
Legislation Law of the People's Republic of China

(Adopted at the third Session of the Ninth National People's Congress on March 15, 2000, and amended in accordance with the Decision on Amending the Legislation Law of the People's Republic of China adopted at the 3rd Session of the Twelfth National People's Congress on March 15, 2015)

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Chapter I General Provisions

Article 1 To regulate legislative activities, establish a sound legislative system of the state, raise the quality of legislation, improve the Chinese socialist legal system, allow legislation to play a guiding and driving role, safeguard and develop socialist democracy, comprehensively promote the rule of law, and build a socialist country ruled by law, this Law is developed in accordance with the Constitution.

Article 2 This Law shall apply to the development, amendment, and repeal of laws, administrative regulations, local regulations, autonomous regulations, and separate regulations.

The rules of the departments of the State Council (hereinafter referred to as the "State Council departmental rules") and the rules of local governments shall be developed, amended, and repealed in accordance with the relevant provisions of this Law.

Article 3 Legislation shall be conducted under the fundamental principles laid down in the Constitution, focusing on economic development, and in adherence to the socialist path, the people's democratic dictatorship, the leadership of the Communist Party of China,

Marxism-Leninism, Mao Zedong thoughts and Deng Xiaoping theory, and reform and opening up.

Article 4 Legislation shall be conducted according to the statutory power and procedures, on the basis of the overall interests of the State, and to maintain the unity and dignity of the socialist legal system.

Article 5 Legislation shall represent the will of the people, carry forward socialist democracy, and in adherence to openness in legislation, ensure the people's participation in legislative activities through various channels.

Article 6 Legislation shall, based on the actual circumstances, satisfy the requirements of economic and social development and comprehensive furtherance of reform, and prescribe the rights and obligations of citizens, legal persons, and other organizations, as well as the powers and responsibilities of the organs of the state, in a scientific and rational manner.

Legal rules shall be definite, specific, pertinent, and enforceable.

Chapter II Laws

Section 1 Legislative Power

Article 7 The National People's Congress and its Standing Committee shall exercise the legislative power of the State.

The National People's Congress shall develop and amend the basic laws on criminal matters, civil matters, and state authorities, among others. The Standing Committee of the National People's Congress shall develop and amend laws other than those developed by the National People's Congress; and when the National People's Congress is not in session, partially supplement and amend laws developed by the National People's Congress, provided that the basic principles in such laws are not violated.

Article 8 The following matters shall only be governed by laws:

- (1) Matters concerning state sovereignty.
- (2) The formation, organization, and functions and powers of the people's congresses, the people's governments, the people's courts, and the people's procuratorates at all levels.
- (3) The regional ethnic autonomy system, the special administrative region system, the self-government system of people at the grassroots level.
- (4) Criminal offences and penalties.
- (5) Compulsory measures and penalties involving deprivation of a citizen's political rights or restriction of personal freedom.
- (6) The establishment of any category of tax, determination of tax rates, tax collection administration, and other basic taxation rules.
- (7) Expropriation and requisition of property not owned by the state.
- (8) The basic system of civil matters.

(9) Basic economic rules and basic rules on treasury, customs, finance, and foreign trade.

(10) Litigation and arbitration systems.

(11) Other matters which must be governed by laws developed by the National People's Congress and its Standing Committee.

Article 9 Where laws have not been developed on any matters specified in Article 8 of this Law, the National People's Congress or its Standing Committee may make a decision to empower the State Council to first develop administrative regulations as actually needed on certain matters, except for matters involving criminal offences and penalties, compulsory measures and penalties involving deprivation of a citizen's political rights or restriction of personal freedom, and the justice system.

Article 10 The empowerment decision shall specify the purposes, subject matter, scope, and term of empowerment and the principles to be followed by the empowered authority that implements the empowerment decision, among others.

The term of empowerment shall not exceed five years, except as otherwise specified in the empowerment decision.

The empowered authority shall, six months before expiration of the term of empowerment, report the implementation of the empowerment decision to the empowering authority and submit recommendations on whether the relevant law shall be developed, and if continued empowerment is necessary, may recommend continued empowerment, which is subject to the decision of the National People's Congress and its Standing Committee.

Article 11 Where the conditions for developing a law on any matters in the empowered legislation become mature after such legislation has been tested in practice, the National People's Congress or its Standing Committee shall develop the law in a timely manner. After the law is developed, the empowerment on such matters shall be terminated.

Article 12 The empowered authority shall exercise the power vested in it in strict accordance with the empowerment decision.

The empowered authority shall not delegate the power vested in it to any other authority.

Article 13 The National People's Congress and its Standing Committee may, as needed for reform and development, decide to authorize the temporary adjustment or temporary suspension of the local application of certain provisions of a law during a specified period regarding specific matters in the administrative management and other fields.

Section 2 Legislative Procedures for the National People's Congress

Article 14 The Presidium of the National People's Congress may introduce bills to the National People's Congress for deliberation at a session of the National People's Congress.

The Standing Committee of the National People's Congress, the State Council, the Central Military Commission, the Supreme People's Court, the Supreme People's Procuratorate, and the specialized committees of the National People's Congress may introduce bills to the National People's Congress, and the Presidium shall decide whether such bills will be put on the agenda of a session of the National People's Congress. Article 15 A delegation or a group of thirty or more co-signing deputies may introduce a bill to the National People's Congress, and the Presidium shall decide whether the bill will be put on the agenda of a session of the National People's Congress or before making such a decision, first refer the bill to a relevant specialized committee for deliberation and an opinion on whether the bill will be put on the agenda.

