

# **Regulations on the People's Republic of China on Administrative Penalties for Public Security**

## Chapter I General Provisions

Article 1 These Regulations are formulated for the purpose of strengthening the administration of public security, maintaining social order and public safety, protecting the lawful rights of citizens and guaranteeing the smooth progress of the socialist modernization.

Article 2 Whoever disturbs social order, endangers public safety, infringes upon a citizen's rights of the person and encroaches upon public or private property, if such acts constitute a crime according to the Criminal Law of the People's Republic of China, shall be investigated for criminal responsibility; if such acts are not serious enough for criminal punishment but should be given administrative penalties for public security, penalties shall be given according to these Regulations.

Article 3 These Regulations shall apply to acts violating the administration of public security within the territory of the People's Republic of China, except when otherwise stipulated by law. These Regulations shall also apply to acts violating the administration of public security aboard ships or airborne vehicles of the People's Republic of China.

Article 4 In dealing with those who violate the administration of public security, public security organs shall adhere to the principle of combining education with punishment.

Article 5 Acts caused by civil disputes which violate the administration of public security, such as brawling and damaging or destroying another person's property, if the adverse effects are minor, may be handled by public security organs through mediation.

## Chapter II Types And Application Of Penalties

Article 6 Penalties for acts violating the administration of public security are divided into three types as follows:

- (1) warning;
- (2) fine, ranging from a minimum of one yuan to a maximum of two hundred yuan. In cases where Articles 30, 31 and 32 in these Regulations stipulate otherwise, such provisions shall be observed;
- or
- (3) detention, ranging from a minimum of one day to a maximum of fifteen days.

Article 7 Property obtained and contraband seized through acts violating the administration of public security shall be returned to the owner or confiscated according to relevant provisions. Instruments belonging to the offender used in acts violating the administration of public security may be confiscated according to relevant provisions. Detailed measures shall be stipulated separately by the Ministry of Public Security.

Article 8 When losses or injuries are caused by acts violating the administration of public security, the offender shall compensate for the loss or bear the medical expenses; if the offender is not an able person or is a person of limited ability, unable to compensate for the loss or bear the medical expenses, his guardian shall make the compensation or bear the medical expenses according to law.

Article 9 Acts violating the administration of public security committed by a person between fourteen and eighteen years of age shall be given relatively light penalties; acts violating the administration of public security committed by a person under fourteen shall be exempted from penalties, but a reprimand may be given and his guardian shall be instructed to subject the offender to strict discipline.

Article 10 A mentally disordered person who violates the administration of public security at the time when he is unable to recognize or to control his own conduct shall not be penalized, but his guardian shall be instructed to keep a strict guard on him and subject him to medical treatment. An intermittently insane person who violates the administration of public security while in normal mental condition shall be punished.

Article 11 A deaf-mute or blind person who violates the administration of public security due to his physiological defects shall not be penalized.

Article 12 An intoxicated person who violates the administration of public security shall be penalized. An intoxicated person who may cause danger to himself or who threatens the safety of others due to his drunken state shall be restrained until he returns to a sober state.

Article 13 If a person commits two or more acts violating the administration of public security, rulings shall be made separately but executed concurrently.

Article 14 When acts violating the administration of public security are committed jointly by two or more persons, they shall be penalized separately according to the seriousness of each person's case. Whoever instigates, coerces or induces others to violate the administration of public security shall be penalized according to the seriousness of the acts he instigates, coerces or induces.

Article 15 For acts violating the administration of public security committed by government offices, organizations, enterprises or institutions, penalties shall be given to the persons directly responsible; if the acts are committed at the order of persons in charge of units, such persons shall be penalized at the same time.

Article 16 Penalties for acts violating the administration of public security shall be mitigated or exempted under any of the following circumstances:

- (1) the adverse effects are extremely minor;
- (2) when those responsible voluntarily admit their mistakes and correct them in time;
- (3) when those responsible were coerced or induced by others.

Article 17 Heavier penalties shall be given for acts violating the administration of public security under any of the following circumstances:

- (1) when acts have caused relatively serious consequences;
- (2) when those responsible coerce or induce others or instigate persons under the age of eighteen to violate the administration of public security;
- (3) when those responsible take revenge on the informants or witnesses;
- (4) when those responsible have been repeatedly punished and refuse to amend.

Article 18 Acts violating the administration of public security shall not be penalized if they have not been discovered by the public security organs within six months. The period of time mentioned in the paragraph above shall be counted from the day the acts violating the administration of public security are committed or from the day the acts stopped if they are continuous or continuing acts.

### Chapter III Acts Violating the Administration of Public Security and Penalties

Article 19 Whoever commits one of the following acts disturbing public order, if it is not serious enough for criminal punishment, shall be detained for a maximum of fifteen days, fined a maximum of two hundred yuan or given a warning.

- (1) disturbing the public order of government offices, organizations, enterprises or institutions, making it impossible for the work, productive or business operations, medical care, teaching or scientific research to go on smoothly but not having caused serious losses.
- (2) disturbing the public order of stations, wharves, civil airports, markets, bazaars, parks, theatres, entertainment centers, sports grounds, exhibition halls or other public places;
- (3) disturbing the public order of buses, trolleybuses, trains, ships and other public transit vehicles;
- (4) gang-fighting, instigating quarrels, taking liberties with women or other indecent behavior;
- (5) spreading disruptive rumours and inciting disturbances;
- (6) making false reports of dangerous situations and fomenting chaos;
- (7) refusing or obstructing state personnel who are carrying out their functions according to law, without resorting to violence and threat.

Article 20 Whoever commits one of the following acts impairing public security shall be detained for a maximum of fifteen days, fined a maximum of two hundred yuan or given a warning:

- (1) carrying or keeping firearms or ammunition, or committing other acts in violation of firearms control regulations, but not serious enough for criminal punishment;
- (2) making, storing, transporting or using dangerous objects, in violation of regulations concerning the control of dangerous objects such as explosives, deadly poisons, combustibles and radioactive elements, but not having caused serious consequences;
- (3) illegally manufacturing, selling or carrying daggers, knives with three edges, switchblades or other types of controlled knives;
- (4) running hotels, restaurants, theatres, entertainment centers, sports grounds, exhibition halls or other public places for mass gatherings in violation of safety provisions and refusing to improve after notification by the public security organs;
- (5) organizing mass gatherings, exhibitions, fairs, or other public activities in the fields of culture,

entertainment, or sports without appropriate safety precautions and refusing to improve after notification by the public security organs;

(6) violating safety regulations concerning ferry boats and ferries and refusing to improve after notification by the public security organs;

(7) rushing to board a ferry despite dissuasion, causing the ferryboat to be overloaded or forcing the pilot to navigate under dangerous conditions in violation of safety regulations, when circumstances are not serious enough for criminal punishment;

(8) digging holes, placing obstacles, damaging, destroying or removing markers on railways, highways, navigation routes or dams which may affect safe traffic and transportation, when circumstances are not serious enough for criminal punishment.

Article 21 Whoever commits one of the following acts impairing public security shall be fined a maximum of two hundred yuan or given a warning:

(1) establishing or using a civilian shooting range not in accordance with safety regulations;

(2) installing or using electrified wire-nettings without approval, or not in accordance with safety regulations, without having caused grave consequences;

(3) when setting up a construction site in a place where vehicles and pedestrians pass, installing no covers, signs or fences for pits, wells, ridges and holes, or intentionally damaging, destroying, or removing covers, signs and fences.

Article 22 Whoever commits one of the following acts infringing upon a citizen's rights of the person, but not serious enough for criminal punishment, shall be detained for a maximum of fifteen days, fined a maximum of two hundred yuan or given a warning:

(1) striking another person, causing slight injury;

(2) illegally limiting others' personal freedom or illegally breaking into others' houses;

(3) openly insulting other persons or fabricating stories to slander other persons;

(4) maltreating family members, when the victims thereof ask for disposition;

(5) threatening others' safety or disturbing others' normal lives by writing letters of intimidation or by other methods;

(6) coercing or inveigling a person under the age of eighteen to give frightening or cruel performances, ruining the person's physical and mental health;

(7) hiding, destroying, discarding or illegally opening another person's postal articles or telegrams.

Article 23 Whoever commits one of the following acts encroaching upon public or private property, but not serious enough for criminal punishment, shall be detained for a maximum of fifteen days, given a warning or fined simply or concurrently a maximum of two hundred yuan:

(1) stealing, swindling or seizing a small amount of public or private property;

(2) starting a riot to seize state-owned, collective-owned and private property;

(3) extorting or demanding with menace public or private property;

(4) intentionally damaging public or private property.

Article 24 Whoever commits one of the following acts impairing the administration of social order shall be detained for maximum of fifteen days, fined a maximum of two hundred yuan or given a warning:

- (1) knowingly buying stolen goods;
- (2) illegally dealing in train tickets, ship tickets, admission tickets for theatrical performances or sports games or other tickets or certificates, when circumstances are not serious enough for criminal punishment;
- (3) taking opium or injecting morphine and other drugs in violation of the government's prohibition;
- (4) disturbing public order or swindling money by way of feudal superstition, when circumstances are not serious enough for criminal punishment;
- (5) driving others' motor vehicles without permission.

Article 25 Whoever commits one of the following acts, from item one to item three, impairing the administration of social order, shall be fined a maximum of two hundred yuan or given a warning; anyone committing acts covered in items four through seven shall be fined a maximum of fifty yuan or given a warning:

- (1) hiding, not reporting, and not handing in to the state cultural relics discovered underground, in internal waters, in territorial waters or other places;
- (2) accepting orders to engrave official seals in violation of administrative provisions, but not having caused serious consequences;
- (3) deliberately defacing and damaging cultural relics, scenic spots or historic relics, under protection of the state, and damaging or destroying sculptures in public places, when circumstances are not serious enough for criminal punishment;
- (4) deliberately damaging, destroying or removing without approval street nameplates or traffic markers;
- (5) deliberately damaging or destroying street lamps, postboxes, public telephone booths or other public facilities, when circumstances are not serious enough for criminal punishment;
- (6) damaging lawns, flowers, shrubs and trees in violation of relevant regulations;
- (7) operating acoustic equipment in cities and towns at too high a volume in violation of the relevant regulations, disturbing the neighbouring residents work or rest, and refusing to stop such acts.

Article 26 Whoever commits one of the following acts, from item one to item four, violating fire control shall be detained for maximum of ten days, fined a maximum of one hundred yuan or given a warning; anyone committing acts in items five to eight shall be fined a maximum of one hundred yuan or given a warning:

- (1) smoking and using open fire in places where there are combustibles and explosive devices, in violation of the prohibitions;
- (2) deliberately blocking the passing of fire engines or fireboats, or disturbing order at the scene of a fire, when circumstances are not serious enough for criminal punishment;
- (3) refusing to follow the instructions of the commander at the scene of a fire and hindering fire fighting and rescue work;
- (4) causing fire by negligence, but not having caused serious damages or injury;
- (5) instigating or coercing others to work at risk of causing fire in violation of safety measures against fire, but not having resulted in serious consequences;
- (6) occupying fire prevention belts, putting up shelters, building houses, digging trenches or

building walls blocking the passage of fire engines in violation of the safety measures against fire;  
(7) burying, enclosing or damaging and destroying fire-fighting facilities such as fire hydrants, water pumps, water towers, cisterns, or using such instruments and equipment for other purposes, and refusing to correct such acts after being informed by the public security organs;  
(8) being in serious potential danger of fire, but refusing to take corrective measures after notification by the public security organs.

Article 27 Whoever commits one of the following acts, from item one to item six, in violation of traffic regulations shall be detained for a maximum of fifteen days, fined a maximum of two hundred yuan or given a warning; anyone committing acts in items seven to eleven shall be fined a maximum of fifty yuan or given a warning:

- (1) misappropriating, borrowing or lending vehicle license plates or a driver's license;
- (2) driving a motor vehicle without a license or in an intoxicated condition, or lending a vehicle to a person who drives without a driving license;
- (3) blocking traffic by rallying or demonstrating in cities, violating relevant regulations in disregard of police directions;
- (4) deliberately intercepting or boarding vehicles by force or impeding the normal operation of vehicles in disregard of dissuasion;
- (5) deliberately passing through an area when passage is forbidden in express terms by public security organs at or above the county level, in disregard of dissuasion;
- (6) violating traffic regulations so as to cause traffic accidents, when circumstances are not serious enough for criminal punishment;
- (7) driving motor vehicles not examined or sanctioned by traffic administration organs;
- (8) driving motor vehicles with parts not up to safety requirements;
- (9) driving motor vehicles after drinking alcoholic liquor;
- (10) instigating or coercing drivers to violate traffic regulations;
- (11) blocking traffic by putting up shelters, building houses, setting up stalls, piling up goods or conducting other operations without approval of the appropriate department.

Article 28 Whoever commits one of the following acts in violation of traffic regulations shall be fined a maximum of five yuan or given a warning:

- (1) driving a motor vehicle in violation of stipulations concerning loading and speed or in violation of directions indicated by traffic signs and signals;
- (2) breaking of traffic regulations by non-motorized vehicle users or pedestrians;
- (3) parking vehicles in places where parking is forbidden in express terms by traffic administration organs;
- (4) illegally installing or using special sirens or signal light equipment in motor vehicles.

Article 29 Whoever commits one of the following acts, from item one to item three, in violation of residence control or administration of resident cards shall be fined a maximum of fifty yuan or given a warning; whoever commits an act in item four or item five shall be fined a maximum of one hundred yuan or fined:

- (1) failing to register for residence or apply for a resident card according to regulations, in disregard of the notice of the public security organs;

- (2) faking a residence registration or assuming another person's residence registration or resident card;
- (3) deliberately altering a residence certificate;
- (4) failing to register hotel guests according to regulations;
- (5) failing to report and register lodgers according to regulations in letting a house or bed to another person.

Article 30 Prostitution, whoring, pandering or housing prostitution or whoring with a prostitute is strictly forbidden.

Whoever breaks the above ban shall be detained for a maximum of fifteen days, given a warning, made to sign a statement of repentance or given re-education through labour according to regulations, and may be concurrently fined a maximum of five thousand yuan. Criminal responsibility shall be investigated if the actions constitute a crime. Whoring with a girl under the age of fourteen shall be dealt with as rape according to the provisions of Article 139 of the Criminal Law.

Article 31 Planting opium poppy and other raw narcotics in violation of government decrees is strictly forbidden. Whoever violates the above decree shall be detained for a maximum of fifteen days and may be fined simply or concurrently a maximum of three thousand yuan, in addition to having his opium poppy and other narcotic plants rooted out; criminal responsibility shall be investigated if the actions constitute a crime.

Article 32 The following acts are strictly forbidden:

- (1) gambling or facilitating gambling;
- (2) making, duplicating, selling, lending or distributing pornographic books, pictures, video tapes or other pornographic objects.

Whoever commits one of the above acts shall be detained for a maximum of fifteen days, fined simply or concurrently a maximum of three thousand yuan or given re-education through labour according to regulations. Criminal responsibility shall be investigated if the actions constitute a crime.

#### Chapter IV Ruling And Enforcement

Article 33 Penalties for acts violating the administration of public security shall be ruled on by the city or county public security bureaus or sub-bureaus or public security organs equivalent to the county level.

Warnings and fines of a maximum of fifty yuan can be ruled on by local police stations; in rural areas where there is no local police station, the people's government of a township or town can be entrusted with the ruling.

Article 34 Warnings and fines of a maximum of fifty yuan involving persons who violate the administration of public security, or fines exceeding fifty yuan with no objections from the offenders, may be imposed on the spot by the public security officials.

Other penalties for persons who violate the administration of public security shall follow the following procedures:

(1) Summons. A summoning warrant shall be issued by a public security organ when it is necessary to summon an offender. A person discovered committing an offense may be summoned verbally. Whoever refuses to be summoned or avoids summons without good reasons shall be summoned compulsorily.

(2) Interrogation. Whoever violates the administration of public security should honestly answer to the interrogation by public security organs. A written record of the interrogation should be made. After checking the record and finding no mistake, the person interrogated shall sign or seal the written statement, and the in record and finding no mistake, the person interrogated shall sign or seal the written statement, and the interrogator shall also sign the same document.

(3) Obtaining evidence. Active support and cooperation shall be rendered by the departments and citizens concerned to the public security organs in the course of obtaining evidence. Honest statements shall be given by witnesses during the inquiry, and written statements should be made which shall be signed or sealed by the witnesses after checking and finding no error.

(4) Ruling. A ruling shall be made according to relevant provisions of these Regulations if the facts of violating the administration of public security are obvious and evidence is confirmed after interrogation and investigation.

A written ruling on the punishment should be made and declared to the offender immediately. Three copies of such a ruling shall be made and distributed among the offender himself, his work unit and the local police station of his permanent abode. The enforcement of the ruling shall be assisted by his work unit and the local police station.

(5) After being summoned to the public security organ, the offender should be interrogated and investigated promptly. The time of interrogation and investigation shall not exceed twenty-four hours in complicated cases subject to detainment according to these Regulations.

Article 35 Whoever shall be detained should receive the penalty in a specified detention house over a specified time.

Compulsory detainment shall be used against one who resists enforcement of the punishment. During the time of detention the detainee's food costs shall be paid by himself.

Article 36 A fine shall be paid by the offender on the spot to the public security officials or paid to the appointed public security organs within five days after receiving the notice of fine or written ruling. Failure to pay a fine in time without good cause shall be punished by an addition of one to five yuan per day.

Whoever refuses to pay a fine shall be detained for a maximum of fifteen days and shall still be subject to the fine.

Receipt for payment of a fine shall be given to the offender by the public security organ or officials as soon as the fine is received. The entire fine shall be delivered to the state treasury.

Article 37 A receipt shall be given to the offender after the penalty of confiscation is enforced by the ruling organs. All the property confiscated shall be delivered to the state treasury. Property stolen, robbed, defrauded or extorted, with the exception of contraband, shall be returned according to law to the original owners, to be located within six months.

