investigated in accordance with the law.

Article 44. Where the aquatic fingerlings are illegally produced, imported or exported, the fingerlings and illegal proceeds shall be confiscated, and a fine of 50,000 yuan or less shall be imposed.

事责任。

第四十条 使用全民所有的水域、滩涂从事养殖生产，无正当理由使水域、滩涂荒芜满一年的，由发放养殖证的机关责令限期开发利用；逾期未开发利用的，吊销养殖证，可以并处一万元以下的罚款。

未依法取得养殖证擅自在全民所有的水域从事养殖生产的，责令改正，补办养殖证或者限期拆除养殖设施。未依法取得养殖证或者超越养殖证许可范围在全民所有的水域从事养殖生产，妨碍航运、行洪的，责令限期拆除养殖设施，可以并处一万元以下的罚款。

第四十一条 未依法取得捕捞许可证擅自进行捕捞的，没收渔获物和违法所得，并处十万元以下的罚款；情节严重的，并可以没收渔具和渔船。

第四十二条 违反捕捞许可证关于作业类型、场所、时限和渔具数量的规定进行捕捞的，没收渔获物和违法所得，可以并处五万元以下的罚款；情节严重的，并可以没收渔具，吊销捕捞许可证。

第四十三条 涂改、买卖、出租或者以其他形式转让捕捞许可证的，没收违法所得，吊销捕捞许可证，可以并处一万元以下的罚款；伪造、变造、买卖捕捞许可证，构成犯罪的，依法追究刑事责任。

第四十四条 非法生产、进口、出口水产苗种的，没收苗种和违法所得，并处五万元以下的罚款。经营未经审定

For anyone who is engaged in feeding aquatic fingerlings without being examined, determined and approved, he shall be ordered to stop the operation immediately, the illegal proceeds shall be confiscated, and a fine of 50,000 yuan or less may also be imposed.

Article 45. For anyone who is engaged in fishing activities in an preservation area for germ plasm resources of aquatic products without permission, he shall be ordered to stop fishing immediately, the fishing gains and fishing facilities shall be confiscated, and a fine of 10,000 yuan or less may also be imposed.

Article 46. Where a foreigner or a foreign fishing vessel violates the provisions in this Law by entering the jurisdictional water areas of the People's Republic of China to be engaged in fishery production or activities for investigation of fishery resources, he/it shall be ordered to leave or be banished, the fishing gains and fishing facilities may be confiscated, and a fine of 500,000 yuan or less may also be imposed; if the case is serious, the fishing vessel may be confiscated; if such acts constitute an offence, criminal liabilities shall be investigated in accordance with the law.

Article 47. For anyone who destroys the ecological environment of fishery water areas or causes any fishery pollution accident, his legal liabilities shall be investigated in accordance with the provisions in [the Law of the People's Republic of China on the Protection of Sea Environment](#) and [the Water Pollution Prevention and Control Law of the People's Republic of China](#).

Article 48. The administrative penalties provided in this Law shall be decided by the department in charge of fishery administration of the people's government at the county level or above as well as its institutions for the supervision and administration of fishery, except that this Law has already provided the penalty authority.

Where, in the execution of law on the sea, there are clear facts and sufficient evidence for the acts of fishing by violating the provisions on banned fishing areas or banned fishing periods or by using banned fishing facilities, fishing methods, and the acts of fishing without obtaining the fishing license, but the administrative penalty decision cannot be made or enforced in presence in accordance with legal procedures, the fishing license, fishing facilities or fishing vessel may be temporarily distrained in advance, and the administrative penalty decision shall be made and enforced in the harbor in accordance with law.

Article 49. Where the department in charge of fishery administration and its institutions for the supervision and administration of fishery as well as their staff violate the provisions in this Law in checking and issuing

的水产苗种的，责令立即停止经营，没收违法所得，可以并处五万元以下的罚款。

第四十五条 未经批准在水产种质资源保护区内从事捕捞活动的，责令立即停止捕捞，没收渔获物和渔具，可以并处一万元以下的罚款。

第四十六条 外国人、外国渔船违反本法规定，擅自进入中华人民共和国管辖水域从事渔业生产和渔业资源调查活动的，责令其离开或者将其驱逐，可以没收渔获物、渔具，并处五十万元以下的罚款；情节严重的，可以没收渔船；构成犯罪的，依法追究刑事责任。

第四十七条 造成渔业水域生态环境破坏或者渔业污染事故的，依照《[中华人民共和国海洋环境保护法](#)》和《[中华人民共和国水污染防治法](#)》的规定追究法律责任。

第四十八条 本法规定的行政处罚，由县级以上人民政府渔业行政主管部门或者其所属的渔政监督管理机构决定。但是，本法已对处罚机关作出规定的除外。在海上执法时，对违反禁渔区、禁渔期的规定或者使用禁用的渔具、捕捞方法进行捕捞，以及未取得捕捞许可证进行捕捞的，事实清楚、证据充分，但是当场不能按照法定程序作出和执行行政处罚决定的，可以先暂时扣押捕捞许可证、渔具或者渔船，回港后依法作出和执行行政处罚决定。

第四十九条 渔业行政主管部门和其所属的渔政监督管理机构及其工作人员违反本法规定核发许可证、分配捕捞

licenses, distributing fishing quota or in the activities of fishery production and operation, or conduct other acts of neglecting their duty and not performing the legal obligations, abusing the administrative power, practicing fraudulence for personal interests, they shall be subject to administrative sanctions in accordance with the law; if such acts constitute an offence, criminal liabilities shall be investigated in accordance with the law.

## CHAPTER VI SUPPLEMENTARY PROVISIONS

Article 50. This Law shall come into force as of July 1, 1986.

限额或者从事渔业生产经营活动的，或者有其他玩忽职守不履行法定义务、滥用职权、徇私舞弊的行为的，依法给予行政处分；构成犯罪的，依法追究刑事责任。

## 第六章 附则

第五十条 本法自 1986 年 7 月 1 日起施行。

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