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Legislation Law (2015 Revised Edition)  
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## **Legislation Law (2015 Revision)**

**(Adopted by the 3rd Session of the Ninth National People's Congress on March 15, 2000;  
Amended by the 3rd Session of the Twelfth National People's Congress's "National  
People's Congress Decision on Amending the 'Legislation Law of the People's Republic of  
China'" )**

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### **Chapter I: General Provisions**

Article 1: This Law is enacted in accordance with the Constitution in order to standardize legislation activities, to complete state legislative institution, increase the quality of legislation, improve the socialist legal system with Chinese characteristics, bring into play the leading and driving roles of legislation, to safeguard and develop socialist democracy, to comprehensively promote the governance of the country through legal mechanism, and to build a socialist country under the rule of law.

Article 2: The enactment, amendment and repeal of any national law, administrative regulation, local decree, autonomous decree and special decree shall be governed by this Law.

The enactment, amendment and repeal of administrative rules promulgated by agencies under the State Council and local rules promulgated by local governments shall be carried out in accordance with the relevant provisions of this Law.

Article 3: Legislation shall adhere to the basic principles of the Constitution, and shall be centered around economic development, and shall adhere to the socialist road, adhere to the democratic dictatorship by the people, adhere to the leadership by the Chinese Communist Party, and adhere to the theory of Marxism, Leninism and Mao Zedong thoughts and Deng Xiaoping theory, and adhere to the reform and opening to the outside world.

Article 4: Legislation shall comply with legally prescribed scope of authority and procedure, and shall serve the national interests and safeguard the uniformity and dignity of our socialist legal system

Article 5: Legislation shall reflect the will of the people, promote socialist democracy, persist in legislative transparency, and ensure that people are able to participate in the legislation process through various channels.

Article 6: Legislation shall be based on actual circumstances and appropriate to the needs of economic and social development and of comprehensively deepening reforms; and shall, in a scientific and reasonable manner, prescribe the rights and obligations of citizens, legal persons and other organizations, and the powers and duties of state organs.

Legal norms should be clear, specific, targeted and enforceable.

## **Chapter II: [National] Law**

### Section 1: Scope of Legislative Authority

Article 7: The National People's Congress and Standing Committee thereof shall exercise national legislative power.

The National People's Congress enacts and amends criminal, civil, and state apparatus laws and other basic laws.

The Standing Committee of National People's Congress enacts and amends laws other than those to be enacted by the National People's Congress; while the National People's Congress is not in session, the Standing Committee thereof partially amends and supplements national law enacted by the National People's Congress, provided that any amendment or supplement may not contravene the basic principles of such national law.

Article 8: Only [national] law may be enacted in respect of matters relating to:

- (1) state sovereignty;
- (2) the establishment, organization and authority of various people's congresses, people's governments, people's courts and people's procuratorates;
- (3) the autonomy system for ethnic regions, system of special administrative region, and system of autonomy at the basic level;
- (4) crimes and criminal sanctions;

- (5) the deprivation of the political rights of a citizen, or compulsory measures and penalties involving restriction of personal freedom;
- (6) Basic systems for taxation such as the establishment of taxes, determination of tax rates and the tax collection and management;
- (7) expropriation and requisition of non-state assets;
- (8) fundamental civil institutions;
- (9) fundamental economic system and basic fiscal, customs, financial and foreign trade systems;
- (10) litigation and arbitration systems;
- (11) other matters the regulation of which must be carried out through enactment of national law by the National People's Congress or the Standing Committee thereof.

Article 9: Where no national law has been enacted in respect of a matter enumerated in Article 8 hereof, the National People's Congress and the Standing Committee thereof have the power to make a decision to enable the State Council to enact administrative regulations in respect of part of the matters concerned for the time being, except where the matter relates to crime and criminal sanctions, the deprivation of a citizen's political rights, compulsory measure and penalty restricting the personal freedom of a citizen, and the judicial system.

Article 10: Authorization decision shall specify matters such as the purpose, issues, scope, and duration of the authorization, and the principles that authorized organs should follow in implementation.

The duration of authorization must not exceed five years, except as otherwise provided by authorization decisions.

Six months before the duration of authorization is complete, the authorized organ shall report to the authorizing organ on the circumstances of carrying out the authorization decision, and submit an opinion on whether or not it is necessary to draft law; where it is necessary to continue the authorization, a opinion may be submitted to that effect, and the National People's Congress and its standing committee will make a decision.

Article 11: When, based on practice experience, the conditions are ripe for drafting a law on a subject of a legislation authorization, the National People's Congress or its Standing Committee shall enact a national law in a timely manner. After the law is drafted, the legislative authorization on that matter is ended.

Article 12: Authorized organs shall strictly follow the authorization decision in exercising the authorized powers.

Authority organs must not transfer delegated powers to other organs.

Article 13: The National People's Congress and its Standing Committee may, as needed for reform and development, decide to adjust or temporarily suspend the application of some statutory provisions in specific authorization matters in areas such as administrative management, for a set period of time in some areas.

## Section 2: Legislative Procedure of the National People's Congress

Article 14: The presidium of the National People's Congress may introduce a bill to the National People's Congress for deliberation in its current session.

The Standing Committee, State Council, the Central Military Committee, the Supreme People's Court, the Supreme People's Procuratorate, and the various special committees of the National People's Congress may introduce a bill to the National People's Congress, which shall be put onto the agenda of the current session by a decision of the presidium.

Article 15: A delegation, or delegates of at least 30 people acting jointly, may introduce a bill to the National People's Congress, and the presidium shall decide whether to put such bill onto the agenda of the current session, or whether to refer such bill to the relevant special committee for deliberation, and such special committee shall make a recommendation as to whether such bill shall be put onto the agenda of the current session, whereupon the presidium shall decide whether to do so.

