

Status of leatherback turtles in China

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1. The legal protection status for leatherback turtles

1.1) Overview

In mainland China all species of marine turtles are classed as “wildlife” under Second Class State Protection. In Taiwan all species of marine turtles are classed as “protected wildlife” and in Hong Kong all species of marine turtles are classed as “protected wild animals”.

1.2) Summary of legislation which protects leatherback turtles

Mainland China: Law of the People’s Republic of China on the Protection of Wildlife

There are five relevant Articles under Chapter II of the Law - Protection of Wildlife

Article 8

The State shall protect wildlife and the environment for its survival, and shall prohibit illegal hunting, catching or destruction of wildlife by any unit or individual.

Article 9

The State shall give special protection to the species of wildlife which are rare or near extinction. The wildlife under special state protection shall consist of two classes: wildlife under first class protection and wildlife under second class protection. Lists or revised lists of wildlife under special state protection shall be drawn up by the department of wildlife administration under the State Council and announced after being submitted to and approved by the State Council. The wildlife under special local protection, being different from the wildlife under special state protection, refers to the wildlife specially protected by provinces, autonomous regions or municipalities directly under the Central Government. Lists of wildlife 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. Lists or revised lists of terrestrial wildlife under state protection, which are beneficial or of important economic or scientific value, shall be drawn up and announced by the department of wildlife administration under the State Council.

Article 16

The hunting, catching or killing of wildlife under special state protection shall be prohibited. Where the catching or fishing of wildlife under first class state protection is necessary for scientific research, domestication and breeding, exhibition or other special purposes, the unit concerned must apply to the department of wildlife administration under the State Council for a special hunting and catching license; where the catching or hunting of wildlife under second class state protection is intended, the unit concerned must apply to the relevant department of wildlife administration under the government of a province, an autonomous region or a municipality directly under the Central Government for a special hunting and catching license.

Article 22

The sale and purchase of wildlife under special state protection or the products thereof shall be prohibited. Where the sale, purchase or use of wildlife under first class state protection or the products thereof is necessary for scientific research, domestication and breeding, exhibition or other special purposes, the unit concerned must apply for approval by the department of wildlife administration under the State Council or by a unit authorized by the same department. Where the sale, purchase or use of wildlife under second class state protection or the products thereof is necessary, the unit concerned must apply for approval by the department of wildlife administration under the government of the relevant province, autonomous region or municipality directly under the Central Government or by a unit authorized by the same department. Units and individuals that domesticate and breed wildlife under special state protection may, by presenting their domestication and breeding licenses, sell wildlife under special state protection or the products thereof, in accordance with the relevant regulations, to purchasing units designated by the government. The

administrative authorities for industry and commerce shall exercise supervision and control over wildlife or the products thereof that are placed on the market.

Article 24

The export of wildlife under special state protection or the products thereof, and the import or export of wildlife or the products thereof, whose import or export is restricted by international conventions to which China is a party, must be approved by the department of wildlife administration under the State Council or by the State Council, and an import or export permit 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 the imports or exports after examining the import or export permit. The export of the species of wildlife involving scientific and technological secrets shall be dealt with in accordance with relevant provisions of the State Council.

Taiwan: Wildlife Conservation Act

Article 16

Protected Wildlife shall not be disturbed, abused, hunted, killed, traded, exhibited, displayed, owned, imported, exported, raised or bred, unless under special circumstances recognized in this or related legislation. Protected Wildlife products shall not be traded, exhibited, displayed, owned, imported, exported or processed, unless under special circumstances recognized in this or related legislation.

Article 18

Protected Wildlife should be conserved and shall not be disturbed, abused, hunted, killed or otherwise utilized, except in the following cases: 1. When population size exceeds the carrying capacity of the area; or 2. for academic research or educational purposes and with proper approval from the National Principal Authority (NPA). The first condition for utilization listed above shall be approved by the local authorities and the species, location and range, as well as utilization number, season and method shall be announced by the NPA. The application process, fee and other related matters for the second condition shall be set by the NPA.

Article 24

No import or export of live wildlife or Protected Wildlife products is allowed without prior approval from the NPA. The import or export of live specimens of Protected Wildlife is limited to academic research institutes, colleges or universities, public or licensed private zoos for education or academic research and circus performances.

Article 35

Protected Wildlife, Endangered Species or Rare and Valuable Species products shall not be traded or displayed or exhibited in public areas without the permission of the Authorities.

Hong Kong: Chapter 170 Wild Animals Protection Ordinance

Schedule 2 – All chelonians (turtles, terrapins, tortoises etc.) are “Protected Wild Animals”.

Section 4 Hunting, etc. of protected wild animals prohibited - No person shall, except in accordance with a special permit, hunt or willfully disturb any protected wild animal.