To deliberate a bill at a meeting, a specialized committee may invite the proposer of the bill to observe the meeting and offer an opinion. Article 16 A bill to be introduced to the National People's Congress may be first introduced to the Standing Committee when the National People's Congress is not in session, and after deliberating the bill at its sessions under the procedures prescribed in Section 3, Chapter II of this Law, the Standing Committee shall decide whether the bill will be submitted to the National People's Congress for deliberation, and the Standing Committee or the proposer shall provide an explanation on the bill to the plenary meeting of the session of the National People's Congress.

When deliberating a bill in accordance with the provision of the preceding paragraph, the Standing Committee shall solicit the opinions of the deputies to the National People's Congress in multiple forms and provide feedback, and the relevant deputies to the National People's Congress may be invited to participate in legislative investigation and research conducted by the specialized committees and the operating divisions of the Standing Committee.

Article 17 Where the Standing Committee has decided to introduce a bill to a session of the National People's Congress for deliberation, it shall distribute the draft law to the deputies one month before the session is held.

Article 18 A bill on the agenda of a session of the National People's Congress shall be deliberated by all delegations after an explanation on the bill has been provided by the proposer at a plenary meeting of the session.

When the delegations are deliberating a bill, the proposer shall send persons to listen to their opinions and answer questions.

When the delegations are deliberating a bill, the relevant authority or organization shall, as required by the delegations, send persons to provide relevant information.

Article 19 A bill on the agenda of a session of the National People's Congress shall be deliberated by the relevant specialized committee, which shall submit a deliberation opinion to the Presidium and distribute the printed opinion to the session.

Article 20 A bill on the agenda of a session of the National People's Congress shall be uniformly deliberated by the Law Committee based on the opinions offered by the delegations and relevant specialized committee after deliberation, and the Law Committee shall submit to the Presidium a report on the deliberation result and the revised draft law, and state any important different opinions in the report. After deliberation and adoption at a meeting of the Presidium, the printed report and revised draft law shall be distributed to the session.

Article 21 The executive chairman of the Presidium may, when necessary, convene a meeting of the heads of all delegations to hear and discuss the opinions offered by the delegations after deliberation on any significant issues in a bill on the agenda of a session of the National People's Congress, and report the discussion result and opinions to the Presidium.

The executive chairman of the Presidium may also convene a meeting of the relevant deputies recommended by the delegations to discuss any major specialized issues in a bill, and report the discussion result and opinions to the Presidium.

Article 22 Where before a bill on the agenda of a session of the National People's Congress is put to vote, the proposer requests withdrawal of the bill, the proposer shall state the reasons for withdrawal, and the deliberation of the bill shall terminate upon consent of the Presidium to the request and reporting to the session.

Article 23 Where any significant issue raised during the deliberation of a bill requires further research, upon proposal from the Presidium and decision at a plenary meeting of the session, the Standing Committee may be empowered to further deliberate the bill based on the deputies' opinions, make a decision, and report the decision to the next session of the National People's Congress; or be empowered to further deliberate the bill based on the deputies' opinions, produce a revision proposal, and submit it to the next session of the National People's Congress for deliberation and decision.

Article 24 After a revised draft law has been deliberated by all delegations, the Law Committee shall revise the draft according to the opinions offered by all delegations after deliberation, and produce a voting version of the draft law, which shall be submitted by the Presidium to a plenary meeting of the session for voting and adoption by a simple majority of all the deputies.

Article 25 A law adopted by the National People's Congress shall be issued by an Order of the President signed by the President of the People's Republic of China.

Section 3 Legislative Procedures for the Standing Committee of the National People's Congress

Article 26 The Chairmen's Meeting may introduce a bill to the Standing Committee for deliberation at a session of the Standing Committee.

The State Council, the Central Military Commission, the Supreme People's Court, the Supreme People's Procuratorate, or a specialized committee of the National People's Congress may introduce a bill to the Standing Committee, and the Chairmen's Meeting shall decide whether the bill will be put on the agenda of a session of the Standing Committee or before making such a decision, first refer it to the relevant specialized committee for deliberation and a report. If the Chairmen's Meeting deems that any significant issue in the bill requires further research, it may recommend that the proposer revise and improve the bill before introducing it to the Standing Committee.

Article 27 A group of ten or more co-signing members of the Standing Committee may introduce a bill to the Standing Committee, and the Chairmen's Meeting shall decide whether the bill will be put on the agenda of a session of the Standing Committee or before making such a decision, first refer it to the relevant specialized committee for deliberation and an opinion on whether the bill will be put on the agenda. If the Chairmen's Meeting decides not to put the bill on the agenda of a session of the Standing Committee, it shall report the decision to a session of the Standing Committee or provide an explanation to the proposer.

To deliberate a bill at a meeting, a specialized committee may invite the proposer of the bill to observe the meeting and offer an opinion.

Article 28 For a bill on the agenda of a session of the Standing Committee, the draft law shall be distributed to the members of the Standing Committee seven days before the session is held, except under special circumstances.

For a bill to be deliberated at a session of the Standing Committee, the relevant deputies to the National People's Congress shall be invited to observe the session.

Article 29 As a general rule, a bill on the agenda of a session of the Standing Committee shall be put to vote after deliberation at three sessions of the Standing Committee.

When a bill is deliberated for the first time at a session of the Standing Committee, an explanation provided by the proposer shall be heard at a plenary meeting, and preliminary deliberation shall be conducted at group meetings.

When a bill is deliberated for the second time at a session of the Standing Committee, a report made by the Law Committee on the revision of the draft law and the major issues shall be heard at a plenary meeting, and further deliberation shall be conducted at group meetings. When a bill is deliberated for the third time at a session of the Standing Committee, a report made by the Law Committee on the result of deliberation of the draft law shall be heard at a plenary meeting, and the revised draft law shall be deliberated on at group meetings. In the deliberation of a bill, the Standing Committee may, as needed, convene a joint group meeting or a plenary meeting to discuss the major issues in the draft law.