Article 38 Whoever is required by a ruling to make reparations for loss or to bear medical cost shall deliver the cost to the organ making the ruling for transmission within five days after receiving the written ruling. Payments by installments may be accepted if the amount is large. In case the offender denies responsibility, the organs making the ruling shall notify his work unit to deduct the reparations from his salary or retain his property to be converted into payment.

Article 39 If an offender or victim protests the ruling of the public security organ or the people's governments of townships or towns, he may petition to the public security organs at the next higher level within five days after receiving the notice, and the public security organs at the next higher level shall make a new ruling within five days after receiving the petition. Whoever protests the ruling of the public security organ at the next higher level may file suit with the local people's court within five days after the notice.

Article 40 The original ruling shall continue to be executed during the time a petition or suit against the penalty for violating the administration of public security is taking place. In case a guarantor can be found or bail has been paid according to regulations by the detainee or his family, the original ruling can be suspended temporarily during the time a petition or suit is taking place. When the ruling is revoked or starts to be enforced, the bail shall be returned according to regulations.

Article 41 In implementing these Regulations, the public security officials should strictly abide by laws and disciplines and impartially implement the provisions, allowing no favoritism and fraudulent practices. It is forbidden to beat or abuse, mistreat or insult the offender. An administrative disciplinary sanction shall be incurred against those who break the above mentioned provision. If such actions constitute a crime, criminal responsibility shall be investigated.

Article 42 The public security organs shall admit their mistakes to those who are punished by mistake and return fines and the confiscated property; in case the legal rights and interests of those who are so punished have been infringed upon, the loss shall be compensated for.

#### Chapter V Supplementary Provisions

Article 43 In numerical phrases containing the words " for a minimum of, " " for a maximum of " or " within " used in these Regulations, the indicated numbers are understood to be included in the time limit.

Article 44 The enforcement measures for dealing with acts of violating traffic regulations shall be formulated separately by the State Council.

Article 45 These Regulations shall go into effect on January 1, 1987. On the same day, the Regulations of the People's Republic of China Concerning Administrative Penalties for Public security, promulgated on October 22, 1957, shall be invalidated.

## **Law of the People's Republic of China on the Prevention and Treatment of Infections Diseases**

(Adopted at the sixth Meeting of the Standing Committee of the Seventh National People's Congress on February 21, 1989, promulgated by Order ON, 15 of the President of the People's Republic of China on February 21, 1989, and effective ad of September 1,1989)

### Chapter I General Provisions

Article 1 This Law is enacted in order to prevent, control and eliminate the occurrence and epidemic of infectious diseases and to ensure the health of the people.

Article 2 The state shall implement a policy of putting the emphasis on prevention, combining prevention with treatment and classified management with respect to infectious diseases.

Article 3 The infectious diseases governed by this Law shall be divided into Classes A, B, and C.

A. Class infectious diseases shall include plague and cholera.

B. Class infectious diseases shall include viral hepatitis, bacillary and amebic dysentery, typhoid and paratyphoid, AIDS, gonorrhoea, syphilis, poliomyelitis, measles, pertussis, diphtheria, epidemic cerebrospinal meningitis, scarlet fever, epidemic hemorrhagic fever, rabies, leptospirosis, brucellosis, anthrax, epidemic and endemic typhus, epidemic encephalitis B, kala-azar, malaria, and dengue fever.

C. Class infectious diseases shall include pulmonary tuberculosis, schistosomiasis, filariasis, echinococcosis, leprosy, influenza, epidemic parotitis, rubella, tetanus, neonatorum, acute hemorrhagic conjunctivitis and infectious diarrhea other than cholera, dysentery, typhoid and paratyphoid.

The State Council may, according to circumstances, increase or decrease the number of A Class infectious diseases and make corresponding announcements; the health administration department under the State Council may, according to circumstances, increase or decrease the number of B Class and C Class infectious diseases and make corresponding announcements.

Article 4 Governments at various levels shall direct the work of preventing and treating infectious diseases, draw up programmes for the prevention and treatment of infectious diseases and be responsible for their implementation.

Article 5 The health administration departments of governments at various levels shall exercise uniform supervision over and control of the work of preventing and treating infectious diseases.

Anti-epidemic agencies at various levels and of different types shall, according to the division of professional work, undertake the monitoring and control of infectious diseases within their respective spheres of responsibilities.

Medical care and health institutions at various levels and of different types shall undertake the tasks of preventing, treating and controlling infectious diseases within their respective spheres of responsibilities and receive professional guidance from the anti-epidemic agencies concerned.

The prevention and treatment of infectious diseases in the People's Liberation Army shall be

carried out in compliance with this Law and other relevant provisions of the state and shall be supervised and controlled by the departments in charge of health in the Army.

Article 6 The management of food, pharmaceuticals and water which is related to the prevention and control of infectious diseases as well as frontier quarantine shall be carried out according to the relevant provisions of the law.

Article 7 Any unit or individual on the territory of the People's Republic of China must respond to inquiries by medical care and health institutions and anti-epidemic agencies on infectious diseases and accept their examinations and investigations for certification as well as their preventive and control measures, and shall have the right to inform the authorities or file charges against any violation of this Law.

Article 8 Units and individuals who have made remarkable achievements in or contributions to the prevention and control of infectious diseases shall be awarded.

## Chapter II Prevention

Article 9 Governments at various levels shall carry out health education on the prevention of infectious diseases and organize people for the elimination of the hazards of rodents and vector insects like mosquitoes and flies as well as other animals that transmit infectious diseases or suffer from infectious diseases common to human beings and animals.

Article 10 Local governments at various levels shall establish or reconstruct public health facilities in a planned way, take necessary measures for the innocent treatment of sewage, wastes and feces, and improve the hygienic condition of drinking water.

Article 11 Medical care and health institutions at various levels and of different types shall set up preventive health organizations or assign personnel to undertake the prevention and control of infectious diseases and the management of the epidemic situation in their respective units or in the communities for which they are responsible.

Municipalities, municipal districts and counties shall have hospitals for infectious diseases or clinics and wards for infectious diseases in designated hospitals.

Article 12 The state shall practise a planned prophylactic vaccination system.

The state shall practise a system by which certificates are issued to children who have received prophylactic vaccination.

Article 13 The drinking water provided by a water supply unit must conform to the hygienic standards set by the state.

Article 14 Infectious disease patients, pathogen carriers and suspected infectious disease patients shall, before they are cured or cleared of suspicion, be barred from jobs which the health

administration department hood of causing the spread of infectious diseases.

Article 15 Medical care and health institutions, anti-epidemic agencies and units engaged in the experimentation of pathogenic microorganisms must rigorously implement the management system and the operation procedures stipulated by the health administration department under the State Council to prevent the iatric infection of infectious diseases, inside-hospital infection, laboratory infection and the spread of pathogenic microorganisms.

Article 16 The storage, carrying and transportation of bacterial strains and virus strains of infectious diseases must be rigorously controlled in accordance with provisions laid down by the health administration department under the State Council.

Article 17 When the sewage, wastes and feces are contaminated with the pathogen of A Class infectious diseases, the unit or the individual concerned must carry out strict disinfection under the supervision and direction of an anti-epidemic agency; in case of refusal to carry out disinfection, compulsory measures may be taken by the local government.

Article 18 The animal husbandry and veterinary departments of governments at various levels shall be responsible for the prevention, treatment and management of infectious diseases of domestic animals and fowls related to infectious diseases common to human beings and animals, Wild animals related to infectious diseases common to human beings and animals shall be prohibited from being sold or transported until they have been quarantined by the animal husbandry and veterinary department of the local government or of the government at the receiving end.

The animal husbandry and veterinary departments, the health departments and the public security departments of governments at various levels shall be responsible for the prevention, treatment and control of rabies according to the division of work specified by the State Council.

Article 19 Before a large construction project is started in and area which is a natural infection focus or a possible natural infection focus, the construction unit shall apply to the local anti-epidemic agency for a sanitary investigation of the construction environment and take necessary anti-epidemic measures according to the requirements of the anti-epidemic agency. During the period of construction, the construction unit shall assign special personnel to take charge of anti-epidemic work at the construction site.

Article 20 For persons engaged in the prevention or treatment of infectious diseases or in scientific research or teaching related to such diseases, for persons who handle the epidemic situation on the spot, and for persons who, in productive pursuits or other types of work, are in contact with infectious disease pathogens, the units concerned shall, in accordance with the relevant provisions of the state, take effective measures of protection and of medical and health care.

### Chapter III Reporting on and Announcing the Epidemic Situation

Article 21 Anyone who has found an infectious disease patient or a suspected one shall promptly

report to the nearby medical care and health institution or anti-epidemic agency.

When medical care and health personnel or anti-epidemic personnel on duty find patients, pathogen carriers or suspected patients of A Class or B Class infectious diseases, or if they find in a monitored area patients, pathogen carriers or suspected patients of C Class infectious diseases, they must report the epidemic situation to the local health and anti-epidemic agency within the time limit prescribed by the health administration department under the State Council. When a health and anti-epidemic agency finds the prevalence of infectious diseases or receives a report on the epidemic situation of A Class infectious diseases or of AIDS or pulmonary anthrax as a type of anthrax among B Class infectious diseases, it shall immediately report to the local health administration department, which shall immediately report to the local government and also to the health department under the State Council.

Article 22 The responsible persons concerned of governments at various levels and the persons engaged in the medical care, epidemic prevention, surveillance and control of infectious diseases shall not withhold the truth about or make a false report on the epidemic situation or inspire others to do so.

Article 23 The health administration department under the State Council shall promptly release information on and publicly announce the true epidemic situation and may authorize the health administration departments of provinces, autonomous regions, or municipalities directly under the Central Government to release information on and publicly announce the true epidemic situation in their respective administrative areas.

#### Chapter IV Control

Article 24 When medical care and health institutions and anti-epidemic agencies find infectious diseases, they shall promptly take the following control measures:

- (1) Patients and pathogen carriers of A Class infectious diseases and patients of AIDS and of pulmonary anthrax as a type of anthrax among B Class infectious diseases shall be isolated for treatment. The period of isolation shall be determined according to the results of medical examination. For those who refuse treatment in isolation or break away from treatment in isolation before the expiration of the isolation period, the public security department may assist medical care institutions in taking measures to enforce the treatment in isolation;
- (2) For patients of B Class infectious diseases other than AIDS and pulmonary anthrax as a type of anthrax and patients of C Class infectious diseases, necessary treatment and control measures shall be taken according to the patients' conditions;
- (3) Suspected patients of A Class infectious diseases shall be kept under medical observation in designated places until a definite diagnosis is made; and
- (4) Necessary sanitary disposal and preventive measures shall be applied to places and objects contaminated by patients, pathogen carriers and suspected patients of infectious diseases and persons in close contact with them.

Patients of infectious diseases, their relations and the related units as well as the local organizations of residents or villagers shall cooperate in the preceding paragraphs.

Article 25 In the event of an outbreak or a prevalence of an infectious disease, the local government shall immediately get people organized to control them and cut off the route of transmission; when necessary, it may take the following emergency measures, subject to reporting to and decision by the local government at the next higher level:

- (1) restricting or suspending fairs, assemblies, cinema shows, theatrical performances and other types of mass congregation;
- (2) suspension of work, business and school classes;
- (3) provisional requisition of houses and means of transport; and
- (4) closing public drinking water sources contaminated with the pathogen of infectious diseases.

When a local government at or above the county level receives a report from a government at the next lower level proposing the adoption of the above-mentioned emergency measures, it shall make a decision within the prescribed time limit.

The termination of emergency measures shall be announced by the authorities that originally made the decision.

Article 26 In the event of an outbreak or a prevalence of an A Class or a B Class infectious disease, a local government at or above the county level may, subject to reporting to and decision by the local government at the next higher level, announce the designation of an epidemic area, take emergency measures in the epidemic area as specified in Article 25 of this Law and carry out quarantine inspection of persons, goods and materials and means of transport entering or leaving the epidemic area.

By decision of the government of a province, an autonomous region or a municipality directly under the Central Government, an epidemic area of an A Class infectious disease may be blockaded; the blockade of an epidemic area in a large or medium-sized municipality of an epidemic area that cuts across provinces, autonomous regions and municipalities directly under the Central Government as well as the blockade of an epidemic area leading to the interruption of traffic along a main line of communication or to the blockade of frontiers shall be decided by the State Council.

The termination of the blockade of an epidemic area shall be announced by the authorities that originally made the decision.

Article 27 When a grave epidemic situation occurs, the health administration department under the State Council shall have the authority, within the whole country or across provinces, autonomous regions and municipalities directly under the Central Government, and health administration departments under the governments at various levels shall have the authority, in their respective administrative areas, to assemble medical and health personnel and anti-epidemic personnel at various levels and of different types for participation in the control of the epidemic situation.

Article 28 The body of a person who died of plague, cholera or anthrax must be disinfected immediately and cremated at a nearby place, The body of a person who died of any other infectious disease shall, when necessary, be cremated after disinfection or buried deep in accordance with relevant provisions.

The medical care and health institutions and anti-epidemic agencies may, when necessary, conduct autopsy on the corpses of patients or suspected patients of infectious diseases.

The standing committee of the people's congress of a province or an autonomous region may, while implementing the provisions of the preceding two paragraphs in national autonomous areas, make flexible provisions when necessary.

Article 29 The pharmaceutical department and other departments concerned shall promptly supply pharmaceuticals and instruments for the prevention and treatment of infectious diseases. The units making biological products shall promptly supply such products for the prevention and treatment of infectious diseases. There shall be a certain amount of pharmaceuticals, biological products and instruments in reserve for the prevention and treatment of infectious diseases.

Article 30 Railroad, communications, and civil aviation departments must give priority to the transportation of personnel, pharmaceuticals, biological products and instruments for dealing with the epidemic situation. as approved by the health administration department.

Article 31 The specific measures for communication quarantine for the purpose of controlling the spread of infectious diseases shall be formulated with the departments concerned, and enforced after being reported to and approved by the State Council.

#### Chapter V Supervision

Article 32 Health administration departments of governments at various levels shall exercise the following supervisory and managerial functions and powers regarding the prevention and treatment of infectious diseases:

- (1) to supervise and inspect the measures for the prevention, treatment, monitoring and control of infectious diseases as well as the control of the epidemic situation;
- (2) to instruct an inspected unit or individual to improve management of the prevention and treatment of infectious diseases within a definite time; and
- (3) to impose administration sanctions against violations of this Law according to the provisions of this Law.

The health administration department under the State Council may authorize the institutions in charge of health of other departments concerned to exercise within such department the functions and powers specified in the preceding paragraphs.

Article 33 The health administration departments of governments at various levels, the institutions in charge of health of other departments concerned authorized by the health administration department under the State Council, and health and anti-epidemic agencies at various levels and of different types shall appoint supervisors of infectious disease management to execute the tasks of surveillance and management of infectious diseases assigned by the health administration departments or the institutions in charge of health of other departments concerned.

The post of supervisor of infectious disease management shall be held by a qualified health professional, who shall be appointed and given a certificate by the health administration department of a government at or above the provincial level.

Article 34 The medical care and health institutions at various levels and of different types shall

appoint inspectors of infectious disease management to inspect the prevention and treatment of infectious diseases in their respective units and in the communities for which they are responsible, and report the results of inspection to the health and anti-epidemic agencies concerned.

An inspector of infectious disease management shall be approved and given a certificate by the health administration department of the local government at or above the county level.

## Chapter VI Legal Liability

Article 35 Any unit or individual who, in violation of the provisions of this Law, commits any of the following acts shall be ordered to rectify it or may be fined by the health administration department of a government at or above the county level; when there is a risk of causing an infectious disease, the health administration department shall report to the government at the same level for the adoption of compulsory measures:

- (1) failure on the part of a water supply unit to conform to the hygienic standards for drinking water set by the state;
- (2) Refusal to give disinfection treatment, according to the sanitary requirements proposed by a health and anti-epidemic agency, to sewage, wastes and feces contaminated with the pathogen of infectious diseases;
- (3) approving or conniving at the taking of jobs by patients of infectious diseases, pathogen carriers or suspected patients of infectious diseases which they are prohibited from doing by the health administration department under the State Council because of the likelihood of causing a spread of infectious diseases; and
- (4) refusal to execute other preventive and control measures proposed by the health and anti-epidemic agencies according to this Law.

Article 36 Any party who refuses to accept a decision on fine may, within 15 days of receiving the notice on the punishment decision, apply to the health administration department at the next higher level for reconsideration; any party who refuses to accept the reconsideration decision may, within 15 days of receiving the notice on the reconsideration decision, bring a lawsuit before a court of law. Any party may also, within 15 days of receiving the notice on the punishment decision, directly bring a lawsuit before a court. If a party neither applies for reconsideration nor brings a lawsuit before a court of law nor carries out the punishment decision within the prescribed time, the health administration department that has made the decision on punishment may apply to a court for compulsory execution.

Article 37 If a person commits one of the acts specified in Article 35 of this Law and as a result causes the spread or a great risk of the spread of an A Class infectious disease, his criminal responsibility shall be investigated by applying *mutatis mutandis* the provisions of Article 178 of the Criminal Law of the People's Republic of China.

Article 38 Any person engaged in the experimentation, storage, carrying or transportation of bacterial strains and virus strains of infectious diseases who, in violation of the relevant provisions of the health administration department under the State Council, causes a spread of the bacterial strains or virus strains of an infectious disease, with severe consequences, shall be prosecuted in

accordance with Article 115 of the Criminal Law; he shall be given an administrative sanction if the circumstances are not so serious.

Article 39 Any person engaged in the medical care and health work, epidemic prevention, surveillance and control related to infectious diseases or any relevant responsible person of the government who causes The spread or epidemic of an infectious disease due to his dereliction of duty shall be given an administrative sanction; if the circumstances are serious enough to constitute a crime, he shall be prosecuted in accordance with Article 187 of the Criminal Law.

#### Chapter VII Supplementary Provisions

Article 40 The health administration department under the State Council shall, in accordance with this Law, formulate rules for its implementation which shall come into force after being submitted to and approved by the State Council.

Article 41 This Law shall come into force as of September 1, 1989.