When deliberating a bill, the special committee may invite the bill sponsor to the deliberation session to give comments.

Article 16: While the National People's Congress is in recess, a bill to be introduced to it may first be submitted to the Standing Committee thereof, which shall such bill to the National People's Congress by way of a decision after it has deliberated on it in accordance with the relevant procedures set forth in Section 3 of Chapter 2 hereof, and the Standing Committee or the bill sponsor shall brief the plenary session.

In deliberating a bill, the Standing Committee shall solicit comments from National People's Congress delegates in multiple ways, and give feedback on the situation; the work institutions of the special committees and the the Standing Committee shall conduct research on legislation and may invite National People's Congress delegates to participate.

Article 17: For a bill which the Standing Committee has decided to submit to the upcoming session of the National People's Congress for deliberation, the draft law shall be distributed to the delegates one month prior to the commencement of the session.

Article 18: For a bill which has been put on the agenda of the current session of the National People's Congress, the plenary session shall be briefed by the bill sponsor, whereupon the delegations shall begin deliberation.

When delegations deliberate a bill, the bill sponsor shall send representatives to hear comments and answer questions.

When delegations deliberate a bill, upon request by a delegation, the relevant organ or organization shall send representatives to brief the delegation.

Article 19: A bill which has been put on the agenda of the current session of the National People's Congress shall be deliberated by the relevant special committee, which shall submit its deliberation opinions to the presidium, and such opinions shall be printed and distributed to the delegates attending the session.

Article 20: For a bill which has been put on the agenda of the current session of the National People's Congress, after gathering the deliberation opinions delivered by the delegations and the relevant special committee, the Legislative Committee shall conduct a uniform deliberation, and afterwards shall deliver to the presidium a deliberation report and the amended draft law, and the deliberation report shall contain explanations of the major differences of opinions, and after the presidium has deliberated and passed the deliberation report and the amended draft law, they shall be printed and circulated to the delegates attending the session.

Article 21: For a bill which has been put on the agenda of the current session of the National People's Congress, where necessary, the executive chairman of the presidium may call a session of the delegation leaders to hear the deliberation opinions of the various delegations on major matters covered by the bill and conduct discussions, and shall report to the presidium the status of the discussion and the opinions expressed.

The executive chairman of the presidium may also call a session of the relevant delegates elected by various delegations to discuss major special issues involved in the bill, and shall report to the presidium the status of the discussion and the opinions expressed.

Article 22: Where before a bill which has been put on the agenda of the current session of the National People's Congress is brought to a vote, the bill's sponsor requests to withdraw it the bill sponsor shall explain the reason for the withdrawal, and subject to consent by the presidium, a report shall be made to the plenary session, whereupon deliberation on the bill shall terminate.

Article 23: Where in the course of deliberating a bill, major issues are encountered, upon motion brought by the presidium and decided upon by the plenary session, the Standing Committee may be authorized to conduction further deliberation based on the opinions of the delegates, and the Standing Committee shall report its decision to the next session of the National People's Congress; the Standing Committee may also be authorized to conduct further deliberation and prepare an amendment plan, to be submitted to the next session of the National People's Congress for deliberation and decision.

Article 24: After deliberation by the delegations, the amended draft law shall be further amended by the Legislative Committee based on the deliberating opinions of the delegations, and the Legislative Committee shall present a voting version of the draft law to be submitted by the presidium to the plenary session for voting, and such version shall be adopted if it receives affirmative votes from more than half of all delegates.

Article 25: Laws enacted by the National People's Congress shall be promulgated by way of a presidential order signed by the state president.

Section 3: Legislative Procedure of the Standing Committee of the National People's Congress

Article 26: The Chairman's Committee may introduce a bill to the Standing Committee for deliberation during its current session.

The State Council, the Central Military Committee, the Supreme People's Court, the Supreme People's Procuratorate, the various special committees of the Standing Committee may introduce a bill to the Standing Committee, and the Chairman's Committee shall make a decision to put the bill on the agenda of the upcoming session of the Standing Committee, or first refer it to the relevant special committee for deliberation, and a report on it shall be submitted by the special committee, whereupon the Chairman's Committee will decide to put it on the agenda of the upcoming session of the Standing Committee. If the Chairman's Committee is of the opinion that there are material issues outstanding in respect of the bill which require further study, it may advise that the bill sponsor revise and improve the bill before it is introduced to the Standing Committee.

Article 27: Ten or more members of the Standing Committee acting jointly, may introduce a bill to the Standing Committee, and the Chairman's Committee shall decide whether to put it on the agenda of the Standing Committee's session, or whether to refer it to the relevant special committee for deliberation and recommendation before deciding to put it on the agenda. Where such bill is not put on the agenda of the Standing Committee session, the Chairman's Committee shall make a report to the Standing Committee session or give an explanation to the bill sponsor.

When deliberating a bill, the special committee may invite the bill sponsor to the deliberation session to give comments.

Article 28: For a bill which has been put on the agenda of the session of the Standing Committee, unless special circumstances arise, the draft law shall be distributed to the members of the Standing Committee seven days prior to commencement of the session.

When deliberating a bill, the Standing Committee shall invite relevant National People's Congress Delegates to attend.

Article 29: A bill which has been put on the agenda of the Standing Committee session shall in general be deliberated three times in the current session of the Standing Committee before being voted on.

During the first deliberation of the bill at the current Standing Committee session, the bill sponsor shall brief the plenary session, whereupon preliminary deliberation shall be conducted by divided group sessions.

During the second deliberation of the bill at the current Standing Committee session, the Legislative Committee shall brief the plenary session on the status of amendment and major issues in respect of the draft law, whereupon further deliberation shall be conducted by divided group sessions.