Article 30 A bill on the agenda of a session of the Standing Committee may be brought to a vote after deliberation at two sessions of the Standing Committee if a consensus has been reached among all parties concerned on the bill; or may be brought to vote after deliberation at one session of the Standing Committee if a consensus has been reached among all parties concerned on the bill that regulates a single matter or amends a part of a law.

Article 31 When group meetings of the Standing Committee are held to deliberate a bill, the proposer shall send persons to listen to opinions and answer questions.

When group meetings of the Standing Committee are held to deliberate a bill, the relevant authority or organization shall, as required by a group, send persons to provide relevant information.

Article 32 A bill on the agenda of a session of the Standing Committee shall be deliberated by the relevant specialized committee, which shall offer its deliberation opinion, and distributed the printed opinion to the session of the Standing Committee.

To deliberate a bill at a meeting, the relevant specialized committee may invite the members of other specialized committees to observe the meeting and offer opinions.

Article 33 A bill on the agenda of a session of the Standing Committee shall be uniformly deliberated by the Law Committee based on the opinions offered by the members of the Standing Committee and the relevant specialized committee after deliberation as well as the opinions offered by all parties concerned, and the Law Committee shall produce a revision report or a report on the deliberation result and the revised draft law, and state any important different opinions in either of the reports. If the opinion offered by the relevant specialized committee after deliberation is not accepted, the Law Committee shall provide feedback to them.

To deliberate a bill at a session, the Law Committee shall invite the members of the relevant specialized committee to observe and offer their opinions.

Article 34 To deliberate a bill, a specialized committee shall hold a plenary meeting, and may, as needed, require the relevant authority or organization to send the relevant person in charge to provide an explanation.

Article 35 Where the specialized committees disagree with each other on any important issues on a draft law, it shall be reported to the Chairmen's Meeting.

Article 36 For a bill on the agenda of a session of the Standing Committee, the Law Committee, the relevant specialized committee, and the operating divisions of the Standing Committee shall hear the opinions of all the parties concerned in various forms such as forums, discussion meetings, and hearings.

Where any issue involved in a bill is very specialized and requires feasibility evaluation, a discussion meeting shall be held to hear the opinions of the relevant experts, departments, deputies to the National People's Congress, and other parties concerned. A report on the discussion shall be submitted to the Standing Committee.

Where there are significantly different opinions on any issue in a bill or any issue in a bill involves any major adjustment of interests and a hearing is required, a hearing shall be held to hear the opinions of the relevant representatives of grassroots organizations and groups, departments, people's organizations, experts, deputies to the National People's Congress, and parties concerned in the society. A report on the hearing shall be submitted to the Standing Committee.

The operating divisions of the Standing Committee shall send the draft law to the deputies to the National People's Congress in the relevant fields, the standing committees of local people's congresses, and the relevant departments, organizations, and experts to solicit their opinions.

Article 37 For a bill on the agenda of a session of the Standing Committee, the draft law and an explanation of the drafting and amendment thereof, among others, shall, after the end of the session of the Standing Committee, be released to the public to solicit opinions, unless a decision not to release the same is made at the Chairmen's Meeting. The period during which public opinions are solicited on the same shall not be less than 30 days. Information on the solicitation of opinions shall be released to the public.

Article 38 For a bill on the agenda of a session of the Standing Committee, the operating divisions shall collect and organize the opinions offered after deliberation at group meetings and the opinions offered by all the parties concerned as well as other relevant information, send them to the Law Committee and the relevant specialized committee, and as needed, distributed the printed ones to the session of the Standing Committee.

Article 39 For a bill to be placed on the agenda of a session of the Standing Committee for deliberation and adoption, before the Law Committee produces a report on the deliberation result, the operating divisions of the Standing Committee may assess the feasibility of major rules in the draft law, the timing of the issuance of the law, the social effects of the implementation of the law, and the possible problems, among others. An explanation on the assessment shall be provided by the Law Committee in the report on the deliberation result.

Article 40 Where before a bill on the agenda of a session of the Standing Committee is put to vote, the proposer requests withdrawal of the bill, the proposer shall state the reasons for withdrawal, and the deliberation of the bill shall terminate upon consent of the Chairmen's Meeting to the request and reporting to the Standing Committee.

Article 41 After a revised draft law has been deliberated at a session of the Standing Committee, the Law Committee shall revise it based on the opinions offered by the members of the Standing Committee after deliberation, and produce a voting version of the draft law, which shall be submitted by the Chairmen's Meeting to a plenary meeting of the Standing Committee for voting and adoption by a simple majority of all the members of the Standing Committee.

Before the voting version of the draft law is submitted to a session of the Standing Committee for voting, it may be decided at the Chairmen's Meeting based on deliberation at the sessions of the Standing Committee to submit certain significant clauses with substantially dissenting opinions to a session of the Standing Committee for independent voting.

After such independent voting at a session of the Standing Committee, based on the result of independent voting, it may be decided at the Chairmen's Meeting to submit the voting version of the draft law for voting or not to submit it for voting for the time being and to send it to the Law Committee and the relevant specialized committee for further deliberation.

Article 42 Where the deliberation of a bill has been suspended for two years as a result of any major disagreement among all the parties concerned on the necessity or feasibility of developing the law or any other significant issue, or where a bill which is not submitted for voting for the time being is not placed again on the agenda of a session of the Standing Committee for deliberation after two years, the Chairmen's Meeting shall report it to the Standing Committee, and the deliberation of the bill shall terminate.

Article 43 A bill containing amendments to clauses in several laws that involve the same type of matters may be submitted for voting in a consolidated or separate manner as decided at the Chairmen's Meeting.

Article 44 A law adopted by the Standing Committee shall be issued by an Order of the President signed by the president of the People's Republic of China.