## **Regulations of the People's Republic of China on Frontier Inspection of Exit from or Entry into The Country**

(Adopted at the 34th Executive Meeting of the State Council on July 6, 1995, promulgated by Decree No. 182 of the State Council of the People's Republic of China on July 20, 1995, and effective as of September 1, 1995)

### Chapter I General Provisions

Article 1 These Regulations are formulated with a view to safeguarding the sovereignty of the People's Republic of China, maintaining its security and social order and facilitating the exit and entry of persons and means of transport.

Article 2 The Ministry of Public Security shall be responsible for the administration of the exit and entry frontier inspection.

Article 3 The People's Republic of China shall set up exit and entry frontier inspection stations (hereinafter referred to as frontier inspection stations) at open ports, airports, stations and border thoroughfares.

Article 4 In order to safeguard the sovereignty of the state and maintain its security and social order, frontier inspection stations shall exercise the following functions:

- (1) carrying out frontier inspection on persons leaving or entering the country and their luggage and other personal belongings, and on means of transport leaving or entering the country and their freight.
- (2) exercising supervision on means of transportation leaving or entering the country in accordance with the relevant regulations of the state;
- (3) guarding restricted areas in ports and maintaining the order of exit and entry; and
- (4) performing other functions assigned by the competent authorities or stipulated by other laws and administrative regulations.

Article 5 For exit from or entry into China, persons and means of transport shall pass through the open ports or other ports specially designated by the competent authorities and shall subject themselves to frontier inspection, supervision and control.

Persons leaving or entering the country shall abide by the laws and administrative regulations of the People's Republic of China.

Article 6 Frontier inspection personnel must execute their duties according to law.

No organization or individual may obstruct the frontier inspector from lawfully executing his duties.

### Chapter II Inspection and Control of Persons

Article 7 For exit from or entry into China, persons shall fill in exit or entry registration cards in

accordance with the relevant regulations and present to the frontier inspection stations for examination of their valid passports or other exit or entry certificates (hereinafter referred to as exit-entry certificates); they may leave or enter the country after the frontier inspection stations have examined and approved their certificates.

Article 8 The frontier inspection stations have the power to forbid persons belonging to any of following categories to leave or enter the country:

- (1) failing to hold exit-entry certificates;
- (2) holding and using invalid exit-entry certificates;
- (3) holding and using exit-entry certificates other than their own;
- (4) holding and using forged or altered exit-entry certificates;
- (5) refusing to accept frontier inspection;
- (6) failing to pass through the ports as designated;
- (7) being forbidden to leave or enter the country under the notice the public security department or the state security department of the State Council; or
- (8) being forbidden to leave or enter the country in accordance with laws and administrative regulations.

The frontier inspection station may detain or forfeit the exit-entry certificates of the persons defined in item (3) or (4) above or of the Chinese citizens defined in the item (7) or (8) above.

Article 9 These Regulations shall apply to frontier inspection and control on the accompanying working personnel onboard the means of transport leaving or entering the country. Where there is an agreement between the People's Republic of China and another country or region, the frontier inspection and control shall be conducted according to the agreement.

Article 10 Crew members of alien nationality or from Hong Kong, Macao and Taiwan and their accompanying family members who, upon the arrival of their vessels at ports of the People's Republic of China, wish to land or lodge at port towns shall apply through their captains or captains' agents to the frontier inspection station for going through the landing or lodging formalities.

Crew members and their accompanying family members who have landed or lodged with permission shall return to their vessels with the specified time. Those who have violated laws after landing shall be ordered to return to their vessels immediately if the circumstances are not serious enough to constitute a crime, and shall not be permitted to land again thereafter.

Chinese crew members of vessels navigating international routes may land or lodge by presenting their exit-entry certificates.

Article 11 The frontier inspection station shall have the power to refuse the application for landing of the persons defined in Article 8 of these Regulations.

Article 12 Persons who wish to embark on or disembark from alien vessels shall present to the frontier inspectors for examination of their exit-entry certificates or other designated certificates and obtain permission. Personnel from port inspection and quarantine organs shall be dressed in uniform and produce their certificates when they have need to board such vessels to execute their

duties.

Article 13 Frontiers inspection on transitory exit or entry of persons on public business and of border residents of both sides in the bordering areas between the People's Republic of China and a neighboring country (or region) shall be conducted in accordance with the relevant agreement between the two sides. In the absence of such agreement, these Regulations shall apply.

Border residents of a country adjacent to China who have entered China transitorily in compliance with the relevant agreement shall confine their activities within the area prescribed under the agreement. In case there is a need to travel beyond the prescribed area, they shall go through entry formalities in advance.

Article 14 Frontier inspection stations, when they deem it necessary, may conduct body search on persons leaving or entering the country. The search shall be conducted by two frontier inspectors of the same sex as the person to be searched.

Article 15 Where persons leaving or entering the country belong to any of the following categories, the frontier inspection stations have the power to restrict the bound of their activities, take investigation or hand them over to the competent authorities for disposal:

- (1) being suspected of holding and using exit-entry certificates other than their own;
- (2) being suspected of holding and using forged or altered exit-entry certificates;
- (3) being criminal suspects notified by the public security department or the state security department of the State Council or by the public security organ or the state security organ of the provinces, autonomous regions or municipalities directly under the central government; or
- (4) being suspected of committing any acts harmful to the national security, interests and social order.

### Chapter III Inspection and Supervision of the Means of Transportation

Article 16 Means of transportation leaving or entering the country must accept frontier inspection on their arrival in or prior to their departure from the ports of China. Entry inspection on means of transportation shall be conducted at their first arrival port; exit inspection shall be conducted at their last departure port. Under exceptional circumstances, entry and exit inspections on means of transportation may be conducted at specially permitted places with the approval of the competent authorities.

Article 17 Persons in charge of means of transportation or transportation department concerned shall notify in advance the frontier inspection station concerned of the arriving or departing time, the stopping place and the particulars of the persons and freight on board of the vessels, aircraft or trains leaving or entering the country.

On arrival at ports, captains or their agents of vessels and commanders or their agents of aircraft shall furnish the frontier inspection stations with a name list of the crew and passengers; persons in charge of trains and other means of transportation shall report to the frontier inspection stations the number of working personnel and passengers on board.

Article 18 Persons in charge of means of transportation or their agents shall be present at the scene of inspection and render assistance when frontier inspectors are carrying out frontier inspection on these means of transportation.

Article 19 Means of transportation leaving or entering the country shall proceed along the routes in China as specified. Alien vessels may not anchor or moor at non-open ports without approval. Without the approval from the frontier inspection station, no persons, cargoes or articles may be taken on board or discharged from the means of transportation which are about to depart from China during the period from the time after exit inspection to the time of their departure, or the means of transportation which have arrived in China during the period from the time of their arrival to the time before entry inspection.

Article 20 Where Chinese vessels have need to make fast to alien vessels, the captains or their agents shall apply to the frontier inspection station for going through necessary formalities. Without such formalities, no Chinese vessels may make fast to alien vessels.

Article 21 The frontier inspection stations shall have the power to exercise supervision on means of transportation leaving or entering the country when they are under any of the following circumstances:

- (1) trains, alien vessels and Chinese passenger vessels during the period from the time of exit inspection to the time of their departure from the country or during the period from their arrival in the country to the time of entry inspection, and during the period of inspection;
- (2) trains and other motor vehicles during their proceeding in the area between the border line and the frontier inspection station which is at a comparatively long distance from the border line;
- (3) alien vessels during their navigating in Chinese inland rivers; or
- (4) any other circumstances frontier inspection stations consider necessary to exercise supervision.

Article 22 Persons in charge of means of transportation shall provide necessary working and living conveniences to the frontier inspectors who are performing supervision duties on board. The means of transportation under supervision and the persons boarding or leaving these means of transportation shall subject themselves to inspection by the supervisors.

Article 23 Persons in charge of means of transportation on which no supervising measures are imposed shall conduct proper administration on their own to ensure that their means of transportation and the working personnel observe these Regulations.

Article 24 When means of transportation leaving or entering the country are found carrying on board any person who is forbidden to leave or enter the country, or is illegally crossing the border or holding no valid exit-entry certificates, persons in charge of these means of transportation shall take the responsibility to remove such person to the place whence he came and pay all the expenses incurred therefrom.

Article 25 Where means of transportation fall into any of the following circumstances, the frontier inspection station shall have the power to postpone or forbid their leaving or entering the country:

- (1) leaving or entering the country without approval from the frontier inspection station;
- (2) refusing to accept frontier inspection or supervision;
- (3) being believed to be carrying any person or article harmful to national security, interests or social order;
- (4) being believed to be carrying any person illegally leaving or entering the country;
- (5) refusing to accept the penalty or decision lawfully made by the frontier inspection station; or
- (6) changing ports for exit or entry without permission.

The frontier inspection station shall allow means of transportation to leave or enter the country immediately after the relative circumstances listed above no longer exist.

Article 26 Where vessels or aircraft leaving or entering the country have sailed or flown into any areas other than the open ports under unforeseeable emergencies or owing to force majeure, they must report at once to the frontier inspection station nearby or to the local public security authorities and accept inspection and supervision, and once the causes bringing about their entry no longer exist, they must depart within the time and along the routes as they are notified of.

#### Chapter IV Inspection on Luggage, Articles and Freight

Article 27 According to the need of maintaining national security and public order, frontier inspection stations may carry out focal inspection on luggage and articles carried by persons leaving or entering the country and on freight carried by means of transportation leaving or entering the country.

Article 28 Persons and means of transportation leaving or entering the country are prohibited to carry any contraband articles which are harmful to national security and public order as prescribed by laws and administrative regulations. The frontier inspection stations shall detain such articles and shall, in accordance with relevant laws and administrative regulations, dispose of the persons who carry them or the persons in charge of the means of transportation that carry them.

Article 29 No persons shall carry out of the country unlawfully any documents, data, or other articles classified as national secrets. The frontier inspection stations shall confiscate any unlawfully carried documents, data or other articles classified as national secrets and shall, in accordance with relevant laws and administrative regulations, dispose of the persons who carried them.

Article 30 Persons leaving or entering the country who need to carry or consign firearms or ammunition must abide by relevant laws and administrative regulations and apply to the frontier inspection stations for going through the carrying or consigning formalities. Without approval, no persons may carry or consign any firearms or ammunition out of or into the country.

#### Chapter V Penalties

Article 31 Penalties for any contravention of these Regulations shall be ruled by frontier inspection stations.

Article 32 Any person leaving or entering the country who is under any of the following circumstances shall be fined 500 to 2,000 yuan or detained in accordance with relevant laws or administrative regulations:

- (1) failing to hold exit-entry certificates;
- (2) holding and using invalid exit-entry certificates;
- (3) holding and using exit-entry certificates other than his own; or
- (4) holding and using forged or altered exit-entry certificates.

Article 33 Any person who assist other persons to illegally leave or enter the country shall be fined 2,000 and 10,000 yuan if the circumstances of the case are not serious enough to constitute a crime and the illegal profits, if there is any, shall be confiscated.

Article 34 Any person who carries or consigns firearms or ammunition out of or into the country without approval shall be fined 1,000 to 5,000 yuan with all the firearms and ammunition confiscated.

Article 35 Any person who is under any of the following circumstances shall be given a warning or punished with a fine not exceeding 500 yuan:

- (1) entering restricted areas in ports without permission or after his entry, disobeying administration or disturbing the port administration order;
- (2) insulting frontier inspectors; or
- (3) landing or lodging without permission or not in compliance with relevant regulations.

Article 36 Where means of transportation have carried out of or into the country any persons who are forbidden to leave or enter the country, persons who are crossing the border illegally or persons holding no valid exit-entry certificates, the persons in charge shall be fined 5,000 to 10,000 yuan for each such person they have carried.

Article 37 When means of transportation are under any of the following circumstances, the persons in charge shall be fined 10,000 to 30,000 yuan:

- (1) leaving or entering the country without the permission from the frontier inspection station when leaving or arriving at ports;
- (2) failing to furnish the frontier inspection station with information on their working personnel, passengers or freight according to regulations, or refusing to assist inspection; or
- (3) taking on board or discharging any persons, cargoes or articles without the permission from the frontier inspection station during the period from the time of their arrival in the country to the time before entry inspection or during the period from the time after exit inspection to the time of their departure from the country.

Article 38 When means of transportation are under any of the following circumstances, the persons in charge shall be given a warning and concurrently punished with a fine of 500 and 5,000 yuan:

- (1) failing to proceed along the routes in China as specified when leaving or entering the country;

- (2) alien vessels anchoring or mooring at non-open ports without approval; or
- (3) Chinese vessels making fast to alien vessels without approval.

Article 39 Where vessels or aircraft leaving or entering the country have sailed or flown into any areas other than the open ports under unforeseeable emergencies or owing to force majeure, the persons in charge shall be punished with a fine not exceeding 10,000 yuan, if they fail to report without reasonable causes to the frontier inspection station nearby or to the local public security authorities or if they fail to depart within the time and along the routes as they are notified of once the causes bring their entry no longer exist.

Article 40 The frontier inspection stations shall furnish the penalized person with a receipt upon receiving the fine.

The fine and money confiscated shall be turned over to the state treasury according to regulation.

Article 41 Any person leaving or entering the country who has violated the provisions of these Regulations, criminal responsibility shall be investigated according to law if the circumstances of the case are serious enough to constitute a crime.

Article 42 If a person refuses to accept the penalty decision made by a frontier inspection station, he may, within 15 days from his receipt of the penalty decision, apply for reconsideration to the public security organs of the county level in the locality of the frontier inspection station. The public security organ of the county level concerned shall, within 15 days from his receipt of the application for reconsideration, make a reconsideration decision. If a person refuses to accept the reconsideration decision, he may, within 15 days from his receipt of the reconsideration decision, bring a suit to the people's court.

#### Chapter VI Supplementary Provisions

Article 43 Frontier inspection on entry and exit of persons enjoying diplomatic privileges and immunities shall be conducted according to special provisions in law if there is any.

Article 44 Where a foreign country has special regulations on the entry, transit or exit inspection and control on the citizens and means of transportation of the People's Republic of China, the frontier inspection stations may take corresponding measures in line with the decisions by the competent authorities.

Article 45 These Regulations shall be applicable to the frontier inspection on citizens and means of transportation of the People's Republic of China traveling to and from Hong Kong, Macao and Taiwan. Where there are special provisions by laws and administrative regulations, such provisions shall prevail.

Article 46 For the purpose of these Regulations, "persons leaving or entering the country" means all the persons, whether of Chinese nationality or alien nationality or stateless, who are leaving, entering or transiting through the border of the

People's Republic of China;

"means of transportation leaving or entering the country" means all the vessels, aircraft, trains, motor vehicles, non-motor vehicles and pack animals that are leaving, entering or transiting through the border of the People's Republic of China; and

"working personnel" means all the persons in charge, drivers or pilots, stewards, and other workers of the vessels, aircraft, trains and motor vehicles that are leaving or entering the country.

Article 47 These Regulations shall enter into force on September 1, 1995.

The "Interim Regulations on Exit-Entry Public Security Inspection" promulgated by the Central People's Government Administration Council on July 29, 1952 and the "Regulations on Frontier Inspection" promulgated by the State Council on April 30, 1965 shall be abrogated there from.

## **Fire Prevention Law of the People's Republic of China**

(Adopted at the Second Meeting of the Standing Committee of the Ninth National People's Congress on April 29, 1998 and promulgated by Order No. 4 of the President of the People's Republic of China on April 29, 1998)

Article 1 This Law is enacted with a view to preventing fire and reducing fire damage, protecting the safety of citizens and the safety of public property and the property of citizens, maintaining public security and ensuring the smooth carrying out of the socialist modernization.

Article 2 The policy of prevention first and combination of fire prevention and fire fighting should be implemented in fire prevention, the principle of combination of specialized organs and masses shall be adhered to and the fire prevention safety responsibility system shall be practised.

Article 3 Fire prevention work shall be under the leadership of the State Council and the responsibility of local people's governments at all levels. People's governments at all levels should integrate fire prevention work into the national economic and social development plans and ensure that fire prevention work adapts to economic construction and social development.

Article 4 The department of public security under the State Council exercises supervision and administration over fire prevention work nationwide. Public security organs of local people's governments at and above the county level exercise supervision and administration over fire prevention work within their respective administrative areas and the fire fighting organs of public security organs of people's governments at the corresponding levels shall be responsible for the implementation. Fire prevention work of military installations, underground portions of mines and nuclear power plants shall be under the supervision and administration of the units in charge of them.

In case of separate provisions under laws and administrative regulations governing fire prevention work of forests and prairies, those provisions shall be observed.

Article 5 All units and individuals have the obligation to maintain fire prevention safety, protect fire-fighting installations, prevent fire and report fire alarms. All units and adult citizens have the obligation to participate in organized fire-fighting work.

Article 6 People's governments at all levels should regularly conduct fire prevention publicity and education to raise citizens' fire prevention awareness.

Competent administrative departments of education, labour and others should integrate fire prevention know-how into contents of teaching and training. Press, publications, broadcasting, film, television and other competent departments concerned have the obligation to conduct fire prevention safety publicity and education.

Article 7 Units and individuals having made outstanding contribution or prominent achievements in fire prevention work should be rewarded.

## Chapter II Fire Prevention

Article 8 Municipal people's governments should integrate fire-fighting planning including fire-fighting safety layout, fire brigades, fire-fighting water supply, fire-fighting communications, passages for fire engines, fire-fighting equipment and other contents into overall city planning and be responsible for organizing competent departments concerned in implementation.

Where there are inadequacies in public fire-fighting installations and fire-fighting equipment or they are not in a position to cope with actual requirements, there should be additional construction, reconstruction, deployment or technical transformation.

Scientific research should be stepped up in fire prevention work and advanced fire prevention technology and fire-fighting equipment shall be extended and used.