During the third deliberation of the bill at the current Standing Committee session, the Legislative Committee shall give a report to the plenary session on the result of the deliberation

on the draft law, whereupon deliberation on the amended draft law shall be conducted by divided group sessions.

When deliberating a bill, if necessary, the Standing Committee may convene a joint group session or a plenary session to discuss the major issues of the draft law.

Article 30: For a bill which has been put on the agenda of the session of the Standing Committee, where a preponderant consensus is formed, it may be brought to a vote after two deliberations by the session of the Standing Committee; where there is a single matter for adjustment, or for a bill which partially amends a national law, if a preponderant consensus is formed, it may be brought to a vote after one deliberation by the session of the Standing Committee.

Article 31: During deliberation of a bill by the subgroups of the Standing Committee, the sponsor shall send representatives to hear comments and answer questions.

During deliberation of a bill by the subgroups of the Standing Committee, if requested by a subgroup, the relevant agency or organization shall send representatives to brief the subgroup.

Article 32: A bill which has been put on the agenda of the Standing Committee session shall be deliberated by the relevant special committee, which shall present its deliberation opinions, which shall be printed and distributed to members attending the Standing Committee session.

During deliberation, the relevant special committee may invite members of other special committees to the session to give comments.

Article 33: For a bill which has been put on the agenda of the session of the Standing Committee, the Legislative Committee shall conduct uniform deliberation based on the opinions expressed by the members of the Standing Committee, the deliberation opinions delivered by the relevant special committee and concerned constituents, and thereafter it shall give a report on the status of amendment or deliver a deliberation result report and the amended draft law, and the status report or deliberation result report shall explain major difference of opinions. If a deliberation opinion expressed by a relevant special committee is not adopted, this shall be reported back to the special committee.

When deliberating a bill, the Legislative Committee shall invite members of the relevant special committee to the session to give comments.

Article 34: During deliberation, a special committee shall convene a plenary session to conduct the deliberation, and where necessary, it may request that the relevant agency or organization send its relevant person in charge to brief the session.

Article 35: Where there is a difference of opinion among the special committees on a major matter covered by the draft law, they shall report such difference to the Chairman's Committee.

Article 36: For a bill which has been put on the agenda of the session of the Standing Committee, the relevant special committee and the office of operation of the Standing Committee shall hear

the opinions of the concerned constituents. In gathering opinions, various methods may be adopted, such as panel discussions, evidence review meetings and hearings.

Where issues relevant to a bill are more specialized, and it is necessary to conduct an evaluation of their feasibility, an evidence review meeting shall be convened to hear relevant opinions, such as those of relevant experts, departments and delegates of the National People's Congress. Evidence review outcomes shall be reported to the Standing Committee.

Where bills have issues on which there are major divergent opinions or major issues that involve interests, and it is necessary to conduct a hearing, a hearing shall be convened to hear the opinions from relevant basic level and mass representatives, departments, people's organizations, experts, National People's Congress delegates and relevant social sectors. A report on the hearing shall be made to the Standing Committee.

The Standing Committee's office of operation shall distribute the draft law to National People's Congress Delegates in relevant fields and the standing committees of local people's congresses, as well as relevant departments, organizations and experts, to gather opinions.

Article 37: For a bill which has been put on the agenda for the session of the Standing Committee, after the deliberations by the Standing Committee, the draft law and an explanation of the drafting or amendments shall be released to the public for comments, except where the Chairman's Committee makes a decision to not release it. The time for release to the public to solicit comments is usually not less than thirty days. A report shall be made to the public on the solicited comments.

Article 38: For a bill which has been put on the agenda of the session of the Standing Committee, the office of operation of the Standing Committee shall collect and compile the comments made by the subgroups during deliberation, as well as comments made by concerned constituents, and where necessary, it shall distribute them to the current session of the Standing Committee.

Article 39: For bills that are intended to be submitted to the Standing Committee for deliberation, before the Legislative Committee submits its review report, the operations office of the Standing Committee may conduct evaluations of issues such as the feasibility of major systems in the bill, the timing of the new law, the social impact of the implementing the law, and problems that might emerge. The Legislative Committee will explain these circumstances in its deliberation conclusions report.

Article 40: Where the sponsor of a bill which has been put on the agenda of the session of the Standing Committee requests for withdrawal of such bill before it is brought to a vote, the bill sponsor shall give an explanation, and subject to consent by the Chairman's Committee, a report shall be made to the Standing Committee, whereupon the deliberation on the bill shall terminate.

Article 41: Upon deliberation of the draft law by the Standing Committee session, the Legislative Committee shall make further amendment based on the comments made during deliberation by members of the Standing Committee, and shall present a voting version of the draft law, and the Chairman's Committee shall bring the draft law for a vote by the plenary session of the Standing



Committee, whereupon such bill shall be enacted if more than half of the votes cast by the members of the Standing Committee are affirmative.

Before the voting version of a bill is passed to the Standing Committee for deliberation and voting, the Chairman's Committee may decide, based on the deliberations of the Standing Committee, to submit individual clauses on which opinions greatly differ to a separate vote by the Standing Committee.

After a separate vote on a clause by the Standing Committee, the Chairman's Committee may, based on the separate vote, decide to submit the voting copy of the bill for a vote, and may also decide to temporarily not submit it for a vote, and give it to the Legislative Committee and relevant special committees for further review.

Article 42: For a bill which has been put on the agenda of the session of the Standing Committee, if deliberation on the bill has been postponed for two years due to major differences among the concerned constituents on major issues such as the necessity or feasibility of enacting such bill, or voting was postponed and the bill has not been put on the agenda of the session of the Standing Committee for two years, the Chairman's Committee shall make a report to the Standing Committee, whereupon deliberation on the bill shall terminate.

