

【Title】 Regulations of the People's Republic of China on Wild Plants Protection[现行有效]
【法规标题】 中华人民共和国野生植物保护条例 [Effective]

Date issued: 09-30-1996
Effective date: 01-01-1997
Issuing authority: State Council
Area of law: Forestry

发布日期: 1996-09-30
生效日期: 1997-01-01
发布部门: 国务院
类别: 林业

Regulations of the People's Republic of China on Wild Plants Protection
(Promulgated by Decree No.204 of the State Council of the People's
Republic of China on September 30, 1996)

中华人民共和国国务院令
(第 2 0 4 号)

(相关资料: [法律 1 篇](#) [行政法规 2 篇](#) [部门规章 35 篇](#) [地方法规 107 篇](#) [裁判文书 6 篇](#) [相关论文 6 篇](#) [实务指南](#))

现发布《中华人民共和国野生植物保护条例》，自 1 9 9 7 年 1 月 1 日起施行。

总理 李鹏

1 9 9 6 年 9 月 3 0 日

中华人民共和国野生植物保护条例

Chapter I General Provisions

第一章 总则

Article 1 These Regulations are formulated for the purpose of protecting, developing and rationally utilizing wild plant resources, retaining the biodiversity and maintaining ecological balances.

第一条 为了保护、发展和合理利用野生植物资源，保护生物多样性，维护生态平衡，制定本条例。

Article 2 All activities in the territory of the People's Republic of China concerning the protection, development and utilization of wild plants must be conducted in conformity with these Regulations.

第二条 在中华人民共和国境内从事野生植物的保护、发展和利用活动，必须遵守本条例。

Wild plants protected under these Regulations refer to plants growing in natural conditions, which are specious or which are rare or near extinction and of important economic, scientific or cultural value.

本条例所保护的野生植物，是指原生地天然生长的珍贵植物和原生地天然生长并具有重要经济、科学研究、文化价值的濒危、稀有植物。

As regards the protection of medicinal wild plants and wild plants within urban gardens, nature reserves and scenic spots, other relevant laws and regulations shall also apply.

药用野生植物和城市园林、自然保护区、风景名胜区内野生植物的保护，同时适用有关法律、行政法规。

(相关资料: [部门规章 1 篇](#) [裁判文书 1 篇](#) [实务指南](#))

Article 3 The state shall pursue a policy of strengthening the protection of wild plant resources, actively developing and rationally utilizing wild plant resources.

第三条 国家对野生植物资源实行加强保护、积极发展、合理利用的方针。

Article 4 The state shall protect the lawful rights and interests of units and individuals engaged in the development, utilization or management of wild plant resources according to law.

Article 5 The state shall encourage and support scientific research on wild plants and the protection of wild plants either in their original habitats or by moving them to other places.

Units and individuals having made remarkable achievements in the protection, research, cultivation or utilization of or popular education about wild plants shall be awarded by the people's government.

Article 6 Relevant departments of people's governments at and above the county level shall conduct popular education concerning the protection of wild plants, popularize knowledge about wild plants and enhance citizens' consciousness of protecting wild plants.

Article 7 All units and individuals shall have the duty to protect wild plant resources and the right to inform the authorities of or file charges against acts of seizure or damaging of wild plants or the environment for their survival.

Article 8 The department of forestry administration under the State Council shall take charge of the nationwide supervision and administration of wild plants in forest zones and precious wild trees beyond the forest zones. The department of agriculture administration under the State Council shall take charge of the nationwide supervision and administration of other wild plants.

The department of construction administration under the State Council shall be responsible for the supervision and administration of wild plants in urban gardens and scenic spots. The department of environmental protection under the State Council shall be responsible for the nationwide coordination and supervision of the protection of the environment for survival of wild plants. Other relevant departments of the State Council shall be responsible for relevant work of protection of wild plants in accordance with their respective duties.

The department in charge of the administration of wild plants under local people's governments at and above the county level and said department's duties and functions shall be designated and determined by the people's governments of provinces, autonomous regions or municipalities directly under the central government in accordance with the local actual situation.