Section 4 Interpretations of Laws

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

Under any of the following circumstances, a law shall be interpreted by the Standing Committee of the National People's Congress:

(1) The specific meaning of any provisions of a law requires further clarification.

(2) Any new circumstances appearing after the issuance of a law require clarification of the basis for the application of the law.

Article 46 The State Council, the Central Military Commission, the Supreme People's Court, the Supreme People's Procuratorate, a specialized committee of the National People's Congress and the standing committee of the people's congress of a province, autonomous region, or municipality directly under the Central Government may request the Standing Committee of the National People's Congress to interpret laws.

Article 47 The operating divisions of the Standing Committee shall research and develop a draft interpretation of a law, and whether it will be put on the agenda of a session of the Standing Committee shall be decided at the Chairmen's Meeting.

Article 48 After a draft interpretation of a law has been deliberated at a session of the Standing Committee, the Law Committee shall, based on the opinions offered by the members of the Standing Committee after deliberation, deliberate and revise the draft and produce a voting version of the draft interpretation of the law.

Article 49 The voting version of a draft interpretation of a law shall be adopted by a simple majority of all the members of the Standing Committee and be issued by the Standing Committee in an announcement.

Article 50 The interpretations of laws adopted by the Standing Committee of the National People's Congress shall have the same effect as laws.

Section 5 Other Provisions

Article 51 The National People's Congress and its Standing Committee shall strengthen the organization and coordination of the legislative work and play a leading role in the legislative work.

Article 52 The Standing Committee of the National People's Congress shall strengthen the overall planning and arrangements on legislative work in multiple forms such as the comprehensive legislative plan and annual legislative plans. In developing the comprehensive legislative plan and annual legislative plans, it shall carefully study the proposals and recommendations from the deputies, extensively solicit

opinions, conduct demonstration and assessment in a scientific manner, and as required for economic and social development and development of democracy and rule of law, determine legislative projects, and improve the timeliness, relevancy, and system of legislation. The comprehensive legislative plan and annual legislative plans shall be adopted at the Chairmen's Meeting and be issued to the public.

The operating divisions of the Standing Committee of the National People's Congress shall be responsible for developing the comprehensive legislative plan and draft annual legislative plans, and according to the requirements of the Standing Committee of the National People's Congress, oversee the implementation of the comprehensive legislative plan and annual legislative plans

Article 53 The relevant specialized committees and the operating divisions of the Standing Committee of the National People's Congress shall participate in the drafting of draft laws by the relevant parties in advance; and the drafting of important draft laws that are comprehensive, general, or fundamental may be organized by the relevant specialized committees or the operating divisions of the Standing Committee.

For draft laws that are very specialized, experts in the relevant fields may be invited to participate in the drafting or the relevant experts, teaching and scientific research entities, and social organizations may be entrusted with the drafting.

Article 54 A bill shall be introduced along with the text of the draft law and an explanation thereof, and necessary reference materials shall be provided. If a law is amended, a comparison of the texts before and after amendment shall also be submitted. The explanation of the draft law shall cover the necessity of developing or amending the law, feasibility and main content of the law, and coordination and handling of substantially dissenting opinions in the course of drafting.

Article 55 The proposer of a bill introduced to the National People's Congress or its Standing Committee shall have the right to withdraw it before it is put on the agenda of a session of the National People's Congress or its Standing Committee.

Article 56 For a bill that has failed to pass the vote at a plenary meeting of the National People's Congress or its Standing Committee, if the proposer still deems it necessary to enact the law, the proposer may introduce the bill again under statutory procedures, and the Presidium or the Chairmen's Meeting shall decide whether the bill will be put on the agenda of a session of the National People's Congress or a session of the Standing Committee; however, a bill that has failed to be adopted by the National People's Congress shall be referred to the National People's Congress for deliberation and decision.

Article 57 The effective date of a law shall be explicitly stated in the law.

Article 58 The enacting authority, the date of adoption, and the effective date of the law shall be explicitly stated in an Order of the President signed for issuance of the law.

Once a law is issued upon signature, it shall be published in a timely manner in the Bulletin of the Standing Committee of the National People's Congress, on the website of the National People's Congress, and in newspapers distributed nationwide.

The text of a law published in the Bulletin of the Standing Committee shall be the standard text.

Article 59 The procedures for amending and repealing laws shall be governed by the relevant provisions of this Chapter.

Where a law is amended, the new text of the law shall be issued.

Where a law is repealed, the repeal shall be issued by a signed order of the President of the state, unless the law is repealed according to the provisions of any other law.

Article 60 For any discrepancy between a draft law and the relevant provisions of any other law, the proposer shall provide an explanation and a handling opinion and when necessary, a proposal on amending or repealing the relevant provisions of the other law at the same time.

Where the Law Committee or relevant specialized committee deems it necessary to amend or repeal the relevant provisions of any other law when deliberating a bill, it shall provide a handling opinion.

Article 61 As needed by the contents, a law may be divided into parts, chapters, sections, articles, paragraphs, items, and sub-items.

Parts, chapters, sections, and articles shall be numbered in turn with Chinese numerals, paragraphs shall not be numbered, items shall be numbered in turn with bracketed Chinese numerals, and sub-items shall be numbered in turn with Arabic numerals.

In the note to the title of a law, the enacting authority and the date of adoption shall be stated. For an amended law, the amending authority and the date of amendment shall be stated in turn.

Article 62 Where a law explicitly requires a relevant state authority to develop specific provisions on specific matters, the relevant state authority shall develop such provisions within one year from the effective date of the law, unless the law provides otherwise for the time limit. If the relevant state authority fails to develop such provisions within the time limit, it shall provide an explanation to the Standing Committee of the National People's Congress.

Article 63 The relevant specialized committees and the operating divisions of the Standing Committee of the National People's Congress may organize legislative post-assessment of the relevant laws or the

relevant provisions of laws. A report on the assessment shall be submitted to the Standing Committee.