Article 9 Plants, warehouses and special-purpose railway stations and wharves producing, storing, loading and unloading inflammable or explosive hazardous goods must be located on the fringe of cities or in relatively independent safe belts. Filling stations, supply stations and pressure regulating stations of inflammable or explosive gases or liquids should be located in rational positions in line with the requirements for fire prevention and explosion prevention. For original plants, warehouses and special-purpose railway stations and wharves producing, storing, loading and unloading inflammable or explosive hazardous goods, and original filling stations, supply stations and pressure regulating stations of inflammable or explosive gases or liquids not in line with the provisions of the preceding paragraph, the units concerned should take measures to resolve the problems within the specified time period.

Article 10 For a construction project the fire prevention design of which to be worked out pursuant to the state technical standards for fire prevention of engineering construction, the design unit should do the design pursuant to the state technical standards for fire prevention of engineering construction, and the construction unit should submit the blueprints and relevant information of fire prevention design of the construction project to the public security fire-fighting department for examination and verification; for a construction project without undergoing examination and verification or failing to qualify upon examination and verification, the competent administrative department of construction must not issue the construction permit and the construction unit must not proceed with the construction.

The fire prevention design of a construction project examined and verified by the public security fire-fighting department that necessitates changes should be submitted to the original examining and verifying public security fire-fighting department for verification and approval; no unit or individual shall effect any change without verification and approval.

At the time of completion of a construction project the fire prevention design of which is worked out pursuant to the state technical standards for fire prevention of engineering construction, acceptance checks for fire prevention must be carried out by a public security fire-fighting department; a project without completing acceptance checks or failing to qualify in acceptance checks must not be put into use.

Article 11 Fire-prevention characteristics of construction structural components and construction materials must conform to state standards or trade standards.

Public places in which non-inflammable and hard-to-burn materials should be used for their interior fixture and decoration pursuant to the stipulations of state technical standards for fire prevention of engineering construction must select the materials that have passed the inspection by an inspection agency determined pursuant to the provisions of the Product Quality Law.

Article 12 Public gathering places such as song and dance halls, cinemas and theatres, guest houses, hotels, markets and country fairs should, prior to going into operation or opening for business, submit an application to the local public security fire-fighting department and may go into operation or open for business upon passing the fire prevention safety inspection.

Article 13 For holding of activities of a mass character such as large gatherings, evening parties with fireworks and lantern parties with danger of fire, sponsoring units should work out contingency plans for fire-fighting and emergency evacuation with fire prevention safety measures in place, submit an application to the public security fire-fighting department and may hold such activities only upon passing the fire prevention safety inspection of the sites of the activities by the public security fire-fighting department.

Article 14 Organs, societies, enterprises and institutions should fulfil the following fire prevention safety responsibilities:

- (1) working out fire prevention safety rules and fire prevention safety operational procedures;
- (2) practising the fire prevention safety responsibility system and determining the responsible persons for fire prevention safety of the units and their subordinate departments and positions;
- (3) conducting fire prevention publicity and education among workers and staff members in the light of the characteristics of the units;
- (4) organizing fire prevention inspection to remove the hidden peril of fire in time;
- (5) deploying fire-fighting facilities and equipment, putting up fire prevention safety signs pursuant to relevant state provisions, and organizing inspection and maintenance at regular intervals to ensure that fire-fighting facilities and equipment are in perfect condition and effective;
- (6) ensuring that evacuation channels and safety exits are unblocked and putting up signs for fire prevention safety evacuation in keeping with the state provisions;

Management units of residential areas for inhabitants should, pursuant to the relevant provisions of the preceding paragraph, fulfil fire prevention safety responsibilities and do a good job in fire prevention safety work in residential areas.

Article 15 Collective dormitories for workers must not be located in buildings with workshops and warehouses therein.

Collective dormitories for workers already located in buildings with workshops or warehouses therein should be resolved within the specified time period. Where there are actual temporary difficulties, necessary fire prevention safety measures should be taken and the dormitories may continue to be used upon approval of the public security fire-fighting department.

Article 16 Fire-fighting departments of public security organs of local people's governments at or above the county level should determine the units that have greater probability of outbreak of fire and that may suffer major casualties or major losses of property in case of fire as key units for fire

prevention safety within their respective administrative areas and submit the same to the people's governments at the corresponding levels for the record.

Key units for fire prevention safety should, in addition to performance of the responsibilities prescribed in Article 14 of this Law, fulfil the following fire prevention safety responsibilities:

- (1) establishing fire prevention files, determining key positions in fire prevention safety, putting up fire prevention signs and exercising strict control;
- (2) carrying out daily fire prevention patrol and inspection and establishing patrol and inspection records;
- (3) conducting fire prevention safety training among workers and staff members; and
- (4) formulating contingency plans for fire-fighting and emergency evacuation, and organizing fire-fighting exercises at regular intervals.

Article 17 Units and individuals that produce, store, transport and sell or use and destroy inflammable or explosive hazardous goods must observe the relevant state provisions for fire prevention safety.

Units that produce inflammable or explosive hazardous goods should enclose with the products directions indicating such data as the ignition point, flash point and explosion limit and annotate points for attention in fire prevention and explosion prevention. Independently packed inflammable or explosive hazardous goods should be stuck and enclosed with hazardous goods labels.

Relevant state provisions for fire prevention safety must be observed in entering sites producing and storing inflammable or explosive hazardous goods. It is prohibited to bring kindling material along in entering sites producing and storing inflammable or explosive hazardous goods. It is prohibited to bring inflammable or explosive hazardous goods illegally into public places or on board public transports.

Relevant state provisions for fire prevention safety must be observed in the management of warehouses storing inflammable materials.

Article 18 Use of open fire in sites with peril of fire and explosion is prohibited; in case of extraordinary circumstances that necessitate the use of open fire in operations, formalities of examination and approval should be completed in advance pursuant to provisions. Operators should adhere to fire prevention safety rules and adopt corresponding fire prevention safety measures.

Operators of electric welding and gas welding with peril of fire and operators of automatic fire-fighting systems must take up their positions with a qualification certificate and strictly adhere to operational procedures for fire prevention safety.

Article 19 Quality of fire-fighting products must meet state standards or trade standards. It is prohibited to produce, sell or use the fire-fighting products without passing inspection by inspection agencies determined pursuant to the provisions of the Product Quality Law.

It is prohibited to use parts or fire-extinguishing chemicals that fail to meet state standards or trade standards in the maintenance of fire-fighting facilities and equipment.

Public security fire-fighting departments and their functionaries must not take advantage of their positions to designate the sales units and brands of fire-fighting products for users.

Article 20 Quality of electrical products and gas appliances must meet state standards or trade standards. Installation and use of electrical products and gas appliances and design and laying of wiring and piping must meet relevant state technical provisions for fire prevention safety.

Article 21 No unit or individual shall damage or shift for other uses, dismantle and suspend the use of fire-fighting facilities and equipment without authorization, shall bury or enclose fire hydrants, shall occupy the fire prevention separation zones and shall block fire-prevention channels.

Departments of public utilities and urban construction or other units must inform local public security fire-fighting departments in advance when construction of roads as well as stoppage of power and water supply and disconnection of telecommunications lines may affect fire brigades in fire extinguishment and rescue operations.

Article 22 During agricultural harvesting seasons, forest and grassland fire-prevention periods, major festivals and holidays and seasons when fires frequently occur, local people's governments at all levels should organize and carry out fire prevention publicity and education with clear-cut aims, adopt fire prevention measures and conduct fire prevention safety inspections.

Article 23 Villagers' committees and residents' committees should carry out fire prevention work of a mass character, organize the work in the formulation of the fire prevention safety pledge and conduct fire prevention safety inspections. Village and township people's governments and municipal sub-district offices should provide guidance and carry out supervision.

Article 24 Public security fire-fighting departments should carry out supervision and inspection in accordance with law over observance of fire prevention laws and regulations by organs, societies, enterprises and institutions. Supervision and inspection over key fire prevention safety units should be conducted at regular intervals.

Functionaries of public security fire-fighting departments should, when conducting supervision and inspection, produce identification cards.

Public security fire-fighting departments must not collect fees when conducting supervision and inspection such as fire prevention examination and verification and acceptance checks.

Article 25 Public security fire-fighting departments should, upon discovery of hidden dangers of fire, inform the units or individuals concerned in time to take measures and remove the hidden dangers within the specified time period.

### Chapter III Fire Fighting Organizations

Article 26 People's governments at all levels should, in accordance with the requirements of economic and social development, establish various forms of fire-fighting organizations, step up the building of fire-fighting organizations and upgrade fire-extinguishing and rescue capabilities.

Article 27 Municipal people's governments should, pursuant to the construction standards for fire

brigades prescribed by the state, establish public security fire brigades, specialized fire brigades to undertake the work of fire extinguishment and rescue.

Township people's governments may, in the light of local economic development and requirements of fire prevention work, establish specialized fire brigades and voluntary fire brigades to undertake the work of fire extinguishment and rescue.

Public security fire brigades should, in addition to fulfilment of the task of fire extinguishment and rescue prescribed by this Law, participate in emergency rescue operations of other disasters or accidents.

Article 28 The following units should establish specialized fire brigades to undertake the work of fire extinguishment and rescue of the respective units:

- (1) nuclear power plants, big-size power plants, civil airports and big ports;
- (2) big-size enterprises that produce and store inflammable or explosive hazardous goods;
- (3) big-size warehouses and bases storing combustible essential materials;
- (4) other big-size enterprises than those specified in items (1), (2) and (3) in which there are greater danger of fire but which are rather far from local public security fire brigades; and
- (5) management units of ancient architectural complexes listed as key national cultural relics protected units and located rather far from local public security fire brigades.

Article 29 Establishment of specialized fire brigades should be in line with relevant state provisions and submitted to the fire-fighting departments of the public security organs of the people's governments at the provincial level for acceptance checks.

Article 30 Organs, societies, enterprises, institutions and townships, villages may, in the light of requirements, establish voluntary fire brigades composed of workers and staff members or villagers.

Article 31 Public security fire-fighting departments should provide professional guidance for specialized fire brigades and voluntary fire brigades and have the authority to command and direct specialized fire brigades to participate in fire-extinguishing and rescue work.

#### Chapter IV Fire Extinguishment and Rescue

Article 32 Whoever discovers a fire should report the fire alarm forthwith. All units and individuals should provide facilities for reporting the fire alarm without compensation and must not obstruct reporting the alarm. Reporting false fire alarms is strictly prohibited.

In the event of occurrence of a fire in a public place, staff members of the said public place on the scene have the obligation to organize and guide the masses present at the site in evacuation.

A unit where a fire has occurred must organize forces to extinguish the fire and conduct rescue operations forthwith. Neighbouring units should provide support.

Fire brigades must, on receipt of the fire alarm, rush to the scene of fire at once, rescue people in danger, eliminate the dangers and extinguish the fire.

Article 33 In unified organization and command of on-the-scene fire extinguishment and rescue

operations by a public security fire-fighting department, the commander-in-chief at the scene of fire has, in the light of the requirements of fire extinguishment and rescue operations, the power to decide on the following matters:

- (1) use of various water sources;
- (2) disconnection of transmission of electricity, inflammable gases and liquids, restrictions in the use of fire and electricity;
- (3) delimitation of cordon zones and imposition of local traffic control;
- (4) use of neighbouring and close buildings and related facilities;
- (5) dismantling or damaging of buildings and structures neighbouring the scene of fire to prevent the fire from spreading; and
- (6) mobilization of such relevant units as those of water supply, power supply, medical aid, communications and transport to assist in fire extinguishment and rescue operations.

In the event of extinguishment and rescue operations of an extraordinarily big fire, the local people's government concerned should organize personnel concerned, despatch and gather required materials in support of fire extinguishment.

Article 34 Participation in removal of danger and rescue operations in other disasters or accidents than fire by public security fire brigades shall be under the unified command of the local people's government concerned.

Article 35 Fire engines and fire boats shall not be subjected to the restrictions of the speed, routes and directions of driving and navigating as well as direction signals while on their way to the execution of missions of fire extinguishment or removal of danger and rescue operations in other disasters and accidents. Other vehicles and vessels and pedestrians must give way and must not penetrate or overtake them. Traffic control commanders should ensure the speedy passage of fire engines and fire boats.

Article 36 Fire engines, fire boats as well as fire-fighting apparatuses, equipment and facilities must not be used in matters not related to fire fighting and removal of danger and rescue operations.

Article 37 Public security fire brigades must not collect any fee for fire extinguishment and rescue operations from units or individuals that have experienced the fire.

Specialized fire brigades and voluntary fire brigades shall be compensated according to provisions for the consumption and damage of fuels, fire extinguishing chemicals and apparatuses and equipment during participation in fire extinguishment and rescue operations in other units.

Article 38 Persons injured, disabled or deceased for participation in fire extinguishment and rescue operations shall be given medical treatment or pension for the disabled or pension for the family of the deceased according to relevant state provisions.

Article 39 A public security fire-fighting department has, after extinguishment of a fire, the power to seal off the site of the fire in accordance with requirements, and shall be responsible for investigating and confirming the causes of the fire, verifying the losses of the fire and ascertaining

the responsibility for the fire accident.

With respect to an extraordinarily big fire accident, the State Council or a provincial people's government may organize investigation when it deems necessary.

A unit where a fire has broken out should, after extinguishment of the fire and pursuant to the requirement of the public security fire-fighting department, protect the site, accept investigation of the accident and truthfully provide information on the facts of the fire.

## Chapter V Legal Liability

Article 40 Whoever commits any of the following acts in violation of the provisions of this Law shall be ordered to make a rectification within a specified time period; if he fails to make a rectification on expiry of the specified time period, the offender shall be ordered to stop the construction, stop the use or stop the production and business operations and may concurrently be imposed a fine:

- (1) proceeding with construction of a project in circumstances where the fire prevention design of the project has not been submitted to the public security fire-fighting department for examination and verification or fails to pass the examination and verification;
- (2) putting into use a construction project in circumstances where the project has not undergone fire prevention acceptance checks or fails to pass the acceptance checks on completion of construction of the project for which a fire prevention design should be carried out according to law; and
- (3) putting into use or operation a public gathering place in circumstances where the place has not undergone the fire prevention safety inspection or fails to pass the inspection.

A unit that commits acts of the preceding paragraph shall be penalized pursuant to the provisions of the preceding paragraph, and the person-in-charge held directly responsible and other personnel directly responsible shall be administered a warning or imposed a fine.

Article 41 Whoever holds such activities of a mass character as a large gathering, fireworks evening party or lantern party with the danger of fire without authorization in violation of the provisions of this Law shall be ordered by the public security fire-fighting department to make an on-the-spot rectification; if he fails to make a rectification on the spot, the offender shall be ordered to stop the holding and may concurrently be imposed a fine.

A unit that commits the act of the preceding paragraph shall be penalized pursuant to the provisions of the preceding paragraph, and the person-in-charge held directly responsible and other personnel directly responsible shall be administered a warning or imposed a fine.

Article 42 Whoever lowers fire prevention technical standards in construction, uses construction structural components and construction materials the fire prevention characteristics of which fail to meet state standards or trade standards, or proceeds with construction with substandard fixture and decoration materials without authorization in violation of the provisions of this Law shall be ordered to make a rectification within a specified time period; if he fails to make a rectification on expiry of the specified time period, the offender shall be ordered to suspend the construction and may concurrently be impose a fine.

A unit that commits acts of the preceding paragraph shall be penalized pursuant to the provisions

of the preceding paragraph, and the person-in-charge held directly responsible and other personnel directly responsible shall be administered a warning or imposed a fine.

Article 43 An organ, a society, an enterprise or an institution that fails to perform fire prevention safety responsibilities in violation of the provisions of this Law shall be ordered to make a rectification within a specified time period; if the unit fails to make a rectification on expiry of the specified time period, its person-in-charge held directly responsible and other personnel directly responsible shall be imposed administrative sanctions or administered a warning according to law. A business site that commits any of the following acts shall be ordered to make a rectification within a specified time period; if it fails to make a rectification on expiry of the specified time period, it shall be ordered to suspend the production or business operations and may concurrently be imposed a fine, and its person-in-charge held directly responsible and other personnel directly responsible shall be imposed a fine:

- (1) failing to remove the hidden danger of a fire in time;
- (2) failing to deploy fire-fighting facilities and apparatuses pursuant to relevant state provisions; and
- (3) failing to ensure that evacuation channels and safety exits are unblocked.

Where a workers' collective dormitory is located in a building with workshops or warehouses, penalty shall be imposed pursuant to the provision of the second paragraph.

Article 44 Whoever, in violation of the provisions of this Law, produces and sells fire prevention products that fail to pass inspection by an inspection agency determined pursuant to the provisions of the Product Quality Law shall be ordered to stop the illegal act, confiscated of the products and illegal gains, and given a heavier penalty pursuant to the provisions of the Product Quality Law. A maintenance, inspection and testing unit of fire-fighting facilities and apparatuses that carries out maintenance, inspection and testing in violation of the fire prevention safety technical rules shall be ordered to make a rectification within a specified time period and may concurrently be imposed a fine, and its person-in-charge held directly responsible and other personnel directly responsible administered a warning or imposed a fine.

Article 45 Whoever installs electrical products and gas appliances or lays wires and pipes not in line with the fire prevention safety technical rules shall be ordered to make a rectification within a specified time period; if he fails to make a rectification within the specified time period, the offender shall be ordered to suspend the use.

Article 46 Whoever produces, stores, transports and sells or uses and destroys inflammable or explosive hazardous goods in violation of the provisions of this Law shall be ordered to stop the illegal acts and may be administered a warning, imposed a fine or put under detention under 15 days.

A unit that commits acts of the preceding paragraph shall be ordered to stop the illegal acts and may be administered a warning or imposed a fine, and its person-in-charge held directly responsible and other personnel directly responsible penalized pursuant to the provisions of the preceding paragraph.

Article 47 Whoever commits any of the following acts in violation of the provisions of this Law shall be administered a warning, imposed a fine or put under detention under 10 days:

- (1) entering a site producing and storing inflammable or explosive hazardous goods in violation of fire prevention safety rules;
- (2) illegally using open fire in operations or smoking and using open fire at a site with peril of a fire and an explosion in violation of the ban;
- (3) obstructing the reporting of a fire alarm or reporting a false fire alarm;
- (4) deliberately obstructing fire engines and fire boats to rush to the scene of fire or disrupting the order at the scene of fire;
- (5) refusing to execute the command of the commander at the scene of fire and affecting fire extinguishment and disaster relief; and
- (6) leading to a fire by negligence which has not resulted in serious losses.