Chapter II Protection Of Wild Plants

Article 9 The state shall protect wild plants and the environment for their survival. All units and individuals shall be forbidden to illegally collect wild

第四条 国家保护依法开发利用和经营管理野生植物资源的单位和个人的合法权益。

第五条 国家鼓励和支持野生植物科学研究、野生植物的就地保护和迁地保护。在野生植物资源保护、科学研究、培育利用和宣传教育方面成绩显著的单位和个人，由人民政府给予奖励。

第六条 县级以上各级人民政府有关主管部门应当开展保护野生植物的宣传教育，普及野生植物知识，提高公民保护野生植物的意识。

第七条 任何单位和个人都有保护野生植物资源的义务，对侵占或者破坏野生植物及其生长环境的行为有权检举和控告。

第八条 国务院林业行政主管部门主管全国林区内野生植物和林区外珍贵野生树木的监督管理工作。国务院农业行政主管部门主管全国其他野生植物的监督管理工作。

国务院建设行政部门负责城市园林、风景名胜区内野生植物的监督管理工作。国务院环境保护部门负责对全国野生植物环境保护工作的协调和监督。国务院其他有关部门依照职责分工负责有关的野生植物保护工作。

县级以上地方人民政府负责野生植物管理工作的部门及其职责，由省、自治区、直辖市人民政府根据当地具体情况规定。

（相关资料: [部门规章 1 篇](#) [地方法规 11 篇](#)）

第二章 野生植物保护

第九条 国家保护野生植物及其生长环境。禁止任何单位和个人非法采集野生

plants or damage the environment for their survival.

Article 10 Wild plants shall be classified into two categories: ones under special protection by state and ones under special protection by localities.

Wild plants under special state protection shall be classified into two classes: ones under first class state protection and ones under second class state protection. Lists of wild plants under special state protection shall be drawn up by the department of forestry administration and the department of agriculture administration under the State Council(hereinafter referred to as the department of wild plants administration under the State council), in consultation with other relevant departments under the State Council such as the department of environmental protection and the department of construction under the State Council and announced after being submitted to and approved by the State Council.

Wild plants under special local protection refer to wild plants other than those under special state protection but under the protection by provinces, autonomous regions and municipalities directly under the central government. Lists of wild plants under special local protection shall be drawn up and announced by the governments of provinces, autonomous regions or municipalities directly under the central government and shall be submitted to the State Council for the record.

Article 11 Districts with a natural concentrated distribution of species of wild plants under special state or local protection shall be designated as nature reserves in accordance with relevant laws and regulations; other districts may be designated as protection areas for wild plants under special state or local protection or protection signs for said wild plants be erected by the department of wild plants administration under local governments at and above the county level in accordance with the actual situation.

It is forbidden to damage the protective facilities of the protection areas or the protection signs for wild plants under special state or local protection.

Article 12 The department of wild plants administration and other relevant departments shall keep watch on and monitor the impact of the environment on the growth of wild plants under special state and local protection, and take measures to maintain and improve the environment for the survival of wild plants under special state and local protection. When the environment causes damage to the growth of wild plants under special state or local protection, the department of wild plants administration shall, together with other relevant departments, make an

植物或者破坏其生长环境。

(相关资料: [裁判文书 1 篇](#))

第十条 野生植物分为国家重点保护野生植物和地方重点保护野生植物。

国家重点保护野生植物分为国家一级保护野生植物和国家二级保护野生植物。

国家重点保护野生植物名录,由国务院林业行政主管部门、农业行政主管部门(以下简称国务院野生植物行政主管部门)商国务院环境保护、建设等有关部门制定,报国务院批准公布。

地方重点保护野生植物,是指国家重点保护野生植物以外,由省、自治区、直辖市保护的野生植物。地方重点保护野生植物名录,由省、自治区、直辖市人民政府制定并公布,报国务院备案。

(相关资料: [部门规章 1 篇](#) [地方法规 1 篇](#) [实务指南](#))

第十一条 在国家重点保护野生植物物种和地方重点保护野生植物物种的天然集中分布区域,应当依照有关法律、行政法规的规定,建立自然保护区;在其他区域,县级以上地方人民政府野生植物行政主管部门和其他有关部门可以根据实际情况建立国家重点保护野生植物和地方重点保护野生植物的保护点或者设立保护标志。

禁止破坏国家重点保护野生植物和地方重点保护野生植物的保护点的保护设施和保护标志。

第十二条 野生植物行政主管部门及其他有关部门应当监视、监测环境对国家重点保护野生植物生长和地方重点保护野生植物生长的影响,并采取措施,维护和改善国家重点保护野生植物和地方重点保护野生植物的生长条件。由于环境影响对国家重点保护野生植物和地方重点保护野生植物的生长造成危害时,野

investigation and deal with the situation in accordance with the law.