Article 43: Where there is to be revision of individual clauses involving the same matter in several laws, and bills are submitted together, then upon decision of the Chairman's Committee, they may be voted on together, or may also be voted on separately.

Article 44: A national law passed by the National People's Congress shall be promulgated by way of a presidential order signed by the state president.

#### Section 4: Legislative Interpretation

Article 45: The power to interpret a national law shall vest in the Standing Committee of National People's Congress.

The Standing Committee of National People's Congress shall give interpretation to a national law in any of the following circumstances:

- (1) the specific meaning of a provision of such legislation requires further clarification;
- (2) a new situation arises after enactment of such legislation, thereby requiring clarification of the basis of its application.

Article 46: The State Council, the Central Military Commission, the Supreme People's Court, the Supreme People's Procuratorate, the various special committees of the Standing Committee and the Standing Committee of the People's Congress of various provinces, autonomous regions and municipality directly under the central government may make a request for legislative interpretation to the Standing Committee of National People's Congress.

Article 47: The office of operation of the Standing Committee shall research and prepare draft legislative interpretation, and shall be put on the agenda of the upcoming session of the Standing Committee upon decision by the Chairman's Committee.

Article 48: After deliberation by the session of the Standing Committee, the draft legislative interpretation shall be deliberated and amended by the Legislative Committee based on comments made by members of the Standing Committee, and it shall submit a voting version of the draft legislative interpretation.

Article 49: The voting version of the draft legislative interpretation shall be adopted if affirmed by more than half of all members of the Standing Committee, and shall be promulgated by the Standing Committee by way of a public announcement.

Article 50: Legislative interpretations issued by the Standing Committee of National People's Congress shall have the same force as national law.

Article 51: The National People's Congress and its Standing Committee increase organizational coordination in legislative work, bringing into play a dominant role in legislative work.

Article 52: Through adopting legislative plans, an annual legislation program and other means, the Standing Committee of the National People's Congress strengthens the overall arrangement of legislative work. Preparation of legislative plans and the annual legislative program should seriously study delegate's proposals and suggestions, broadly solicit opinions, scientifically debate and evaluate, and on the basis of the needs of economic and social development and the establishment of democratic rule, determine legislative projects and increase the timeliness, focus, and systematization of legislation. Legislative plans and the annual legislation program are adopted and released to the public by the Chairman's Committee.

The operations office of the Standing Committee of the National People's Congress is responsible for preparing legislative plans and formulating the annual legislation program, and urges the implementation of the legislative plans and annual legislation program in accordance with the request of the Standing Committee of the National People's Congress.

Article 53: The operations offices of Special Committees and the Standing Committee of the National People's Congress, shall participate in relevant legislative drafting work in advance; for comprehensive, big picture or fundamental major legislative drafts, the operations offices of Special Committees and the Standing Committee may organize the drafting.

For draft laws that are quite specialized, the experts from relevant fields may be brought into the drafting efforts, or relevant experts, academic research units and social organizations entrusted to organize the drafting.

## Section 5: Other Provisions

Article 54: In introducing a bill, the bill sponsor shall at the same time submit the draft law and the accompanying commentaries, and shall also provide the necessary reference materials.

Where laws are amended a comparison of the pre and post amendment versions shall also be provided. The explanation of draft law shall include the need for its drafting or revision, its feasibility and main content, as well as the circumstances of handling major differences of opinion in the drafting process.

Article 55: For a bill introduced to the National People's Congress and its Standing Committee, the bill sponsor is entitled to withdraw the bill before it is put on the agenda.

Article 56: Where a bill introduced to the National People's Congress and its Standing Committee has been voted on by the plenary session and fails to pass, if the bill sponsor deems it necessary to enact such legislation, he may re-introduce it in accordance with legally prescribed procedures, and the presidium or the Chairman's Committee shall decide whether it shall be put on the agenda; specifically, if a bill fails to be adopted by the National People's Congress, it shall be re-introduced to the National People's Congress for deliberation and decision.

Article 57: A law shall specify a date for its implementation.

Article 58: The presidential order for promulgation of the law shall set forth the enactment organ, the date of adoption and the date of implementation.

After a law is promulgated, it should be promptly published in the Gazette of the Standing Committee of the National People's Congress, on the National People's Congress website and nationally-circulated newspapers.

The text of a law as published in the Gazette of the Standing Committee of the National People's Congress is the standard text.

Article 59: The procedure for amendment and repeal of [national] law shall be governed by the relevant provisions of this Chapter.

Where a law is partially amended, a new version shall be published.

Where a law is repealed, unless other law has provided for the repeal, a signed presidential order will be released.

Article 60: Where draft laws are inconsistent with other relevant legal provisions, the bill's sponsor shall give an explanation and submit handling proposals; when necessary, a proposals to amend or annul the other relevant legal provisions shall be submitted concurrently.

When the Law Committee and relevant special committees deliberating a bill find that it is necessary to amend or annul other relevant legal provisions, they shall submit a comment.

Article 61: Where necessary as required by its content, a law may adopt a structure consisting of Titles, Chapters, Sections, Articles, Paragraphs, Items, and Sub-items.

The number for a Title, Chapter, Section, or Article shall be in Chinese character in numerical order, and Paragraphs shall not be numbered, the number for an item shall be a Chinese number in parenthesis in numerical order, and the number for a sub-item shall be an Arabic number in numerical order.

The subtitle of a law shall set forth the enacting organ and the date of adoption. Amended laws shall set forth the amending organ and date of amendment for each instance.

Article 62: Where laws clearly require relevant national organs to make specific accompanying provisions, the relevant national organ shall make provisions within one year of the law taking effect, but where the law sets other time periods for making specific accompanying provisions, those are to be followed. Where the relevant national organs are unable to make specific accompanying provisions within the time period, they shall explain the situation to the Standing Committee of the National People's Congress.