Section 5 Protection of nests and eggs - No person shall, except in accordance with a special permit, take, remove, injure, destroy or willfully disturb a nest or egg of any protected wild animal.

Section 8 Possession of protected wild animals –

(1) No person shall, except in accordance with a special permit, have in his possession or under his control-

- (a) any live protected wild animal taken in Hong Kong;
- (b) any dead protected wild animal, or part of a protected wild animal, killed or taken in Hong Kong; or
- (c) any nest or egg of any protected wild animal taken in Hong Kong.

(2) For the purposes of subsection (1), where-

- (a) a person has in his possession or under his control a live protected wild animal, a dead protected wild animal, a part of a protected wild animal, or a nest or egg of a protected wild animal, in a nature

area; or (b) (i) a person has in his possession or under his control a live protected wild animal, a dead protected wild animal, a part of a protected wild animal, or a nest or egg of a protected wild animal, for a commercial purpose; and (ii) the person, on demand by an authorized officer, fails without lawful authority or reasonable excuse to produce documentary proof that- (A) in the case of a live protected wild animal, or a nest or egg of a protected wild animal, the same was not taken in Hong Kong; (B) in the case of a dead protected wild animal, or a part of a protected wild animal, the same was not killed or taken in Hong Kong, it shall be presumed, unless the contrary is proved, that- (i) in the case of a live protected wild animal, or a nest or egg of a protected wild animal- (A) the same was taken in Hong Kong; and (B) the person knows that the same was taken in Hong Kong; (ii) in the case of a dead protected wild animal, or a part of a protected wild animal- (A) the same was killed or taken in Hong Kong; and (B) the person knows that the same was killed or taken in Hong Kong.

Section 9 Sale and export of protected wild animals –

(1) No person shall, except in accordance with a special permit, buy, sell, export or offer for sale or export-

- (a) any protected wild animal, or part of a protected wild animal, killed or taken in Hong Kong; or
- (b) any nest or egg of any protected wild animal taken in Hong Kong.

(2) For the purposes of subsection (1), where-

- (a) a person buys, sells, exports or offers for sale or export a protected wild animal, a part of a protected wild animal, or a nest or egg of a protected wild animal, for a commercial purpose; and
- (b) the person, on demand by an authorized officer, fails without lawful authority or reasonable excuse to produce documentary proof that- (i) in the case of a protected wild animal, or a part of a protected wild animal, the same was not killed or taken in Hong Kong; (ii) in the case of a nest or egg of a protected wild animal, the same was not taken in Hong Kong, it shall be presumed, unless the contrary is proved, that- (i) in the case of a protected wild animal, or a part of a protected wild animal- (A) the same was killed or taken in Hong Kong; and (B) the person knows that the same was killed or taken in Hong Kong; (ii) in the case of a nest or egg of a protected wild animal- (A) the same was taken in Hong Kong; and (B) the person knows that the same was taken in Hong Kong.

1.3) Management agency responsible for marine turtle conservation

Operational level Name and type of agency

- | | |
|-----------------------|---|
| National level | o Bureau of Fisheries, Ministry of Agriculture, People's Republic of China |
| State level | o Guangdong Provincial Oceanic and Fishery Administration, Guangdong Province |
| Local level | o Council of Agriculture, Executive Yuen, Taiwan |
| | o Gangkou Sea Turtle National Nature Reserve, Huidong County |
| | o Agriculture, Fisheries and Conservation Department, Hong Kong Special Administrative Region Government, Hong Kong |

2. Nesting populations

2.1) Overview

Leatherback turtles have not been recorded nesting in China.

3. Foraging populations

3.1) Details of leatherback turtle foraging area census or tagging results.

There have been confirmed captures, sightings or stranding events of leatherback turtles in China (see Figure 1). Leatherback turtles tagged while nesting at Terengganu in Peninsula Malaysia during the 1960s and 1970s have been recaptured in coastal waters of China, including off Hainan (see Malaysian report Figure 3).