Article 13 If a construction project may produce adverse effects on the the environment for the survival of the wild plants under special state or local protection, the construction unit shall make an appraisal on the effects in its submitted report on the environmental impact; the department of environmental protector shall, in examining and approving the report, seek the opinion of the department of wild plants administration.

Article 14 The department of wild plants administration and relevant units shall take measures to save the wild plants under special state and local protection when their growth is endangered, protect or restore the environment for their survival and, when necessary, build cultivation bases, seed banks or moving the wild plants to other places for protection.

Chapter III Administration of Wild Plants

Article 15 The department of wild plants administration shall regularly carry out surveys of resources of wild plants under special state and local protection and keep records of them.

Article 16 The collecting of wild plants under first class state protection shall be prohibited. Where the collecting of wild plants under first class state protection is necessary for some special purposes such as scientific research, cultivation or cultural exchanges, the unit concerned must seek comments from the department of wild plants administration under the government of the province, autonomous region, or municipality directly under the central government at the place of collecting, and then apply for a collecting permit to the department of wild plants administration under the State Council or an agency authorized thereby.

For collecting wild plants under second class state protection, the unit concerned must seek comments from the department of wild plants administration under the government at the county level at the place of collecting and then apply for a collecting permit to the department of wild plants administration under the government of the province, autonomous region or municipality directly under the central government or an agency authorized thereby.

For collecting wild plants under first or second class state protection within urban gardens or scenic spots, the unit concerned must ask for approval from the administrative department of the urban garden or scenic spot

生植物行政主管部门应当会同其他有关部门调查并依法处理。

第十三条 建设项目对国家重点保护野生植物和地方重点保护野生植物的生长环境产生不利影响的，建设单位提交的环境影响报告书中必须对此作出评价；环境保护部门在审批环境影响报告书时，应当征求野生植物行政主管部门的意见。

（相关资料: [地方法规 1 篇](#)）

第十四条 野生植物行政主管部门和有关单位对生长受到威胁的国家重点保护野生植物和地方重点保护野生植物应当采取拯救措施，保护或者恢复其生长环境，必要时应当建立繁育基地、种质资源库或者采取迁地保护措施。

第三章 野生植物管理

第十五条 野生植物行政主管部门应当定期组织国家重点保护野生植物和地方重点保护野生植物资源调查，建立资源档案。

（相关资料: [地方法规 2 篇](#)）

第十六条 禁止采集国家一级保护野生植物。因科学研究、人工培育、文化交流等特殊需要，采集国家一级保护野生植物的，必须经采集地的省、自治区、直辖市人民政府野生植物行政主管部门签署意见后，向国务院野生植物行政主管部门或者其授权的机构申请采集证。

采集国家二级保护野生植物的，必须经采集地的县级人民政府野生植物行政主管部门签署意见后，向省、自治区、直辖市人民政府野生植物行政主管部门或者其授权的机构申请采集证。

采集城市园林或者风景名胜区内的一级或者二级保护野生植物的，须先征得城市园林或者风景名胜区管理机构同意，分别依照前两款的规定申请采集证。

采集珍贵野生树木或者林区内、草原上的野生植物的，依照[森林法](#)、[草原法](#)的

and then apply for a collecting permit in accordance with the provisions of Paragraph 1 or 2 of this Article.

Collecting of precious wild trees or wild plants within forest zones or grasslands shall be handled in accordance with the provisions of [the Forest Law](#) and [Grassland Law](#).

After issuing a collecting permit, the department of wild plants administration shall send a duplicate of relevant documents to the department of environmental protection for the record.

The format of the collecting permit shall be made by the department of wild plants administration under the State Council.

Article 17 units and individuals engaged in collecting of wild plants under special state protection must observe the prescriptions in their collecting permits with respect to the species, quantity, area, time limit and method. Departments of wild plants administration under governments at the county level shall conduct supervision and inspection on the activities of collecting wild plants under special state protection within their respective regions, and make a timely report to the department of wild plants administration or the agency authorized thereby which approves the collecting.

Article 18 The sale or purchase of wild plants under first class state protection shall be prohibited.