Article 48 Whoever commits any of the following acts in violation of the provisions of this Law shall be administered a warning or imposed a fine:

- (1) inciting or forcing other persons to engage in operations against danger in violation of fire prevention safety rules and having not resulted in serious consequences;
- (2) burying, occupying fire hydrants or occupying fire prevention separation zones, blocking fire-fighting channels, or damaging and shifting for other purposes, dismantling and suspending the use of fire-fighting facilities and apparatuses; and
- (3) having major hidden danger of fire but failing to make a rectification on expiry of the notice by the public security fire-fighting department.

A unit that commits acts of the preceding paragraph shall be penalized pursuant to the provisions of the preceding paragraph, and the person-in-charge held directly responsible and other personnel directly responsible administered a warning or imposed a fine.

Whoever commits acts listed in Item (2) of the first paragraph should also be ordered to restore the original state within a specified time period or compensate the losses; if he fails to restore the original state on expiry of the specified time period, the offender should be forced to dismantle or remove the obstacles and the required cost shall be borne by the person of the illegal acts.

Article 49 In the event of occurrence of a fire at a public place, staff members of the said public place on the scene who fail to fulfil the obligation of organizing and guiding the masses in evacuation resulting in casualties yet not constituting a crime shall be put under detention under 15 days.

Article 50 Whoever deliberately destroys the scene or forges a scene for purposes of concealing and covering up the causes of the fire and shirking responsibilities upon extinguishment of the fire yet not constituting a crime shall be administered a warning, imposed a fine or put under detention under 15 days.

A unit that commits acts of the preceding paragraph shall be administered a warning or imposed a fine and its person-in-charge held directly responsible and other personnel directly responsible shall be penalized pursuant to the provisions of the preceding paragraph.

Article 51 Decisions shall be made by public security fire-fighting departments with respect to

penalties for acts in violation of the provisions of this Law. For imposition of penalty of detention, decisions shall be made by a public security organ pursuant to the provisions of the Regulations on Administrative Penalties for Public Security.

For an order of suspension of production or suspension of business operations that has a major impact on economic and social life, the public security fire-fighting department shall submit it to the local people's government for a decision in accordance with law and enforce the order by the decision.

Article 52 Functionaries of public security fire-fighting departments who abuse power, neglect duties and indulge in self-seeking malpractices by committing any of the following acts resulting in losses of state and people's interests yet not constituting a crime shall be imposed administrative sanctions according to law:

- (1) through examination and verification or acceptance checks, approving a fire prevention design or a construction project that fails to meet the state fire prevention technical standards for construction projects;
- (2) deliberately procrastinating and refusing to examine and verify or carry out acceptance checks of a fire prevention design or a construction project the examination and verification or acceptance checks of which is due in accordance with law;
- (3) failing to inform the unit or individual concerned in time to make a rectification on discovery of the hidden danger of a fire;
- (4) designating the sales unit or brands of fire prevention products for users or designating the construction unit for building fire prevention facilities by taking advantage of positions; and
- (5) committing other acts of abuse of power, negligence of duties and self-seeking malpractices.

Article 53 Whoever commits acts in violation of this Law seriously enough to constitute a crime shall be investigated of criminal liability according to law.

#### Chapter VI Supplementary Provision

Article 54 This Law shall enter into force as of September 1, 1998. The Fire Prevention Regulations of the People's Republic of China adopted at the Fifth Meeting of the Standing Committee of the Sixth National People's Congress on May 11, 1984 and promulgated by the State Council on May 13, 1984 is simultaneously superseded.

## **Advertisement Law of the People's Republic of China**

Order of the President of the People's Republic of China

No.34

The Advertisement Law of the People's Republic of China which has been adopted at the Tenth Session of the Standing Committee of the Eighth National People's Congress on October 27, 1994 is promulgated now, and shall enter into force as of February 1, 1995.

President of the People's Republic of China: Jiang Zemin

October 27, 1994

Article 1 This Law is formulated in order to regulate advertising activities, to promote the healthy development of the advertising sector, to protect the lawful rights and interests of consumers, to maintain the social and economic order, and to let advertisements play an active role in socialist market economy.

Article 2 Advertisers, advertising operators and advertisement publishers, when engaging in advertising activities within the territory of the People's Republic of China, shall abide by this Law.

"Advertisement" as the term is used in this Law refers to any commercial advertisement, which a commodity operator or service provider pays for, through certain media or forms, directly or indirectly introducing their commodities being sold or services being provided.

"Advertiser" as the term is used in this Law refers to any legal person, other economic organization or individual, who, with the purpose of promoting the sales of commodities or providing services, is to design, produce and publish advertisements by itself or through commissioning others.

"Advertising operator" as the term is used in this Law refers to any legal person, other economic organization or individual, who is commissioned to provide advertisement designing, producing and agent services.

"Advertisement publisher" as the term is used in this Law refers to any legal person or other economic organization which publishes advertisements for advertisers or advertising operators commissioned by advertisers.

Article 3 An advertisement shall be true to facts, lawful, and in compliance with the requirements of raising socialist cultural and ideological progress.

Article 4 An advertisement may not contain any false and deceiving information, and may not cheat or misguide consumers.

Article 5 Advertisers, advertising operators and advertisement publishers shall, when engaging in advertising activities, abide by laws and administrative regulations and adhere to the principles of fairness and trustworthiness.

Article 6 The administration departments for industry and commerce of the people's governments at or above the county level are the advertising supervision and control organs.

## Chapter II Requirements of Advertising

Article 7 The contents of advertisements shall be conducive to the physical and mental health of the people, promote the improvement in quality of commodity and service, protect the lawful rights and interests of consumers, be in compliance with social morality and professional ethics, and safeguard the dignity and interests of the state.

Advertisements may not contain any of the following circumstances:

1. using the national flag, national emblem and national anthem of the People's Republic of China;
2. using the names of state organs or names of staff of state organs;
3. using such words as the state-level, the highest-level or the best;
4. hindering social stability or endangering the safety of life or property, or harming the social public interests;
5. hindering the social public order or violating the good social customs;
6. containing any pornographic, superstitious, horrible, violent or ugly information;
7. containing any nationality, racial, religious or sex discriminating information;
8. hindering environmental and natural resources protection; and
9. other circumstances that are prohibited by laws and administrative regulations.

Article 8 Advertisements may not impair the physical and mental health of the minors and the disabled.

Article 9 Statements in advertisements on commodity's performance, origin of production, use, quality, price, producer and manufacturer, valid term, and promise, and service's items, manner, quality, price and promise shall be clear and explicit.

An advertisement, in which gifts are indicated to be presented in promoting the sales of commodities or providing services, shall state the type and quantity of gifts as compliments.

Article 10 Data, statistical information, investigation and survey findings, digest and quotes used in an advertisement shall be true to facts and accurate, and their sources shall be indicated.

Article 11 An advertisement involving patented products or patent methods shall clearly indicate the patent number and the type of patent.

The unpatented may not pretend to be patented in advertisements.

The use of ungranted patent applications or terminated, nullified or invalid patents to advertise is prohibited.

Article 12 An advertisement may not belittle the commodities or services of other producers and manufacturers or operators.

Article 13 An advertisement shall be distinguishable, and make consumers identify it is an advertisement.

The mass media may not publish advertisements in the form of news report. An advertisement published through the mass media shall bear the advertisement mark to differentiate it from other non-advertisement information and may not result in misunderstanding by consumers.

Article 14 Advertisements for pharmaceuticals and medical apparatus and instruments may not contain the following contents:

1. containing unscientific indications, statements or promises on efficacy;
2. indicating the cure rate or efficacious rate;
3. comparing on efficacy and safeness with other medicines and medical apparatus and instruments;
4. using the name or image of medical research unit, academic organization, medical unit or expert, doctor or patient; and
5. other contents that are prohibited by laws and administrative regulations.

Article 15 The contents of advertisements for pharmaceuticals must take as the standards the instructions approved by the public health administrative department under the State Council or public health administrative departments of provinces, autonomous regions and municipalities directly under the Central Government.

Advertisements for therapeutic pharmaceuticals which, as provided by the state, shall be used under physicians' advice must be marked "purchase and use on physician's prescription."

Article 16 Special pharmaceuticals such as anesthetic, narcotic, psychotropic, toxic and radioactive drugs may not appear in advertisements.

Article 17 Advertisements for agricultural chemicals may not contain the following contents:

1. using absolute affirmations indicating its safeness such as non-toxic or non-harm;
2. containing unscientific affirmations or promises indicating its effectiveness;
3. containing characters, words or pictures that violate the safe use regulations of agricultural chemicals; and
4. other contents that are prohibited by laws and administrative regulations.

Article 18 Publishing of advertisements for tobacco by means of radio, cinema pictures, television, newspaper, magazine or periodical is prohibited.

Erecting or placing advertisements for tobacco at public places such as various waiting rooms, cinemas and theaters, conference halls and sports stadiums and gymnasiums is prohibited.

Advertisements for tobacco must be marked with "smoking is harmful to your health."

Article 19 The contents of advertisements for foods, alcohol drinks or cosmetics must comply with matters and items of hygiene license, and may not use medical jargons or words which are easily to be mixed up with pharmaceuticals.

### Chapter III Advertising Activities

Article 20 Advertisers, advertising operators and advertisement publishers shall sign written

contracts according to law in their advertising activities, stipulating explicitly each party's rights and obligations.

Article 21 No advertiser, advertising operator or advertisement publisher may make unfair competition of any form in their advertising activities.

Article 22 An Advertiser, either by itself or through commissioning others, to design, produce or publish advertisements to promote the sales of commodities or to provide services shall comply with its business scope.

Article 23 An advertiser shall, in commissioning to design, produce and publish advertisements, commission an advertising operator or advertisement publisher with legal business status.

Article 24 An advertiser shall, in designing, producing and publishing advertisements either by itself or through commissioning others, has or provide true, lawful and valid documentation as follows:

1. business license and other papers and documents related to production and operation qualification;
2. documents and papers issued by quality certification organs for the content of commodity quality to be advertised;
3. other documents and papers to confirm the trueness of the content of advertisement.

Where, pursuant to the provisions of Article 34 of this Law, publishing of an advertisement needs to be subject to examination by the relevant competent administrative departments, relevant documents and papers of approval shall also be provided.

Article 25 Any advertiser or advertising operator shall, if using the names or images of others in advertising, obtain in advance the written consent of others; and if using the names or images of persons with incapacity for civil actions or with limited capacity for civil actions, obtain in advance the written consent from their guardians.

Article 26 Those engaging in the advertising business shall have the required professional and technical personnel and production equipment, undergo company or advertising business registration according to law, and only after that, they may engage themselves in advertising activities.

The advertising business of radio stations, television stations, newspaper or magazine and periodical publishing units shall be handled by their own departments specializing in advertising business, and registration for concurrent advertising business shall be undergone according to law.

Article 27 Advertising operators and advertisement publishers are to check relevant documentation and to examine and verify the contents of advertisements in accordance with laws and administrative regulations. With respect to an advertisement with untrue content or without the required complete documentation, any advertising operator may not provide services on designing, producing and serving as agent and any advertisement publisher may not publish such advertisement.

Article 28 Advertising operators and advertisement publishers, according to relevant state regulations, are to establish and perfect the system on acceptance registration, examination and verification, and record management of their advertisement businesses.

Article 29 Advertising charges shall be reasonable and open to the public, the charging standards and measures shall be registered with the administrative departments in charge of price and industry and commerce for record.

Advertising operators and advertisement publishers shall make public their charging standards and measures.

Article 30 Advertisement publishers shall provide true information on media coverage, audience rate and circulation to advertisers and advertising operators.

Article 31 With respect to those commodities or services prohibited by laws and administrative regulations to be produced and manufactured, marketed or provided, and with respect to the commodities or services prohibited to be advertised, advertisements may not be designed, produced and published.

Article 32 No outdoor advertisement may be erected or placed under any of the following circumstances:

1. using traffic safety facilities or traffic signs and marks;
2. affecting or interrupting the use of public utility facilities, traffic safety facilities or traffic signs and marks;
3. hindering the production or people's living or damaging the appearance or environment of cities;
4. within the construction control areas of the state organs, cultural relics protection units or scenic sites; and
5. with the areas prohibited to erect or place outdoor advertisements by the people's governments at or above the county level.

Article 33 The people's governments at or above the county level are, by organizing relevant departments such as advertising supervision and control, urban construction, environmental protection and public security, to work out planning and measures for the control of erecting and placing outdoor advertisements.

#### Chapter IV Advertisement Examination

Article 34 With respect to advertisements for such commodities as pharmaceuticals, medical apparatus and instruments, agricultural chemicals or veterinary drugs, which are published by means of radio, cinema pictures, television, newspaper, magazine, periodical and other media, and other advertisements which, as provided by laws and administrative regulations, shall be subject to examination, the relevant competent administrative departments (hereinafter referred to as the advertisement examination organ) must examine and inspect, prior to their issuance, the contents

of advertisements in accordance with the relevant laws and administrative regulations; any such advertisement which is not examined and approved may not be published.

Article 35 An advertiser shall, when applying for advertisement examination, submit relevant documentation to the advertisement examination organ according to laws and administrative regulations. The advertisement examination organ shall, pursuant to laws and administrative regulations, make an examination decision.

Article 36 No unit or individual may counterfeit, alter and transfer the document of advertisement examination decision.

## Chapter V Legal Responsibility

Article 37 Where, in violation of the provisions of this Law, false and deceiving publicity on commodity or service is made by using an advertisement, the advertising supervision and control organ shall order the advertiser to stop publishing of the advertisement and to use the same amount of its advertising expenses to make open correction and to clear up influence within the same area, and impose the advertiser a fine of more than the amount of its advertising charges and less than five times the amount of its advertising charges; confiscate the advertising charges of the advertising operator responsible and advertisement publisher responsible and impose them a fine of more than the amount of its advertising charges and less than five times the amount of its advertising charges; and if the case is serious, prevent them, according to law, from the advertising businesses. Where the act constitutes a crime, criminal responsibility shall be investigated according to law.

Article 38 Where, in violation of the provisions of this Law, publishing of a false and deceiving advertisement cheats and misguides consumers, and thus causes infringement and damage to the lawful rights and interests of consumers who buy the commodity or accept the service, the advertiser shall bear civil responsibility according to law; the advertising operator and advertisement publisher, who know or are to know that the advertisement is untrue to facts but continue to design, produce and publish it, shall bear joint responsibility according to law. The advertising operator or advertisement publisher, who fails to provide the real name and address of the advertiser, shall bear complete civil responsibility. A social organization or other organizations, which recommends commodity or service to consumers in a false and deceiving advertisement and consequently causes infringement and damage to the lawful rights and interests of consumers, shall bear joint responsibility.

Article 39 Where publishing of an advertisement violates the provisions of Article 7, Paragraph 2 of this Law, the advertising supervision and control organ shall order the advertiser, advertising operator and advertisement publisher, which are responsible to the advertisement, to stop the publishing of the advertisement and to make open corrections, confiscate their advertising charges, and impose a fine of more than the amount of its advertising charges and less than five times the amount of its advertising charges; and if the case is serious, prevent them, according to law, from the advertising businesses. Where the act constitutes a crime, criminal responsibility shall be

investigated according to law.

Article 40 Where publishing of an advertisement violates the provisions of Article 9 to Article 12 of this Law, the advertising supervision and control organ shall order the advertiser, advertising operator and advertisement publisher, which are responsible to the advertisement, to stop the publishing of the advertisement and to make open corrections, confiscate their advertising charges, and may impose a fine of more than the amount of its advertising charges and less than five times the amount of its advertising charges.

Where publishing of an advertisement violates the provisions of Article 13 of this Law, the advertising supervision and control organ shall order the advertisement publisher to make correction, and impose a fine of more than 1,000 yuan and less than 10,000 yuan.

Article 41 Where, in violation of the provisions of Article 14 to Article 17 and Article 19 of this Law, an advertisement for pharmaceuticals, medical apparatus and instruments, agricultural chemicals, foods, alcoholic drinks or cosmetics is published, or, in violation of the provisions of Article 31 of this Law, an advertisement is published, the advertising supervision and control organ shall order the advertiser, advertising operator and advertisement publisher, which are responsible to the advertisement, to make corrections or to stop the publishing of the advertisement, confiscate their advertising charges, and may also impose a fine of more than the amount of its advertising charges and less than five times the amount of its advertising charges; and if the case is serious, prevent them, according to law, from the advertising businesses.

Article 42 Where, in violation of the provisions of Article 18 of this Law, an advertisement for tobacco is published by means of radio, cinema pictures, television, newspaper, magazine or periodical, or an advertisement for tobacco is erected and placed in the public places and sites, the advertising supervision and control organ shall order the advertiser, advertising operator and advertisement publisher, which are responsible to the advertisement, to stop the publishing of the advertisement, confiscate their advertising charges, and may impose a fine of more than the amount of its advertising charges and less than five times the amount of its advertising charges.

Article 43 Where, in violation of the provisions of Article 34 of this Law, publishing of an advertisement is not subject to examination and approval from the advertisement examination organ, the advertising supervision and control organ shall order the advertiser, advertising operator and advertisement publisher, which are responsible to the advertisement, to stop the publishing of the advertisement, confiscate their advertising charges, and impose a fine of more than the amount of its advertising charges and less than five times the amount of its advertising charges.

Article 44 Where an advertiser furnishes false and deceiving documentation, the advertising supervision and control organ shall impose a fine of more than 10,000 yuan and less than 100,000 yuan.

Where anyone counterfeits, alters or transfers documents of an advertisement examination decision, the advertising supervision and control organ shall confiscate its illegal gains and impose a fine of more than 10,000 yuan and less than 100,000 yuan. Where the act constitutes a crime, criminal responsibility shall be investigated according to law.