Article 64 The operating divisions of the Standing Committee of the National People's Congress may, after research, respond to inquiries regarding specific issues related to laws, but shall report such response to the Standing Committee for recordation.

Chapter III Administrative Regulations

Article 65 The State Council shall develop administrative regulations in accordance with the Constitution and laws.

The following matters may be governed by administrative regulations.

(1) Matters requiring the development of administrative regulations to implement the provisions of laws.

(2) Matters within the administrative functions and powers of the State Council as set out in Article 89 of the Constitution.

Where administrative regulations have been first developed by the State Council according to an empowerment decision of the National People's Congress or its Standing Committee for matters for which the National People's Congress or its Standing Committee shall develop a law, if after testing in practice, the conditions for developing a law become mature, the State Council shall, in a timely manner, request the National People's Congress or its Standing Committee to develop a law.

Article 66 The legislative affairs office of the State Council shall draft an annual legislative plan of the State Council according to the overall work arrangements of the state and submit the plan to the State Council for approval. The law projects in the annual legislative plan of the State Council shall be connected with the comprehensive legislative plan and annual legislative plan of the Standing Committee of the National People's Congress. The legislative affairs office of the State Council shall, in a timely manner, track and obtain information on the implementation of the legislative plan by all the departments of the State Council and strengthen organization, coordination, oversight, and guidance.

Where a relevant department of the State Council deems it necessary to develop an administrative regulation, it shall file a report with the State Council to request establishment of the project.

Article 67 The relevant departments of the State Council or the legislative affairs office of the State Council shall be specifically responsible for drafting administrative regulations, and the legislative affairs office of the State Council shall organize the drafting of significant draft laws and administrative regulations on administration management. In drafting administrative regulations, the opinions of the relevant authorities, organizations, deputies to the people's congresses, and the general public shall be extensively

solicited in multiple forms such as forums, discussion meetings, and hearings.

A draft administrative regulation shall be published to request public comment, unless the State Council decides not to publish it.

Article 68 After the drafting of an administrative regulations is completed, the drafting division shall submit the draft, its explanation, different opinions of all parties concerned on major issues in the draft, and other relevant information to the legislative affairs office of the State Council for examination.

The legislative affairs office of the State Council shall submit an examination report and a revised draft to the State Council, and an explanation of the major issues in the draft shall be provided in the examination report.

Article 69 The decision-making procedures for administrative regulations shall be governed by the relevant provisions of the Law on the Organization of the State Council of the People's Republic of China.

Article 70 Administrative regulations shall be issued by an Order of the State Council signed by the Premier of the State Council.

An administrative regulation on national defense construction may be issued by an order of the State Council and the Central Military Commission jointly signed by the premier of the State Council and the chairman of the Central Military Commission.

Article 71 After issuance upon signature, an administrative regulation shall be published in a timely manner in the State Council Gazette, on the website of the Legislative Affairs Office of the State Council, and in newspapers distributed nationwide.

The text of an administrative regulation published in the Bulletin of the State Council shall be the standard text.

Chapter IV Local Regulations, Autonomous Regulations, Separate Regulations, and Rules

Section 1 Local Regulations, Autonomous Regulations, and Separate Regulations

Article 72 The people's congress and its standing committee of a province, autonomous region, or municipality directly under the Central Government may, according to the specific circumstances and actual needs of the administrative region, develop local regulations, provided that such regulations do not contravene the Constitution, laws, and administrative regulations.

The people's congress and its standing committee of a districted city may, according to the city's specific circumstances and actual needs, develop local regulations on urban and rural development and administration, environmental protection, and historical culture protection, among others, provided that they do not contravene the

Constitution, laws, administrative regulations, and the local regulations of the province or autonomous region where the city is located, unless a law provides otherwise for the development of local regulations by a districted city. The local regulations of the districted city shall come into force after being reported to and approved by the standing committee of the people's congress of the province or autonomous region. The standing committee of the people's congress of the province or autonomous region shall examine the legality of the local regulations submitted to it for approval, and approve them within four months if they do not contravene the Constitution, laws, administrative regulations, and the local regulations of the province or autonomous region.

Where, in examining a local regulation of a districted city submitted to it for approval, the standing committee of the people's congress of a province or autonomous region discovers that the local regulation contravenes any rules of the people's government of the province or autonomous region, it shall make a handling decision.

Except for a city where the people's government of a province or autonomous region is located, a city where a special economic zone is located, and a relatively large city as approved by the State Council, the specific procedures and time for district cities to begin developing local regulations shall be determined by the standing committee of the people's congress of the province or autonomous region after comprehensively considering the population, territorial area, economic and social development, legislative demand, legislative capacity, and other factors of the districted cities of the province or autonomous region, and be reported to the Standing Committee of the National People's Congress and the State Council for recordation.

The people's congress and its standing committee of an autonomous prefecture may exercise a districted city's power to develop local regulations in accordance with the provision of paragraph 2 of this article. The specific procedures and time for autonomous prefectures to begin developing local regulations shall be determined in accordance with the provision of the preceding paragraph.

The existing local regulations of a city where the people's government of a province or autonomous region is located, a city where a special economic zone is located, or a relatively large city as approved by the State Council which fall outside the scope of matters prescribed in paragraph 2 of this article shall remain effective.

Article 73 The following matters may be governed by local regulations:

(1) Matters requiring the development of specific provisions according to the actual circumstances of the administrative region in order to implement the provisions of laws or administrative regulations.

(2) Matters as local affairs that require the development of local regulations.

Except for the matters as set out in Article 8 of this Law, a province, an autonomous region, a municipality directly under the Central Government, a districted city, or an autonomous prefecture may, according to its specific circumstances and actual needs, first develop local regulations on matters for which no law or administrative regulation has been developed by the state. Once a law or administrative regulation developed on such matters by the state comes into force, the provisions of local regulations which contravene the law or administrative regulation shall be null or void and be amended or repealed by the developing authorities in a timely manner.