Those intending to sell or purchase wild plants under second class state protection shall apply for approval from the department of wild plants administration under the government of province, autonomous region or municipality directly under the central government or the agency authorized thereby.

Article 19 The department of wild plants administration shall conduct supervision and inspection on activities of managing and exploiting wild plants under second class state protection.

Article 20 The export of wild plants under special state protection and the import or export of wild plants whose import or export is restricted by international conventions to which China is a party, must be verified by the department of wild plants administration under the government of the province, autonomous region or municipality directly under the central government which the importer or exporter belongs to, and then be submitted to the department of wild plants administration under the State Council for approval, and an import or export permit or label must be obtained from the state administrative organ in charge of the import and export of the species which are near extinction. The customs shall clear

规定办理。

野生植物行政主管部门发放采集证后，应当抄送环境保护部门备案。

采集证的格式由国务院野生植物行政主管部门制定。

（相关资料: [部门规章 1 篇](#) [地方法规 18 篇](#) [裁判文书 3 篇](#) [实务指南](#)）

第十七条 采集国家重点保护野生植物的单位和个人，必须按照采集证规定的种类、数量、地点、期限和方法进行采集。

县级人民政府野生植物行政主管部门对在本行政区域内采集国家重点保护野生植物的活动，应当进行监督检查，并及时报告批准采集的野生植物行政主管部门或者其授权的机构。

（相关资料: [实务指南](#)）

第十八条 禁止出售、收购国家一级保护野生植物。

出售、收购国家二级保护野生植物的，必须经省、自治区、直辖市人民政府野生植物行政主管部门或者其授权的机构批准。

（相关资料: [部门规章 3 篇](#) [地方法规 14 篇](#) [裁判文书 5 篇](#)）

第十九条 野生植物行政主管部门应当对经营利用国家二级保护野生植物的活动进行监督检查。

（相关资料: [地方法规 1 篇](#)）

第二十条 出口国家重点保护野生植物或者进出口中国参加的国际公约所限制进出口的野生植物的，必须经进出口者所在地的省、自治区、直辖市人民政府野生植物行政主管部门审核，报国务院野生植物行政主管部门批准，并取得国家濒危物种进出口管理机构核发的允许进出口证明书或者标签。海关凭允许进出口证明书或者标签查验放行。国务院野生植物行政主管部门应当将有关野生植

the imports or exports after examining the import or export permit or the label. The department of wild plants administration under the State Council shall send a duplicate of the relevant import or export documents to the department of environmental protection under the State Council. It shall be forbidden to export wild plants which have not been named or which have just been discovered and believed to be of important value.

Article 21 Foreigners may not, in the territory of China, collect or purchase wild plants under special state protection.

Where any foreigner intends, in the territory of China, to make surveys of wild plants under special state protection in the field, he must submit an application to the department of wild plants administration under the government of the province, autonomous region or municipality directly under the central government at the place of the wild plants concerned, which, after examination, shall submit it to the department of wild plants administration under the State Council or an agency authorized thereby for approval; in the case of an application directly submitted to the department of wild plants administration under the State Council, the said department shall, before approving the application, consult the department of wild plants administration under the government of the relevant province, autonomous region or municipality directly under the central government.

Article 22 Measures for the administration of wild plants under special local protection shall be formulated by respective local government of province, autonomous region or municipality directly under the central government.

Chapter IV Legal Responsibility

Article 23 If anyone collects wild plants under special state protection without a collecting permit or without observing the prescriptions in the permit, the department of wild plants administration shall confiscate the wild plants collected and the illegal earnings and may concurrently impose a fine up to 10 times the illegal earnings and revoke the collecting permit, if any.

Article 24 If anyone, in violation of these Regulations, sells or purchases wild plants under special state protection, the administrative department for industry and commerce or the department of wild plants administration shall, in accordance with their respective duties, confiscate the wild plants and illegal earnings, and may concurrently impose a fine up to 10 times the illegal earnings.