Article 63: Relevant special committees and the working organs of the Standing Committee of the National People's Congress, may organize post-legislative evaluations of relevant laws or relevant provisions in law. A report on the evaluation shall be made to the Standing Committee.

Article 64: Working bodies of the Standing Committee of National People's Congress may study questions raised regarding specific aspects of a law and give a response, which shall also be submitted to the Standing Committee for filing.

### **Chapter III: Administrative Regulations**

Article 65: The State Council enacts administrative regulations in accordance with the Constitution and laws.

Administrative regulations may provide for the following:

- (1) matters for which enactment of administrative regulations is required in order to implement a national law;
- (2) matters subject to the administrative regulation of the State Council under Article 89 of the Constitution.

If a matter which ought to be regulated by national law enacted by the National People's Congress and its Standing Committee, and pursuant to a authorization decision issued by the National People's Congress and its Standing Committee, the State Council has enacted an administrative regulation for the time being, and after trial by practice, the conditions for enactment of the relevant national law has matured, the State Council shall timely submit a request to the National People's Congress and its Standing Committee for enactment of the relevant national law.

Article 66: The State Council legislative affairs office shall formulate the State Council's yearly legislative agenda on the basis of the overall national work allocations, and report this to the

State Council for review and approval. The legal programs in the annual legislative agenda of the State Council shall be linked to the legislation plans and annual legislative program of the Standing Committee of the National People's Congress. The legislative affairs office of the State Council shall timely track the implementation of the legislative agenda by State Council departments, strengthening organizational coordination, and supervisory guidance.

Where State Council departments find that it is necessary to draft an administrative regulation, they shall request preliminary approval from the State Council.

Article 67: The relevant State Council department or Legal Affairs Office is specifically responsible for creating drafts of administrative regulations; the State Council organizes the creation of drafts for important bills or draft administrative provisions on administrative regulation. In the process of drafting administrative regulations, the opinions of relevant organs, organizations, people's congress delegates and the public shall be broadly heard. In gathering opinions, various methods may be adopted, such as panel discussions, evidence review meetings and hearings.

Draft administrative regulations shall be released to the public to solicit comments, except where the State Council decides not to release.

Article 68: Upon completion of a draft administrative regulation, the drafting body shall submit the following to the State Council's legislative affairs office for review: the draft administrative regulation, commentaries, the major difference of opinions on major issues covered by the draft expressed by the various constituencies, and other relevant materials.

The legislative affairs office of the State Council shall submit to the State Council a review report and the amended version of the draft, and the review report shall explain the major matters covered by the draft.

Article 69: The enactment procedure for an administrative regulation shall comply with the relevant provisions of the State Council Organic Law of the People's Republic of China.

Article 70: An administrative regulation shall be promulgated by way of a State Council order signed by the premier.

Administrative regulations involving the national defense establishment may be jointly signed by the premier and Chairman of the Central Military Affairs Commission and jointly released by the State Council and Central Military Affairs Commission.

Article 71: After the signing and release of administrative regulations, they are promptly published in the State Council Bulletin, the Chinese Government Legal Information Network and also newspapers with a nationwide distribution.

The text of administrative regulations published in the State Council Bulletin is the standard text.

## **Chapter IV: Local Provisions, Autonomous Regulations and Special Regulations, and Rules**

### **Section 1: Local Provisions, Autonomous Regulations and Special Regulations**

Article 72: On the basis of the specific circumstances and actual requirements of a city, the people's congresses of sub-districted cities and their standing committees may formulate local regulations with respect to areas such as urban and rural construction and administration, environmental protection, historic and cultural protection, provided that such local regulations are not in conflict with the Constitution, [national] laws and administrative regulations, as well as the local laws and regulations of the provinces or autonomous regions where such cities are located; but where laws have other provisions on subdistricted cities formulating local provisions, those shall be followed

On the basis of the specific circumstances and actual requirements of a city, the people's congresses of sub-districted cities and their standing committees may formulate local regulations with respect to areas such as urban and rural construction and administration, environmental protection, historic and cultural protection, provided that such local regulations are not in conflict with the Constitution, [national] laws and administrative regulations, as well as the local laws and regulations of the provinces or autonomous regions where such cities are located. The local provisions of sub-districted cities shall take effect after being reported to and approved by the standing committees of the people's congresses of the provinces or autonomous region. The standing committees of the people's congresses of provinces or autonomous regions shall conduct a review of the legality of local provisions submitted for approval, and shall approve such laws and regulations within four months if such laws and regulations do not conflict with the Constitution, laws, administrative regulations and the local regulations of the provinces or autonomous regions where such cities are located.

"Where the standing committee of the people's congress of the province or autonomous region conducting a review of a local regulation submitted for approval by a sub-districted city find it to be in conflict with the rules of the people's government of the province or autonomous region where such city is located, it shall make a decision on how to handle the situation.

Except for the cities in which people's governments of provinces or autonomous regions are located and in which special economic zones are located, as well as the bigger cities approved by the State Council, the specific procedures and time for the subdistricted cities to begin formulating local regulations shall be determined by the standing committees of the people's congresses of the relevant provinces or autonomous regions, on the basis of a comprehensive consideration of the population size, territory area, economic and social development, legislation requirements, legislative capacity and other factors of the cities with districts under the relevant provinces or autonomous regions, and shall be submitted to the Standing Committee of the National People's Congress and the State Council for the record.

Autonomous prefecture's people's congresses and their standing committees may exercise the authority of subdistricted cities for formulation of local regulations as provided by Paragraph 2 of this article. The specific procedures and times for autonomous prefectures to begin

formulating local regulations shall be determined according to the provisions of the preceding paragraph.