Article 45 Where an advertisement examination organ has made an examination and approval decision for illegal content of an advertisement, the person directly in charge and other persons directly responsible shall be subject to administrative penalties imposed by their units, superior organs or administrative supervisory departments according to law.

Article 46 Any person of an advertising supervision and control organ or advertisement examination organ, who neglects his or her duty, abuses his or her power of office or practices favoritism or other irregularities, shall be subject to administrative penalties. Where his or her act constitutes a crime, criminal responsibility shall be investigated according to law.

Article 47 An advertiser, advertising operator or advertisement publisher, who, in violation of the provisions of this Law, commits any of the following right-infringing acts, shall bear civil responsibility according to law:

1. impairing in advertising the physical and mental health of the minors or the disabled;
2. palming off as a patent of others;
3. belittling commodities or services of other producers and manufacturers or operators;
4. using the names and images of others without consent in advertising; or
5. other infringements of the lawful civil rights and interests of others.

Article 48 A party concerned which disagrees with an administrative penalty decision may, within 15 days from the date of receiving notice of the penalty decision, apply for a reconsideration to the next higher organ of the organ which makes the administrative penalty decision; the party may, within 15 days from the date of receiving notice of the penalty decision, also directly file a suit in a people's court. The reconsideration organ shall, within 60 days from the date of receiving the application for reconsideration, make a reconsideration decision. A party concerned which disagrees with the reconsideration decision may, within 15 days from the date of receiving the reconsideration decision, file a suit in a people's court. If the reconsideration organ fails to make a reconsideration decision within the time limit for reconsideration, the party may, within 15 days from the expiration of the reconsideration, file a suit in a people's court. In the event of a party concerned failing both to apply for a reconsideration or to file a suit in a people's court within the time limit, and to comply with a penalty decision, the organ which makes the penalty decision may apply to a people's court for enforcement.

## Chapter VI Supplementary Provisions

Article 49 This Law shall come into force as of February 1, 1995. If any content related to advertising in other laws and regulations formulated prior to the implementation of this Law is inconsistent with this Law, this Law shall prevail.

# **Construction Law of the People's Republic of China**

Order of the President of the People's Republic of China No.91

The Construction Law of the People's Republic of China which has been adopted at the 28th Meeting of the Standing Committee of the Eighth National People's Congress on November 1, 1997 is promulgated now, and shall enter into force as of March 1, 1998.

President of the People's Republic of China: Jiang Zemin

November 1, 1997

## **Chapter I General Provisions**

Article 1 This Law is enacted with a view to enhancing supervision and administration over building operations, maintaining order in the construction market, ensuring the quality and safety of construction projects and promoting the sound development of the building industry.

Article 2 This Law shall be adhered to in engaging in building operations and in the exercise of supervision and administration over building operations within the territory of the People's Republic of China.

The building operations referred to in this Law mean construction of all types of housing and the construction of their ancillary facilities as well as their matching installation operations of wiring, piping and equipment.

Article 3 The building operations shall ensure the quality and safety of construction projects and ensure that they are in conformity with the state safety standards for construction projects.

Article 4 The State supports the development of the building industry, supports scientific and technological research in construction to improve the levels in the design of housing construction, encourages energy economy and environmental protection, encourages adoption of advanced technologies, advanced equipment, advanced techniques and new building materials and modern mode of management.

Article 5 In engaging in building operations, laws and regulations shall be adhered to, and public interest of society and the legitimate rights and interests of others shall not be infringed upon. No unit or individual shall hinder or obstruct the building operations conducted in accordance with law.

Article 6 The competent department of construction administration under the State Council exercises uniform supervision and administration over building operations nationwide.

## **Chapter II Building Permit**

## Section 1 Building Permit for Construction Project

Article 7 A construction unit shall, prior to the start of construction of a construction project, apply to the competent department of construction administration of the people's government at or above the county level of the place where in the project is to be located for a building permit pursuant to the relevant state provisions; however, the below-ceiling small projects determined by the competent department of construction administration under the State Council are exceptions.

A construction project the report for the start of construction of which has been approved pursuant to the terms of reference and procedures prescribed by the State Council shall no longer obtain a building permit.

Article 8 Application for a building permit shall meet the following terms:

- (1) having completed the formalities for the approval of land use for the said construction project;
- (2) having obtained the planning permit in the case of the construction project in an urban planning zone;
- (3) in the case of necessity of demolition and shifting, the pace of demolition and shifting conforming to the requirements of construction;
- (4) having determined the construction enterprise;
- (5) having construction drawings and technical information which meet the requirements for construction;
- (6) having specific measures for ensuring project quality and safety;
- (7) the construction funds having been made available; and
- (8) other terms prescribed by laws and administrative regulations.

The competent department of construction administration shall, within 15 days from the date of receipt of an application, issue a building permit for the application which conforms to the terms.

Article 9 A construction unit shall start the construction within three months from the date of acquisition of the building permit. For inability to start the construction in time due to unforeseen reasons, an application for extension shall be filed with the permit-issuing organ; the extension shall be limited to two times, and each time shall not exceed three months. The building permit shall be automatically annulled in the case of a construction project which neither gets started nor applies for extension, or which has exceeded the time limit for extension.

Article 10 For suspension of construction of a construction project under construction due to unforeseen reasons, the construction unit shall, within one month from the date of suspension of the construction, submit a report to the permit-issuing organ and carry out maintenance and administration of the construction project in accordance with rules.

A report shall be submitted to the permit-issuing organ when the construction project resumes construction; prior to resumption of construction of a construction project whose construction has been suspended for a year, the construction unit shall submit a report to the permit-issuing organ for the verification and examination of the building permit.

Article 11 For inability to start construction in time or suspension of construction due to unforeseen reasons, a construction project the report for the start of construction of which has been

approved pursuant to the relevant provisions of the State Council shall submit a report to the approval authority in time on the situation. For inability to start construction in time exceeding six months due to unforeseen reasons, formalities for the approval of the report for the start of construction shall be completed again.

## Section 2 Qualifications for Operations.

Article 12 Building construction enterprises, survey units, design units and project supervision units engaging in building operations shall have the following qualifications:

- (1) having a registered capital conforming to state provisions;
- (2) having specialized technical personnel with qualifications for legal operations commensurate with the building operations engaged in;
- (3) having technical equipment for engaging in related building operations; and
- (4) other qualifications prescribed by laws and administrative regulations.

Article 13 Building construction enterprises, survey units, design units and project supervision units engaging in building operations shall be classified into different grades of human quality in accordance with such human quality qualifications as the registered capital, specialized technical personnel, technical equipment in their possession and achievements in construction projects completed, and may engage in building operations within the scope permitted by their respective human quality grades on acquisition of the corresponding grade human quality certificates upon passing human quality examination.

Article 14 Specialized technical personnel engaging in building operations shall obtain corresponding qualification certificates for operations in accordance with law and engage in building operations within the scope permitted by the qualification certificates for operations.

## Chapter III Construction Project Contract Issuance and Contracting

### Section 1 General Rules

Article 15 The contract issuing unit and contracting unit of a construction project shall conclude a contract in writing according to law expressly defining the rights and obligations of the parties.

The contract issuing unit and contracting unit shall comprehensively fulfil the obligations agreed in the contract. The party that fails to fulfil the obligations pursuant to the agreement in the contract shall bear the liability for the breach of the agreement according to law.

Article 16 Invitation to tender and bidding of the tender of contract issuance and contracting of a construction project shall follow the principle of openness, fairness and equal competition and the contracting unit shall be selected on merit.

For invitation to tender and bidding of the tender of construction projects not prescribed by this Law, provisions of laws relating to invitation to tender and bidding of the tender shall apply.

Article 17 A contract issuing unit and its staff members shall not, in the contract issuance of a

construction project, accept bribes and commissions or seek other benefits.

A contracting unit and its staff members shall not employ such unfair means as offering bribes, commissions or giving other benefits to the contract issuing unit and its staff members to contract the project.

Article 18 The cost of a construction project shall, pursuant to relevant state provisions, be agreed upon by the contract issuing unit and the contracting unit in the contract. For a construction project with invitation to open tender, the agreement on its cost shall abide by the provisions of laws on invitation to tender and bidding.

The contract issuing unit shall, pursuant to the agreement in the contract, make allocations for the project in time.

## Section 2 Contract Issuance

Article 19 Construction projects shall practise contract issuance by invitation to tender in accordance with law; those construction projects not suitable for contract issuance by invitation to tender may adopt direct contract issuance.

Article 20 For a construction project for invitation to open tender, the contract issuing unit shall, pursuant to the legal procedures and mode, publish a tender notice providing tender documents carrying such contents as major technical requirements of the project open to tender, main articles of the contract, standards and methods of bid evaluation as well as procedures of bid opening, bid evaluation and bid finalization.

Bid opening shall be held in public at the time and place prescribed in the tender document. Evaluation and comparison of bid proposals shall be carried out pursuant to the standards and procedures for bid evaluation prescribed in the tender document after the bids are opened, and selection of the winning bidder made from among bidders with corresponding human quality qualifications on merit.

Article 21 Bid opening, bid evaluation and bid selection of the construction project open to tender shall be organized and carried out by the construction unit according to law and subject to the supervision of the competent administrative departments concerned.

Article 22 For a construction project following contract issuance through tender, the contract issuing unit shall award the contract of the construction project to the contracting unit winning the bid in accordance with law. For a construction project following direct contract issuance, the contract issuing unit shall award the contract of the construction project to the contracting unit with corresponding human quality qualifications.

Article 23 The Government and its subordinate departments shall not abuse their administrative powers in restricting contract issuing units in awarding contracts of construction projects following contract issuance through tenders to designated contracting units.

Article 24 General contracting of construction projects shall be encouraged and dismemberment of

contract issuance of construction projects shall be prohibited.

The contract issuing unit of a construction project may award in total the contract of surveying, design, construction and equipment procurement of the construction project to a general contracting unit of the project. It may also award one item or several items of surveying, design, construction and equipment procurement of the construction project to a general contracting unit of the project; however, it shall not dismember a construction project which should be completed by one single contracting unit into several parts for awarding contracts to several contracting units.

Article 25 For building materials, building structural pieces and parts and equipment to be procured by the contracting unit of the project pursuant to the agreement in the contract, the contract issuing unit shall not designate the contracting unit in the procurement of building materials, building structural pieces and parts and equipment for the project, nor shall it designate the manufacturers and suppliers of the same.

### Section 3 Contracting

Article 26 The contracting units of construction projects shall contract projects with human quality certificates obtained in accordance with law and within the business scope permitted by their human quality grades.

Building construction enterprises shall be prohibited to contract projects beyond the business scope permitted by their respective human quality grades or in the name of other building construction enterprises in any form. Building construction enterprises shall be prohibited to permit in any form other units or individuals in the use of their human quality certificates, business licences to contract projects in the name of their respective enterprises.

Article 27 Large construction projects or construction projects with complex structures may be jointly contracted by more than two contracting units. Parties to the joint contract shall bear joint responsibilities in the implementation of the contract.

In the case of a joint contract by more than two units with different human quality grades, the project shall be contracted in accordance with the business scope granted to the unit with lower human quality grade.

Article 28 Subcontracting to others of the entire construction project contracted by the contracting unit shall be prohibited. Subcontracting to others in the name of subcontracting after dismemberment of the entire construction project contracted by the contracting unit shall be prohibited.

Article 29 The general contracting unit of a construction project may award contracts of parts of the contracted project to subcontracting units with corresponding human quality qualifications; however, except for the subcontracting agreed upon in the general contracting contract, acknowledgement of the construction unit shall be obtained. In the case of general contracting of construction, construction of the main structure of the construction project must be completed by the general contracting unit itself.

The general contracting unit of a construction project shall, pursuant to the agreement in the

general contracting contract, be responsible to the construction unit; subcontracting units shall, pursuant to the agreement in the subcontracts, be responsible to the general contractor. The general contracting unit and subcontracting units shall bear joint responsibility to the construction unit in respect of the subcontracted projects.

The general contracting unit is prohibited to subcontract the project to units with no corresponding human quality qualifications. The subcontracting unit shall be prohibited to re-subcontract the project it has contracted.

#### Chapter IV Construction Project Supervision and Control

Article 30 The State practises the construction project supervision and control system.

The State Council may determine the scope of mandatory supervision and control of construction projects.

Article 31 The construction unit of a construction project under supervision and control shall entrust the supervision and control with an engineering supervision and control unit with corresponding human quality qualifications. The construction unit and its entrusted engineering supervision and control unit shall conclude a contract for entrustment of supervision and control in writing.

Article 32 The construction project supervisor-controller shall, pursuant to the laws, administrative regulations as well as relevant technical standards, design documents and the construction project contractual contract, exercise supervision over the contracting unit in construction quality, construction schedule and use of construction funds on behalf of the construction unit.

Engineering supervisors have the power to ask the building construction enterprise to make corrections when they hold that construction of the project does not conform to engineering design requirements, construction technical standards and agreement in the contract.

Engineering supervisors shall, upon discovery of engineering design not in conformity with construction project quality standards or quality requirements agreed in the contract, report to the construction unit to ask the design unit to make corrections.

Article 33 The construction unit shall, prior to the exercise of supervision and control over the construction project, notify the building construction enterprise to be put under supervision and control in writing of the entrusted engineering supervision and control unit, the contents of supervision and control and terms of reference in supervision and control.

Article 34 An engineering supervision and control unit shall undertake engineering supervision and control business within the scope of supervision and control permitted for its human quality grade.

The engineering supervision and control unit shall, in accordance with the entrustment of the construction unit, conduct the missions of supervision and control objectively and fairly.

The engineering supervision and control unit and the contracting unit of the project under supervision and control as well as supply units of building materials, building structural pieces and

parts and equipment shall not have subordinate relationship or other relations of interest.  
The engineering supervision and control unit shall not transfer its engineering supervision and control business.

Article 35 An engineering supervision and control unit shall bear corresponding liability of compensation in the case of failure to fulfil the obligations of supervision and control agreed in the contract of entrustment of supervision and control, not carrying out inspection or carrying out inspection not in accordance with the provisions over items which should have been put under supervision and inspection, thus causing losses to the construction unit.

An engineering supervision and control unit shall bear joint liability of compensation with the contracting unit for collusion in gaining illegal interests for the contracting unit thus causing losses to the construction unit.

## Chapter V Construction Production Safety Management

Article 36 Construction project production safety management must adhere to the policy of safety first and prevention first, establish and perfect the responsibility system of production safety and the system of prevention and treatment by the masses.

Article 37 Construction project design shall conform to the construction safety procedures and technical standards formulated in accordance with state provisions to ensure the safety performance of the project.

Article 38 A building construction enterprise shall work out corresponding safety technical measures according to the characteristics of the construction project in the compilation of design for construction organization; for speciality-intensive items of the project, design for special-purpose safety construction organization shall be compiled and safety technical measures taken.

Article 39 A building construction enterprise shall take such measures as the maintenance of safety, precautions against danger and fire prevention at the construction site; where there are the required conditions, construction site closed management shall be followed.

A building construction enterprise shall take safety protection measures in the case of the construction site causing possible damage to its adjoining buildings, structures or special operational environment.

Article 40 The construction unit shall provide the building construction enterprise with the relevant information on underground piping and wiring of the construction site, and the building construction enterprise shall take measures for their protection.

Article 41 The building construction enterprise shall abide by the provisions of the laws and regulations relating to environmental protection and safety in production and take control and disposal measures at the construction site of various kinds of dust, waste gas, waste water, solid waste as well as noise, vibration polluting and damaging the environment.

Article 42 A construction unit shall, pursuant to the relevant state provisions, go through the formalities of application for approval in case of any of the following circumstances:

- (1) need of temporarily occupying sites beyond the approved planned scope;
- (2) possibility of damaging such public facilities as roads, pipes and cables, electricity, postal service and telecommunications;
- (3) need of temporary suspension of water supply, electricity supply and suspension of road traffic;
- (4) need to conduct explosion operations; and
- (5) other circumstances requiring going through the formalities of application for approval as prescribed by laws and regulations.

Article 43 The competent department of construction administration shall be responsible for the administration of construction safety in production and subject to the guidance and supervision of the competent department of labour in construction safety in production in accordance with law.

Article 44 A building construction enterprise must, in accordance with law, strengthen construction safety production management, implement the safety production responsibility system and take effective measures to prevent casualties and other accidents in safety production from taking place.

The legal representative of a building construction enterprise shall be responsible for the safety in production of the enterprise.

Article 45 The building construction enterprise shall be responsible for the construction site safety. The general contracting unit shall be responsible for the construction site safety of the project under general contract for construction. Subcontracting units shall be responsible to the general contracting unit and subordinate themselves to the management of the general contracting unit for construction site safety in production.

Article 46 Building construction enterprises shall establish and perfect the educational and training system of safety in labour and production, step up the education and training of workers and staff members in safety in production; no personnel without undergoing education and training in safety in production shall take up posts in operations.

Article 47 Building construction enterprises and their personnel shall, in the process of construction, abide by the laws and regulations relating to safety in production and safety regulations and procedures of the building industry, and shall not give command in contravention of regulations or operate in contravention of regulations. Operators have the right to put forth suggestions for improvement with regard to the operational procedures and operational conditions adversely affecting physical health and have the right to obtain protective gear necessary for safety in production. Operators have the right to make criticism, report the case of and file charges against acts endangering lives, safety and physical health.

Article 48 Building construction enterprises must insure workers and staff members engaging in

dangerous operations against accidental injuries and pay the insurance premium.

Article 49 In restoration or rehabilitation project involving the main body of the building and changes in the weight-bearing structure, the construction unit shall, prior to the construction, entrust the original design unit or a design unit with corresponding human quality qualifications to put forth a design proposal; where there is no design proposal, no construction shall be undertaken.

Article 50 Dismantling of houses shall be undertaken by building construction units with conditions to ensure safety and the person-in-charge of the building construction units shall be responsible for the safety.

Article 51 In the event of an accident in the process of construction, the building construction enterprise shall take emergency measures to reduce casualties of personnel and losses caused by the accident, and submit a report in time to the departments concerned pursuant to relevant state provisions.