物进出口的资料抄送国务院环境保护部门。

禁止出口未定名的或者新发现并有重要价值的野生植物。

（相关资料: [地方法规 13 篇](#)）

第二十一条 外国人不得在中国境内采集或者收购国家重点保护野生植物。

外国人在中国境内对国家重点保护野生植物进行野外考察的，必须向国家重点保护野生植物所在地的省、自治区、直辖市人民政府野生植物行政主管部门提出申请，经其审核后，报国务院野生植物行政主管部门或者其授权的机构批准；直接向国务院野生植物行政主管部门提出申请的，国务院野生植物行政主管部门在批准前，应当征求有关省、自治区、直辖市人民政府野生植物行政主管部门的意见。

（相关资料: [部门规章 2 篇](#) [地方法规 9 篇](#)）

第二十二条 地方重点保护野生植物的管理办法，由省、自治区、直辖市人民政府制定。

第四章 法律责任

第二十三条 未取得采集证或者未按照采集证的规定采集国家重点保护野生植物的，由野生植物行政主管部门没收所采集的野生植物和违法所得，可以并处违法所得 1 0 倍以下的罚款；有采集证的，并可以吊销采集证。

（相关资料: [地方法规 4 篇](#)）

第二十四条 违反本条例规定，出售、收购国家重点保护野生植物的，由工商行政管理部门或者野生植物行政主管部门按照职责分工没收野生植物和违法所得，可以并处违法所得 1 0 倍以下的罚款。

（相关资料: [地方法规 6 篇](#) [裁判文书 4 篇](#)）

Article 25 Anyone illegally importing or exporting wild plants shall be subject to penalty by the customs in accordance with the provisions of [the Customs Law](#).

Article 26 If anyone forges, sells or transfers collecting permit, import or export permit or relevant approval documents or labels, the department of wild plants administration or the administrative department for industry and commerce shall, in accordance with their respective duties, take over the said permit, document or label and may concurrently impose a fine up to 50,000 yuan.

Article 27 If any foreigner, in the territory of China, collects or purchases wild plants under special state protection or make field surveys of wild plants under special state protection without permission, the department of wild plants administration shall confiscate the wild plants collected or purchased or the survey data and may concurrently impose a fine up to 50,000 yuan.

Article 28 Anyone violating these Regulations resulting in the constitution of a crime shall be investigated for criminal responsibility in accordance with the law.

Article 29 Any staff member of a department of wild plants administration who abuses his power, neglects his duty or engages in malpractice for personal gains resulting in the constitution of a crime shall be investigated for criminal responsibility in accordance with the law; if the circumstances are not serious enough to constitute a crime, he shall be subject to a disciplinary sanction.

Article 30 Objects confiscated under these Regulations shall be dealt with by the department making the decision of confiscation by following relevant regulations of the state.

Chapter V Supplementary Provisions

Article 31 If and international treaty concerning the protection of wild plants, concluded or acceded to by the People's Republic of China, contains provisions differing from those of these Regulations, the provisions of the international treaty shall apply, unless the provisions are ones on which the People's Republic of China has made reservations.

Article 32 The Regulations shall enter into force on January 1, 1997.

第二十五条 非法进出口野生植物的，由海关依照[海关法](#)的规定处罚。

（相关资料: [实务指南](#)）

第二十六条 伪造、倒卖、转让采集证、允许进出口证明书或者有关批准文件、标签的，由野生植物行政主管部门或者工商行政管理部门按照职责分工收缴，没收违法所得，可以并处 5 万元以下的罚款。

（相关资料: [地方法规 6 篇](#)）

第二十七条 外国人在中国境内采集、收购国家重点保护野生植物，或者未经批准对国家重点保护野生植物进行野外考察的，由野生植物行政主管部门没收所采集、收购的野生植物和考察资料，可以并处 5 万元以下的罚款。

（相关资料: [地方法规 3 篇](#)）

第二十八条 违反本条例规定，构成犯罪的，依法追究刑事责任。

（相关资料: [裁判文书 1 篇](#) [实务指南](#)）

第二十九条 野生植物行政主管部门的工作人员滥用职权、玩忽职守、徇私舞弊，构成犯罪的，依法追究刑事责任；尚不构成犯罪的，依法给予行政处分。

第三十条 依照本条例规定没收的实物，由作出没收决定的机关按照国家有关规定处理。

第五章 附则

第三十一条 中华人民共和国缔结或者参加的与保护野生植物有关的国际条约与本条例有不同规定的，适用国际条约的规定；但是，中华人民共和国声明保留的条款除外。

第三十二条 本条例自 1 9 9 7 年 1 月 1 日起施行。

© Copyright Chinalawinfo Co., Ltd
database@chinalawinfo.com