The local regulations developed by a districted city or an autonomous prefecture in accordance with the provisions of paragraphs 1 and 2 of this article shall be limited to the matters prescribed in paragraph 2, Article 72 of this Law.

In the development of local regulations, no repetitive provisions shall be made on the matters that have been explicitly prescribed in the superordinate law.

Article 74 The people's congress and its standing committee of the province or city where a special economic zone is located shall, according to the empowerment decision of the National People's Congress, develop regulations to be enforced within the special economic zone.

Article 75 The people's congress of an ethnic autonomous area shall have the power to develop autonomous regulations and separate regulations based on the political, economic, and cultural characteristics of the local ethnicities. The autonomous regulations and separate regulations of an autonomous region shall come into force after being reported to and approved by the Standing Committee of the National People's Congress. The autonomous regulations and separate regulations of an autonomous prefecture or an autonomous county shall come into force after being reported to and approved by the standing committee of the people's congress of the province, autonomous region, or municipality directly under the Central Government.

Certain provisions of laws and administrative regulations may be adapted according to the characteristics of local ethnicities in the autonomous regulations and separate regulations, provided that such adaptation does not contravene the basic principles in laws and administrative regulations and no adaptation of the provisions of the Constitution and the Law on Regional Ethnic Autonomy and the special provisions of other laws and administrative regulations for ethnic autonomous areas is made.

Article 76 Local regulations governing especially important matters of an administrative region shall be adopted by the people's congress of the administrative region.

Article 77 The introduction, deliberation, and voting procedures for bills of local regulations, autonomous regulations, and separate regulations shall be prescribed by the people's congress at the same level in accordance with the Law of the People's Republic of China on the Organization of Local People's Congresses and Local People's Governments and by reference to the provisions of Sections 2, 3, and 5, Chapter II of this Law.

For a draft local regulation, the authority responsible for uniform deliberation shall produce a report on the result of deliberation and a revised draft.

Article 78 Local regulations adopted by the people's congress of a province, autonomous region, or municipality directly under the Central Government shall be issued by the presidium of the congress in an announcement.

Local regulations adopted by the standing committee of the people's congress of a province, autonomous region, or municipality directly under the Central Government shall be issued by the standing committee in an announcement.

Local regulations adopted by the people's congress and its standing committee of a districted city or an autonomous prefecture shall, upon approval, be issued by the standing committee of the people's congress of the districted city or autonomous prefecture in an announcement.

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

Article 79 After a local regulation or an autonomous region's autonomous regulation or separate regulation is issued, it shall be published in a timely manner in the gazette of the standing committee of the people's congress at the same level, on the websites of the National People's Congress and the local people's congress, and in newspapers distributed within the local administrative region.

The text of a local regulation, an autonomous regulation, or a separate regulation published in the gazette of the standing committee shall be the standard text.

Section 2 Rules

Article 80 The ministries and commissions of the State Council, the People's Bank of China, the State Audit Administration, and other divisions with administrative functions directly under the State Council may, in accordance with the laws and the administrative

regulations, decisions, and orders of the State Council, develop rules within their respective power.

The matters prescribed in State Council departmental rules shall be matters for the enforcement of laws or the administrative regulations, decisions, and orders of the State Council. Without any basis in laws or the administrative regulations, decisions, and orders of the State Council, state Council departmental rules shall not set out any requirements that impair the rights or increase the obligations of citizens, legal persons, and other organizations, nor increase the power or decrease the statutory duties of the department.

Article 81 For matters that fall within the power of two or more departments of the State Council, a request for the State Council to develop an administrative regulation shall be filed, or the relevant departments of the State Council shall jointly develop rules.

Article 82 The people's government of a province, an autonomous region, a municipality directly under the Central Government, a districted city, or an autonomous prefecture may develop rules in accordance with laws, administrative regulations, and the local regulations of the province, autonomous region, or municipality.

The following matters may be governed by the rules of local governments:

(1) Matters requiring the development of rules in order to implement the provisions of laws, administrative regulations, and local regulations.

(2) Specific administrative matters of the administrative region.

The rules of a local government as developed by the people's government of a districted city or an autonomous prefecture in accordance with the provisions of paragraphs 1 and 2 of this article shall be limited to the matters on urban and rural development and administration, environmental protection, and historical culture protection, among others. The existing rules of local governments that fall outside the aforesaid scope of matters shall remain effective.

Except for a city where the people's government of a province or autonomous region is located, a city where a special economic zone is located, and a relatively large city as approved by the State Council, the time for the people's government of a districted city or an autonomous prefecture to begin developing rules shall be the same as the time determined by the standing committee of the people's congress of the province or autonomous region for the city or autonomous prefecture to begin developing local regulations.

Where a local regulation shall be developed but the conditions for developing the regulation are immature, the local government may first develop rules to satisfy the urgent need for administrative management.

Where the rules have been implemented for two years, and it is necessary to continue implementing the administrative measures prescribed in the

rules, a request for developing a local regulation shall be submitted to the people's congress or its standing committee at the same level. Without any basis in laws, administrative regulations, or local regulations, no rules of a local government may set out any requirements that impair the rights or increase the obligations of citizens, legal persons, and other organizations

Article 83 The procedures for developing State Council departmental rules and the rules of local governments shall be prescribed by the State Council by reference to the provisions of Chapter III of this Law.

Article 84 State Council departmental rules shall be decided at the executive meetings of ministries or the meetings of commissions. The rules of a local government shall be decided by the executive meetings or plenary meetings of the local government.

Article 85 State Council departmental rules shall be issued by an order signed by the head of a department.