#### Chapter VI Construction Project Quality Control.

Article 52 The quality of survey, design and construction of a construction project must conform to the requirements of state safety standards relating to construction projects. Specific control measures shall be formulated by the State Council.

State standards relating to safety in construction projects shall be revised in time when they are unable to adapt to the requirements of ensuring safety in building.

Article 53 The State practises the quality system authentication system with respect to units engaging in building operations. Units engaging in building operations may, in accordance with the principle of voluntarism, apply for quality system authentication to authentication agencies acknowledged by the department of product quality supervision administration under the State Council or by the authorized departments of the department of product quality supervision administration under the State Council. Authentication agencies shall issue quality system authentication certificates to those having qualified for the authentication.

Article 54 No construction unit shall, with whatever reasons, ask the building design unit or building construction enterprise to lower the project quality in project design or construction operations in violation of the laws, administrative regulations and quality and safety standards of construction projects. The building design unit and building construction enterprise shall reject the requests of the construction unit for lowering the project quality in violation of the provisions of the preceding paragraph.

Article 55 For a construction project under general contract, the general contracting unit shall be responsible for the project quality. In the case of the general contracting unit subcontracting out the construction project to other units, the former shall bear joint responsibility with the subcontracting units of the quality of the subcontracted projects. The subcontracting units shall

subject themselves to the quality control of the general contracting unit.

Article 56 The survey and design units of a construction project shall be responsible for the quality of their survey and design. Survey and design documents shall conform to the provisions of relevant laws and administrative regulations and construction project quality and safety standards and technical standards for construction project survey and design as well as the agreement in the contract. Such technical indexes as the specifications, types and characteristics of building materials, building structural pieces and parts and equipment selected in the design documents shall be annotated and their quality requirements shall conform to the standards prescribed by the state.

Article 57 No building design unit shall designate manufacturers or suppliers of the building materials, building structural pieces and parts and equipment selected in the design documents.

Article 58 The building construction enterprise shall be responsible for the construction quality of a project.

The building construction enterprise must proceed with the construction in accordance with the project design drawings and construction technical standards and shall not do shoddy work and use inferior materials. The original design unit shall be responsible for revisions in the project design and the building construction enterprise shall not revise the project design on its own.

Article 59 The building construction enterprise must carry out inspections over the building materials, building structural pieces and parts and equipment in accordance with the requirements of the project design, construction technical standards and agreement in the contract and shall not use those that fail to pass the inspection.

Article 60 A building must ensure the quality of its ground foundation project and the main part of the structure within its life expectancy of rational use.

No such quality flaws as leakage, seepage and cracks in roofs and on wall surfaces shall remain upon completion of a construction project; the building construction enterprise shall repair the quality flaws discovered.

Article 61 A construction project handed over for completion acceptance checks must conform to the prescribed construction project quality standards, have complete project technical and economic information and signed project warranty, and have qualified other conditions for completion prescribed by the state.

A construction project may only be handed over for use upon passing the acceptance checks; no construction project shall be handed over for use without going through the acceptance checks or passing the acceptance checks.

Article 62 Construction projects practise the quality warranty system.

The scope of warranty of a construction project shall include the ground foundation project, main part structural project, roof waterproof project and other civil engineering projects as well as installation projects of electrical wiring and water piping and drainage and projects of the heating

and cooling systems; the duration of warranty shall be determined in accordance with the principle of ensuring the normal use of the building within its rational life expectancy and safeguarding the legitimate rights and interests of the user. Specific warranty scope and minimum warranty duration shall be laid down by the State Council.

Article 63 Any unit or individual has the right to report to, file a charge or lodge a complaint with the competent department of construction administration or other departments concerned about quality accidents and quality flaws of construction projects.

#### Chapter VII Legal Liability.

Article 64 For construction on one's own without obtaining a building permit or without obtaining approval of the report for the start of construction in violation of the provisions of this Law, an order shall be issued for making corrections; that which does not conform to the conditions for the start of construction shall be ordered to stop construction and maybe imposed a fine.

Article 65 In the case of the contract issuing unit issuing contracts of a construction project to contracting units without corresponding human quality qualifications or issuing contracts of a construction project after dismemberment in violation of the provisions of this Law, the violator shall be ordered to make a rectification and imposed a fine.

For contracting a project beyond the human quality grade of the unit, the violator shall be ordered to stop the illegal act and imposed a fine, it may be ordered to suspend operations for consolidation and lower its human quality grade; where the circumstances are serious, its human quality certificate shall be revoked; where there are illegal gains, they shall be confiscated.

Contracting a project without obtaining the human quality certificate shall be banned and imposed a fine; where there are illegal gains, they shall be confiscated.

For obtainment of the human quality certificate by fraud, the human quality certificate shall be revoked and a fine imposed; where a crime has been constituted, criminal liability shall be investigated according to law.

Article 66 Any building construction enterprise that transfers or lends its human quality certificate or permits others to contract a project in the name of the enterprise in other forms shall be ordered to make a rectification, its illegal gains shall be confiscated and a fine imposed, and may be ordered to suspend operations for consolidation and lower its human quality grade; where the circumstances are serious, the human quality certificate shall be revoked. For losses caused by non-compliance with the prescribed quality standards to the said contracted project, the building construction enterprise and the unit or individual using the name of the enterprise shall share joint responsibility for compensation.

Article 67 Any contracting unit that subcontracts its contracted project or subcontracts it in violation of the provisions of this Law shall be ordered to make a rectification, its illegal gains shall be confiscated, and a fine imposed, may be ordered to suspend operations for consolidation and lower its human quality grade; where the circumstances are serious, the human quality certificate shall be revoked.

Any contracting unit having committed the illegal act of the preceding paragraph shall share joint responsibility for compensation with the unit accepting subcontract or the subcontracting unit for losses caused by non-compliance with the prescribed quality standards to the subcontracted project or the illegally subcontracted project.

Article 68 Whoever seeks bribes, accepts bribes or gives bribes in issuing contract of a project or contracting a project shall, if a crime has been constituted, be investigated of criminal liability; where a crime has not been constituted, fines shall be imposed separately, property of bribes confiscated, and sanctions imposed on the person-in-charge held directly responsible and other persons directly responsible. In addition to the penalties prescribed in the preceding paragraph, any contracting unit that gives bribes in the contracting of a project may be ordered to suspend operations for consolidation, lower its human quality grade or its human quality certificate shall be revoked.

Article 69 Any project supervision and control unit that acts in collusion with the construction unit or building construction enterprise, practising fraud and lowering project quality shall be ordered to make a rectification, imposed a fine and its human quality grade shall be lowered or the human quality certificate revoked; where there are illegal gains, they shall be confiscated; where losses have been caused, joint responsibility for compensation shall be borne; where a crime has been constituted, criminal liability shall be investigated according to law.

Any project supervision and control unit that transfers its supervision and control business shall be ordered to make a rectification, confiscated of its illegal gains, may be ordered to suspend operations for consolidation and lower its human quality grade; where the circumstances are serious, the human quality certificate shall be revoked.

Article 70 Any construction of a restoration and rehabilitation project without authorization involving the main part of a building or changes in the weight-bearing structure in violation of the provisions of this Law shall be ordered to make a rectification and imposed a fine; where losses have been caused, liability for compensation shall be borne; where a crime has been constituted, criminal liability shall be investigated according to law.

Article 71 Any building construction enterprise that fails to take measures to eliminate the hidden causes of safety accidents in construction in violation of the provisions of this Law shall be ordered to make a rectification and may be imposed a fine; where the circumstances are serious, it shall be ordered to suspend operations for consolidation and lower its human quality grade or its human quality certificate shall be revoked; where a crime has been constituted, criminal liability shall be investigated according to law.

Managerial staff of a building construction enterprise giving command in contravention of regulations and forcibly ordering workers and staff members to engage in operations in the face of dangers thereby leading to an accident of heavy casualties or causing other serious consequences shall be investigated of the criminal liability according to law.

Article 72 Any construction unit that asks the building design unit or building construction enterprise to lower project quality in contravention of construction project quality and safety

standards in violation of the provisions of this Law shall be ordered to make a rectification and may be imposed a fine; where a crime has been constituted, criminal liability shall be investigated according to law.

Article 73 Any building design unit that fails to design in accordance with construction project quality and safety standards shall be ordered to make a rectification and imposed a fine; the unit that has caused an accident in project quality shall be ordered to suspend operations for consolidation, lower its human quality grade or its human quality certificate shall be revoked, the illegal gains confiscated and a fine imposed; where losses have been caused, liability for compensation shall be borne; where a crime has been constituted, criminal liability shall be investigated according to law.

Article 74 Any building construction enterprise that does shoddy work and uses inferior materials in construction, uses substandard building materials, building structural pieces and parts and equipment, or has any other acts of construction not in accordance with the project design drawings or construction technical standards shall be ordered to make a rectification and imposed a fine; where the circumstances are serious, it shall be ordered to suspend operations for consolidation and lower its human quality grade or its human quality certificate shall be revoked; the unit that has caused non-compliance with the prescribed quality standards of the quality of a construction project shall be responsible for its reconstruction and repair and the compensation of the losses caused therefrom; where a crime has been constituted, criminal liability shall be investigated according to law.

Article 75 Any building construction enterprise that fails to fulfil its obligations of warranty or delays to fulfil its obligations of warranty in violation of the provisions of this Law shall be ordered to make a rectification, may be imposed a fine, and shall bear the liability of compensation for the losses caused by such quality flaws as leakage and seepage in roofs and on wall surfaces during the warranty period.

Article 76 The administrative penalties of ordering suspension of operations for consolidation, lowering the human quality grade and revoking the human quality certificate prescribed in this Law shall be decided upon by the human quality certificate issuing organ; other administrative penalties shall be decided upon by the competent department of construction administration or the departments concerned in accordance with laws and the terms of reference prescribed by the State Council.

For any unit whose human quality certificate is revoked pursuant to the provisions of this Law, its business licence shall be revoked by the department of industry and commerce administration.

Article 77 Any organ that issues a human quality certificate of a said grade to a unit which does not have the corresponding human quality qualifications in violation of the provisions of this Law shall be ordered by the organ at its next higher level to withdraw the human quality certificate issued and administrative sanctions shall be imposed on the person-in-charge held directly responsible and other persons directly responsible; where a crime has been constituted, criminal liability shall be investigated according to law.

Article 78 Any functionary of the government and its subordinate departments who, in violation of the provisions of this Law, restricts the contract issuing unit in issuing the contract of a project open to invitation to tender for contracting to the designated contracting unit shall be ordered by the organ at the next higher level to make a rectification; where a crime has been constituted, criminal liability shall be investigated according to law.

Article 79 Any department and its functionaries responsible for the issuance of construction project building permits which issue a building permit to a construction project that fails to meet the requirements for construction, any department and its functionaries responsible for project quality supervision and inspection or acceptance checks on completion of construction that issue a quality qualification document to or complete the acceptance checks as a qualified project of a substandard construction project shall be ordered by the organ at the next higher level to make a rectification, and administrative sanctions shall be imposed on persons held responsible; where a crime has been constituted, criminal liability shall be investigated according to law; where losses have been caused, the said department shall bear corresponding liability of compensation.

Article 80 Any party that suffers from damage due to substandard quality of a construction project within the life expectancy of rational use of the construction project has the right to claim compensation from the person held responsible.

#### Chapter VIII Supplementary Provisions

Article 81 The provisions of this Law relating to the building permit, building construction enterprise human quality examination and construction project contract issuance and contracting and prohibition of subcontracting as well as construction project supervision and control and construction project safety and quality control apply to building operations of other specialized construction projects. The specific measures shall be formulated by the State Council.

Article 82 The departments of construction administration and other departments concerned shall not collect fees other than those to be collected pursuant to the relevant provisions of the State Council in the exercise of supervision and control over building operations.

Article 83 Reference shall be made to this Law in governing building operations of small housing construction projects determined by people's governments of provinces, autonomous regions and municipalities directly under the Central Government.

Rehabilitation and restoration of memorial buildings and ancient architecture legally verified as protection sites of cultural relics shall be carried out pursuant to the relevant laws on cultural relics protection.

This Law shall not apply to building operations of rescue and disaster relief and other temporary housing construction and peasants' self-constructed low-storey residences.

Article 84 Specific control measures for building operations of military housing construction projects shall be formulated by the State Council and the Central Military Commission pursuant to

this Law.

Article 85 This Law shall enter into force as of March 1, 1998.

## **Environmental Protection Law of the People's Republic of China**

Order of the President of the People's Republic of China No.22 The Environmental Protection Law of the People's Republic of China was adopted at the 11th Meeting of the Standing Committee of the Seventh National People's Congress on December 26, 1989, and shall enter into force as of the date of promulgation. President of the People's Republic of China: Yang Shangkun December 26, 1989 Environmental Protection Law of the People's Republic of China

### Chapter I General Provisions

Article 1 This Law is formulated for the purpose of protecting and improving people's environment and the ecological environment, preventing and controlling pollution and other public hazards, safeguarding human health and facilitating the development of socialist modernization.

Article 2 "Environment" as used in this Law refers to the total body of all natural elements and artificially transformed natural elements affecting human existence and development, which includes the atmosphere, water, seas, land, minerals, forests, grasslands, wildlife, natural and human remains, nature reserves, historic sites and scenic spots, and urban and rural areas.

Article 3 This Law shall apply to the territory of the People's Republic of China and other sea areas under the jurisdiction of the People's Republic of China.

Article 4 The plans for environmental protection formulated by the state must be incorporated into the national economic and social development plans; the state shall adopt economic and technological policies and measures favourable for environmental protection so as to coordinate the work of environmental protection with economic construction and social development.

Article 5 The state shall encourage the development of education in the science of environmental protection, strengthen the study and development of the science and technology of environmental protection, raise the scientific and technological level of environmental protection and popularize scientific knowledge of environmental protection.

Article 6 All units and individuals shall have the obligation to protect the environment and shall have the right to report on or file charges against units or individuals that cause pollution or damage to the environment.

Article 7 The competent department of environmental protection administration under the State Council shall conduct unified supervision and management of the environmental protection work throughout the country.

The competent departments of environmental protection administration of the local people's governments at or above the county level shall conduct unified supervision and management of the environmental protection work within areas under their jurisdiction.

The state administrative department of marine affairs, the harbour superintendency administration,

the fisheries administration and fishing harbour superintendency agencies, the environmental protection department of the armed forces and the administrative departments of public security, transportation, railways and civil aviation at various levels shall, in accordance with the provisions of relevant laws, conduct supervision and management of the prevention and control of environmental pollution. The competent administrative departments of land, minerals, forestry, agriculture and water conservancy of the people's governments at or above the county level shall, in accordance with the provisions of relevant laws, conduct supervision and management of the protection of natural resources.

Article 8 The people's government shall give awards to units and individuals that have made outstanding achievements in protecting and improving the environment.

## Chapter II Supervision and Management of the Environment

Article 9 The competent department of environmental protection administration under the State Council shall establish the national standards for environment quality.

The people's governments of provinces, autonomous regions and municipalities directly under the Central Government may establish their local standards for environment quality for items not specified in the national standards for environment quality and shall report them to the competent department of environmental protection administration under the State Council for the record.

Article 10 The competent department of environmental protection administration under the State Council shall, in accordance with the national standards for environment quality and the country's economic and technological conditions, establish the national standards for the discharge of pollutants.

The people's governments of provinces, autonomous regions and municipalities directly under the Central Government may establish their local standards for the discharge of pollutants for items not specified in the national standards; with regard to items already specified in the national standards, they may set local standards which are more stringent than the national standards and report the same to the competent department of environmental protection administration under the State Council for the record.

Units that discharge pollutants in areas where the local standards for the discharge of pollutants have been established shall observe such local standards.

Article 11 The competent department of environmental protection administration under the State Council shall establish a monitoring system, formulate the monitoring norm and, in conjunction with relevant departments, organize a monitoring network and strengthen the management of environmental monitoring. The competent departments of environmental protection administration under the State Council and governments of provinces, autonomous regions and municipalities directly under the Central Government shall regularly issue bulletins on environmental situations.

Article 12 The competent departments of environmental protection administration of the people's governments at or above the county level shall, in conjunction with relevant departments, make an

investigation and an assessment of the environmental situation within areas under their jurisdiction, draw up plans for environmental protection which shall, subject to overall balancing by the department of planning, be submitted to the people's government at the same level for approval before implementation.

Article 13 Units constructing projects that cause pollution to the environment must observe the state provisions concerning environmental protection for such construction projects.

The environmental impact statement on a construction project must assess the pollution the projects is likely to produce and its impact on the environment and stipulate the preventive and curative measures; the statement shall, after initial examination by the authorities in charge of the construction project, be submitted by specified procedure to the competent department of environmental protection administration for approval. The department of planning shall not ratify the design plan descriptions of the construction project until after the environmental impact statement on the construction project is approved.

Article 14 The competent departments of environmental protection administration of the people's governments at or above the county level or other departments invested by law with power to conduct environmental supervision and management shall be empowered to make on-site inspections of units under their jurisdiction that discharge pollutants. The units being inspected shall truthfully report the situation to them and provide them with the necessary information. The inspecting authorities shall keep confidential the technological know-how and business secrets of the units inspected.

Article 15 Work for the prevention and control of the environmental pollution and damage that involves various administrative areas shall be conducted by the relevant local people's governments through negotiation, or by decision of the people's government at a higher level through mediation.

### Chapter III Protection and Improvement of the Environment

Article 16 The local people's governments at various levels shall be responsible for the environment quality of areas under their jurisdiction and take measures to improve the environment quality.

Article 17 The people's governments at various levels shall take measures to protect regions representing various types of natural ecological systems, regions with a natural distribution of rare and endangered wild animals and plants, regions where major sources of water are conserved, geological structures of major scientific and cultural value, famous regions where karst caves and fossil deposits are distributed, traces of glaciers, volcanoes and hot springs, traces of human history, and ancient and precious trees. Damage to the above shall be strictly forbidden.

