Island Protection Law of the PRC

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of protecting islands and their surrounding sea ecosystems, rationally developing and utilizing the natural resources of islands, safeguarding national maritime rights and interests, and promoting sustainable economic and social development.

Article 2 — This Law shall apply to the protection, development, and utilization of uninhabited islands and the ecological protection of inhabited islands within the territory of the People's Republic of China, as well as to the protection and management of special-purpose islands. Islands that have been designated as nature reserves in accordance with law shall be protected in accordance with the provisions of relevant laws and administrative regulations.

Article 3 — For the purposes of this Law, islands refer to naturally formed land areas surrounded by seawater and above the water surface at high tide, including inhabited islands and uninhabited islands. Reefs that are submerged at high tide shall not be governed by this Law.

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Article 4 — Island protection shall adhere to the principles of scientific planning, conservation priority, rational utilization, and integrated management. The State Council and the people's governments of coastal provinces, autonomous regions, and municipalities directly under the Central Government shall incorporate island protection and rational development and utilization into their national economic and social development plans.

Article 5 — The department of natural resources of the State Council shall be responsible for the supervision and administration of island protection throughout the country. The departments of natural resources of the people's governments of coastal provinces, autonomous regions, and municipalities directly under the Central Government shall be responsible for the supervision and administration of island protection within their respective administrative regions.

Chapter II — Island Protection Planning

Article 6 — The State shall implement an island protection planning system. Island protection planning is the basis for island protection, development, and utilization activities. The State Council and the people's governments of coastal provinces, autonomous regions, and municipalities directly under the Central Government shall prepare island protection plans.

Article 7 — National island protection planning shall be prepared by the department of natural resources of the State Council in conjunction with relevant departments and submitted to the State Council for approval. Provincial island protection planning shall be prepared by the people's governments of coastal provinces, autonomous regions, and municipalities directly under the Central Government and submitted to the State Council for approval.

Article 8 — Island protection planning shall delineate islands into the categories of islands with special protection, islands with restricted development and utilization, and islands with optimized development and utilization in accordance with the natural characteristics of islands and the requirements for protecting and restoring island ecosystems.

Chapter III — Use and Protection of Islands

Article 9 — Uninhabited islands shall be owned by the State. The State Council shall exercise ownership of uninhabited islands on behalf of the State. No entity or individual may occupy or trade uninhabited islands.

Article 10 — The development and utilization of uninhabited islands shall be subject to approval. Development activities on and the use of uninhabited islands shall strictly comply with island protection planning and shall not cause damage to the island and its surrounding sea ecosystems.

Article 11 — The use of uninhabited islands shall be subject to a system of paid use, except for those used for national defense, public welfare undertakings, and other purposes that are exempt from payment as provided for by the State. The proceeds from the paid use of uninhabited islands shall be turned over to the State Treasury and managed under separate budgeting.

Article 12 — Development and construction activities on inhabited islands shall comply with the relevant laws and regulations on urban and rural planning, land administration, and environmental protection, ensure the ecological functions of the islands, and support sustainable development.

Article 13 — The State shall strictly restrict construction activities that change the coastline of islands, filling of the sea to connect islands, or connection of islands by causeways and other activities that seriously change the natural form of islands.

Article 14 — The State shall protect the vegetation of inhabited islands, the freshwater resources of islands, and the natural landscape of islands. It is prohibited to destroy the vegetation of islands, cut down shelter forests along coastlines, or excavate sand and stone without authorization.

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Article 15 — Special-purpose islands such as islands with territorial sea base points and national defense-purpose islands shall be subject to stricter protection. Development and construction activities shall not be carried out on such islands, and their topography and landforms shall not be altered.

Chapter IV — Supervision and Inspection

Article 16 — The department of natural resources of the people's government at or above the county level shall strengthen supervision and inspection of island protection and development and utilization activities.

Article 17 — When performing supervision and inspection duties, law enforcement personnel for island protection shall have the right to take the following measures:

(1) To require entities and individuals under inspection to provide documents and materials relating to island development and utilization;

(2) To require entities and individuals under inspection to explain issues relating to island development and utilization; and

(3) To enter the site under inspection for on-site survey, photography, and videography.

Chapter V — Legal Liability

Article 18 — Where an entity or individual illegally develops or utilizes an uninhabited island without approval, the department of natural resources of the people's government at or above the county level shall order it to stop the illegal activity, restore the original state, confiscate illegal gains, and impose a fine.

Article 19 — Where an entity or individual damages the island ecosystem or ecological environment, the competent department shall order rectification within a prescribed time limit, restore the original state, and impose a fine; where a crime is constituted, criminal liability shall be pursued in accordance with law.

Article 20 — Where the department of natural resources or any other relevant department fails to perform island protection supervision and administration duties in accordance with law, the directly responsible person in charge and other directly responsible persons shall be subject to sanctions in accordance with law.

Chapter VI — Supplementary Provisions

Article 21 — This Law shall be effective as of March 1, 2010.

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