The rules of a local government shall be issued by an order signed by the governor of a province or autonomous region or the mayor of a city or autonomous prefecture.

Article 86 State Council departmental rules shall, after issuance upon signature, be published in a timely manner in the State Council Gazette or gazettes of the departments, on the website of the Legislative Affairs Office of the State Council, and in newspapers distributed nationwide.

The rules of a local government shall, after issuance upon signature, be published in a timely manner in the gazette of the local people's government, on the website of the Legislative Affairs Office of the State Council, and in newspapers distributed within its administrative region.

The text of rules published in the gazette of the State Council or the gazette of a department or in the gazette of the local people's government shall be the standard text.

Chapter V Application and Recordation Review

Article 87 The Constitution shall have the supreme legal effect, and no laws, administrative regulations, local regulations, autonomous regulations, separate regulations, or rules may contravene the Constitution.

Article 88 The effect of laws shall be higher than that of administrative regulations, local regulations, and rules.

The effect of administrative regulations shall be higher than that of local regulations and rules.

Article 89 The effect of local regulations shall be higher than that of the rules of local governments at the same level and at a lower level.

The effect of the rules developed by the people's government of a province or autonomous region is higher than that of the rules developed by the people's government of a districted city or an autonomous prefecture within the administrative region of the province or autonomous region.

Article 90 Where certain provisions of laws, administrative regulations, or local regulations are legally adapted in the autonomous regulations or separate regulations of an autonomous area, the provisions of the autonomous regulations or separate regulations shall apply only in the autonomous area.

Where, according to empowerment, certain provisions of laws, administrative regulations, or local regulations are adapted in the regulations of a special economic zone, the provisions of the regulations of the special economic zones shall apply only in the special economic zone.

Article 91 The rules of different departments of the State Council shall be equally effective, as well as State Council departmental rules and the rules of local governments, and these rules shall be implemented within their respective power.

Article 92 For laws, administrative regulations, local regulations, autonomous regulations, separate regulations, or rules developed by the same authority, if there is any discrepancy between special provisions and general provisions, special provisions shall prevail; if there is any discrepancy between new provisions and old provisions, new provisions shall prevail.

Article 93 Laws, administrative regulations, local regulations, autonomous regulations, separate regulations, and rules shall not be retroactive, except for the special provisions developed for the better protection of the rights and interests of citizens, legal persons, and other organizations.

Article 94 Where there is any discrepancy in laws between new general provisions and old special provisions in the same matter and the application of such provisions cannot be determined, the Standing Committee of the National People's Congress shall decide.

Where there is any discrepancy in administrative regulations between new general provisions and old special provisions in the same matter and the application of such provisions cannot be determined, the State Council shall decide.

Article 95 Where there is any discrepancy between local regulations and rules, the relevant authority shall decide it according to the following power:

(1) For any discrepancy between new general provisions and old special provisions developed by the same authority, the authority shall decide.

(2) For any discrepancy between the provisions of local regulations and State Council departmental rules in the same matter and the application of such provisions cannot be determined, the State Council shall offer an opinion, and if it deems that local regulations shall be applied, it shall make a decision to apply the provisions of local regulations in the local area; or if it deems that State Council departmental rules shall be applied, it shall request the Standing Committee of the National People's Congress for decision.

(3) For any discrepancy between the provisions of State Council departmental rules or between the provisions of State Council departmental rules and the rules of local governments in the same matter, the State Council shall decide.

Where there is any discrepancy between the provisions of regulations developed according to empowerment and the provisions of laws and the application of such provisions cannot be determined, the Standing Committee of the National People's Congress shall decide.

Article 96 Where any law, administrative regulation, local regulation, autonomous regulation, separate regulation, or rule falls under any of the following circumstances, the relevant authority shall modify or revoke it in accordance with the power prescribed in Article 97 of this Law:

- (1) The prescribed power is transcended.
- (2) Subordinate legislation contravenes superordinate legislation.
- (3) There is any discrepancy between the provisions of different rules in the same matter, and as decided, the provisions of one side shall be modified or revoked.
- (4) The provisions of rules are deemed inappropriate and shall be modified or revoked.
- (5) Statutory procedures are violated.

Article 97 The power to modify or revoke laws, administrative regulations, local regulations, autonomous regulations, separate regulations, or rules shall be as follows:

(1) The National People's Congress shall have the power to modify or revoke inappropriate laws enacted by its Standing Committee, and have the power to revoke autonomous regulations and separate regulations approved by its Standing Committee which contravene the Constitution or the provision of paragraph 2, Article 75 of this Law.

(2) The Standing Committee of the National People's Congress shall have the power to revoke administrative regulations which contravene the Constitution and laws, have the power to revoke local regulations which contravene the Constitution, laws, and administrative regulations, and have the power to revoke autonomous regulations and separate

regulations approved by the standing committee of the people's congress of a province, autonomous region, or municipality directly under the Central Government which contravene the Constitution or the provision of paragraph 2, Article 75 of this Law.

(3) The State Council shall have the power to modify or revoke inappropriate State Council departmental rules and the rules of local governments.

(4) The people's congress of a province, autonomous region, or municipality directly under the Central Government shall have the power to modify or revoke inappropriate local regulations developed and approved by its standing committee.

(5) The standing committee of a local people's congress shall have the power to revoke inappropriate rules developed by the people's government at the same level.

(6) The people's government of a province or autonomous region shall have the power to modify or revoke inappropriate rules developed by the people's governments at the next lower level.

(7) The empowering authority shall have the power to revoke regulations developed by the empowered authority which transcend the scope of empowerment or contravene the purpose of empowerment, and when necessary, may revoke the empowerment.

Article 98 An administrative regulation, local regulation, autonomous regulation, separate regulation, or rule shall, within 30 days of issuance, be reported to the relevant authority for recordation in accordance with the following provisions:

(1) Administrative regulations shall be reported to the Standing Committee of the National People's Congress for recordation.