Article 18 Within the scenic spots or historic sites, nature reserves and other zones that need special protection, as designated by the State Council, the relevant competent department under the State Council, and the people's governments of provinces, autonomous regions and

municipalities directly under the Central Government, no industrial production installations that cause environmental pollution shall be built; other installations to be built in these areas must not exceed the prescribed standards for the discharge of pollutants. If the installations that have been built discharge more pollutants than those are specified by the prescribed discharge standards, such pollution shall be eliminated or controlled within a prescribed period of time.

Article 19 Measures must be taken to protect the ecological environment while natural resources are being developed or utilized.

Article 20 The people's governments at various levels shall provide better protection for the agricultural environment by preventing and controlling soil pollution, the desertification and alkalization of land, the impoverishment of soil, the deterioration of land into marshes, earth subsidence, the damage of vegetation, soil erosion, the drying up of sources of water, the extinction of species and the occurrence and development of other ecological imbalances, by extending the scale of a comprehensive prevention and control of plant diseases and insect pests, and by promoting a rational application of chemical fertilizers, pesticides and plant growth hormone.

Article 21 The State Council and the people's governments at various levels in coastal areas shall provide better protection for the marine environment. The discharge of pollutants and the dumping of wastes into the seas, the construction of coastal projects, and the exploration and exploitation of offshore oil must be conducted in compliance with legal provisions so as to guard against the pollution and damage of the marine environment.

Article 22 The targets and tasks for protecting and improving the environment shall be defined in urban planning.

Article 23 In urban and rural construction, vegetation, waters and the natural landscape shall be protected and attention paid to the construction of gardens, green land and historic sites and scenic spots in the cities in the light of the special features of the local natural environment.

#### Chapter IV Prevention and Control of Environmental Pollution and Other Public Hazards

Article 24 Units that cause environmental pollution and other public hazards shall incorporate the work of environmental protection into their plans and establish a responsibility system for environmental protection, and must adopt effective measures to prevent and control the pollution and harms caused to the environment by waste gas, waste water, waste residues, dust, malodorous gases, radioactive substances, noise, vibration and electromagnetic radiation generated in the course of production, construction or other activities.

Article 25 For the technological transformation of newly-built industrial enterprises and existing industrial enterprises, facilities and processes that effect a high rate of the utilization of resources and a low rate of the discharge of pollutants shall be used, along with economical and rational technology for the comprehensive utilization of waste materials and the treatment of pollutants.

Article 26 Installations for the prevention and control of pollution at a construction project must be designed, built and commissioned together with the principal part of the project. No permission shall be given for a construction project to be commissioned or used, until its installations for the prevention and control of pollution are examined and considered up to the standard by the competent department of environmental protection administration that examined and approved the environmental impact statement. Installations for the prevention and control of pollution shall not be dismantled or left idle without authorization. If it is really necessary to dismantle such installations or leave them idle, prior approval shall be obtained from the competent department of environmental protection administration in the locality.

Article 27 Enterprises and institutions discharging pollutants must report to and register with the relevant authorities in accordance with the provisions of the competent department of environmental protection administration under the State Council.

Article 28 Enterprises and institutions discharging pollutants in excess of the prescribed national or local discharge standards shall pay a fee for excessive discharge according to state provisions and shall assume responsibility for eliminating and controlling the pollution. The provisions of the Law on Prevention and Control of Water Pollution shall be complied with where they are applicable. The income derived from the fee levied for the excessive discharge of pollutants must be used for the prevention and control of pollution and shall not be appropriated for other purposes. The specific measures thereof shall be prescribed by the State Council.

Article 29 If an enterprise or institution has caused severe environmental pollution, it shall be required to eliminate and control the pollution within a certain period of time. For enterprises and institutions directly under the jurisdiction of the Central Government or the people's government of a province, an autonomous region, or a municipality directly under the Central Government, the decision on a deadline for the elimination or control of pollution shall be made by the people's government of the province, autonomous region and the municipality directly under the Central Government. For enterprises and institutions under the jurisdiction of a people's government at or below the city or county level, such decision shall be made by the people's government of the city or county. Such enterprises and institutions shall accomplish the elimination or control of pollution within the specified period of time.

Article 30 A ban shall be imposed on the importation of any technology or facility that fails to meet the requirements specified in the regulations of our country concerning environmental protection.

Article 31 Any unit that, as a result of an accident or any other exigency, has caused or threatens to cause an accident of pollution, must promptly take measures to prevent and control the pollution hazards, make the situation known to such units and inhabitants as are likely to be endangered by such hazards, report the case to the competent department of environmental protection administration of the locality and the departments concerned and accept their investigation and decision. Enterprises and institutions that are likely to cause severe pollution accidents shall adopt

measures for effective prevention.

Article 32 If the safety of the lives and property of inhabitants is endangered by severe environmental pollution, the competent department of environmental protection administration of the local people's government at or above the county level must promptly report to the local people's government. The people's government concerned shall take effective measures to remove or alleviate the hazard.

Article 33 The production, storage, transportation, sale and use of toxic chemicals and materials containing radioactive substances must comply with the relevant state provisions so as to prevent environmental pollution.

Article 34 No unit shall be permitted to transfer a production facility that causes severe pollution for use by a unit that is unable to prevent and control pollution.

#### Chapter V Legal Liability

Article 35 Any violator of this Law shall, according to the circumstances of the case, be warned or fined by the competent department of environmental protection administration or another department invested by law with power to conduct environmental supervision and management for any of the following acts:

- (1) refusing an on-site inspection by the competent department of environmental protection administration or another department invested by law with power to conduct environmental supervision and management, or resorting to trickery and fraud while undergoing inspection;
- (2) refusing to report or submitting a false report on items for which declaration is required by the competent department of environmental protection administration under the State Council;
- (3) failing to pay, as provided for by the state, the fee for the excessive discharge of pollutants;
- (4) importing technology or a facility that fails to meet the requirements specified in the state provisions concerning environmental protection; or
- (5) transferring a production facility that causes severe pollution for use by a unit that is unable to prevent and control pollution.

Article 36 When a construction project is commissioned or put to use in circumstances where facilities for the prevention and control of pollution either have not been completed or fail to meet the requirements specified in state provisions, the competent department of environmental protection administration responsible for the approval of the environmental impact statement on the construction project shall order the suspension of its operations or use and may concurrently impose a fine.

Article 37 A unit which dismantles or leaves idle the installations for the prevention and control of pollution without prior approval by the competent department of environmental protection administration, thereby discharging pollutants in excess of the prescribed discharge standards, shall be ordered by the competent department of environmental protection administration to set up the installations or put them to use again, and shall concurrently be fined.

Article 38 An enterprise or institution which violates this Law, thereby causing an environmental pollution accident, shall be fined by the competent department of environmental protection administration or another department invested by law with power to conduct environmental supervision and management in accordance with the consequent damage; in a serious case, the persons responsible shall be subject to administrative sanction by the unit to which they belong or by the competent department of the government.

Article 39 An enterprise or institution that has failed to eliminate or control pollution by the deadline as required shall, as provided for by the state, pay a fee for excessive discharge; in addition, a fine may be imposed on it on the basis of the damage incurred, or the enterprise or institution may be ordered to suspend its operations or close down. The fine as specified in the preceding paragraph shall be decided by the competent department of environmental protection administrations. An order for the suspension of operations or shut-down of an enterprise or institution shall be issued by the people's government that set the deadline for the elimination or control of pollution. An order for the suspension of operations or shut-down of an enterprise or institution directly under the jurisdiction of the Central Government shall be submitted to and approved by the State Council.

Article 40 A party refusing to accept the decision on administrative sanction may, within 15 days of receiving the notification on such a decision, apply for reconsideration to the department next higher to the authorities that imposed the sanction; if the party refuses to accept the decision of reconsideration, it may, within 15 days of receiving the reconsideration decision, bring a suit before a people's court. A party may also bring a suit directly before a people's court within 15 days of receiving the notification on the sanction. If, upon the expiration of this period, the party has not applied for reconsideration or has neither brought a suit before a people's court nor complied with the sanction, the authorities that imposed the sanction may apply to the people's court for compulsory enforcement.

Article 41 A unit that has caused an environmental pollution hazard shall have the obligation to eliminate it and make compensation to the unit or individual that suffered direct losses.

A dispute over the liability to make compensation or the amount of compensation may, at the request of the parties, be settled by the competent department of environmental protection administration or another department invested by law with power to conduct environmental supervision and management. If a party refuses to accept the decision on the settlement, it may bring a suit before a people's court. The party may also directly bring a suit before the people's court.

If environmental pollution losses result solely from irresistible natural disasters which cannot be averted even after the prompt adoption of reasonable measures, the party concerned shall be exempted from liability.

Article 42 The limitation period for prosecution with respect to compensation for environmental pollution losses shall be three years, counted from the time when the party becomes aware of or should become aware of the pollution losses.

Article 43 If a violation of this Law causes a serious environmental pollution accident, leading to the grave consequences of heavy losses of public or private property or human injuries or deaths of persons, the persons directly responsible for such an accident shall be investigated for criminal responsibility according to law.

Article 44 Whoever, in violation of this Law, causes damage to natural resources like land, forests, grasslands, water, minerals, fish, wild animals and wild plants shall bear legal liability in accordance with the provisions of relevant laws.

Article 45 Any person conducting supervision and management of environmental protection who abuses his power, neglects his duty or engages in malpractices for personal gains shall be given administrative sanction by the unit to which he belongs or the competent higher authorities; if his act constitutes a crime, he shall be investigated for criminal responsibility according to law.

#### Chapter VI Supplementary Provisions

Article 46 If an international treaty regarding environmental protection concluded or acceded to by the People's Republic of China contains provisions differing from those contained in the laws of the People's Republic of China, the provisions of the international treaty shall apply, unless the provisions are ones on which the People's Republic of China has announced reservations.

Article 47 This Law shall enter into force on the date of promulgation. The Environmental Protection Law of the People's Republic of China (for Trial Implementation) shall be abrogated therefrom.

# **Law of The People's Republic of China on Control of The Entry And Exit of Aliens**

(Adopted at the 13th Meeting of the Standing Committee of the Sixth National People's Congress; Promulgated by Order No. 31 of the President of the People's Republic of China on November 22, 1985; And effective as of February 1, 1986)

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## Chapter I General Provisions

Article 1 This Law is formulated with a view to safeguarding the sovereignty of the People's Republic of China, maintaining its security and public order and facilitating international exchange.

This Law is applicable to aliens entering, leaving and transiting the territory of the People's Republic of China and to those residing and travelling in China.

Article 2 Aliens must obtain the permission of the competent authorities of the Chinese Government in order to enter, transit or reside in China.

Article 3 For entry, exit and transit, aliens must pass through ports open to aliens or other designated ports and must be subject to inspection by the frontier inspection offices.

For entry, exit and transit, foreign-owned means of transport must pass through ports open to aliens or other designated ports and must be subject to inspection and supervision by the frontier inspection offices.

Article 4 The Chinese Government shall protect the lawful rights and interests of aliens on Chinese territory.

Freedom of the person of aliens is inviolable. No alien may be arrested except with the approval or by decision of a people's procuratorate or by decision of a people's court, and arrest must be made by public security organ or state security organ.

Article 5 Aliens in China must abide by Chinese laws and may not endanger the state security of China, harm public interests or disrupt public order.

## Chapter II Entry into the Country

Article 6 For entry into China, aliens shall apply for visas from Chinese diplomatic missions, consular offices or other resident agencies abroad authorized by the Ministry of Foreign Affairs. In specific situations aliens may, in compliance with the provisions of the State Council, apply for visas to visa-granting offices at ports designated by the competent authorities of the Chinese Government.

The entry of nationals from countries having visa agreements with the Chinese Government shall be handled in accordance with those agreements.

In cases where another country has special provisions for Chinese citizens entering and transiting that country, the competent authorities of the Chinese Government may adopt reciprocal measures contingent on the circumstances.

Visas are not required for aliens in immediate transit on connected international flights who hold passenger tickets and stay for no more than 24 hours in China entirely within airport boundaries. Anyone desiring to leave the airport temporarily must obtain permission from the frontier inspection office.

Article 7 When applying for various kinds of visas, aliens shall present valid passports and, if necessary, provide pertinent evidence.

Article 8 Aliens who have been invited or hired to work in China shall, when applying for visas, produce evidence of the invitation or employment.

Article 9 Aliens desiring to reside permanently in China shall, when applying for visas, present status-of-residence identification forms. Applicants may obtain such forms from public security organs at the place where they intend to reside.

Article 10 The competent authorities of the Chinese Government shall issue appropriate visas to aliens according to the purposes stated in their entry applications.

Article 11 When an aircraft or a vessel navigating international routes arrives at a Chinese port, the captain or his agent must submit a passenger name list to the frontier inspection office; a foreign aircraft or vessel must also provide a name list of its crew members.

Article 12 Aliens who are considered a possible threat to China's state security and public order shall not be permitted to enter China.

## Chapter III Residence

Article 13 For residence in China, aliens must possess identification papers or residence certificates issued by the competent authorities of the Chinese Government.

The term of validity of identification papers or residence certificates shall be determined according to the purposes of entry.

Aliens residing in China shall submit their certificates to the local public security organs for examination within the prescribed period of time.

Article 14 Aliens who, in compliance with Chinese laws, find it necessary to establish prolonged residence in China for the purpose of investing in China or engaging in cooperative projects with Chinese enterprises or institutions in the economic, scientific, technological and cultural fields, or for other purposes, are eligible for prolonged or permanent residence in China upon approval by the competent authorities of the Chinese Government.

Article 15 Aliens who seek asylum for political reasons shall be permitted to reside in China upon approval by the competent authorities of the Chinese Government.

Article 16 Aliens who fail to abide by Chinese laws may have their period of stay in China curtailed or their status of residence in China annulled by the competent authorities of the Chinese Government.

Article 17 For a temporary overnight stay in China, aliens shall complete registration procedures pursuant to the relevant provisions.

Article 18 Aliens holding residence certificates who wish to change their place of residence in China must complete removal formalities pursuant to the relevant provisions.

Article 19 Aliens who have not acquired residence certificates or who are on a study programme in China may not seek employment in China without permission of the competent authorities of the Chinese Government.

#### Chapter IV Travel

Article 20 Aliens who hold valid visas or residence certificates may travel to places open to aliens as designated by the Chinese Government.

Article 21 Aliens desiring to travel to places closed to aliens must apply to local public security organs for travel permits.

#### Chapter V Exit from the Country

Article 22 For exit from China, aliens shall present their valid passports or other valid certificates.

Article 23 Aliens belonging to any of the following categories shall not be allowed to leave China:  
(1) defendants in criminal cases or criminal suspects confirmed by a public security organ, a people's procuratorate or a people's court;  
(2) persons who, as notified by a people's court, shall be denied exit owing to involvement in unresolved civil cases; and

(3) persons who have committed other acts in violation of Chinese law who have not been dealt with and against whom the competent authorities consider it necessary to institute prosecution.

Article 24 Frontier inspection offices shall have the power to stop aliens belonging to any of the following categories from leaving the country and to deal with them according to law:

- (1) holders of invalid exit certificates;
- (2) holders of exit certificates other than their own; and
- (3) holders of forged or altered exit certificates.

## Chapter VI Administrative Organs

Article 25 China's diplomatic missions, consular offices and other resident agencies abroad authorized by the Ministry of Foreign Affairs shall be the Chinese Government's agencies abroad to handle aliens' applications for entry and transit.

The Ministry of Public Security, its authorized local public security organs, the Ministry of Foreign Affairs and its authorized local foreign affairs departments shall be the Chinese Government's agencies in China to handle aliens' applications for entry, transit, residence and travel.

Article 26 The authorities handling aliens' applications for entry, transit, residence and travel shall have the power to refuse to issue visas and certificates or to cancel visas and certificates already issued or declare them invalid.

The Ministry of Public Security and the Ministry of Foreign Affairs may, when necessary, alter decisions made by their respectively authorized agencies.

Article 27 An alien who enters or resides in China illegally may be detained for examination or be subjected to residential surveillance or deportation by a public security organ at or above the county level.

Article 28 While performing their duties, foreign affairs police of the public security organs at or above the county level shall have the power to examine the passports and other certificates of aliens. When conducting such examinations, the foreign affairs police shall produce their own service certificates, and relevant organizations or individuals shall have the duty to offer them assistance.

## Chapter VII Penalties

Article 29 If a person, in violation of the provisions of this Law, enters or leaves China illegally, establishes illegal residence or makes an illegal stopover in China, travels to places closed to aliens without a valid travel document, forges or alters an entry or exit certificate, uses another person's certificate as his own or transfers his certificate, he may be penalized by a public security organ at or above the county level with a warning, a fine or detention for not more than ten days. If the circumstances of the case are serious enough to constitute a crime, criminal responsibility shall be investigated in accordance with the law.

If an alien subject to a fine or detention by a public security organ refuses to accept the penalty, he may, within 15 days of receiving notification, appeal to the public security organ at the next higher level, which shall make the final decision; he may also directly file suit in the local people's court.

Article 30 In cases where a person commits any of the acts stated in Article 29 of this Law, if the circumstances are serious, the Ministry of Public Security may impose a penalty by ordering him to leave the country within a certain time or may expel him from the country.

#### Chapter VIII Supplementary Provisions

Article 31 For the purposes of this Law the term "alien" means any person not holding Chinese nationality according to the Nationality Law of the People's Republic of China.

Article 32 Transitory entry into and exit from China by aliens who are nationals of a country adjacent to China and who reside in areas bordering on China shall be handled according to any relevant agreements between the two countries or, in the absence of such agreements, according to the relevant provisions of the Chinese Government.

Article 33 The Ministry of Public Security and the Ministry of Foreign Affairs shall, pursuant to this Law, formulate rules for its implementation, which shall go into effect after being submitted to and approved by the State Council.

Article 34 Affairs concerning members of foreign diplomatic missions and consular offices in the People's Republic of China and other aliens who enjoy diplomatic privileges and immunities, after their entry into China, shall be administered in accordance with the relevant provisions of the State Council and its competent departments.

Article 35 This Law shall enter into force as of February 1, 1986.