Local regulations already formulated by the cities in which people's governments of provinces or autonomous regions are located and in which special economic zones are located, as well as the bigger cities approved by the State Council, that involve matters outside the scope provided for in Paragraph 2 of this article, shall remain in force."

Article 73: Local provisions may be made on the following matters:

- (1) Matters for which specific provisions are necessary, based on the actual circumstances of the administrative region, for the implementation of laws or administrative regulations.
- (2) Matters for which it is necessary for local practice to formulate local provisions.

Except for those matters provided for in article 8 of this law, where the government has not formulated law or administrative regulations on other matters, provinces, autonomous regions, directly governed municipalities, subdistricted cities and autonomous prefectures may formulate local provisions as needed by specific local conditions and work needs. Where after the state formulates laws or administrative regulations, local provisions are invalid as contradicting the law or administrative regulations, the formulating organ shall promptly revise or annul them.

Local provisions formulated by districted cities and autonomous prefectures on the basis of paragraph 1 or 2 of this article are limited to the matters provided for in article 72 of this law.

The drafting of local provisions will not generally make duplicative provisions for content with higher law already has clear provisions.

Article 74: The people's congresses and standing committees of provinces or cities containing special economic zones make provisions on the basis of the National People's Congress's authorization decision, and these are implemented within the special economic zone

Article 75: The people's congresses of the ethnic autonomous areas have the power to formulate autonomous regulations and special regulations on the basis of the political, economic and cultural characteristics of the local ethnicities. The autonomous regulations and special regulations of the autonomous regions shall be submitted to the Standing Committee of the National People's Congress for approval and shall go into effect upon approval. The autonomous regulations and special regulations of autonomous prefectures or counties shall be submitted to the standing committees of the people's congresses of the relevant provinces, autonomous regions or municipalities directly under the Central Government for approval and shall go into effect upon approval.

Where certain provisions of the laws and administrative regulations are concerned, adaptation on the basis of the characteristics of the local nationality (nationalities) may be made in autonomous regulations and special regulations, but such adaptation may not contradict the basis principles of the laws and administrative regulations; where the provisions of the Constitution and the Law on

Regional National Autonomy as well as the provisions in other laws and administrative regulations specially formulated to govern the national autonomous areas are concerned, no adaptation may be made.

Article 76: Local provisions on especially major matters within the administrative region shall be passed by the people's congress.

Article 77: The procedures for submission, deliberation and voting of bills of local provisions, autonomous regulations or special regulations shall be enacted by the people's congress at the corresponding level in accordance with the Organic Law of the People's Republic of China on Local People's Congresses and Local People's Governments and with reference to the provisions of Sections 2, 3 and 5 in Chapter II of this Law.

A report of review outcomes on drafts of local rules and a draft revisions are submitted by the organization responsible for unification and review.

Article 78: Local provisions formulated by the people's congress of a province, autonomous region or directly governed municipality are published and announced by the congress presidium.

Local provisions formulated by the people's congress standing committee of a province, autonomous region or directly governed municipality are published and announced by the standing committee.

Upon approval, a local provision enacted by the people's congress of a subdistricted city or an autonomous prefecture and its standing committee shall be promulgated by the standing committee of the people's congress of the subdistricted city or the autonomous prefecture by means of a public announcement.

Autonomous regulations or special regulations shall, upon approval, be promulgated by the standing committee of the local people's congress of the autonomous region, autonomous prefecture or autonomous county in an announcement.

Article 79: After a local provision, autonomous regulation or special regulation of an autonomous region is promulgated, it shall be published in a timely fashion in the bulletin of the standing committee of the people's congress at the same level, on the website of the National People's Congress of the People's Republic of China and the website of local people's congress as well as in the newspapers issued within the administrative region.

The text of local provisions, autonomous and special regulations published in the Standing Committee Bulletin are the standard text.

Section 2: [Local and Administrative] Rules

Article 80: State Council departments, committees, the People's Bank of China, auditing offices and directly controlled institutions with administrative regulatory functions, may draft rules



within the scope of that department's authority on the basis of laws, state council administrative regulations, decisions, or orders.

The matters decided by departmental rules shall be within the scope of the law, State Council administrative regulation, decision or order being enforced. Departmental rules not based on a law, State Council administrative regulation, decision or order must not impair the rights of citizens, legal persons or other organizations, or increase the scope of their duties; and must not increase the power of that department or reduce that department's legally provided duties.

Article 81: For matters that are within the scope of authority of two or more State Council departments the State Council shall be requested to formulate administrative regulations or have the relevant departments of the State Council jointly formulate rules .

Article 82: The people's governments of provinces, autonomous regions, directly governed municipalities, subdistricted cities or autonomous prefectures may enact rules on the basis of laws and administrative regulations as well as local regulations of their respective provinces, autonomous regions or directly governed municipalities.

Local government rules may be made on the following matters:

(1) Matters for which it is necessary to draft rules for the implementation of laws, administrative regulations, of local provisions.

(2) Matters that fall within the administrative management of that administrative region.

The people's governments of subdistricted cities and autonomous prefectures may enact local governmental rules according to paragraphs 1 and 2 of this article, but limited to matters relating to areas such as urban and rural construction and administration, environmental protection, historical and cultural protection. The enacted local governmental rules involving matters other than those relating to the aforementioned aspects shall remain valid.

Except for the cities where the people's governments of the provinces or autonomous regions are located and the special economic zones are located, as well as the bigger cities with the approval of the State Council, the time for the people's government of any other subdistricted city or an autonomous prefecture to formulate rules shall be the same as the time for the said city or autonomous prefecture to start formulating local regulations as determined by the standing committee of the people's congress of the province or autonomous region where that city or autonomous prefecture is located.

Where local regulations should be formulated but the conditions are not yet ripe, to satisfy the urgent administrative management needs, local governmental rules may be enacted first. Where it is still necessary to implement administrative measures provided for by local rules that have been in effect for two years, the local people's congress or its standing committee shall be requested to enact local regulations.