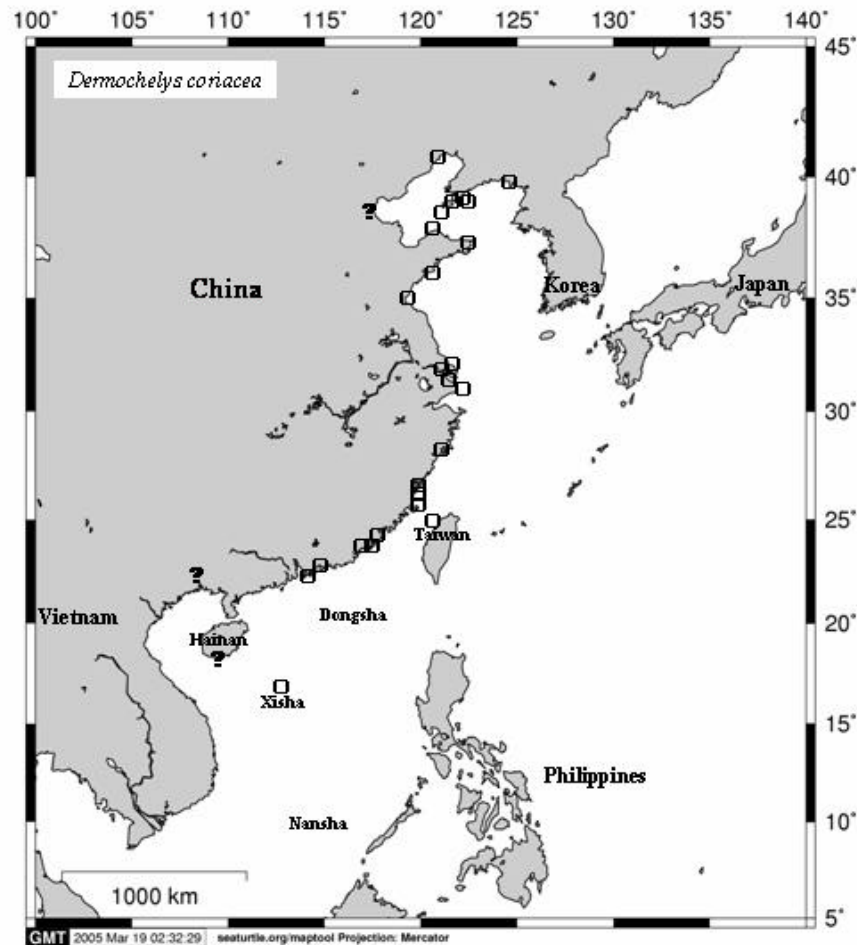


Figure 1. The distribution of leatherback turtle sightings in China

3.2) Seasonality of leatherback turtles in coastal and offshore waters

In general most sightings of leatherback turtles in China occur from April to December. Specific records from the literature include the following seasonal trends:

- Hong Kong waters, Guangdong Province from April to December (Simon Chan, pers. comm.)
- Zhangjiang, Guangdong in December (Zhou Ting, pers. comm.)
- Dongshan Island, Zhangpu, Xiamen, Pingtan Island, Changle and Luoyuan of Fujian Province in unknown months (Zheng 1985)
- Xingcheng, Dalian, Zhanghai, Xinjin, Biliu estuary and Donggou of Liaoning Province from May to September (Huang and Zhu 1987).
- Lianyungang, Lusi and Haimen of Jiangsu Province from August to October (Zhou 1983).
- Biliu estuary and Dalian of Liaoning Province in May (Zhao and Huang 1982).
- Coastal waters along the provinces of Guangdong, Guangxi, Fujian, Zhejiang, Jiangsu, Shandong, Hebei and Liaoning in unknown months (Huang 1979).
- Waters between Dongshan Island and Lianjiang, Guangdong Province and Xisha Archipelago from May to October (Frazier et al. 1988)

3.3) Approximate size range of leatherback turtles

In general, the carapace length of leatherback turtles found in China's waters range from 98 to 159cm. Specific records from the literature include the following sizes.

- Body length 164cm; width 128cm specimen from Zhangjiang, Guangdong in December (Zhou Ting, personal communication)
- Body length 153-160cm; width 65-90cm specimens from Lianyungang, Lusi and Haimen of Jiangsu Province (Zhou 1983).
- Carapace length 98-159cm; width 52-86cm specimens from Biliu estuary and Dalian of Liaoning Province (Zhao and Huang 1982).

- CCL 115.5 to 152.5cm specimens from the waters between Dongshan Island and Lianjiang, Guangdong Province and Xisha Archipelago (Frazier et al. 1988)

3.4) Information on the diet of leatherback turtles.

There are no data on the diet of leatherback turtles that forage in China's waters.

3.5) Other biological studies conducted on leatherback turtles in foraging areas.

There is no information available about preferred foraging areas of leatherback turtles in China.

3.6) Threats to foraging populations of leatherback turtles.

Fisheries bycatch is main threat to leatherback turtles in China (Cheng and Chen 1997). No other threats have been identified in China.

3.7) Fisheries bycatch of leatherback turtles and the fisheries involved

There has been no quantitative study on the current threat level of the set net fishery.

4. Concluding remarks

While an uncommon species in China, the leatherback is distributed throughout its waters. The leatherback is a pelagic species, spending most of its life in the offshore waters. Both adult and sub-adult specimens can be found in China. This information was obtained mainly from fishery bycatchments or beach stranding events. Leatherback turtles are not known to nest in China. A comprehensive assessment of marine turtles in China has been prepared by Chan et al. (submitted)

5. References

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