(2) Local regulations developed by the people's congress and its standing committee of a province, autonomous region, or municipality directly under the Central Government shall be reported to the Standing Committee of the National People's Congress and the State Council for recordation; and the local regulations developed by the people's congress and its standing committee of a districted city or an autonomous prefecture shall be reported by the standing committee of the people's congress of the province or autonomous region to the Standing Committee of the National People's Congress and the State Council for recordation.

(3) Autonomous regulations and separate regulations developed by an autonomous prefecture or autonomous county shall be reported by the standing committee of the people's congress of the province, autonomous region, or municipality directly under the Central Government to the Standing Committee of the National People's Congress and the State Council for recordation; and when an autonomous regulation or separate regulation is submitted for recordation, an explanation on adaptation

of laws, administrative regulations, and local regulations shall be provided.

(4) State Council departmental rules and the rules of local governments shall be reported to the State Council for recordation. The rules of a local government shall be reported at the same time to the standing committee of the people's congress at the same level for recordation. The rules developed by the people's government of a districted city or an autonomous prefecture shall be reported at the same time to the standing committee of the people's congress and the people's government of the province or autonomous region for recordation.

(5) Regulations developed as empowered shall be reported to the authorities specified in the empowerment decisions for recordation; and when regulations of a special economic zone are submitted for recordation, an explanation on adaptation of laws, administrative regulations, and local regulations shall be provided.

Article 99 The State Council, the Central Military Commission, the Supreme People's Court, the Supreme People's Procuratorate, or the standing committee of the people's congress of a province, autonomous region, or municipality directly under the Central Government, which deems that any administrative regulation, local regulation, autonomous regulation, or separate regulation contravenes the Constitution or any law, may submit to the Standing Committee of the National People's Congress a written request for review, and the operating divisions of the Standing Committee shall refer such requests to the relevant specialized committees for review and opinion.

A state authority other than those as mentioned in the preceding paragraph, a social organization, an enterprise, a public institution, or a citizen, which deems that any administrative regulation, local regulation, autonomous regulation, or separate regulation contravenes the Constitution or any law, may submit to the Standing Committee of the National People's Congress a written recommendation on review, and the operating divisions of the Standing Committee shall conduct research, and when necessary, refer such recommendations to the relevant specialized committees for review and opinion.

The relevant specialized committees and the operating divisions of the Standing Committee may, on their own initiative, review the regulatory documents submitted for recordation.

Article 100 Where a specialized committee in the process of review or an operating division of the Standing Committee of the National People's Congress in the process of research deems that an administrative regulation, local regulation, autonomous regulation, or separate regulation contravenes the Constitution or any law, it may offer a written review or research opinion to the authority developing the regulation; or the Law Committee and the relevant specialized

committee or the operating division of the Standing Committee may convene a joint review meeting, require the authority developing the regulation to attend the meeting and provide an explanation, and then offer a written review opinion to the authority developing the regulation. The authority developing the regulation shall, within two months, conduct research, offer an opinion on whether to amend the regulation, and provide feedback to the Law Committee and the relevant specialized committee or the operating division of the Standing Committee of the National People's Congress.

Review shall be terminated after the Law Committee, the relevant specialized committee, or the operating division of the Standing Committee of the National People's Congress offers a review or research opinion to the authority developing the regulation according to the provision of the preceding paragraph and the authority developing the regulation amends or repeals the administrative regulation, local regulation, autonomous regulation, or separate regulation according to the offered opinion.

Where, upon review or research, the Law Committee, the relevant specialized committee, or the operating division of the Standing Committee of the National People's Congress deems that an administrative regulation, local regulation, autonomous regulation, or separate regulation contravenes the Constitution or any law and the authority developing the regulation refuses to make amendment, it may submit a proposal or recommendation for revocation of the regulation to the Chairmen's Meeting, which shall decide whether to submit the proposal or recommendation to a session of the Standing Committee for deliberation and decision.

Article 101 The relevant specialized committees and the operating divisions of the Standing Committee of the National People's Congress shall, according to the prescribed requirements, provide feedback on review or research to the state authorities, social organizations, enterprises, public institutions, and citizens recommending review, and may release it to the public.

Article 102 Other authorities receiving local regulations, autonomous regulations, separate regulations, or rules for recordation shall, under the principle of maintaining the unity of the legal system, prescribe the review procedures for such regulations or rules.

Chapter VI Supplementary Provisions

Article 103 The Central Military Commission shall, in accordance with the Constitution and laws, develop military regulations.

The General Departments, the various services and arms, and the military commands of the Central Military Commission and the people's armed police force may, in accordance with laws and the military

regulations, decisions, and orders of the Central Military Commission, develop military rules within their respective power.

Military regulations and military rules shall be implemented within the armed forces.

The measures for developing, amending, and repealing military regulations and military rules shall be prescribed by the Central Military Commission in accordance with the principles laid down in this Law.

Article 104 The interpretations on specific application of law in trial or procuratorial work as developed by the Supreme People's Court or the Supreme People's Procuratorate shall primarily involve the specific clauses of laws and conform to the objectives, principles, and original meaning of legislation. Under any of the circumstances as set out in paragraph 2, Article 45 of this Law, a request for legal interpretation or a proposal for developing or amending a relevant law shall be submitted to the Standing Committee of the National People's Congress. The interpretations on specific application of law in trial or procuratorial work as developed by the Supreme People's Court or the Supreme People's Procuratorate shall be reported to the Standing Committee of the National People's Congress for recordation within 30 days of issuance.

Judicial and procuratorial authorities other than the Supreme People's Court and the Supreme People's Procuratorate shall not develop any interpretation on specific application of law.

Article 105 This Law shall come into force on July 1, 2000.

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