Local governmental rules may not lay down any regulation impairing the rights of, or increasing the duties of citizens, legal persons or other organizations, without a basis in law, administrative regulations or local provisions.

Article 83: The State Council provides drafting procedures for State Council Department Rules and local government rules, with reference to Chapter III of this law.

Article 84: Departmental Rules shall be decided on by ministerial meetings or committee meetings.

Local government rules shall be decided on by the government standing committee or plenary session.

Article 85: Departmental rules are signed by department heads for publication.

Local government rules are signed by the Provincial governor, autonomous region chairman, mayor or governor of an autonomous prefecture for publication.

Article 86: After departmental rules are signed and published, they are timely published in the State Council or Department Bulletin and on the Chinese Government Legal Information Network, as well as in newspapers with a national circulation.

After local rules are signed and released, they are timely published in the people government bulletin and on the Chinese Government Legal Information Network, as well as in newspapers with a national circulation.

The text of rules published in the State Council Bulletin, Department Bulletins, or local people's government bulletins are the standard text.

## **Chapter V: Application and Review and Filing**

Article 87: The legal force of the Constitution is the highest, and no laws, administrative regulations, local provisions, autonomous regulations, special regulations or rules whatever may conflict with it.

Article 88: The force of [national] laws is higher than that of administrative regulations, local provisions, and rules.

The force of administrative regulations is higher than that of local regulations, and rules.

Article 89: The force of local regulations is higher than that of the rules of local governments at or below the corresponding level.

Rules enacted by the people's government of a province or autonomous region have higher legal authority than local rules enacted by the people's government of a major city located in its jurisdiction.

Article 90: Where an **autonomous decree or special decree** varies from provisions of national law, administrative regulations or local provisions, the provisions of the autonomous decree or special decree are applied in that autonomous area.

Where an authorized decree of a **special economic zone** is made in variance of provisions of national law, administrative regulations or local provisions, the provisions of the decree of the special economic zone are applied in that special economic zone.

**Article 91: The legal authority between departmental rules, and between departmental rules and local government rules, is the same, and they are implemented within their respective scope of authority.**

Article 92: Where special provisions are inconsistent with general provisions in national laws, administrative regulations, local decrees, autonomous and special regulations or rules enacted by the same body, the special provisions are applied; and if a new provision is inconsistent with an old provision, the new provision is applied.

Article 93: Laws, administrative regulations, local provisions, autonomous and special regulations and rules do not have retroactive force, except where a special provision is made in order to better protect the rights and interests of citizens, legal persons and other organizations.

Article 94: Where there is an inconsistency regarding the same matter between a new general provision and an old special provision of laws, and the applicable provision cannot be determined, a ruling shall be made by the Standing Committee of the National People's Congress.

When there is an inconsistency regarding the same matter between a new general provision and an old special provision of administrative regulations, and the applicable provision cannot be determined, a ruling will be made by the State Council.

Article 95: When local provisions and rules are inconsistent, the relevant organ will make a ruling in accordance with the following provisions on the scope of authority:

- (1) When a new general provision and an old special provision enacted by the same agency are inconsistent, the enacting agency shall make the ruling;
- (2) When local provisions and administrative rules are inconsistent regarding the same matter, and the applicable provision can not be determined, the State Council will issue an opinion, and where the State Council finds that the local decree shall apply, then the local decree shall be applied in the local jurisdiction; where the State Council deems that the administrative rule shall apply, it shall request the Standing Committee of National People's Congress to make a ruling;
- (3) When there is an inconsistency on a matter between departmental rules, or between departmental rules and local provisions, the State Council will make a decision.

When an administrative regulations enacted pursuant to authorization and a law are inconsistent, and the applicable provision cannot be determined, the Standing Committee of National People's Congress will make a ruling.

Article 96: Where any of the following circumstances applies to a national law, administrative regulation, local provision, autonomous regulation, special regulation, or rule, the relevant body shall amend or repeal it pursuant to the authority granted in Article 88 of this Law.

- (1) Exceed the scope of authority;
- (2) A lower level law is contrary to provisions of a higher level law.
- (3) Different provisions exist in respect of the same matter among rules, and pursuant to a ruling made by the relevant body, one of the provisions should be amended or repealed.
- (4) The provision of a rule is found improper and shall be amended or repealed;
- (5) It violates legally prescribed procedure.

Article 97: The authority to amend or repeal a [national] law, administrative regulation, local provisions, autonomous or special regulations, and rules are:

- (1) The National People's Congress has the authority to amend or repeal any improper national law enacted by its Standing Committee, and to cancel any autonomous or special regulations approved by its Standing Committee in violation of the Constitution or the provision of Paragraph 2 of Article 66 hereof;
- (2) The Standing Committee of National People's Congress has the authority to repeal any administrative regulation which contravenes the Constitution or any [national] law, and to repeal any local decree which contravenes the Constitution or any [national] law or administrative regulation, and to or cancel any autonomous regulations or special regulations approved by the Standing Committee of the People's Congress of any province, autonomous region, or directly governed municipality in violation of the Constitution or the provision of Paragraph 2 of Article 66 of this Law;
- (3) The State Council has the authority to amend or repeal any improper departmental or local government rules;
- (4) The People's Congresses of provinces, autonomous regions, or directly governed municipalities directly, and the Standing Committees thereof, have the authority to amend or repeal any inappropriate local decree enacted by its Standing Committee or any improper local rule approved by its Standing Committee;
- (5) The Standing Committee of a local People's Congress has the authority to cancel any improper rule enacted by the government at the same level;

(6) The People's Government of a province, autonomous region, or municipality directly under the central government has the authority to amend or repeal any improper rules enacted the People's Government at the level below;

(7) The authorizing body has the authority to repeal regulations that has been drafted by the enabled organ acting beyond the scope of its scope of authority or in violation of the goal of the authorization decision, and where necessary, the enabling body may revoke the authorization.

Article 98: Administrative regulations, local provisions, autonomous and special regulations and rules shall be reported to the relevant organs for recording within 30 days of being released, in accordance with the following provisions:

(1) Administrative regulations are reported to the Standing Committee of the National People's Congress for recording.

(2) Local regulations enacted by the people's congresses of the provinces, autonomous regions or directly governed municipalities and their standing committees shall be filed with the Standing Committee of the National People's Congress and the State Council; and those enacted by the people's congresses of subdistricted cities or autonomous prefectures and their standing committees shall be filed with the Standing Committee of the National People's Congress and the State Council through the standing committees of the people's congresses of provinces or autonomous regions.

(3) Autonomous and special regulations enacted by the people's congresses of autonomous prefectures or counties shall be filed with the Standing Committee of the National People's Congress and the State Council through the standing committees of the people's congresses of the provinces, autonomous regions and directly governed municipalities; autonomous and special regulations to be filed shall state the appropriate adaptations to the laws, administrative regulations and local regulations.

(4) departmental or local governmental rules shall be submitted to the State Council for recording; a local governmental rule shall be concurrently submitted to the standing committee of the local people's congress for record filing; a local rule enacted by the people's government of a subdistricted city or autonomous prefecture shall be concurrently submitted to the standing committee of the people's congress and the people's government of the province or autonomous region for record filing.

(5) Regulations enacted upon the authorization shall be filed with the authorizing organ stipulated in the authorization decision. The regulations enacted by the special economic zones to be filed shall state the appropriate adaptations to the laws, administrative regulations and local regulations.

Article 99: When the State Council, the Central Military Commission, the Supreme People's Court, the Supreme People's Procuratorate and the standing committees of the people's congresses of the provinces, autonomous regions and municipalities directly under the Central Government consider that administrative regulations, local regulations, autonomous regulations

or separate regulations contradict the Constitution or laws, they may submit to the Standing Committee of the National People's Congress written requests for examination, and the working offices of the Standing Committee shall refer the requests to the relevant special committees for examination and suggestions.

When State organs other than those mentioned in the preceding paragraph, public organizations, enterprises and institutions or citizens consider that administrative regulations, local regulations, autonomous regulations or separate regulations contradict the Constitution or laws, they may submit to the Standing Committee of the National People's Congress written suggestions for examination, and the working offices of the Standing Committee shall study the suggestions and shall, when necessary, refer them to the relevant special committees for examination and suggestions.

The special committees and the Standing Committee working bodies may conduct active review of normative documents sent for recording.

Article 100: Where during review or research special committees or the standing committee of the National People's Congress find that an administrative regulation or local provisions, autonomous or special regulations conflict with the Constitution or [National] Laws, they may submit a written review or research comment to the drafting organ; a joint review meeting may also be called between the Law Committee and the relevant special committee or the Standing Committee's operation office, requesting that the drafting organ attend to give an explanation, and then submit additional written review comments. The organ that has formulated the regulations shall, within two months, study and put forth suggestions as to whether to revise the regulations, and shall give feedback to the Law Committee and other relevant special committees of the National People's Congress.

Where the Law Committee of the National People's Congress, relevant special committees and the working office of the Standing Committee submit review or research comments to the drafting organ on the basis of the preceding paragraph, and the drafting organ follows the comments to adjust or annul the administrative regulation, local provisions, autonomous regulations or special regulations, the review is concluded.

Where upon review and research, the Law Committee of the National People's Congress, relevant special committees or the working office of the Standing Committee find that administrative regulation, local provisions, autonomous regulations or special regulations conflict with the Constitution or [National] Law, and the drafting organ does not amend them, a proposal or suggestion to have it withdrawn shall be sent to the Chairman's Committee, and the Chairman's Committee will make a decision to submit it to the Standing Committee for deliberation and decision.

Article 101: Relevant special committees and the working office of the Standing Committee of the National People's Congress shall follow the requirements to give feedback on the condition of review and research to the national organ that recommended review, social groups, enterprises and public institutions and citizens for feedback, and may disclose it to the public.

Article 102: Procedures for review of local provisions, autonomous regulations and special regulations or rules by other organs accepting records, are determined by the organ accepting records, on the principle of maintaining the uniformity of the law.

## **Chapter VI: Supplementary Provisions**

Article 103: The Central Military Commission enacts military regulations according to the Constitution and the laws.

The various headquarters, divisions, and military areas of the Central Military Commission, and the Chinese People's Armed Police Forces, may enact military rules consistent with their scope of authority in accordance with the relevant national laws and military decrees, decisions and orders.

Military regulations and rules are implemented within the armed forces.

The Central Military Commission shall formulate methods for enacting, amending and repealing military regulations and rules in accordance with the principles provided by this Law.

Article 104: Interpretations on the specific application of in adjudication or procuratorate work issued by the Supreme People's Court or Supreme People's Procuratorate shall primarily target specific articles of laws, and be consistent with the goals, principles and significance of legislation Where encountering the situation provided for in the second paragraph of Article 45 of this Law, a request for a legal interpretation, or a proposal to draft or amend relevant law, shall be submitted to the National People's Congress Standing Committee.

Specific interpretations on the application of law in adjudication or procuratorate work made by the Supreme People's Court or Supreme People Procuratorate, shall be reported to the Standing Committee of the National People's Congress for recording within 30 days of their being released.

Adjudication and procuratorate organs other than the Supreme People's Court and the Supreme People's Procuratorate must not make specific interpretations on the application of law.

Article 105: This Law shall go into effect on July 1, 2000.